

Statement/Evidence on behalf of Petone Historical Society

Proposed City of Lower Hutt District Plan, Hearing No 1

1. Petone Historical Society wishes to comment on some of the small number of its submissions covered in this hearing. The withdrawal of the heritage parts of the plan review, on which we spent a very large amount of time, has been extremely disappointing. The curtailed plan review leaves a lot of inconsistencies in our opinion, and we trust that the Hearing Panel will manage to sort out some of those.
2. Firstly, the definition of “alteration” in relation to the definition of “height”. This submission related to the new rules for Heritage, which have now been withdrawn. However, the new definition of “alteration”, if accepted, will apply to the existing heritage rules (in 14F2), where alterations, repair and modification of heritage buildings are permitted activities. I have checked this definition against the old rule, and don’t consider that, as proposed to be worded, it will cause any harm. We therefore accept the definition without change. We would be equally happy if, having considered the need for this definition which we understand to only apply to heritage, you decide to delete it. The existing rules have operated for decades without the definition and it was only the new rules that resulted in the confusion we identified in our submission.
3. Secondly, the definition of “relocation”. The current heritage rules provide that demolition or relocation of part or all of a listed building is a fully discretionary activity. There was no definition of “relocation” in the operative plan, and with the withdrawal of the heritage provisions in the new plan, the new definition will apply to the old rule.
4. As the activity will continue to be discretionary, the alternative amendment to the definition as suggested in the S42A report would be workable, and we support that. Should new heritage rules be introduced in the future, we would need to look carefully at the definition or the rules again.
5. Finally, in the definition of “well-functioning urban environment” we requested an additional matter –
“means an [urban environment](#) that, as a minimum:
 1. –7....
 8. Recognises and provides for qualifying matters.”

6. Comments in the S42A report demonstrate a poor understanding of the NPS-UD. It is stated that qualifying matters “*relate specifically to situations where development capacity and building heights required under Policy 3 may be modified. They are not part of the definition of what constitutes a well-functioning urban environment. Instead, qualifying matters operate as a separate statutory mechanism to justify limitations on intensification in specific circumstances*”. That is exactly our point. Qualifying matters need to be included in the list of items which define a well-functioning urban environment, because if they are not taken into account and included in the definition, the need to vary development intensity cannot be recognised as part of the “well-functioning” urban environment that emerges, nor in the policy that supports it. Qualifying matters are an essential conceptual part of planning management of the urban environment. They cannot and should not be overlooked. The S42A comments show how fragmented and siloed planning thinking has become in some circumstances.
7. Lower Hutt has numerous circumstances, and numerous situations where overlays are already used in the district plan, to vary development intensity. While the PHS submission limited itself to cultural heritage matters, other qualifying matters such as risk of natural hazards (including the Wellington Fault and a range of coastal and flooding hazards) need to be reflected in an integrated way in planning in the Hutt Valley. We consider this an important matter and urge you to take this submission seriously. As stated in our submission, without this addition, often the use of the term in the Proposed Plan’s objectives and policies does not cover aspects which the legislation requires, such as heritage recognition and protection from natural hazards.
8. Please consider this as expert evidence. I have a BSc (Hons), a Diploma in Town Planning and some 55 years of experience as a planning practitioner. I am a Fellow of the NZPI and a former NZPI President. I am currently joint Editor of Planning Quarterly.
9. I am familiar with the Code of Conduct for Expert Witnesses in the Environment Court (2023) and agree to comply with it. My evidence is within my area of expertise.
10. While I am a member of the Petone Historical Society Committee, there is no differentiation between my expert opinion and the submission made by the organization.