

12 July 2022

Allison Tindale

s7(2)(a)

Tēnā koe Alison

Local Government Official Information and Meetings Act (LGOIMA) – Request for Information – District Plan Subcommittee meeting dated 12 December 2011

Thank you for your information request of 14 May 2022, and subsequent email of 16 June 2022, relating to Hutt City Council 2011 discussions about the heritage inventory.

The resolutions of the 12 December 2011 meeting are on page 7 of the attachment included with our email to you of 14 June 2022.

We have since located a copy of the minutes of the District Plan Subcommittee held on 12 December 2011 (reference DIV/17/9272). These are enclosed with this correspondence.

I trust this additional information is of value to you.

Nāku noa, nā



Susan Sales
Senior Advisor, Official Information and Privacy

DISTRICT PLAN SUBCOMMITTEE

Minutes of a meeting of the District Plan Subcommittee held in the Hutt City Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt on **Monday 12 December 2011, commencing at 5.30pm**

PRESENT: Cr RW Styles (Chair) Mayor WR Wallace
Cr D Bassett (Deputy Mayor) Cr L Bridson
Cr C Milne

APOLOGIES: There were no apologies.

IN ATTENDANCE: Cr M Shierlaw
Cr VR Jamieson (part meeting)
Ms K Kelly, General Manager, Strategic Services
Ms B Little, Divisional Manager, Environmental Policy
Ms C Tessendorf, Senior - Environmental Policy Analyst
Ms C Smith, Graduate - Environmental Policy Analyst
Mr P Maaka, Urban Design Manager
Mr S Dennison, Communications and Marketing Advisor
Mr B Nakhies, Director, Brent Nakhies and Associates Limited (item 4)
Mr I Bowman, Principal, Ian Bowman Architect and Conservator (item 4)
Mr A Buchanan, Committee Advisor

REPORT TO COUNCIL**PUBLIC BUSINESS**

Matters requiring specific consideration by Council are shown as "**RECOMMENDED**" while those matters which are within the Committee's power to determine are shown as "**RESOLVED**".

1. APOLOGIES

There were no apologies

2. PUBLIC COMMENT

Comments are recorded under the item to which they relate.

3. CONFLICT OF INTEREST DECLARATIONS

There were no conflict of interest declarations.

4. HERITAGE INVENTORY FEEDBACK FROM OWNERS AND THE REVIEW OF THE DISTRICT PLAN (DPP12-1-20)

- a) Report No. DP2011/6/1(2) by the Divisional Manager, Environmental Policy - attached pages 1-121.
- b) Memorandum by the Chair of the District Plan Subcommittee - attached pages 122-123.

Speaking under public comment, **Ms Ann Neill representing the New Zealand Historic Places Trust (NZHPT)** expressed concern at the Chairperson's recommendations. She considered that Council ought to slow the process down and engage in comprehensive consultation with the community. She further considered that Council had a variety of non-regulatory incentives at its disposal which might ameliorate the fears of some of the affected homeowners. She reminded members that Council had a responsibility under the Resource Management Act (RMA) to identify heritage properties.

In response to questions from members, Ms Neill advised that, if adopted, the Chair's recommendations would leave Hutt City's heritage provisions in a weaker position than those of other Councils in terms of both numbers of properties registered and the level of protection offered. She further advised that there were various options available to homeowners for securing chimneys including fastening them with ties and additional concreting.

Speaking under public comment, **Mr Alan Smith** encouraged the Subcommittee to endorse the recommendations contained in the officer's report which he perceived as a positive step forward for Hutt City.

In response to questions from members, Mr Smith stated that he would happily register his own home on a voluntary heritage list. He considered that heritage registration would probably result overall in an enhanced property valuation once all variables were taken into account.

Speaking under public comment, **Mrs Michelle Barry** expressed support for the Chairperson's recommendations noting in particular her backing for a voluntary heritage inventory.

Speaking under public comment, **Mr Philip Barry** expressed strong support for the Chairperson's recommendations, and agreed that owners'

consent should be required in order for a property to be listed as a heritage building. He stated that empirical evidence from two United States-based studies had shown an estimated 27% decrease in property values resulted from being included in heritage listings.

Speaking under public comment, **Mr Michael Pangrazio** expressed strong support for the Chairperson's recommendations.

Speaking under public comment, **Mr Roy Hewson** considered that each property that had been identified as having heritage value should be evaluated with a view to allocating individual classifications. These could run the gamut from compulsory inclusion to listing being unwarranted.

Speaking under public comment, **Mr Spiros Kappatos representing the Hutt Valley Greek Orthodox Community** advised that a special meeting, canvassing members' views on the proposed heritage listing of their property, would be held on 15 January 2012.

Speaking under public comment, **Mrs Marie Whitney** expressed support for the Chairperson's recommendations. She considered that Council's consultation with affected owners had been insufficient.

In response to questions from members, Mrs Whitney advised that she had been informed by her insurance company that, owing to the inevitable restrictions associated with listing on a heritage inventory, her house cover would be withdrawn if such a listing occurred. She further advised that experienced real estate agents had, in 2010, estimated that a heritage listing would result in an approximate 25% loss in her property's value.

Speaking under public comment, **Mr Rob Whitney** expressed support for the Chairperson's recommendations. He considered that only voluntary listing should be included, and even that only after a proper consultative process had been completed.

Speaking under public comment, **Mr Robert Dong** expressed his strong support for the Chairperson's recommendation that only properties currently listed by the NZHPT as having heritage value should be included on the proposed heritage inventory.

Speaking under public comment, **Mr Robert Ashe** considered that the Chairperson's recommendations would weaken Hutt City's heritage protection practices. He further considered that more consultation and a revisiting of possible compensatory measures for homeowners was needed before it was decided that a District Plan change was in order.

In response to questions from members, Mr Ashe stated that he did not as yet favour either compulsory or voluntary heritage listing. He considered that this question could only be answered following a due consultative process. He further considered that it was problematic that of the 201 owners of properties that were included on the draft list 46% did not respond within the consultation period.

Speaking under public comment, **Mrs Cushla Jamieson** expressed support for the Chairperson's recommendations albeit considering that part (viii) (b) was incumbent upon the outcome of part (ix). She further considered that there should have been a more thorough process of consultation including not just affected property owners but, given it was for the City to decide what its heritage was, the wider community as well. She noted that the Chairperson's recommendations as they stood would be beneficial in terms of elongating the consultation procedure.

Speaking under public comment, **Mr Ross Jamieson** expressed support for the Chairperson's recommendations.

Speaking under public comment, **Mr Graeme Lyon** was largely in support of the Chairperson's recommendations although he considered that the community's feedback should be sought in addition to that of affected owners. He was concerned at the possibility of properties with unquestionable heritage value being removed from the list for purely commercial reasons.

Speaking under public comment, **Ms Christina Gibbs** expressed concern that should her home be listed on the heritage inventory it would place restrictions on prospective future owners wishing to take over the covenant on her property. She noted that her priority in regard to the covenant was to ensure its smooth transition.

Speaking under public comment, **Ms Pam Hanna representing the Petone Planning Action Group (PPAG)** considered that more consultation was required before deciding on how to proceed with the heritage inventory. She considered that there were no adverse financial effects for a property as a result of heritage listing.

Speaking under public comment, **Mrs Tui Lewis** expressed support for the officer's recommendations. She stated that her property was part of the Petone precinct and this had not undermined its monetary value. She further stated that heritage listing had contributed to good societal relations by giving her and her neighbours a common bond.

Speaking under public comment, **Mr Hugo van Stratum** expressed support for the Chairperson's recommendations. He noted that 64% of those homeowners who responded to Council disagreed with compulsory

heritage listing. He further noted that owners whose properties were listed would find themselves subject to resource consent fees for even the most minor of alterations.

Speaking under public comment, **Mrs Eva van Stratum** expressed strong support for the Chairperson's recommendations. She suggested that rates rebates for affected homeowners would be an ineffective compensatory measure as property values would, more importantly, decline. She further suggested that there were other ways to show a property's heritage value other than direct listing in the District Plan. Owners could, for instance, decide to erect a plaque acknowledging such value and place it in a spot which was visible to the public.

Speaking under public comment, **Mr Greg Haines** expressed strong support for the Chairperson's recommendations. He had upgraded his house with the need to maintain its heritage value uppermost in his thinking. However, this had to be balanced against its being a family home. He considered that having achieved this balance there was no requirement for compulsory listing which would simply detract from his ability to continue his well-thought-out modifications.

Speaking under public comment, **Ms Kelley McLatchie** expressed strong support for the Chairperson's recommendations. She was concerned at the prospect of adverse effects on both the value of her property and the cost of her insurance premiums.

In response to a question from a member, Ms McLatchie stated that the estimated loss of her property's resale value was approximately 20%.

Speaking under public comment, **Mr Gerald Davidson representing the Petone Community Board (PCB)** expressed concern at the Chairperson's recommendations. He considered that in order to fulfil its obligations under the RMA Council should enact the Heritage Inventory. He stated that his own home was located within the Riddlers Crescent Historical Precinct and that property values within the precinct had increased upon inclusion.

In response to a question from a member, Mr Davidson stated that the majority of Riddlers Crescent residents were in favour of setting up an historical precinct. Consequently, all houses were included.

Speaking under public comment, **Mr Neil McGrath** expressed strong support for the Chairperson's recommendations which he considered to be a sensible approach to the heritage issue. He further considered that there should be explicit mention that properties would only be listed in the Heritage Inventory with the owners' consent.

Speaking under public comment, **Ms Jo Wiltshire** expressed concern at the officer's recommendations. She was concerned that if adopted they would act as a disincentive to invest in property in Hutt City. She considered that the review process had been fundamentally flawed and iniquitous. She further considered that inclusion in the Heritage Inventory had to be at the discretion of each individual owner.

Speaking under public comment, **Ms Diane Knowles** was concerned that a compulsory heritage listing would make it difficult for her to proceed with planned changes to her property.

In response to a question from a member, Ms Knowles disagreed absolutely with the notion that the community had an interest in private property rights.

Speaking under public comment, **Mr Ian Mills** expressed surprise at his property's inclusion on the proposed heritage inventory. He stated that he had over a substantial period of time combined closely with a heritage architect to preserve his home's original character. He further stated that this showed there was no necessity for compulsory heritage listing.

Speaking under public comment, **Mr Jamie Meyer** expressed concern at the apparently arbitrary process utilised to identify heritage properties. He considered that his house was but one of many with similar characteristics, and was at a loss as to why his in particular had been selected.

Speaking under public comment, **Ms Sue Lafrentz** expressed concern that the Chair's recommendations, if passed, might put Hutt City's heritage at risk. She further considered that a more exhaustive consultative process should be undertaken before any heritage-related changes to the District Plan were adopted.

Speaking under public comment, **Mr James Beban** expressed general support for the officer's recommendations. He advised that Council had several areas of non-regulatory support for affected homeowners at its disposal such as rates remissions and specialist architectural advice. He further advised that New Plymouth's District Plan was not recognised as Best Practice; only their non-regulatory support was. He was concerned that, if adopted, the Chair's recommendations could see significantly adverse effects eventuate in terms of local heritage. He noted, for example, the possibility of the demolition of heritage properties occurring requiring only non-notified consent and with very little in the way of public consultation. He considered that the inaccuracies evident in

homeowners' reports could be rectified via a comprehensive period of consultation.

In response to questions from members, Mr Beban stated that Councils made decisions changing rules of land and property usage frequently. He did not consider that heritage rules in District Plans should as of right be exempt from such modification. He further stated that he had experience with section 32 analyses having completed approximately five of these. He was concerned that Council appeared not to have formulated a tentative approach before instigating a section 32 analysis. He considered that no causal link between heritage listing and decreased property values had been proven. He further considered that a whole host of factors were involved when determining a property's value of which a heritage listing was but one.

Speaking under public comment, **Ms Clare Bear Reader** expressed support for the Chairperson's recommendations. She considered compulsory heritage listing was unnecessary because owners were proud and were deliberately and carefully preserving their buildings. She suggested that Council investigate State-owned houses should they wish for particular architectural styles and features to be included within the heritage listing and leave privately-owned homes alone.

In response to a question from a member, Ms Reader considered that Council's economic analysis in terms of insurance and resale costs had been inadequate which had been highlighted by both a hastily-constructed report and legal opinion, and lack of consultation. She further considered that Council could undertake research into potentially introducing different categories of heritage value.

Speaking under public comment, **Ms Amelia Manson** expressed unequivocal support for the Chairperson's recommendations. She was concerned at the process that Council had followed particularly in regards to the inaccuracies in her report which she considered cast serious doubt on their overall findings. She was also concerned as to how distinctions between similar properties were made.

Speaking under public comment, **Mr William Pennington representing Television New Zealand (TVNZ)** expressed support for the Chairperson's recommendations. He was concerned that the report on TVNZ's Avalon site failed to recognise its complex nature and that a more balanced approach would have taken into account its commercial consideration. He stated that TVNZ had suffered a 25% reduction in the value of its Christchurch site (a decrease from \$4.2m to \$3m) following its listing as a heritage building. He further stated that TVNZ considered

that the consultation process needed to be more robust, and that commercial properties should be more closely analysed.

Speaking under public comment, **Ms Natasha Possenniskie** expressed support for the Chairperson's recommendations. She considered that additionally a proper process of peer review including direct dialogue should be initiated.

The meeting adjourned at 8.20pm and reconvened at 8.30pm.

The Divisional Manager, Environmental Policy elaborated on the report. She introduced Mr Brent Nakhies, Director, Brent Nakhies and Associates Limited and Mr Ian Bowman, Principal, Ian Bowman Architect and Conservator.

Mr Nakhies, Council's heritage consultant, confirmed that overseas-based studies (there was no local evidence) indicated the existence of both positive and negative impacts on resale values as a result of being listed as a heritage property. He was concerned at some of the percentage decreases in property values being quoted, and suggested caution be exercised. He reminded the Subcommittee that a number of factors were responsible in determining property prices ranging from the nature of the Certificate of Title to whether the neighbours are troublesome. He understood the concerns of affected owners, and clarified that his brief was to strike a balance between Council's heritage objectives and the often differing objectives of homeowners.

In response to questions from members, the Divisional Manager, Environmental Policy advised that the only significant thing she would alter from her original report would be to include a tiered ranking system for proposed heritage properties. However, the general direction of the report remained valid as Council still had to fulfil certain obligations within the District Plan. She further advised that she did not support non-notified demolition as a discretionary activity. She considered this could lead to the loss of heritage properties even amongst NZHPT-listed buildings.

In response to a question from a member, Mr Bowman advised that owners who were concerned at inaccuracies in the reports related to their properties would be contacted and any errors rectified.

In response to a question from a member, the Divisional Manager, Environmental Policy advised that determining the process in terms of possible compensation to homeowners was an important part of the ongoing Heritage Policy Review. This would go hand-in-hand with any changes to the District Plan.

The General Manager, Strategic Services advised that what compensation was available would be dictated by the Heritage Policy, and decided by the Subcommittee.

In response to a question from a member, the Divisional Manager, Environmental Policy advised that a series of public workshops would be an appropriate way to engage in public consultation. However, she considered that these should occur subsequent to any necessary amendments being made to property owners' details.

In response to questions from members, Mr Bowman advised that approximately ten properties on the proposed list had so far been assessed as having high, medium or low heritage importance. He further advised that the Durham Crescent houses, which had been identified as possessing heritage value, were chosen because they were considered to be the best representative example of their particular style.

In response to a question from a member, the Divisional Manager, Environmental Policy advised that Council had an obligation under the RMA to explicitly recognise heritage buildings.

In response to a question from a member, Mr Nakhies advised that a rigorous section 32 analysis would be more difficult in this case because of the combination of private and public benefits and costs.

Deputy Mayor Bassett left the meeting at 9.25pm and rejoined at 9.30pm.

The Chair acknowledged that the RMA did oblige Council to recognise its heritage responsibilities. However, he considered that Council had to be more specific about the properties chosen and pare the list right back.

Mayor Wallace thanked public commenters for their professionalism and admitted that future consultation must be better organised. He stated that he agreed with some public buildings being compulsorily included in the heritage inventory but considered privately-owned properties should only be listed on a voluntary basis.

Cr Bridson was concerned that parts (viii) (d) and (viii) (e) of the Chair's recommendations would provide a relatively weak standard of protection for heritage properties.

Cr Milne supported the Chair's recommendations. He considered that the legal opinion, which suggested that voluntary listing would likely not meet Council's requirements under the RMA, was questionable.

Cr Shierlaw considered that the officer's recommendations placed insurmountable burdens on the affected homeowners.

Deputy Mayor Bassett supported the Chair's recommendations and shared Cr Milne's disquiet regarding the legal opinion.

The Chair stated that if his recommendations were adopted he expected a robust section 32 analysis would offer room for manoeuvre in terms of the legal opinion.

RESOLVED:

Minute No. DP110601(2)

"That the Subcommittee:

- (i) notes the process undertaken to date for reviewing Chapter 14F Heritage Buildings and Structures in the District Plan;*
- (ii) notes the owners of buildings identified as having heritage value to the city in the Heritage Inventory have been informed of the identification, the assessment of their buildings and given information regarding the inventory and District Plan;*
- (iii) notes that feedback has been received from over half the owners of buildings identified in the heritage inventory;*
- (iv) notes the responses have been largely but not entirely in opposition to listing in the District Plan;*
- (v) notes that officers sought expert and legal advice on the issues raised in the feedback and have provided advice on these matters in Appendix 1 to the report;*
- (vi) notes that Council's heritage consultant will be following up information received from owners in their feedback which may amend the assessments for some individual buildings in the heritage inventory;*
- (vii) notes that officers recommend the following:*
 - (a) to add all buildings identified as having heritage value in the heritage inventory (as amended), to Appendix Heritage 2, Chapter 14F of the District Plan; and*
 - (b) to amend the existing provisions for all listed buildings in Appendix Heritage 1 and Appendix Heritage 2, Chapter 14F of the District Plan as follows:*
 - 1. any repair and maintenance to be permitted activity;*

2. *external alterations and modifications which are visible from the street only to be restricted discretionary activity; and*
 3. *demolition, partial demolition or relocation to be discretionary activity;*
- (viii) *instructs officers to prepare a plan change based on the following:*
- (a) *all buildings identified currently by the New Zealand Historic Places Trust (NZHPT) to be included in the District Plan (currently Appendix Heritage 1, Chapter 14F of the District Plan);*
 - (b) *all other buildings identified as part of the heritage inventory not be included in the District Plan, but remain outside the Plan;*
 - (c) *all activities for which no building consent is required to be permitted activities (includes additions, alterations, changes of use, repairs, maintenance, painting);*
 - (d) *activities requiring a building consent to be discretionary activities restricted, with requirement for non-notification, (includes demolition and relocation); and*
 - (e) *restricted discretionary criteria to be those presently included in the District Plan with the addition of two parts as follows:*
 1. *consideration of safety issues including earthquake risk and the need to ensure public safety; and*
 2. *the ability of the building owner to make an economic use of their land and buildings;*
- (ix) *requests officers do further work to:*
- (a) *assign properties on the heritage inventory to categories of heritage importance e.g. high, medium, some;*
 - (b) *further investigate adding to the core list of NZHPT registered buildings by including additional properties on a voluntary basis; and*
 - (c) *undertake thorough analysis of costs and benefits of options, as required by section 32 of the Resource Management Act;*
- (x) *notes that the Heritage Policy is currently under review; and*

(xi) *agrees that the review of the Heritage Policy should take into account the implications of the proposed plan change on the policy and level of funding in the Built Heritage Incentive Fund."*

The motion was taken in parts. Parts (i) to (vii), (viii) (a) to (viii) (c) and (ix) to (xi) were declared CARRIED on the voices. Parts (viii) (d) and (viii) (e) were declared CARRIED on a division with the voting as follows:

For

Mayor Wallace
Deputy Mayor Bassett
Cr Milne
Cr Styles

Total: 4

Against

Cr Bridson

Total: 1

5. QUESTIONS

There were no questions.

There being no further business the Chair declared the meeting closed at 9.50pm.

Cr RW Styles
CHAIR

**CONFIRMED as a true and correct record dated
this 28th day of February 2012**