

Proposed District Plan Change 52

**Alignment of the District Plan with the New Zealand
Heritage List**

Decision

About this Document

The attached recommendation was adopted by Council at its 21 May 2019 meeting as its decision on Proposed District Plan Change 52: Alignment of the District Plan with the New Zealand Heritage List.

CONTENTS

1	Recommendation	1
2	Plan Change Summary	2
3	Hearing Attendances	2
4	Procedural Matters	3
5	Proposed District Plan Change 52 Detail.....	5
6	Submissions and Evidence Heard.....	7
7	Statutory Framework.....	11
8	Evaluation of Submissions and Recommendations	12
9	Matters Not in Contention.....	15
10	Further Evaluation	15
11	Conclusion	16

APPENDICES

Appendix 1: Summary of Submissions and Further Submissions with Hearing Panel’s Recommendations

Appendix 2: Chapter 14F of Proposed District Plan Change 52, showing amendments from this Decision

IN THE MATTER OF

the Resource Management Act 1991

AND

the Operative City of Lower Hutt District Plan

IN THE MATTER OF

**Proposed District Plan Change 52 –
Alignment of the District Plan with the New Zealand
Heritage List**

HEARINGS SUBCOMMITTEE OF HUTT CITY COUNCIL:

Hearing for Proposed District Plan Change 52 to the City of Lower Hutt District Plan – Alignment of the District Plan with the New Zealand Heritage List

Held in the Council Chambers, Hutt City Council, Lower Hutt, on 16 April 2019.

1 Recommendation

- 1.1 In accordance with a delegation by the Hutt City Council (“the Council”), pursuant to the provisions of section 34 of the Resource Management Act 1991 (“RMA”), the Hearing Panel has power to recommend changes to the Operative City of Lower Hutt District Plan (“the District Plan”) to Council following the hearing of submissions.
- 1.2 After considering all of the information relating to Proposed District Plan Change 52 (“the Proposed Plan Change” or “PPC52”), the Hearing Panel recommends:

Recommendation

- (a) That the Subcommittee notes that, in making its recommendation on submissions and further submissions lodged to PPC52 – Heritage , Council is restricted to the relief sought in those submissions and further submissions.*
- (b) That, pursuant to section 32(2)(a) of the Resource Management Act, the Hutt City Council adopt the evaluation of PPC52 contained within this report, including the conclusion that PPC52 is the most appropriate means of giving effect to the objectives of the City of Lower Hutt District Plan;*
- (c) That the decisions requested by submissions are recommended to be accepted or rejected, in full or in part, for the reasons outlined in Appendix 1 to this report;*
- (d) That, pursuant to Clause 10 of Schedule One of the Act, the Hutt City Council approves PPC52 as outlined in Appendix 2.*

- 1.3 The principal reasons for this recommendation are as follows:

- a) The plan change is primarily technical. It consists of the change of classification from Appendix 2 in Chapter 14F of the District Plan to Appendix 1 of two items and the introduction of two new listings to Appendix 1 to align with the Heritage New Zealand Pouhere Taonga New Zealand Heritage List.
- b) In addition one item being the former Naenae Post Office is recommended to be included in Appendix 2 as a result of submissions and the recommendation from officers.

- c) Other changes are to remove Dudley House from the list as it was destroyed by fire and to amend references in the plan text of Chapter 14F – Heritage that are now out of date.
- d) Considering the defined scope of PPC52, this is the most appropriate means of giving effect to the objectives of the District Plan in relation to the management of historic heritage.

2 Plan Change Summary

- 2.1 The Proposed Plan Change as notified sought the following amendments to the list of heritage buildings and structures in Appendix Heritage 1 of the City of Lower Hutt District Plan ('the District Plan'):
- Addition of the following buildings to Appendix Heritage 1:
 - Nash House (14 St Albans Grove, Woburn);
 - The former Lower Hutt Central Fire Station (155-157 Waterloo Road, Hutt Central); and
 - The former Naenae Post Office (27 Hillary Court, Naenae) It should be noted that this building is not currently on the HNZPT Heritage List.
 - Transfer of the following building and structure from Appendix Heritage 2 to Appendix Heritage 1:
 - The ANZAC Memorial Flag Pole (Petone Railway Station, Hutt Road, Petone); and
 - The former Petone Magistrate's Court (13 Elizabeth Street, Petone).
 - Removal of Dudley Cottage (formerly on Seaview Road - destroyed in fire) from Appendix Heritage 1.
- 2.2 In addition, the Proposed Plan Change would replace terms that are used in Chapter 14F which, due to amendments to legislation, are now out of date.
- 2.3 No new objectives, policies or rules, or amendments to existing objectives, policies or rules, were sought as part of the Proposed Plan Change.
- 2.4 In relation to the former Naenae Post Office, (27 Hillary Court, Naenae), this building is not currently on the HNZPT Heritage List. A recommendation from Mr Geard and supported by representatives of HNZPT was that until such time as formal registration by HNZPT is completed that the item should be included in Appendix 2.

3 Hearing Attendances

- 3.1 The Hearings Subcommittee consisted of Mr Lindsay Daysh (Chair, Independent Commissioner) and Commissioner Cr Simon Edwards.
- 3.2 Prior to the hearing, the Chair issued a minute on 21 March 2019 which set out directions for pre-circulation of the section 42A report and submitter's expert evidence.
- 3.3 The Hearings Subcommittee heard this matter on Tuesday 16 April 2019, in the Council Chambers, Hutt City Council, 30 Laings Road, Lower Hutt, commencing at 9am. The Hearing was concluded that same day, and deliberations took place immediately after the Hearing closed.
- 3.4 Appearances at the Hearing were from the following persons:

For the City Council:

Nathan Geard – Environmental Policy Analyst, Hutt City Council

Submitters:

Andy Mitchell – Resident (DPC52/3)

Felicity Wong – Historic Places Wellington (DPC52/1 and DPC52F/4)

Emily Jane Innes – Resident (DPC52/5)

Heritage New Zealand Pouhere Taonga (HNZPT) – represented by Caroline Rachlin and Karen Astwood (DPC52/2 and DPC52F/3)

Neil McGrath – Resident (DPC52/4)

Max Shierlaw – Resident (DPC52F/1)

- 3.5 Also in attendance were Andrew Cumming Divisional Manager District Plan and Corinna Tessendorf Senior Environmental Policy Analyst. Assisting the hearing and submitters was Joyanne Stevens, who provided us with notes.
- 3.6 A further submission from Philip and Michelle Barry (DPC52F/2) in support of Mr McGrath's submission was also considered but they did not attend the hearing.

4 Procedural Matters

- 4.1 There are two procedural matters. The first is whether the submission of Mr McGrath DPC52/4 is within scope of the plan change. We were advised in the s42A report that a legal opinion was sought from DLA Piper and this was included as Appendix C to that report.
- 4.2 This legal opinion concludes:
- 11 PC52 is clearly a very limited plan change, relating only to the addition and removal of [six] individual properties, and updating of the language in the Plan to reflect current naming conventions. The change proposed by Mr McGrath concerns a policy decision by the Council as to when the Council will list a building in the Plan as having heritage features. It is a fundamental restriction or constraint on the listing of heritage buildings for protection under the Act. It is likely to raise a range of further issues from both those who oppose and support heritage protection. It fundamentally changes and expands the focus of this plan change.
- 12 In our view, the change to the status quo is primarily confined to the [six] buildings where changes in heritage status have been made. Accordingly, Mr McGrath's submission is outside that status quo change.
- 4.3 Regardless we heard from Mr McGrath and Mr Shierlaw on this matter at the hearing and we discuss this further under our evaluation of the issues considered after our recount of the hearing.
- 4.4 One other related procedural matter was whether the further submission of Historic Places Wellington (DPC52F/4) should be accepted. The further submission was on the submission of Neil McGrath (DPC52/4).
- 4.5 The context is that under clause 8A of Schedule 1 of the RMA, a person who makes a further submission must serve a copy of the further submission on the person who made the submission to which the further submission relates no later than five working days after the further submission was provided to Council. In addition, a further submission must be in the prescribed form, being Form 6 of the Resource Management (Forms, Fees, and Procedure Regulations 2003).
- 4.6 We were advised by Mr Geard in his s42A report that Mr McGrath and Mr Shierlaw advised Council staff that Historic Places Wellington did not provide a copy of their further submission to Mr McGrath until 8 February 2019, which is eight working days after the further submission

was provided to Council. Mr McGrath also pointed out that the further submission of Historic Places Wellington is not in the prescribed form.

- 4.7 With regard to the further submission not being provided to Mr McGrath within five days of providing it to the Council, we consider that, while it is not ideal for timeframes for submissions and further submissions to be breached, it is not unusual for a submission/further submission to be accepted despite a breach of these timeframes.
- 4.8 Under section 37 of the RMA, Council may waive a failure to comply with a timeframe for the serve of documents if it has taken into account:
- a) The interests of any person who, in its opinion, may be directly affected by the waiver;
 - b) The interests of the community in achieving adequate assessment of the effects of a proposal; and
 - c) Its duty under section 21 of the RMA to avoid unreasonable delay.
- 4.9 We agree with Mr Geard that the breach of the timeframe by Historic Places Wellington for the service of a further submission (a breach of three days) is only minor a breach, no other submitters or further submitters have been disadvantaged by the breach, and the breach has had no impact upon our assessment of the effects of the Proposed Plan Change. In addition, we agree that the progress of the Proposed Plan Change has not been delayed as a result of the breach of this timeframe.
- 4.10 With regard to whether the further submission from Historic Places Wellington is in the prescribed form, we agree with Mr Geard's assessment that the further submission of Historic Places Wellington includes most of the information from the prescribed form. However, it does not include information on:
- a) Whether they are a person representing a relevant aspect of the public interest or a person who has an interest in the Proposed Plan Change that is greater than the interest of the general public; and
 - b) Reasons to support that they either represent a relevant aspect of the public interest or that they are a person who has an interest in the Proposed Plan Change that is greater than the interest of the general public.
- 4.11 While Historic Places Wellington have not indicated in their further submission that they represent a relevant aspect of the public interest, they are clearly a heritage advocacy group that has been established in the Wellington region for a number of years. Advocacy groups are generally accepted as representing an aspect of the public interest for which they advocate.
- 4.12 The further submission of Historic Places Wellington is recommended to be accepted for the following reasons:
- c) The breach in timeframe is only minor;
 - d) While they submission doesn't state that Historic Places Wellington represent a relevant aspect of the public interest, they are a known heritage advocacy group; and
 - e) No other parties would be disadvantaged by enabling the further submission in the process.
- 4.13 We also note Mr Geard's advice that the further submission of Historic Places Wellington comments on the further submission of Max Shierlaw (DPC52F/1). We agree that as a further submission can only be on an initial submission, and not on another further submission, the parts of the further submission from Historic Places Wellington that respond to the submission of Mr Shierlaw are not accepted.

4.14 At the end of the day the issues are clearly defined and every party has had a fair opportunity to be heard.

5 Proposed District Plan Change 52 Detail

5.1 As the background to the Plan Change is set out more fully in the Officer's Report and the Proposed Plan Change documentation, we will not repeat that in detail here, but simply outline the key points.

5.2 The Proposed Plan Change was publicly notified on 16 October 2018 and submissions closed on 16 November 2018. Five submissions were received.

5.3 The summary of decisions requested by submitters was publicly notified on 15 January 2019 for further submissions. The further submission period closed on 29 January 2019. Four further submissions were received.

5.4 The Proposed Plan Change encompasses two additions to Appendix Heritage 1 Heritage Buildings and Structures registered by the New Zealand Historic Places Trust (now HNZPT). These buildings are not currently listed in the District Plan but are included in the HNZPT list.

- a) **Nash House (14 St Albans Grove, Woburn).** This is in the Heritage List Entry Information described in the Plan Change document¹ as having outstanding historical and social significance as the home for nearly 40 years of Sir Walter Nash, Prime Minister and long serving Member of Parliament, and his wife Lottie. As the Minister of Finance in the first Labour Government Nash oversaw substantial economic and social reform. He was at one time one of New Zealand's best-known politicians on the international stage and although only Prime Minister for one term, his long and sometimes controversial political career makes Nash one of New Zealand's most significant statesmen of the twentieth century.
- b) The former **Lower Hutt Central Fire Station (155-157 Waterloo Road, Hutt Central).** This is described² in the Heritage List Entry Information as being completed in 1955, the Lower Hutt Central Fire Station (Former) is a representative example of Post-War Modernist design and construction in reinforced concrete. Commissioned by the Lower Hutt Fire Board, it opened in time to mark the 50th Jubilee of the Lower Hutt Fire Brigade and started an important chapter in the fire fighting services for Lower Hutt. At its completion the fire station was one of the most modern in the Southern Hemisphere and a tribute to the planning and design of Mitchell and Mitchell and Partners in association with King, Cook and Dawson.

Further the Heritage List Entry Information states³ that:-

The Lower Hutt Central Fire Station is of outstanding architectural value as an authentic and intact example of Post-War Modern architecture in a city that was a 'flagship' for Post-War Modernism. This former municipal structure is located in a central position and makes a special contribution to the wider historical and cultural landscape of Lower Hutt which includes the Lower Hutt Civic Centre Historic Area. The building was considered to be the most modern fire station in the Southern Hemisphere and has significant value for its technological innovations and design that is informative of its use but sympathetic to its residential setting.

5.5 **Former Naenae Post Office (27 Hillary Court, Naenae).** This building has not been officially registered by HNZPT but is in the process of consideration. The Proposed Plan Change sought listing in Appendix 1 but Mr Geard recommended that Appendix 2 listing would be more appropriate as the building has not gone through a formal HNZPT registration process. The Appendices to the Plan Change have a detailed report that outlines the social,

¹ PPC 52 Appendix A Nash House pages 2 and 3

² PPC 52 Appendix A Former Lower Hutt Central Fire Station page 2

³ Ibid p2 and 3.

historical importance of the Post Office in the context of Naenae being a planned “garden city” development post World War 2, designed by prominent architect Ernst Plischke. In respect of the former Post Office building the report states⁴:-

The architectural strength of community/civic centre lies more in the ensemble – comprising buildings designed in a common Modern Movement style – than in individual buildings. Even so, there are buildings of architectural merit, of which the post office is the best example. It is a single storey brick and concrete structure that stylishly turns the corner at the intersection of the two main courts. At this point too rises a striking 15-metre high clock tower. (This is undoubtedly a reference to Ernst Plischke’s campanile element in the original scheme.)

5.6 Two heritage items currently listed in Appendix 2 (other Heritage Buildings and Structures) are now Heritage Buildings and Structures registered by HNZPT. The proposal is to change the listing of these structures from Appendix 2 to Appendix 1. These structures are:-

a) **The ANZAC Memorial Flag Pole (Petone Railway Station, Hutt Road, Petone).** The HNZPT Registration information⁵ states:

Located at the railway station in Petone is the kauri and Australian hardwood memorial flagpole dedicated to the Australian and New Zealand Army Corps (ANZAC). The ANZAC Memorial Flagpole was constructed in 1916 in time for the inaugural ANZAC Day commemorations, and was devised as part of a trans-Tasman collegial venture between employees at the Petone and Hornsby railway workshops in honour of their World War One ANZAC workmates who had fought in the Gallipoli campaign.

The flagpole is of historical importance as one of the few remaining early vestiges of the Petone Railway Workshop, which played a central role in establishing Petone as an important industrial and manufacturing centre in New Zealand. The ANZAC Memorial Flagpole is also of outstanding significance as one of the first ANZAC related World War One memorials constructed in New Zealand, where ANZAC activities at Gallipoli are considered to be an important aspect in the development of national identity. The circumstances in which it was conceived, and the combining of New Zealand and Australian native timbers in its construction, also lend weight to the flagpole’s symbolic value, rarity, and its special national significance.

b) **The former Petone Magistrate’s Court (13 Elizabeth Street, Petone).** The HNZPT Registration information details⁶ that:-

The Petone Magistrate’s Court, opened in 1911, served Petone and parts of the Lower Hutt Community for nearly 80 years, first as a courthouse and then as a police station. It was designed under the direction of noted Government Architect John Campbell, and is almost certainly one of the last remaining Edwardian public buildings in the Hutt Valley.

.....

Architecturally the Petone Magistrate’s Court is a typical example of a courthouse designed in the Edwardian Baroque style by John Campbell, the Government Architect from 1909-1922. It is one of only two remaining examples of this type of court building in the Greater Wellington region. It was built at a time when changes were being made to the way courts operated following the introduction in 1893 of the Magistrate’s Court, which replaced the Resident Magistrate’s Court. The Petone Magistrate’s Court served the Petone community for over 80 years, initially as its first purpose built courthouse and then as the police station. With its lack of use, the building’s prominence has

⁴PPC 52 Appendix A New Zealand Historic Places Trust Pouhere Taonga Research Report on Heritage Features Naenae, Lower Hutt 2012 pages 23 and 24.

⁵ PPC 52 Appendix A ANZAC Memorial Flagpole pages 2 and 3

⁶ PPC 52 Appendix A former Petone Magistrates Court p

waned somewhat in recent years but it is still a familiar landmark for many Petone residents.

- 5.7 The Proposed Plan Change also includes the removal of Dudley Cottage formerly on Seaview Road that was destroyed by fire in 2008 from Appendix Heritage 1.
- 5.8 Finally the Proposed Plan Change makes minor editorial changes to the text of Chapter 14F to replace outdated references such as the name of the former New Zealand Historic Places Trust that is now known as Heritage New Zealand Pouhere Taonga.

6 Submissions and Evidence Heard

- 6.1 The Hearing commenced with a presentation by the **reporting officer, Mr Nathan Geard**. He explained that the NZ Heritage List is managed by HNZPT and is used as a tool to identify sites with heritage value. Protection of those buildings under the Resource Management Act is achieved in the Lower Hutt District Plan by listing the HNZPT identified buildings in Heritage Listing Appendix Heritage 1, with other buildings being listed in Appendix Heritage 2. Mr Geard advised that the same rules applied whether or not the structure was listed under Appendix 1 or Appendix 2.
- 6.2 He noted that the current heritage provisions have been in operation since the District Plan became operative, and over time Heritage Appendix 1 has become out of alignment with the NZ Heritage List as that list has changed. The Plan Change process is required in order to align and give protection to heritage buildings through the objectives, policies and rules of the District Plan. He advised that some other amendments are required to update the terms used in the District Plan that are now out of date.
- 6.3 The Hearing Panel asked Mr Geard about the background to the Plan Change and were advised that it was promulgated because of the identification of a mismatch between the District Plan and HNZ lists. We asked about pre-notification and consultation, noting that presumably all land owners subject to the Proposed Plan Change had been contacted. Mr Geard confirmed that all property owners subject to the Plan Change were contacted prior to notification as well as being formally notified.
- 6.4 Mr Geard noted that Council received a handful of submissions on the Proposed Plan Change, mostly broadly in support of what is proposed and seeking some amendments. He noted that a neutral submission was received from Mr McGrath seeking amendment of the introduction of the heritage buildings chapter of the District Plan to state that buildings would only be identified in Appendix Heritage 2 with the written consent of the owner. He noted that this submission attracted a handful of further submissions. He recommended rejecting Mr McGrath's submission as this is out of scope of what is proposed by the Plan Change and referred to the advice from DLA Piper confirming that this was the case.
- 6.5 Six submitters presented at the hearing. They can broadly be split into two categories. Four submitters (HNZPT, Historic Places Wellington, Mr Mitchell and Ms Innes) supported all or specific parts of the Plan Change. Two other submitters Mr McGrath and Mr Shierlaw opposed the plan change in principle as it imposed restrictions on private property rights.
- 6.6 The first submitter we heard from was **Mr Andy Mitchell** who advised us that he was there as a resident of Naenae to support the listing of the Post Office building. He also commented on Walter Nash's contribution to the area and the iconic nature of the building and clock tower which served as a Post Office for 56 years. He noted that the Naenae Community Hall has been earmarked for demolition, the library is moving, and the Naenae Pool is now under threat. He stated that Naenae is famed for its modernist architecture but only one of its buildings is listed in the District Plan, with none listed prior to the current Plan Change. He supported the inclusion of the former Naenae Post Office in Appendix 1 to Chapter 14F of the District Plan.

- 6.7 He also urged Council to protect its own buildings in Naenae. He looked forward to Naenae Post Office having greater recognition through the HNZPT heritage listing process.
- 6.8 In response to questions about the structural condition of the clock tower Mr Cumming for the Council advised that the condition of the structure is not as bad as first thought. He added that Council is working on a heritage policy and assistance to building owners will be a component of that, which will subsequently go through a public consultation process.
- 6.9 **Ms Felicity Wong, Historic Places Wellington (HPW)** informed us that her organisation is dedicated to identifying heritage sites and buildings and advocating for their protection. She noted that a fund called Equip had been established by the Minister to help with this issue, and there are avenues available to assist property owners with restoration. She very much supported Council's proposal and recommendation, advising the importance of our heritage and that all New Zealanders appreciate buildings of significance.
- 6.10 She commented on the impressive modernist buildings in Lower Hutt and supported advocacy work and a heritage strategy. She noted the need for leadership to bring the community along. She commented on Nash House, noting that Walter Nash was a towering figure in history and an extraordinary politician. She noted that recognising his house is akin to "recognising Mozart's birthplace in Salzburg". She supported the efforts being made by the owner of the Lower Hutt Central Fire Station to recognise heritage features of the building.
- 6.11 Ms Wong noted that HPW initially advocated for the Naenae Post Office to be listed in Appendix Heritage 1 but, due to the timing issue around the HNZ process, it may be more appropriate to include this in Appendix 2. She noted that the Naenae area is ripe for some leadership from the Council and was sad to hear that the Naenae Pool may have issues. She commented on the problem of abandoned shops in the area, considering that part of the solution is to appreciate the architect who brought modernism from Europe.
- 6.12 She appreciated the history, uniqueness and overall concept of Hillary Court, noting that the key part is to protect the Post Office building and clock tower. She commented about people buying heritage buildings cheaply to develop them, noting that property owners do not have an absolute right to do what they want with their buildings. She believed that pulling down buildings with unique heritage values is something we should not be able to do.
- 6.13 HPW opposed Mr McGrath's suggestion about requiring the consent of the building owner to add buildings to Appendix Heritage 2, suggesting that the correct way to address this is through the heritage policy. She considered that making listing voluntary is a smokescreen for folk who reject the ability of government and Council to impose restrictions. She supported the view of officers that this is not the time or place to resolve that issue, adding that if that was done here quickly it would be an abrogation of rights and views of a section of the community who are not here to give their views.
- 6.14 **Ms Emily Jane Innes** advised us that she is a local Naenae resident who is part of the residents' association and community cinema, and has lived there for about 12 years. She said that she is passionate about the history and heritage of Naenae. She commented that Council is justifiably proud of protecting the buildings in the Civic Precinct, noting that Naenae is no less precious. She congratulated Council on protecting the Naenae Post Office, which was designed and built to be a hub in the community, and fits with the themes of history, social values and location in the townscape, as covered in heritage policies.
- 6.15 Ms Innes noted that the building contributes to the sense of community, that one day it will be restored and the clock will again be ticking, and they will be as proud of that area as Council is of the Civic Precinct. She considered the Post Office building more vitally important to protect, save and treasure if part of the Naenae Pool building will be lost. She commented on events held in Petone and Karori related to the history of those areas and believed that

modernist heritage is becoming more important. She considered it would be a great start to have this building on the heritage list. Ms Innes noted that Council has tried to revitalise the Naenae town centre over the years and this is a small step in becoming aware of the importance of Naenae and its potential to become a really special place.

- 6.16 **Ms Caroline Rachlin, Heritage NZ – Pouhere Taonga – Central Region** presented her written statement of evidence which had been pre-circulated, noting that HNZ made a submission and further submission. In outlining the key points made in her evidence, she highlighted the statutory framework and policy direction, noting that the District Plan provides a framework for the identification and protection of heritage through Appendices 1 and 2, with Appendix 1 scheduling places listed by HNZPT and Appendix 2 containing other heritage buildings and structures.
- 6.17 Ms Rachlin agreed with and supported the officer's recommendations and the inclusion of the Naenae Post Office on Appendix 2. She also endorsed the approach taken by the Council officer regarding the issue of scope, and considered that including any wording in the introduction to Chapter 14F requiring the express permission of property owners for inclusion of buildings on Appendix 2 would constrain what could be scheduled, and be contrary to the relevant policy framework.
- 6.18 She endorsed the officer recommendation that any such issue would need to go through the necessary investigation, evaluation and consultation through a Plan Change process. She also supported the officer's recommendation that list entry numbers be identified through a more comprehensive review of Chapter 14F.
- 6.19 **Ms Karen Astwood, Heritage NZ – Pouhere Taonga – Central Region** summarised her written statement of evidence which had been pre-circulated. HNZPT supported the officer recommendations regarding the ANZAC Memorial Flagpole, Nash House, Lower Hutt Central Fire Station, Petone Magistrate's Court, Dudley Cottage and Naenae Post Office.
- 6.20 Commissioner Edwards inquired as to what would be an estimate of how much longer the process will take to put the Naenae Post Office on the heritage list. In response Ms Astwood referred to the process included in the Statement of General Policy attached to her evidence, noting that this process takes some time and that an assessment of the Naenae Post Office has been prioritised for next year's work programme, with Dr Ben Schrader (the nominator) commissioned to undertake this work. Ms Astwood also gave a description of the heritage listing process undertaken by HNZPT.
- 6.21 She referred to the robust information they have about the building, and Dr Schrader's familiarity with the HNZPT criteria and process. Ms Astwood was confident that all the steps laid out would be processed fairly promptly and expected the building to be added to the NZ Heritage List in the next year or so.
- 6.22 The Chair asked both Ms Rachlin and Ms Astwood's view with respect to the issue around scope and the consent of the land owner, whether HNZPT has seen other District Plans that have such a statement included. Ms Rachlin advised that she has not seen any in respect to heritage buildings but has seen this with respect to notable trees.
- 6.23 Further Ms Rachlin commented on the test to understand whether a submission is out of scope. She supported the approach taken to considering whether Mr McGrath's submission is out of scope, noting that this is a matter for the panel to determine. She considered the matter would need to go through a Plan Change process and be tested through a Section 32 report.
- 6.24 **Mr Neil McGrath**, speaking as a resident of Lower Hutt, noted that, while his submission does not refer to the particular changes proposed in the Plan Change, it does not conflict with those changes. He said that his suggestion is intended as a helpful proposal to correct

the long standing failure by Council staff since 2012 to include in the District Plan the decision of Council made on 10 July 2012. He considered that whether or not his submission is seen to be within the scope of the Plan Change is not relevant to the issue he is raising. He found the statements in the officer's report and in the further submissions in opposition that the resolution of that meeting is not legally binding on the present Council very disturbing. He considered that the resolution provided security and confidence to those citizens whose properties had been incorrectly assessed as having heritage features by Council staff and their advisors at the time. He said that continued failure to include this resolution in the District Plan would be seen as a significant breach of faith by the 20 odd submitters to whom it related in 2012 and also to a wider range of citizens. He considered it not in the best interests of the city for this to happen and asked that the wording requested in his submission, relating to the inclusion of properties in Appendix 2 with the written consent of the owner, be included in the policies or rules of Chapter 14F, if the wording included in the statement of introduction to Chapter 14F would not legally bind Council.

- 6.25 The chair noted that the officer's report outlines the purpose of the Plan Change, which is to align the heritage list with the District Plan, and looks individually at six sites. He noted that he had asked earlier if the owners of those items had been consulted, and that they were consulted and did not make submissions. He referred to the legal advice from DLA Piper that addressed the issue of scope, and noted that the Commissioners would determine whether the submission is out of scope.
- 6.26 The chair also outlined that he had asked officers what the process is for looking at heritage objectives, policies, rules and the individual listings, and was advised that this will all be considered as part of a forthcoming District Plan review process. It was acknowledged that this is a valid issue regarding the consultation with building owners, and that HNZPT also have a consultation process with owners. He noted that the Commissioners are being advised that the scope of the Plan Change is about five buildings and a flagpole and whether these should be on the Heritage List or on a different part of the list.
- 6.27 **Mr Max Shierlaw** stated that his was a political submission. He commented that the previous Hutt City Council District Plan Committee that promulgated this Plan Change has been discredited over the proposed Significant Natural Areas Plan Change, and that the Mayor took the unprecedented step of removing the Committee. He noted that this step was justified as the community has lost confidence. He considered the current Plan Change part of that work by the former Committee and stated that the Plan Change should be withdrawn for this reason.
- 6.28 Mr Shierlaw stated that the voluntary listing of heritage is the clear view of the community, and that the views of the community have solidified, not weakened. He identified that the Plan Change refers to the Petone Courthouse which is falling to bits and a safety issue. He considered that the building should be knocked down as it is beyond rebuilding and an eyesore, but the Plan Change would lift this building to a higher status. He said the building is owned by WeITec who have no spare money to spend on this. He concluded that the Plan Change should be withdrawn immediately and staff should put up a new Plan Change to tidy up this issue.
- 6.29 In reply Mr Geard advised that his recommendations were unchanged. He added that during the morning-tea break Council staff investigated whether the Naenae Post Office was identified in any unreinforced masonry or earthquake-strengthening list, and the building is not identified in any such list.
- 6.30 The hearing was then adjourned. The Chair issued a second minute dated 17 April 2019 to inform all participants that no further information was required and that the Hearing was formally closed.

7 Statutory Framework

- 7.1 The statutory framework within which district plan changes are to be prepared and considered is described succinctly in the s32 evaluation produced for PPC52 as notified.
- 7.2 For the purposes of this decision, we are particularly concerned with the following aspects of the statutory framework:
- a) Council's functional responsibilities under section 31
 - b) The evaluation of PPC52 under section 32
 - c) The need for any further evaluation under section 32AA
 - d) The purpose of district plans under section 72
 - e) Matters to be considered in changing a district plan under section 74
 - f) The requirement to give effect to higher order policies under section 75
 - g) Requirements in relation to decisions on submissions under Schedule 1 Part 1.
- 7.3 The need to have policies and rules to manage the City's heritage resource is in accordance with the function of the Council under s31, including:
- ... the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district ...; and*
- the control of any actual or potential effects of the use, development, or protection of land...*
- 7.4 We note though that there is no proposed change to objectives, policies and rules or other methods through PPC52. We were advised by Mr Cumming that any such changes would be either subject to a full District Plan review or, if considered appropriate, a comprehensive review of Chapter 14F.
- 7.5 We also note that a fit for purpose s32 evaluation was undertaken as part of preparing the Proposed Plan Change. Under s32AA, a further evaluation is only required in relation to any changes to a Proposed Plan Change that are made subsequent to the initial s32 evaluation. Apart from the recommendation that the former Naenae Post Office be listed in Appendix 2 as opposed to Appendix 1 as originally notified there are no other changes to the Proposed Plan Change as notified except to amend typographical errors.
- 7.6 Matters to be considered in any plan changes are set out under section 74 as follows:
- (1) *A territorial authority must prepare and change its district plan in accordance with—*
 - (a) *its functions under section 31; and*
 - (b) *the provisions of Part 2; and*
 - (c) *a direction given under section 25A(2); and*
 - (d) *its obligation (if any) to prepare an evaluation report in accordance with section 32; and*
 - (e) *its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*
 - (ea) *a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and*

- (f) *any regulations.*
- (2) *In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—*
 - (a) *any—*
 - (i) *proposed regional policy statement; or*
 - (ii) *proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
 - (b) *any—*
 - (i) *management plans and strategies prepared under other Acts; and*
 - (ii) *[Repealed]*
 - (iia) *relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
 - (iii) *regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*

to the extent that their content has a bearing on resource management issues of the district; and
 - (c) *the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) *A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.*

7.7 In respect of the District Plan's heritage provisions, the most relevant higher order planning instrument is the Regional Policy Statement for the Wellington Region ("WRPS"), the latest version of which came into effect in 2013. The WRPS contains an objective and a policy directive regarding management of the City's historic heritage resource, some of which need to be given effect through the District Plan. Saying that, the scope of the plan change is very limited.

7.8 We have focused our evaluation only on those outstanding matters raised at the hearing, relying on the evaluation contained in the reporting officer's s42A report regarding submitters' concerns which were either resolved or an agreement reached prior to the hearing.

8 Evaluation of Submissions and Recommendations

8.1 To some degree, some of the proposed changes under PPC52 were not under dispute from submitters. Further, many of the amendments recommended by the Council's reporting Officer in the s42A report in response to submissions have been accepted or supported by the respective submitters.

8.2 There are however two matters that are primary issues of contention being

- a) The justification for the plan change and adding the former Naenae Post Office to Appendix Heritage 2 rather than Appendix Heritage 1; and
- b) Whether or not the following words should be added to Paragraph (c) of the Introduction in Chapter 14F Heritage Buildings and Structures.

The District Plan will only list buildings and structures in Appendix Heritage 2 with the express written consent of the property owner.

Support for protection of heritage values

- 8.3 In submissions and at the hearing Historic Places Wellington (DPC52/1), HNZPT (DPC52/2), Andy Mitchell (DPC52/3) and Emily Innes (DPC52/5) informed us of their support for the Proposed Plan Change as a whole or as was the case with HNZPT proposed specific amendments to the Proposed Plan Change. It was useful to us at the hearing for a fuller explanation of the heritage values with the five individual properties. These submissions, evidence and representations also include information on the heritage values of the buildings and structures that would be impacted by the Proposed Plan Change.
- 8.4 At the hearing HNZPT gave further reasons for their support, stating that “The heritage objectives and provisions of the District Plan provide a framework for the protection of these scheduled heritage buildings and structures from inappropriate subdivision, use and development, including their demolition.” HNZPT also stated that the addition of new heritage items to Appendix Heritage 1 and 2 (in the case of the former Naenae Post Office discussed below) will ensure that they are offered the same protection under the District Plan from inappropriate subdivision, use and development.
- 8.5 It is clear to us that the five structures that are the subject of this plan change have heritage values and these have been succinctly outlined in the evidence from HNZPT and HPW in particular. We visited each of the five structures (4 buildings and the ANZAC Memorial Flagpole) prior to the hearing noting that two (the Petone Courthouse and the ANZAC Memorial Flagpole) are already on the list in Appendix 2. Two others, (Nash House and the former Lower Hutt Fire Station), are included in the Heritage NZ list. A fifth the former Naenae Post Office is not on the New Zealand Heritage list.
- 8.6 While Mr McGrath and Mr Shierlaw opposed the plan change neither gave us any specific evidence as to why any individual item should not be on the District Plan Heritage List although Mr Shierlaw did comment on the dilapidated state of the former Petone Courthouse building. We agree that the former courthouse is outwardly in need of significant repair, but the building is already listed in Appendix 2. Without PPC52 resource consent would still be required if any demolition was to be undertaken.
- 8.7 Mr Mitchell and Ms Innes make particular reference to supporting the addition of the former Naenae Post Office to Appendix Heritage 1 although both agreed with the rationale that it should be in Appendix 2 as no formal listing process has been completed by HNZPT.
- 8.8 In relation to adding the former Naenae Post Office to Appendix Heritage 2 rather than Appendix Heritage 1 HNZPT (DPC52/2.7) states that while the former Naenae Post Office has been nominated for the NZHL, it has not yet been added to the list. HNZPT therefore requested that the entry for the former Naenae Post Office be added to Appendix Heritage 2, rather than Appendix Heritage 1 (as proposed by the Proposed Plan Change) as this would be consistent with the existing approach of the District Plan.
- 8.9 We were advised that the objectives, policies and rules of Chapter 14F apply equally to structures, buildings and areas in Appendix Heritage 1 and Appendix Heritage 2. As a result, the management of the heritage values of a structure, building or area under the District Plan is the same regardless of whether it is identified in Appendix Heritage 1 or identified in Appendix Heritage 2.

- 8.10 We also agree that if the former Naenae Post Office is added to Appendix Heritage 2 and is then added to the NZHL at a future date, Council could transfer the entry for the former Naenae Post Office from Appendix Heritage 2 to Appendix Heritage 1 through a future plan change.
- 8.11 For these reasons, we recommend that the submission of HNZPT to add the former Naenae Post Office to Appendix Heritage 2 instead of Appendix Heritage 1 be accepted.
- 8.12 We are also satisfied that the plan change as recommended by Mr Geard should be adopted. It is essentially a technical update to the list to reflect the level of information that is available now compared to when the District Plan was made operative in 2003. We therefore recommend that these submissions are accepted with regard to their general support for the Proposed Plan Change.

Listing buildings and structures in Appendix Heritage 2 with the express written consent of the property owner

- 8.13 Mr McGrath and Mr Shierlaw sought that the plan change be broadened to include the above statement to the start of Chapter 14F of the District Plan as this aligned with a Council resolution to that effect dating from 10 July 2012. This would mean that no buildings could be added to Appendix 2 without the consent of the landowner.
- 8.14 In his s42A report Mr Geard did not agree and raised a question of scope of submissions which was supported by HNZPT and HPW at the hearing. It is also noted that Council officers took specific legal advice on the scope issue and this advice was submitted as part of the s42A report.
- 8.15 Having considered the evidence and the legal advice we agree that adding such a statement is beyond scope. This is because the plan change is limited to:-
- The transfer of a building and a structure from Appendix Heritage 2 to Appendix Heritage 1.
 - Adding two buildings to Appendix Heritage 1 that have been registered by HNZPT.
 - Adding the former Naenae Post Office to Appendix Heritage 2 as no registration process has been completed by HNZPT.
 - Deleting Dudley Cottage as it has been destroyed,
 - Replacing terms that are used in Chapter 14F which, due to amendments to legislation, are now out of date.
- 8.16 Importantly there are no new objectives, policies or rules, or amendments to existing objectives, policies or rules were sought as part of the Proposed Plan Change
- 8.17 While we understand the position of Mr McGrath supported by Mr Shierlaw and Mr and Mrs Barry on voluntary versus involuntary protection of heritage buildings in the District Plan this was not a matter that we have any ability to change. This would need to be considered through a comprehensive plan change, including a thorough evaluation of costs benefits and appropriateness through the procedures outlined in s32 of the RMA and be debated at that time.
- 8.18 We were advised by Mr Cumming that Council intends to undertake a future investigation on the appropriate District Plan approach for the protection of historic heritage to meet its statutory obligations under the RMA. The issue of voluntary versus involuntary protection should be investigated and evaluated as part of that future process.
- 8.19 In any event in relation to the four buildings and the ANZAC Memorial Flagpole this is a 'moot' point as no comments or submissions were received opposing the alignment of the NZ

Heritage List with the District Plan or to adding the former Naenae Post Office from any of the landowners involved even though each was individually contacted and they received formal notice.

- 8.20 For these reasons, we recommend that the decision requested in the submission of Mr McGrath and the further submissions of Mr and Mrs Barry and Mr Shierlaw be rejected, and that the decision requested in the further submissions of HNZPT and Historic Places Wellington be accepted.

9 Matters Not in Contention

a) HNZ reference numbers

- 9.1 HNZPT (DPC52/2.2 to DPC52/2.5) requested that the relevant reference numbers from the New Zealand Heritage List ('the NZHL') be included for the entries that would be added to Appendix Heritage 1 by the Proposed Plan Change. These are the entries for the ANZAC Memorial Flagpole, Nash House, the former Lower Hutt Central Fire Station and the former Petone Magistrate's Court.
- 9.2 We agree with the reporting officer that ideally, all entries in Appendix Heritage 1 would include the NZHL reference number. We also agree that given the limited scope of the Proposed Plan Change and submission of HNZPT, Council is only able to consider adding the NZHL reference number to the entries for the four structures referred to in the submission.
- 9.3 We consider that if the reference numbers were to be added it should be done comprehensively to all items listed in Appendix 1. We agree as did the HNZPT witnesses that it would be more appropriate for the NZHL reference numbers to be added for all heritage places that are identified in Appendix Heritage 1 through a more comprehensive review of Chapter 14F. For this reason, the request from HNZPT to include the NZHL reference numbers in new entries in Appendix Heritage 1 is recommended to be rejected.

b) Dudley Cottage

- 9.4 Dudley Cottage was destroyed by fire in 2008. The reasons for removing the listing from the District Plan are obvious.

c) Minor amendments

- 9.5 Finally, HNZPT (DPC52/2.7 and DPC52/2.8) identified two errors in the Proposed Plan Change, and requested that these errors are amended.
- 9.6 The errors are:
- The entry of the Proposed Plan Change for the former Naenae Post Office gives the legal description of the property as PT LOT 5 DP 24038. The legal description for the property should be PT LOT 1 DP 15073 and Section 1 SO 24113.
 - The Proposed Plan Change shows that references to the New Zealand Historic Places Trust (the former name of HNZPT), would be replaced with references to *Heritage New Zealand* Pouhere Taonga. However, in some places the Proposed Plan Change has replaced this term with *New Zealand Heritage* Pouhere Taonga.
- 9.7 It is clear that these are errors, and we recommend that the decisions requested by HNZPT to correct these errors be accepted.

10 Further Evaluation

- 10.1 We are required under s32AA of the Act to undertake an evaluation of any further changes to a Proposed Plan Change subsequent to notification. That further evaluation 'must be

undertaken in accordance with section 32(1) to-(4)', and must be 'at a level of detail that corresponds with the scale and significance of the changes' (Section 32AA(1)(a)-(c)).

- 10.2 As we outlined above we have accepted the recommendation of the Reporting Officer, and therefore we have adopted the evaluation contained in the s42A report, and any subsequent evidence received on those matters.
- 10.3 No further evaluation is required as part of our decision at a level of detail that corresponds with the scale and significance of those amendments.

11 Conclusion

- 11.1 We recommend, on behalf of the Council, pursuant to Schedule 1 of the RMA, PPC52 to the District Plan be approved for all of the reasons set out in this decision.
- 11.2 In terms of Part 2 of the RMA, the Proposed Plan Change is consistent with the promotion of sustainable management (Section 5), and does not contravene any of the matters of national importance (Section 6) particularly s6(f) "*the protection of historic heritage from inappropriate subdivision, use, and development*". The Proposed Plan Change has had regard to 'other matters' (Section 7), and the principles of the Treaty of Waitangi (Section 8).
- 11.3 We have concluded that the limited scope and scale of the Proposed Plan Change are an appropriate way of achieving the purpose of the RMA, and the provisions are an appropriate way of achieving the objectives of the District Plan.
- 11.4 For all of the reasons given above, the Proposed Plan Change meets the statutory requirements of the RMA, and satisfies Part 2 of the Act, thereby promoting the sustainable management of natural and physical resources as required by the RMA.
- 11.5 After considering all of the information relating to PPC52, for the reasons set out in this decision, it is our recommendation that Council:
- a) Accept, accept in part or reject the submissions made on PPC52 as set out in Appendix 1; and
 - b) Adopt the Proposed Plan Change, as amended, as attached in Appendix 2 to this recommendation.



Lindsay Daysh
Commissioner (Chair)



Cr Simon Edwards
Commissioner

Dated this 9th day of May 2019

Appendix 1: Decisions on Submissions and Further Submissions on Proposed Plan District Change 52

Appendix 1 Decisions on Submissions and Further Submissions on Proposed District Plan Change 52

DPC52/1 Historic Places Wellington - Felicity Wong					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reason/Comment	Decision Requested	Hearing Panel's Recommendation
1.1	General	Support	The submitter fully supports the provisions and thinks that the Hutt City District Plan should align with the Heritage New Zealand listings.	To fully implement District Plan Change 52.	Accept in part, in that the Proposed Plan Change be fully implemented but with some amendments sought by Heritage New Zealand Pouhere Taonga (DPC52/2). The Naenae Post Office is recommended to be included in Appendix 2 not in Appendix 1 as was notified.
1.2	Amendment 2 (Nash House)	Support	The submitter provides some historic background and supports the listing of the Nash House in the District Plan.		
1.3	Amendment 3 (former Lower Hutt Central Fire Station)	Support	The submitter provides some architectural background and supports the listing of the former Lower Hutt Fire Station in the District Plan.		
1.4	Amendment 6 (former Naenae Post Office)	Support	The submitter provides some architectural and historic background and supports the listing of the former Naenae Post Office in the District Plan.		
1.5	Amendments 1 and 8 (ANZAC Memorial Flagpole) and Amendments 4 and 7 (former Petone Magistrate's Court)	Support	The submitter supports the upgrade of the ANZAC Memorial Flagpole and the former Petone Magistrate's Court to Appendix Heritage 1.		
DPC52F/1 Max Shierlaw					

Sub. Ref	Original Sub. Ref. referred to	Support / Oppose	Reason/Comment	Decision Requested	Hearing Panel's Recommendation
F1.1	1.1 to 1.4	Oppose	<p>The submitter states:</p> <ul style="list-style-type: none"> The Lower Hutt community has clearly expressed the view that a heritage listing should be voluntary; and The Council has previously resolved that properties should only be listed with the consent of the owner of the property. 	That Nash House, the former Lower Hutt Fire Station and the former Naenae Post Office are not listed without the consent of the owners of the properties.	Reject.

DPC52/2 Heritage New Zealand Pouhere Taonga - Caroline Rachlin					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reason/Comment	Decision Requested	Hearing Panel's Recommendation
2.1	General	Support	<p>The submitter refers to section 6(f) and section 74(2)(b)(iia) of the RMA and to Objective 15 of the Greater Wellington Regional Policy Statement.</p> <p>The submitter considers that the addition of new heritage items to the heritage schedule of the District Plan will ensure that these significant heritage places are identified and offered the same protection from inappropriate subdivision, use, and development that is provided to buildings and structures that are currently identified in the District Plan.</p> <p>While not seeking to add additional heritage items through this submission, the submitter supports a</p>	That the proposed plan change is adopted as proposed, subject to the amendments sought elsewhere in the submission.	Accept.

			comprehensive review of Council's Heritage Policy and the heritage provisions of the District Plan.		
2.2	Amendments 1 and 8 (ANZAC Memorial Flagpole)	Support in part	The submitter considers the inclusion of the ANZAC Memorial Flagpole in Appendix Heritage 1 to be consistent with the structure of the Heritage Appendices and provides some background on the Heritage New Zealand listing.	Retain the proposed addition of the Anzac Memorial Flagpole as shown (and associated removal from Appendix Heritage 2), subject to an amendment to also include the HNZPT List Number 9438 within the listing description.	Accept in part. The List Number for the ANZAC Memorial Flagpole is not to be added to the entry.
2.3	Amendment 2 (Nash House)	Support in part	The submitter supports the addition of Nash House to Appendix Heritage 1 because this recognises the significance of the building and provides for protection under the District Plan. The submitter provides some background information on the Heritage New Zealand listing and the history of the building.	Retain the proposed addition of Nash House to Appendix Heritage 1 and Planning Map C4, subject to an amendment to also include the HNZPT List Number 7742 within the listing description.	Accept in part. The List Number for Nash House is not to be added to the entry.
2.4	Amendment 3 (former Lower Hutt Central Fire Station)	Support in part	The submitter supports the addition of the former Lower Hutt Fire Station to Appendix Heritage 1 and provides some background information on the Heritage New Zealand listing and the architectural values of the building. The submitter considers that the inclusion provides for protection under the District Plan.	Retain the proposed addition of the Lower Hutt Central Fire Station (former) to Appendix Heritage 1 and Planning Maps C4 and D4, subject to an amendment to also include the HNZPT List Number 9319 within the listing description.	Accept in part. The List Number for the former Lower Hutt Central Fire Station is not to be added to the entry.
2.5	Amendments 4 and 7 (former Petone Magistrate's Court)	Support in part	The submitter considers the inclusion of the former Petone Magistrate's Court in Appendix Heritage 1 to be consistent with the structure of the	Retain the proposed addition of the Petone Magistrate's Court (former) as shown to Appendix Heritage 1 (and associated removal from Appendix 2),	Accept in part. The List Number for the former Petone Magistrate's Court is not to be added to the entry.

			Heritage Appendices and provides some background on the Heritage New Zealand listing.	subject to an amendment to also include the HNZPT List Number 9439 within the listing description.	
2.6	Amendment 5 (Dudley Cottage)	Support in part	The submitter supports the removal of the listing from Appendix 1, given the place no longer exists. The submitter reminds that pre-1900 sites are subject to the requirements of the Heritage New Zealand Pouhere Taonga Act 2014, which may include the need for an archaeological assessment.	Retain the removal of the Dudley Cottage heritage item from Appendix Heritage 1 and Planning Map C5.	Accept.
2.7	Amendment 6 (former Naenae Post Office)	Support in part	<p>The submitter considers the inclusion of the former Naenae Post Office. The submitter confirms that the building has been nominated and is considered a good candidate for entry onto the NZ Heritage List. The submitter provides some background on the heritage values of the building and considers that the inclusion provides for protection under the District Plan.</p> <p>The submitter notes that as the place is not currently on the NZ Heritage List, for consistency it should be inserted into Appendix Heritage 2, and that the listing description is amended to refer to the correct legal description for the site.</p>	<p>Retain the proposed addition of Naenae Post office (former) to the Heritage Schedules and Planning Map E3, subject to an amendment to:</p> <ul style="list-style-type: none"> • Re-position the scheduling of this heritage building item into Appendix Heritage 2. • Amend the legal description column for this proposed scheduled heritage by deleting the proposed legal description Pt Lot 5 DP24038 and replacing it with Pt Lot 1 DP 15073 and (abbreviated wording as required to) incorporate Section 1 Survey Office Plan 24113. 	Accept.
2.8	Replacement of Terms - Chapter 14F Introduction	Support in part	The submitter supports the replacement of outdated terms but notes that in the Introduction 'Heritage	Retain the replacement of terms but ensure that where Heritage New Zealand Pouhere Taonga is inserted	Accept.

	and Appendix Heritage 1		New Zealand Pouhere Taonga' is incorrectly referred to as 'New Zealand Heritage Pouhere Taonga' and seeks correction for clarity and certainty	in full, that it is inserted as Heritage New Zealand Pouhere Taonga.	
DPC52F/1 Max Shierlaw					
Sub. Ref	Original Sub. Ref. referred to	Support / Oppose	Reason/Comment	Decision Requested	Hearing Panel's Recommendation
F1.2	2.1, 2.3, 2.4 and 2.7	Oppose	<p>The submitter states:</p> <ul style="list-style-type: none"> • The Lower Hutt community has clearly expressed the view that a heritage listing should be voluntary; and • The Council has previously resolved that properties should only be listed with the consent of the owner of the property. 	That Nash House, the former Lower Hutt Fire Station and the former Naenae Post Office are not listed without the consent of the owners of the properties.	Reject.

DPC52/3 Andy Mitchell					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reason/Comment	Decision Requested	Hearing Panel's Recommendation
3.1	Amendment 6 (former Naenae Post Office)	Support	The submitter considers that the Naenae Post Office with its clock tower is the iconic architectural feature of Naenae's modernist shopping mall and that being sold into private ownership has increased the risk and highlights the immediate vulnerability of the building.	To action the recommended amendment, enacting heritage protection for this iconic Naenae building and its clock tower.	Accept in part, in that the entry for the former Naenae Post Office is added to the appendices of Chapter 14F, but that it is added to Appendix Heritage 2, rather than Appendix Heritage 1.

DPC52F/1 Max Shierlaw					
Sub. Ref	Original Sub. Ref. referred to	Support / Oppose	Reason/Comment	Decision Requested	Hearing Panel’s Recommendation
F1.3	3.1	Oppose	<p>The submitter states:</p> <ul style="list-style-type: none"> • The Lower Hutt community has clearly expressed the view that a heritage listing should be voluntary; and • The Council has previously resolved that properties should only be listed with the consent of the owner of the property. 	That the former Naenae Post Office is not listed without the consent of the owners of the property.	Reject.

DPC52/4 Neil McGrath					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reason/Comment	Decision Requested	Hearing Panel’s Recommendation
4.1	14F Heritage Buildings and Structures Introduction, Paragraph (c)	Not stated	<p>The submitter refers to a 2012 Council resolution in which Council affirms “...that the District Plan will only list heritage buildings with the express written consent of the property owner, apart from New Zealand Historic Places Trust listed buildings.”</p> <p>The submitter argues that PC 52 is the first opportunity to incorporate this Council determination in the District Plan rules about heritage.</p> <p>The submitter considers that it is now timely and proper for the following statement to be added to Paragraph (c) of the Introduction in Chapter 14F</p>	To add the following statement to Paragraph (c) of the Introduction in Chapter 14F Heritage Buildings and Structures: “The District Plan will only list Buildings and Structures in Appendix Heritage 2 with the express written consent of the property owner.”	Reject.

			<p>Heritage Buildings and Structures: “The District Plan will only list buildings and structures in Appendix Heritage 2 with the express written consent of the property owner.”</p> <p>The submitter considers this to be similar to the existing condition in the District Plan regarding Notable Trees.</p>		
DPC52F/1 Max Shierlaw					
Sub. Ref	Original Sub. Ref. referred to	Support / Oppose	Reason/Comment	Decision Requested	Hearing Panel’s Recommendation
F1.4	4.1	Support	<p>The submitter states:</p> <ul style="list-style-type: none"> • The Lower Hutt community has clearly expressed the view that a heritage listing should be voluntary; and • The Council has previously resolved that properties should only be listed with the consent of the owner of the property. 	<ul style="list-style-type: none"> • That submission DPC52/4 is allowed. • That Nash House, the former Lower Hutt Fire Station and the former Naenae Post Office are not listed without the consent of the owners of the properties. 	Reject.
DPC52F/2 Philip and Michelle Barry					
Sub. Ref	Original Sub. Ref. referred to	Support / Oppose	Reason/Comment	Decision Requested	Hearing Panel’s Recommendation
F2.1	4.1	Support	<p>The submitter states:</p> <ul style="list-style-type: none"> • The inclusion of the Council’s resolution dated 10 July 2012 in the District Plan is long overdue, and that it is in the best interests of all citizens that the resolution is included in the Plan through Proposed District Plan Change 	That submission DPC52/4 is allowed.	Reject.

			<p>52;</p> <ul style="list-style-type: none"> • The submission of Mr McGrath is not a submission to change the District Plan, and that its purpose and effect is to reflect the resolution of the Council in the District Plan; • The submission of Mr McGrath aligns with the purpose of Proposed District Plan Change 52; and • The submission of Mr McGrath is within scope and it is entirely appropriate and proper for it to be included in the Proposed Plan Change along with the other proposed changes. 		
DPC52F/3 Heritage New Zealand Pouhere Taonga					
Sub. Ref	Original Sub. Ref. referred to	Support / Oppose	Reason/Comment	Decision Requested	Hearing Panel’s Recommendation
F3.1	4.1	Oppose	<p>The submitter states:</p> <ul style="list-style-type: none"> • The submission of Mr McGrath does not align with the statutory and policy context and may result in significant implications for identifying and protecting the City’s heritage and • The submission is on content of the District Plan that is not addressed by the Proposed Plan Change. 	That submission DPC52/4 is disallowed.	Accept.
DPC52F/4 Historic Places Wellington					

Sub. Ref	Original Sub. Ref. referred to	Support / Oppose	Reason/Comment	Decision Requested	Hearing Panel's Recommendation
F4.1	4.1	Oppose	<p>The submitter states:</p> <ul style="list-style-type: none"> • As there is currently no proposal to include any building in Appendix Heritage 2, the submission by Mr McGrath relating to the conditions upon which any such future addition should be made is not relevant to the present consultation. Therefore, it should not be considered at this time. • The Council resolution of 10 July 2012 is not legally binding on present Council nor is it policy that Council is required to take into account in decision-making. The resolution has no affect except as an expression of the situation at the time it was made. • In any event, the Council resolution of 10 July 2012 included an important exception for properties listed by Heritage New Zealand Pouhere Taonga. • The addition of a clause to the Introduction of <i>Chapter 14F Heritage Buildings and Structure</i> is a significant proposal on which consultation itself is appropriate. It would be inappropriate to bind present and future Council by randomly including that statement through the current Proposed Plan 	That submission DPC52/4 is disallowed.	Accept.

			<p>Change.</p> <ul style="list-style-type: none"> • Historic Places Wellington takes the view that the Resource Management Act specifically requires Councils to identify heritage values in their area and provide appropriate protection and process around weighing heritage values in decision making about permitting activity by property owners. It is not possible to contract out of that requirement either by Council decision or property owner. The effect of listing a heritage property on Appendix Heritage 2 is to ensure a sensible, cautious evaluation of heritage values in deciding to allow or disallow activity to proceed. Property owners are not exempt from these requirements as implemented by the Council. There is no absolute property right to conduct activity. To include the statement proposed would be to unduly fetter decisions to add buildings to Appendix Heritage 2, thus providing property owners with a veto over Council decisions that are more properly made on a case by case basis. • HPW seeks the following decision: to reject the proposal to amend the conditions upon which Council may decide to list 		
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			a specific building in Appendix Heritage 2. That is reject the proposal be Mr McGraph and to retain the conditions as currently expressed.		
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DPC52/5 Emily Jane Innes					
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Sub. Ref.	Amendment & Provision	Support / Oppose	Reason/Comment	Decision Requested	Hearing Panel's Recommendation
5.1	Amendment 6 (former Naenae Post Office)	Support	The submitter supports the amendment because the Naenae Post Office is a very important and much-loved building with much significance to Naenae and the Lower Hutt community as well as to NZ history and NZ architecture in general. The submitter considers that its iconic modernist design stands out in Hillary Court as a landmark and that it has been the heart of Naenae, physically and symbolically for 60 years.	That Council will make the amendments proposed as outlined in Plan Change 52, especially with regards to adding the Naenae Post Office to the list of heritage buildings in Appendix 1 of the District Plan.	Accept in part, in that the Proposed Plan Change is accepted, but that the entry for the former Naenae Post Office is added to Appendix Heritage 2, rather than Appendix Heritage 1.

DPC52F/1 Max Shierlaw					
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Sub. Ref	Original Sub. Ref. referred to	Support / Oppose	Reason/Comment	Decision Requested	Hearing Panel's Recommendation
F1.5	5.1	Oppose	The submitter states: <ul style="list-style-type: none"> • The Lower Hutt community has clearly expressed the view that a heritage listing should be voluntary; and • The Council has previously resolved that properties should 	That the former Naenae Post Office is not listed without the consent of the owners of the property.	Reject.

Proposed District Plan Change 52 – Alignment of the District Plan with NZ Heritage List Hearings Subcommittee Recommendation Report

			only be listed with the consent of the owner of the property.		
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Appendix 2: Chapter 14F of Proposed District Plan Change 52, showing amendments from this Decision

Appendix 2: Chapter 14F of Proposed District Plan Change 52, showing amendments from this Decision

This appendix shows Chapter 14F with the amendments of the Proposed Plan Change and amendments in response to submissions.

- The amendments of the Proposed Plan Change are underlined and ~~struck through~~.
- The recommended amendments and corrections in response to submissions are double-underlined and ~~double struck through~~.

14F Heritage Buildings and Structures

Introduction

A range of buildings and structures exist throughout the City that make a contribution to the heritage of the City. The contribution they make can relate to the era in which they were constructed, association with a person of importance in the community or the event they commemorate. The buildings and structures may be individually important or significant because of their contribution to a group.

The Act places importance on the retention of heritage in a number of ways. Within Part II, Sections 5, 6, 7, and 8 have aspects referring to heritage. These provisions place heritage within the fundamental purpose and principles of the Act. Part VIII of the Act refers to heritage orders and provides the mechanism for creating and administering both heritage protection authorities and heritage orders. The Act also outlines the procedures for the involvement of ~~the New Zealand Historic Places Trust~~ New Zealand Heritage Pouhere Taonga Heritage New Zealand Pouhere Taonga in the resource and building consent processes.

~~The New Zealand Historic Places Trust~~ New Zealand Heritage Pouhere Taonga Heritage New Zealand Pouhere Taonga has responsibilities with respect to historic places and areas, waahi tapu and waahi tapu areas and archaeological sites. ~~The Historic Places Act 1993~~ The Heritage New Zealand Pouhere Taonga Act 2014 details the statutory framework and provides a registration process.

Provision has been made in the Plan for those buildings and structures contributing to the heritage of the City in three ways -

- (a) Objectives, policies, rules and design guides have been developed for buildings in Jackson Street, Patrick Street/Adelaide Street and Riddlers Crescent. For Jackson Street these appear in the Petone Commercial Activity Area and those for Patrick Street/Adelaide Street and Riddlers Crescent are in the Historic Residential Activity Area.
- (b) There are a number of buildings and structures in the City that are registered by ~~the New Zealand Historic Places Trust~~ New Zealand Heritage Pouhere Taonga Heritage New Zealand Pouhere Taonga. ~~The Trust~~ New Zealand Heritage Pouhere Taonga Heritage New Zealand Pouhere Taonga has also registered the Workers' Dwelling Act houses in Patrick Street as a Historic Area. Those properties registered by ~~the Trust~~

~~New Zealand Heritage Pouhere Taonga~~ Heritage New Zealand Pouhere Taonga are listed in Appendix Heritage 1.

- (c) There are a number of other individual buildings and structures that have been identified as making a notable contribution to local heritage. These are listed in Appendix Heritage 2. For those buildings and structures listed in Appendix Heritage 1 and 2, rules have been developed relating to demolition and relocation, to manage work to the exterior facades and to provide the opportunity for a greater range of activities to be considered to assist in the retention of buildings.

14F 1 Issues, Objectives and Policies

14F 1.1 Retention of Heritage Values

Issue

To identify and seek to retain those aspects of the City's heritage reflected in individual buildings and structures, and in groups of buildings.

Objective

To ensure that the heritage values of identified heritage buildings and structures are not unnecessarily lost through demolition or relocation, or compromised by any additional work.

Policy

- (a) To protect the exterior of buildings and structures from inappropriate repairs, alterations or additions that adversely affect heritage values.
- (b) To ensure that where the demolition or relocation of listed heritage buildings and structures is proposed, a thorough assessment and determination is made of the need for that demolition or relocation and of the alternatives available.

Explanation and Reasons

Buildings and structures are an important element in the heritage values of the City. Buildings and structures identified include:

- (a) those with a distinct architectural style;
- (b) those associated with particular or important people in the city; and
- (c) groups of buildings with a particular character.

There are significant structures such as monuments, together with community, commercial, industrial and residential buildings. Generally it is the facade of buildings that contributes to the heritage of the City, through the visual impact of their style, architectural detail and cladding materials.

14F 1.2 Widening the Activity Base

Issue

The opportunity to retain heritage buildings may be limited by the range of activities that can take place in the building. It is appropriate to consider a wider range of activities providing the character and amenity values of neighbouring properties are not affected adversely by the new activity.

Objective

To allow a wider range of activities to assist in the retention of heritage buildings.

Policy

- (a) To allow a wider range of activities in identified heritage buildings providing the character and amenity values of neighbouring properties are not affected adversely by the activity.

Explanation and Reasons

There are financial costs associated with retaining and maintaining a heritage building. In many activity areas there are a range of activities that are permitted or can be considered as a resource consent. To further promote the retention and maintenance of heritage buildings it is appropriate to make provision for the consideration of any activity. In doing so, the adverse effects of the activity on the character and amenities of neighbouring properties would have to be evaluated.

14F 2 Rules

14F 2.1 Permitted Activity

- (a) Identified Heritage Buildings or Structures:

Any alteration, repair or modification of any building listed in Appendix Heritage 1 or 2 involving either-

- (i) Redecoration, repair or alterations which are internal and not visible from the road frontage; or
- (ii) Minor repair, alteration or maintenance to the exterior of a building or structure which do not require a building consent.

14F 2.2 Restricted Discretionary Activities

- (a) Any other alteration, repair or modification of any building or structure listed in Appendix Heritage 1 & 2.

14F 2.2.1 Matters in which Council has Restricted its Discretion and Standards and Terms

- (i) The Nature and Extent of the Works and the Necessity of those Works.
- (ii) The Effect of the Works on the Heritage Value of the Building or Structure.

Assessment will be made of the following relevant factors -

- The extent to which the original building will be adversely affected by the work.
- The extent to which the design and external appearance of the building will be adversely affected.
- The scale of the work in proportion to the original building.
- The compatibility of the style, materials and colouring of the new work and its integration with the original building.
- Restoration of heritage features that may have already been removed from the building.
- The extent to which the works comply with the guidelines in Appendix Heritage 3.

14F 2.2.2 Other Matters

All Restricted Discretionary Activities must comply with other relevant Permitted Activity Conditions

14F 2.3 Discretionary Activities

- (a) Any activity within a building or structure listed in Appendix Heritage 1 and 2, and not within the provisions of the Petone Commercial Activity Area or the Historic Residential Activity Area.
- (b) Demolition or relocation of part or all of a building or structure listed in Appendix Heritage 1 or 2.

14F 2.3.1 Assessment Matters for Discretionary Activities

- (a) The matters contained in section 104 and 105, and in Part II of the Act shall apply.

14F 3 Anticipated Environmental Results

- (a) Opportunity for a range of activities to be considered for identified heritage buildings.
- (b) Protection of buildings and structures from inappropriate additions and alterations.
- (c) Increased awareness of heritage values in the City.

Appendix Heritage 1

(i) Heritage Buildings and Structures registered by the New Zealand Historic Places Trust listed by Heritage New Zealand Pouhere Taonga

MAP NO.	LOCATION	BUILDING/STRUCTURE	HPT REGISTER NZ HERITAGE LIST	LEGAL DESCRIPTION
D4	51 Boulcott Street	The Glebe	Category 1	Lot 2 DP 91194
R9	8km south of Eastbourne, Pencarrow Head	Pencarrow Lighthouse	Category 1	Sec 3 Blk V Pencarrow SD
F2	73 Eastern Hutt Road	Christ Church, Taita	Category 1	Sec 554, Pt Sec 59 Hutt District
<u>A5</u>	<u>Hutt Road, Petone Railway Station</u>	<u>ANZAC Memorial Flagpole</u>	<u>Category 1</u>	<u>Pt Lot DP 10589</u>
B4	499-509 Hutt Road	Western Hutt Railway Station	Category 1	Lot 1 DP 66824
B4	38 Normandale Road	Hutt Minoh Friendship House	Category 1	Lot 1 DP 88473
B5	19 Patrick Street	House	Category 1	Sec 13 Blk II DP 5172
B5	22 Patrick Street	House	Category 1	Sec 10 Blk III DP 5172
A4	36 Riddlers Crescent	Collett House	Category 1	Lot 2 DP 10877
<u>C4</u>	<u>14 St Albans Grove</u>	<u>Nash House</u>	<u>Category 1</u>	<u>Lot 7 DP 8552</u>
B5	The Esplanade	Wellington Provincial Centennial Memorial (Petone Settlers Museum)	Category 1	Lot 2 DP 69217
<u>C4, D4</u>	<u>155-157 Waterloo Road</u>	<u>Lower Hutt Central Fire Station (former)</u>	<u>Category 1</u>	<u>Lot 2 DP 82046</u>

MAP NO.	LOCATION	BUILDING/STRUCTURE	HPT REGISTER NZ HERITAGE LIST	LEGAL DESCRIPTION
B5	43 Adelaide Street	House	Category 2	Sec 17 Blk II DP 5172
B5	54 Adelaide Street	House	Category 2	Sec 2 Blk VIII DP 5172
B5	4 Britannia Street	St. David's Church	Category 2	Pt Lot 14 Deeds Plan 109
B5	12 Britannia Street	St. Augustine's Church	Category 2	Pt Lot 5 DP 295
E8	24 Coast Road	Old Methodist Church and Cemetery	Category 2	Pt Sec 3 Wainuiomata District

Amendment 4

<u>B5</u>	<u>13 Elizabeth Street</u>	<u>Petone Magistrate's Court (former)</u>	<u>Category 2</u>	<u>Pt Lot 143 DP 1232</u>
E4	16B Hamerton Street	Balgownie House	Category 2	Lot 2 DP 89487
E4	16B Hamerton Street	Balgownie Generator Building	Category 2	Lot 2 DP 89487
C4	149-151 High Street	Lower Hutt Post Office	Category 2	Lot 1 DP 90205
D4	705 High Street	Coppelle Cottage	Category 2	Lot 6 DP 8039
D4	132 Kings Crescent	Orr House	Category 2	Lot 1 DP 41913
C4	64 Knights Road	Offices	Category 2	Lot 2 DP 28029
F7, F8	Main Road (Wainuiomata School Grounds)	Wainuiomata Museum Building	Category 2	Pt Sec 2 Wainuiomata District
C8	Marine Drive, Days Bay	Days Bay Wharf	Category 2	-
C8	Marine Drive, Days Bay	Wellesley College	Category 2	Pt Sec 33 Harbour District
C8	603A Marine Drive, Days Bay	House	Category 2	Lot 1 DP 307236
C6	Marine Drive, Lowry Bay	Skerrett Boat Shed	Category 2	-
B8	111 Marine Parade	House	Category 2	Pt Lot 56 DP 1256
B8	Marine Parade	Rona Bay Wharf	Category 2	Lot 1 DP 30383
B9	283A Muritai Road	The Glen	Category 2	Lot 6 DP 15621
B9	287 Muritai Road	Glenwood	Category 2	Lot 1 DP 75547
B9	493 - 495 Muritai Road	Eastbourne Borough Council Omnibus Service Garage	Category 2	Lot 1 LT 328393
B5	2 Patrick Street	House - Young New Zealander	Category 2	Sec 22 Blk VIII DP 5172
B5	4 Patrick Street	House - Kia Ora	Category 2	Sec 20 Blk VIII DP 5172
B5	8 Patrick Street	House - Spero	Category 2	Sec 16 Blk VIII DP 5172
B5	10 Patrick Street	House - Domus	Category 2	Sec 14 Blk VIII DP 5172
B5	14 Patrick Street	House - Kia Ora	Category 2	Sec 10 Blk VIII DP 5172
B5	16 Patrick Street	House - Design No. 3	Category 2	Sec 8 Blk VIII DP 5172
B5	18 Patrick Street	House - York	Category 2	Sec 6 Blk VIII DP 5172
B5	24 Patrick Street	House - Young New Zealander	Category 2	Sec 8 Blk III DP 5172
C4	60 Penrose Street	House	Category 2	Lot 2 DP 24290
C4, D4	49 Pretoria Street	House (The Crescent)	Category 2	Lot 1 DP 18312
C5, C6	43 Seaview Road	Ford Motor Co. Workshop	Category 2	Lot 1 DP 83488
C5	Seaview Road	Dudley Cottage	Category 2	Pt Lot 5 DP 24038
A5	66 Sydney Street	House (Price's Folly)	Category 2	Lots 7 & 8 DP 412
B5	The Esplanade	Iona Memorial Cross	Category 2	Lot 2 DP 69217
C4	75 Woburn Road	Gatehouse, Vogel House	Category 2	Lot 1 DP 22396
C3, C4	125 Western Hutt Road	Lochaber / Prospect College	Category 2	Sec 1 SO 37208
C3	760 Western Hutt Road	Casa Loma	Category 2	Lot 7 DP 54222

(ii) Heritage Areas registered by the New Zealand Historic Places Trust listed by Heritage New Zealand Pouhere Taonga

Patrick Street Workers' Dwellings Precinct, Petone

Described as those houses on Patrick Street and Adelaide Street constructed under the Workers' Dwelling Act:

Patrick Street Nos. 2, 4, 8, 10, 14, 16, 18, 19, 22, 24;

Adelaide Street Nos. 43, 54.

Jackson Street Historic Area, Petone

Described as those buildings located along both sides of Jackson Street, between the intersection with Victoria Street in the west and Cuba Street in the east.

Lower Hutt Civic Centre Historic Area

The Lower Hutt Civic Centre Historic Area has road boundaries to the south, west and north. These are clockwise Woburn Road, Queens Drive and Laings Road. To the east, Myrtle Street forms the boundary then continues around the Club grounds, and from there on, separates private property from Council-owned and church-owned land back to Woburn Road.

Appendix Heritage 2

Heritage Buildings and Structures

MAP NO.	LOCATION	BUILDING/STRUCTURE	LEGAL DESCRIPTION
B5	49 Adelaide Street	House - Design No. 3	Sec 15 Blk III DP 5172
B5	52 Adelaide Street	House - Domus	Sec 1 Blk VIII DP 5172
A5, B5	34 Bay Street	Bay Lodge Boarding House	Lot 26 & Pt Lot 27 DP 51
B5	52 Beach Street	Petone Labour Hall	Lot 70 DP 51
B5	1 Britannia Street	House	Lot 7 DP 80691
B5	4 Britannia Street	Presbyterian Manse	Pt Lot 14 Deeds Plan 109
B5	6 Britannia Street	Petone Community House	Lot 1 & Pt Lot 2 DP 295
B5	32 Britannia Street	House	Lot 1 DP 29647
B5	33 - 41 Britannia Street	Sacred Heart Church Facade	Lot 3 DP 51283
B5	40A Britannia Street	House	Lot 1 DP 12784
B5	54 Britannia Street	House	Lot 1 DP 50869
B4, B5	57 Britannia Street	House	Lot 6 DP 1363
B9	Burdan's Gate	Wahine Memorial	-
E8	103 Coast Road	August Cottage	Lot 3 DP 25757
E8	202 Coast Road	Cottage	Lot 4 DP 15751
R6	728 Coast Road	Jackson's Farm	Pt Sec 15 Wainuiomata Dist
R6	728 Coast Road	Jackson's Farm	Pt Sec 15 Wainuiomata Dist
B5	13 Elizabeth Street	Old Court House	Pt Lot 143 DP 1232

Proposed District Plan Change 52 – Alignment of the District Plan with NZ Heritage List Hearings Subcommittee Recommendation Report

R6	Fitzroy Bay	Paiaka Wreck	-
D4	722 High Street	Anson House	Lot 4 DP 78049
<u>E3</u>	<u>27 Hillary Court</u>	<u>Naenae Post Office (former)</u>	Pt Lot DP 24038 <u>Pt Lot 1 DP 15073 and Section 1 SO 24113</u>
F8	68 Hine Road	Sinclair House	Pt Lot 2 & Lot 3 DP 20657
A5	Hutt Road	Anzac Flagpole	(Petone Railway Station)
A4	83-85 Hutt Road	Alfred Coles House	Pt Lots 3 & 4 DP 702
A4	95 Hutt Road	House (not motel units)	Lot 1 DP 12616
B4	105 -119 Hutt Road	Railway Settlement Houses	Lot 2 DP 67024
B4, A4	162 Hutt Road	Photocraft Studio	Lot 1 DP 552
B4	184 Hutt Road	Bay Villa	Lot 12 DP 2143
B4	186 Hutt Road	Bay Villa	Lot 13 DP 2143
B4	188 Hutt Road	Bay Villa	Lot 14 DP 2143
R3	Korokoro, Belmont Regional Park	Korokoro Dam	Pt Sec 3 Maungaraki Village
C4	Laings Road	Hutt City Council Administration Building	Pt Lots 4 - 9 & 16 DP 89, Lots 17 - 22 DP 89 & Lot 1 DP 12766
C4	Laings Road	Town Hall, Horticultural Hall	Pt Lots 1-3 DP 89, Lots 23 - 25 DP 89, Pt Sec 25 Hutt Dist. & Pt 4 DP 664
C4	Queens Drive	Little Theatre and Library Building	Pt Lots 32 - 38 DP 89, Pt Lot 4 DP 15844, Pt 1 DP 17883, Pt Sec 25 Hutt Dist, Pt Stream
A4	1 Maungaraki Road	House	Lot 2 DP 29729
C4	19 Myrtle Street	House	Lot 1 DP 65068
A5	13 Nelson Street	House	Pt Lot 14 DP 47 & Pt Sec 4 Hutt District
A5	15 Nelson Street	House	Pt Lot 14 DP 47 & Pt Sec 4 Hutt District
A5	19 Nelson Street	House	Pt Lot 12 DP 47 & Pt Sec 4 Hutt District
A5	22 Nelson Street	House	Lot 33 DP 47
A5	25 Nelson Street	House	Lot 1 DP 81017
A5	34 Nelson Street	House	Lot 2 DP 7869
A5	34A Nelson Street	House	Lot 1 DP 7869
A5	36 Nelson Street	House	Pt Lot 26 DP 47
A5	38 Nelson Street	House	Lot 1 DP 61067
A5	40 Nelson Street	House	Lot 25 DP 47
A5	42 Nelson Street	Methodist Church	Lot 24 DP 47 & Pt Lot 7 DP 6395
A5	56 Nelson Street	House	Lot 15 DP 79
A5	70 Nelson Street	House	Lot 15 DP 101
B4	121 Nelson Street	Drill Hall	Sec 1 SO 37671
B4	Normandale Road	Old Rock Horse Trough	Road Reserve
A4	38 Rakeiora Grove	House	Pt Lot 2 DP 25354
G2	81 Stokes Valley Road	Old Stokes Valley School House	Lot 1 DP 19539
A5	49 Sydney Street	House	Pt Lots 24 & 25 DP 321
A5	The Esplanade	Petone Rowing Club	Lot 2 DP 69217
A5	The Esplanade	Petone Wharf	Lot 3 DP 69217
A5	The Esplanade	T.S.Tamatoa	Lot 2 DP 69217
D7	153 Wainuiomata Rd	House	Lot 5 DP 19427
A5	Western Hutt Road/ Cornish St	Marble wall at the Woollen Mill site	Lots 28 & 29 DP 33346 and Pt Road

Proposed District Plan Change 52 – Alignment of the District Plan with NZ Heritage List Hearings Subcommittee Recommendation Report

corner

D4	313 - 319 Waiwhetu Rd	Epuni School	Sec 115 Epuni Hamlet
C4	61 - 69 Woburn Road	St James Church	Lot 2 DP 17883
C4	75 Woburn Road	Vogel House	Lot 1 DP 22396

Appendix Heritage 3

Design Guidelines

Riddlers Crescent, Hutt Road and Patrick Street, Adelaide Street, The Esplanade and Jackson Street

Introduction

The purpose of this appendix is to outline central conservation principles in order to assist owners in the design of alterations and additions to existing buildings and new buildings in the Historic Area.

Conservation Principles

Conservation should follow the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value. Conservation processes include maintenance, stabilisation, repair, restoration, reconstruction, and adaptation. The main principles of the Charter include:

- (i) All work is to be documented.
- (ii) Important information which can be gained from the building materials should not be removed, destroyed or changed.
- (iii) Any conservation work is to be the minimum and reversible where technically possible.
- (iv) Any conservation work shall be identifiable on close inspection (date stamping for example) while visually and physically compatible with original material.
- (v) The aesthetic, historical, and physical integrity of the building must be respected.
- (vi) Conservation advice from appropriately trained and experienced building conservation professionals should be followed.
- (vii) The level of existing heritage values should not be reduced.

Selection of Conservation Processes

Where there is authenticity in original and significant later designs, conservation work should respect these designs through maintenance, repair, stabilisation, restoration, or compatible adaptation.

Where there is authenticity in materials, maintenance is appropriate. Repair and restoration are also acceptable using matching materials which are identified with discretely located date stamps.

Where there is authenticity in workmanship the aim of conservation is retention of significant material through maintenance and repairs using traditional skills or compatible new techniques.

Authenticity in setting requires the retention of the relationship of the setting with the structure.

Central Principles

Restoration

Restoration of missing parts is encouraged where there is a high level of authenticity of architectural design. Restoration of parts can only be carried out where there is conclusive evidence.

Repair

Repair is favoured over replacement, and repair using materials matching the texture, form, profile, strength, and colour is required. This applies to both the finish and substrate.

Repair ensures the retention of the maximum of historic material. The use of inappropriate substitute materials can compromise the architectural design of the house while using materials which are not compatible in strength and other physical characteristics can result in damage to the authentic material.

Additions

There should be a visual distinction between the authentic house and an addition, but be sympathetic in form, scale, cladding materials, proportions and colour, and should not comprise the majority of the house.

In order to retain the authenticity and historic integrity of the listed house, any addition should be distinguishable as being new work. Copying elements and details can lead to confusion between authentic and new work whereas a modern sympathetic addition can enhance the authentic house and make a significant contribution to modern architecture.

New Buildings

There should be a visual distinction between the authentic house and a new dwelling, but the new buildings should be sympathetic in form, scale, cladding materials, proportions and colour.

It is not intended that new buildings should copy the old. Replica buildings create confusion as to what is original, and what is new, debasing both. A new building should make a positive contribution to modern architecture while retaining the essential character of the area.

Style and Character

The main characteristics of the style and character of the house should be retained.

The architectural and aesthetic significance of a house is largely determined by its style, and will guide the design of modifications. The style of the house will be reflected in the design of symmetry (or lack of), materials, openings, roof forms, and details.

Patina

There should be respect for the patina of age of the house.

An old house should not look new. Patina is the natural weathering of the house materials over time, and can contribute significance to the house. Patina is not dirt.

Scale

Any modifications should respect the scale of the original house and significant later additions, and not be visually dominant.

Visual dominance of modifications will depend on the scale of the authentic listed house. For small scale houses even a small modification may radically alter its character.

Setting

The relationship of the house with the setting should be maintained. Following design guidelines for the areas concerned will ensure the setting is maintained.

Street Elevation

The street elevation should be modified least, and if possible not at all. Therefore the preferred elevation to be modified, if necessary, is a rear or secondary elevation. Where the house is located on a corner, two street elevations become significant, and should not generally be changed.

The street elevation is often the most important elevation of the house, where the distinctive character of the house is presented and which it is important to retain. In some instances it may not be appropriate to modify a listed house.