

17 March 2022

Robert Dong
[REDACTED]

Tēnā koe Robert

Request for Information – Local Government Official Information and Meetings Act (LGOIMA) 1987

Thank you for your official information request dated 17 February 2022, in which you ask for information about the Hutt City Council's (the Council) decision-making relating to placement of heritage designations on buildings. You have specifically requested the following information:

- ...the cost/benefit criteria that were applied (or are intended to be applied) before Council makes decisions on the proposed designation of properties.
- ... information which would explain how heritage values are weighed against competing values such as fairness among ratepayers, availability of land for intensified housing uses, reducing pressures causing rent increases and respect for property rights.
- All information available to show whether (and how) the review process and the Council have determined (or will determine) whether and to what extent the net benefits of historic heritage value 'protection' restrictions exceed their net costs to:
 - the property owners;
 - other residents of the City; and to
 - Hutt City Council

By way of background, all councils are required by the Resource Management Act (RMA) to review the contents of their district plans at least every 10 years. The RMA also requires councils to protect historic heritage as a matter of national importance. In addition, Policy 21 of the Wellington Regional Policy Statement requires all councils in the Wellington region to identify significant historic heritage.

The Council is currently undertaking a review of its district plan. As part of this review, the Council will ensure that structures and buildings with notable historic heritage values are identified and listed in the revised plan. This ensures that they will be managed, preserved and conserved for the benefit and enjoyment of present and future generations.

A draft assessment of significant historic heritage buildings and structures in Lower Hutt has been prepared as part of the review. In April 2021, then again in late 2021, the Council advised potentially-impacted landowners and wider stakeholder groups that these buildings and structures were being considered for notification in the new district plan and is currently seeking their feedback on this. We will discuss with property owners and wider community about how we protect heritage before the listings and provisions are finalised in the new district plan.

Lower Hutt's draft district plan will be released for public consultation in due course with final decisions on heritage designations made following this engagement.

More information about the district plan review is available on the Council's website [here](#). Information about heritage aspects of the district plan can be found [here](#), and Hutt City Council's Heritage Policy is available [here](#).

Our responses to your specific information requests are provided below. In responding, we have assumed that your reference to 'cost' relates to financial cost.

1 ...the cost/benefit criteria that were applied (or are intended to be applied) before Council makes decisions on the proposed designation of properties.

Policy 21 of the Wellington Regional Policy Statement requires all councils in the region to identify significant historic heritage using its prescribed criteria. These criteria are:

- Historic Values: these relate to the history of a place and how it demonstrates important historical themes, events, people, or experiences
- Physical Values: these values relate to the physical evidence present
- Social Values: these values relate to the meanings that a place has for a particular community or communities
- Tangata Whenua Values: the place is sacred or important to Māori for spiritual, cultural or historical reasons
- Surroundings: the setting or context of the place contributes to an appreciation and understanding of its character, history and/or development
- Rarity: the place is unique or rare within the district or region
- Representativeness: the place is a good example of its type or era.

A cost-benefit assessment is not part of the above selection criteria and so has not been undertaken for proposed heritage properties. Accordingly, your request for this information is refused under section 17(g) of the LGOIMA, as the information does not exist and we have no reason for believing that the information is held by another agency.

2... information which would explain how heritage values are weighed against competing values such as fairness among ratepayers, availability of land for intensified housing uses, reducing pressures causing rent increases and respect for property rights.

As indicated above, properties have been identified for listing by meeting the criteria under Policy 21. Factors that are not part of the assessment criteria will not be assessed for identification of properties and structures. Accordingly, your request for this information is refused under section section 17(g) of the LGOIMA, as the information does not exist and we have no reason for believing that the information is held by another agency.

The Council recognises that there is increasing development pressure and government requirements to allow more intensive housing. This pressure potentially increases the risk of Lower Hutt losing historic heritage unless worthy buildings and structures are appropriately protected. The council allows for these differences of 'value' by establishing a range of activity areas in its [District Plan](#), each with its own set of rules. Section 14F of the current plan applies to identified heritage buildings and structures, and clusters of buildings.

3. All information available to show whether (and how) the review process and the Council have determined (or will determine) whether and to what extent the net benefits of historic heritage value 'protection' restrictions exceed their net costs to:

- **the property owners;**
- **other residents of the City; and to**
- **Hutt City Council**

As indicated previously, an assessment of financial cost is not undertaken for proposed heritage properties. Accordingly, your request for this information is refused under section 17(g) of the LGOIMA, as the information does not exist and we have no reason for believing that the information is held by another agency.

Historical heritage is a key contributor to our city's vibrancy and sense of place, particularly when it is retained, celebrated and maintained. Heritage places are therefore places that provide a connection, understanding or appreciation of the history and culture in Lower Hutt. They can also provide economic opportunities, encourage visitors and contribute to an enhanced sense of pride in an area.

With regards to costs on property owners, after undertaking the public consultation and review of the district plan, the Council may decide on restriction of certain activities that result in major changes to a structure or building identified as having historic heritage. Consent may be required to undertake activities like external modifications, additions, alterations, and relocation. It is unlikely that a consent would be necessary to carry out the usual repairs and maintenance that a homeowner would on any other property, such as repairs using the same materials, general maintenance, painting the house and interior modifications or alterations.

Hutt City Council has set aside \$1.5 million in its Built Heritage Incentive Fund, to support owners of heritage buildings and structures maintain these historical treasures over the next ten years. The fund can be used for:

- specialist advice including heritage, conservation, architectural, and structural
- conservation plans
- building and resource consent fees
- emergency building work
- seismic strengthening work
- conservation and restoration building work.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that this letter may be published on the Council's website.

Nāku noa, nā



Susan Sales

Senior Advisor, Official Information and Privacy