

Proposed District Plan Change 52

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

Full Set of Further Submissions

From: Max Shierlaw <max.shierlaw@woolyarns.co.nz>
Sent: Tuesday, January 22, 2019 11:12 AM
To: Corporate Records
Subject: Further submission on District Plan Change 52
Attachments: doc01527520190122131350.pdf

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Max Shierlaw
Accountant



Woolyarns Limited, 25-27 Eastern Hutt Road,
P.O. Box 35-020, Lower Hutt 5041, New Zealand
Direct: (+64) 4 920 5303
FAX: (+64) 4 920 5220
Web: www.woolyarns.co.nz



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RMA FORM 6

Further Submission on publicly notified Proposed District Plan Change

Clause 8 of the First Schedule, Resource Management Act 1991



To: Chief Executive, Hutt City Council

1. This is a further submission from:

Full Name	Last <u>SHIERLAW</u> First <u>MAX</u>	
Company/Organisation		
Contact if different		
Address	Number <u>A</u> Street <u>CLEMATIS GROVE</u> Suburb <u>MAUNGARAKI</u> City <u>LOWER HUTT</u> Postcode <u>5010</u>	
Address for Service if different	Postal Address	Courier Address
Phone	Home <u>5893669</u>	Work <u>9205303</u>
	Mobile <u>027 2606852</u>	
Email	<u>max.sarica@kinelect.co.nz</u>	

2. This is a further submission in support of or opposition to a submission on the following proposed change to the City of Lower Hutt District Plan:

Proposed District Plan Change No:

52

Title of Proposed District Plan Change:

ALIGNMENT OF THE DISTRICT PLAN
WITH THE NZ HERITAGE LIST

3. I consider that under Clause 8 of the First Schedule of the Resource Management Act I may make a further submission because:



I represent a relevant aspect of the public interest

Please give details: THE LOWER HUTT COMMUNITY HAVE CLEARLY EXPRESSED THE VIEW THAT A HERITAGE LISTING SHOULD BE VOLUNTARY.



I have an interest in the Proposed Plan Change that is greater than the interest of the general public

Please give details:



I represent Hutt City Council

4. I support or oppose the submission of:

Name and address of original submitter and submission number of original submission:

OPPOSE: HISTORIC PLACES WELLINGTON, selicity_wong@icloud.com
 HERITAGE NZ crachlin@heritage.org.nz
 ANDY MITCHELL andy@yokoso.co.nz
 EMILY JANE INNES emailyinnes@gmail.com
 SUPPORT: NEIL MCGRATH neilmcg@extra.co.nz

(Please use additional pages if you wish)

5. The particular parts of the submission I support or oppose are:

Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal

THE LISTING OF THE FORMER LOWER HUTT FIRE STATION,
 NASH HOUSE + NAENAE POST OFFICE.

SUPPORT A NEW CLAUSE BEING ADDED THAT A HERITAGE
 LISTING CAN ONLY BE MADE WITH THE OWNERS CONSENT.

(Please use additional pages if you wish)

6. The reasons for my support or opposition are:

Please give reasons:

THE HUTT CITY COUNCIL HAVE PREVIOUSLY
 RESOLVED THE ANY PROPERTY LISTED SHOULD ONLY
 BE DONE WITH THE CONSENT OF THE PROPERTY'S
 OWNER.

(Please use additional pages if you wish)

7. I seek that the whole or part [describe part] of the submission be allowed or disallowed:

Please give precise details:

NASH HOUSE, THE FORMER LOWER HUTT FIRE STATION +
 NAENAE POST OFFICE NOT BE LISTED WITHOUT THE
 CONSENT OF THE OWNERS.

THAT NEIL MCGRATH'S SUBMISSION BE ACCEPTED.

(Please use additional pages if you wish)

8. I ☒ wish ☐ do not wish to be heard in support of my submission

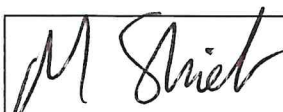
(Please tick one)

9. If others make a similar submission,

I ☐ will ☒ will not consider presenting a joint case with them at the hearing.

(Please tick one)

Signature of submitter
 (or person authorised to sign
 on behalf of submitter)



22/1/2017
 Date

A signature is not required if you make your submission by electronic means

Personal information provided by you in your submission will be used to enable Hutt City Council to administer the submission process and will be made public. You have the right under the Privacy Act 1993 to obtain access to and to request correction of any personal information held by the Council concerning you.

From: Phil Barry <phil.barry@tdb.co.nz>
Sent: Monday, January 28, 2019 9:33 AM
To: Corporate Records
Cc: Tony Stallinger
Subject: PDP Change 52
Attachments: P and M Barry Submission on PDP 52.pdf

Dear sir/madam

Please find attached our cross-submission on Submission DPC 52/4.

Kind regards

Phil and Michelle Barry

17 Myrtle St
Lower Hutt

Tel: 021 478 426
phil.barry@tdb.co.nz

RMA FORM 6

Further Submission on publicly notified Proposed District Plan Change

Clause 8 of the First Schedule, Resource Management Act 1991



To: Chief Executive, Hutt City Council

1. This is a further submission from:

Full Name	Barry Philip and Michelle	
	<small>Last</small>	<small>First</small>
Company/Organisation		
Contact if different		
Address	17 Myrtle St	
	<small>Number</small>	<small>Street</small>
	Central	
	<small>Suburb</small>	
	Lower Hutt	5010
	<small>City</small>	<small>Postcode</small>
Address for Service if different	<small>Postal Address</small>	<small>Courier Address</small>
Phone	<small>Home</small>	<small>Work</small>
	Phil: 021 478 426;	Michelle: 021 888 893
	<small>Mobile</small>	
Email	phil.barry@tdb.co.nz	

2. This is a **further submission** in support of or opposition to a submission on the following proposed change to the City of Lower Hutt District Plan:

Proposed District Plan Change No:

52

Title of Proposed District Plan Change:

Alignment of DP with NZ Heritage List

3. I consider that under Clause 8 of the First Schedule of the Resource Management Act I may make a further submission because:



I represent a relevant aspect of the public interest

Please give details:

We inputted to supported the Council Decision on 10 July 2012 that the District Plan will only list heritage buildings with the express written consent of the property owner.



I have an interest in the Proposed Plan Change that is greater than the interest of the general public

Please give details:

Council included our family home in the 2011 Heritage Building Inventory. Our home was subsequently removed when, pursuant to the Resolution of the Council dated 10 July 2012, we advised the Council we did not consent to its inclusion.



I represent Hutt City Council

4. I support or oppose the submission of:

Name and address of original submitter and submission number of original submission:

Neil McGrath, 12 Myrtle St, Lower Hutt. Submission DPC 52/4.

(Please use additional pages if you wish)

5. The particular parts of the submission I support or oppose are:

Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal

We support all of the submission.

(Please use additional pages if you wish)

6. The reasons for my support or opposition are:

Please give reasons:

The inclusion of the Council's resolution on 10 July 2012 in the District Plan is long overdue. It is in the best interests of all citizens that this long-standing Council's Policy of over six years be included in the Plan by way of inclusion in PDP Change 52.

Submission DPC 52/4 is not a Submission to change the District Plan. Its purpose and effect is to reflect the long-standing (2012) Policy of the Council in the Plan. This aligns with the purpose of PDP Change 52 to the District Plan. Submission DPC 52/4 is within scope and it is entirely appropriate and proper for it to be included in PDP Change 52 along with the other proposed changes.

(Please use additional pages if you wish)

7. I seek that the whole or part *[describe part]* of the submission be allowed or disallowed:

Please give precise details:

We seek that the whole of Submission DPC 52/4 be allowed.

(Please use additional pages if you wish)

8. I ☒ **wish** ☐ **do not wish** to be heard in support of my submission

(Please tick one)

9. If others make a similar submission,

I ☐ **will** ☒ **will not** consider presenting a joint case with them at the hearing.

(Please tick one)

Signature of submitter
(or person authorised to sign
on behalf of submitter)

Signed: P Barry and M Barry

28 Jan 2019

Date

A signature is not required if you make your submission by electronic means

Personal information provided by you in your submission will be used to enable Hutt City Council to administer the submission process and will be made public. You have the right under the Privacy Act 1993 to obtain access to and to request correction of any personal information held by the Council concerning you.

From: Caroline Rachlin <CRachlin@heritage.org.nz>
Sent: Monday, January 28, 2019 3:34 PM
To: Corporate Records
Cc: Jamie Jacobs
Subject: Further submission - proposed Plan Change 52
Attachments: HNZPT - Further Submission - HCC - PC52 - 28-01-2019.pdf

Kia ora

Please find attached a further submission of Heritage New Zealand Pouhere Taonga on proposed Plan Change 52.

Ngā mihi

Caroline Rachlin | Planner | Kaiwhakamāhare | Central Region | Heritage New Zealand Pouhere Taonga | P O Box 2629 | Level, 7
69 Boulcott St | Wellington 6140 | Ph: (64 4) 494-8325

Tairangahia a tua whakarere; Tatakihia nga reanga o amuri ake nei
Honouring the past; Inspiring the future

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28 January 2019

File ref: 33082-082

District Plan Division
Hutt City Council
Private Bag 31912
Lower Hutt 5040

By email: submissions@huttcity.govt.nz

Dear Sir or Madam

**FURTHER SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO THE HUTT CITY COUNCIL
PROPOSED PLAN CHANGE 52**

TO: Hutt City District Council

FROM: Heritage New Zealand Pouhere Taonga

- 1. This is a further submission in opposition to a submission on the following change proposed to the following plan (the proposal):**

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

- 2. Heritage New Zealand is a person who has an interest in the proposal that is greater than the interest the general public has:**

Heritage New Zealand Pouhere Taonga is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. Heritage New Zealand is New Zealand's lead agency for heritage protection.

- 3. Heritage New Zealand opposes the submission of:**

Neil McGrath
Submitter No. DPC52/4
PO Box 31113, Lower Hutt 5040
neilmcg@xtra.co.nz

- 4. The particular parts of the submission Heritage New Zealand opposes are:**

The change sought to add to paragraph (c) of the introduction of Chapter 14F that the District Plan only list buildings and structures in Appendix Heritage 2 with the express written consent of the property owner.

5. The reasons for Heritage New Zealand's opposition are:

In its submission Heritage New Zealand Pouhere Taonga supported adding new places to the Heritage Appendices. It outlined policy framework matters and historic heritage being a section 6 matter under the Resource Management Act.

Heritage New Zealand Pouhere Taonga is concerned that the submission point does not align with this statutory and policy context and may result in significant implications for identifying and protecting the City's heritage. Moreover, Heritage New Zealand Pouhere Taonga is concerned that the submission sought is on Plan content not addressed by the proposal.

6. Heritage New Zealand seeks that the whole submission be disallowed:

7. Heritage New Zealand wishes to be heard in support of this further submission.

Yours sincerely



Jamie Jacobs,
Director, Central Region

Address for service

Heritage New Zealand Pouhere Taonga
Central Region
PO Box 2629
Wellington 6140
Ph: 04 494-8325
Email: crachlin@heritage.org.nz
Contact person: Caroline Rachlin, Planner

Copy to:

Neil McGrath
PO Box 31113,
Lower Hutt 5040
neilmcg@xtra.co.nz

From: Felicity Wong <felicity_wong@icloud.com>
Sent: Tuesday, January 29, 2019 5:01 PM
To: District Plan
Cc: Contact
Subject: Fwd: Proposed Plan Change 52: Further Submission

Sent from my iPhone

Begin forwarded message:

From: Felicity Wong <felicity_wong@icloud.com>
Date: 29 January 2019 at 4:55:23 PM NZDT
To: Nathan Geard <Nathan.Geard@huttcity.govt.nz>
Subject: Proposed Plan Change 52: Further Submission

Thanks Nathan.

Further Submission of Felicity Wong, on behalf of Historic Places Wellington, an interested organisation, PO Box 12426 Thorndon, Wellington, whose service address is 21 Hay St Oriental Bay 6011, Wellington, tel 0212410441. Email as above.

Proposed Plan Change 52: Alignment of District Plan with New Zealand Heritage List". HPW can not gain any advantage from this further submission. This further submission relates to 14F Heritage Buildings and Structures, Introduction, page 15, Paragraph (c) of Proposed Plan Change 52 Document.
HPW's further submission is:

1 HPW opposes the submission of Neil McGrath (DPC 52/4) and the "further submission" of Max Shierlaw.

2. There is no proposal to include any building in Appendix Heritage 2 at this time and therefore the suggestion by Mr McGrath relating to the conditions upon which any such future addition should be made is not relevant to the present consultation and should not be considered at this time.

3. Max Shierlaw's "further submission" should be disregarded as one from a private individual without special interest who did not make any initial submission. It is thereby also outside the agreed consultation ambit.

4. In general, the Council statement referred to by Mr McGrath of 10 July 2012 is not legally binding on present Council nor is it policy required to be taken account of in Council decisions. It has no effect except as an expression of the situation pertaining at the time it was made.

5. In any event, the 10 July 2012 statement, included an important exception for properties listed by Heritage New Zealand (HNZ). The existence of that point is entirely missed in Mr Shierlaw's further submission (paras 5 & 6) which appears to support a general statement about requiring the consent of property owners even for HNZ listed properties.

6. Mr McGrath's specific proposal to add a clause to Introduction Paragraph (c) of Chapter

14F Heritage Buildings and Structure on page 15 of the Proposed District Plan Change 52 document 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 in the current Proposed Plan Change.

7. Furthermore in substance, HPW takes the view that the Resource Management Act (RMA) 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 RMA requirements as implemented by Hutt City. 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, more properly made on a case by case basis.

8. HPW seeks the following decision: to reject the proposal to amend the conditions upon which Council may decide to list a specific building in Appendix Heritage 2. That is reject the proposal be Mr McGraph and to retain the conditions as currently expressed.

9. Yes HPW does wish to be heard.

Many thanks
Felicity Wong
Chair
HPW

Sent from my iPhone