

Email received from H Lampp on 18 February 2025

From: hamish@premierplanning.co.nz <hamish@premierplanning.co.nz>

Sent: Monday, 17 February 2025 5:08 pm

To: Scott Flutey <Scott.Flutey@whanganui.govt.nz>

Subject: Plan Change 63 - Submission

[REDACTED]

[REDACTED]

Please find attached a submission on Plan Change 63. I support the principle of the plan change and commend officers for the progress made to date.

My apologies for the late submission. I submit that given the submission is only five working days past the end of the notification period, accepting the late submission would not unduly prejudice any party. I respectfully request Council exercises its powers under s37(1)b) and accepts the late submission, paying due regard to the principle of public participation in plan making.

Because the submission is late, I was unfortunately unable to utilise the online ePlan submission process, hence the completed form attached.

[REDACTED]

Thanking you

Kind regards

Hamish

Hamish Lampp

Director



**PREMIER
PLANNING**

M: 0272696719

W: www.premierplanning.co.nz

Further email received from H Lampp on 19 February 2025

[REDACTED]

When I reviewed proposed Appendix A I used the marked up version via the plan change webpage link and not the ePlan. The marked up version doesn't have the hyperlinks to the scheduling reports and the reports aren't included on the plan change webpage. Therefore please disregard my commentary in respect to HH-CB-R1(3) and HH-P4(7). No amendments to these provisions are now sought as part of the submission.

Thanking you

Hamish

Hamish Lampp

Director

**Submission on a Publicly Notified Plan Change to the Whanganui District Plan
Resource Management Act 1991 In accordance with Form 5 – RM (Forms, Fees and
Procedure) Regulations 2003**

TO:

**Whanganui District Council
PO Box 637
Whanganui**

Name: Hamish Lampp

This is a submission on Plan Change No. 63 to the Whanganui District Plan.

Closing Date: 9 February 2025

1. (a) I could not gain an advantage in trade competition through this submission.

(b) I am not directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition.

2. The specific provisions of the proposed plan change that my submission relates to:

HH-P4(7)

HH-P6

HH-P11

HH-CA-R2(1)

HH-CA-R3(1)(c)

HH-CA-R3(1)(e)

HH-CA-R3(1)(g)

HH-CA-R3(1)(l)

HH-CA-R4(1)

HH-CA-R4(1) Note 1

HH-CB-R1(3)

HH-CB-R2(1)

HH-CB-R2(3)(a)

HH-CB-R2(3)(b)

HH-CB-R3

HH-CB-R3(1)(e)

HH-CB-R3(g) Note

HH-CB-R3 Note 1

HH-CB-R3 Note 2

3. My submission is that:

The overall direction and intent of the Plan Change are supported in principle. However, refinement of the provisions is necessary to establish an effective and enforceable historic heritage consenting framework. The provisions requiring further review are outlined below.

HH-P4(7)

Terms such as "functional relationships," and "viewshafts" are subjective and open to interpretation, particularly in relation to the heritage items listed in Appendix A. Specifically, the meaning of "functional relationships" is unclear and no viewshafts are identified in any of the Scheduling Reports. This policy should either be deleted or revised to provide greater clarity regarding its intent. Amend accordingly.

HH-P6

This policy is supported in principle, but it requires modification to specifically address the adverse effects associated with the heritage values of the heritage item that is subject to interior alterations. Amend accordingly.

HH-P11

It is unclear how subdivision, infrastructure, and earthworks are expected to "recognise and provide for" the "identification and protection" of historic heritage. This policy should either be deleted or revised to provide further clarity regarding its intent. It is acknowledged that this is a current provision of the WDP. Amend accordingly.

HH-CA-R2(1)

This rule refers to 'Maintenance and repairs' with the definition of maintenance referring principally to lawfully established network utility structures. For consistent drafting the rule should refer to 'Minor Works and Maintenance', a defined term and one that is used at HH-CA-R1(1). Amend accordingly.

HH-CA-R3(1)

The term "affect" is broad and subjective, which could lead to uncertainty about when the rule applies. It is not clear what level or type of effect would trigger the application of the rule.

This rule lists a number of considerations however it is not made explicit that the list is not exhaustive. There may be additional considerations relevant to the assessment of the

discretionary activity not included at *HH-CA-R3(1)(a)-(l)*. The required clarification could be included via an advice note. Amend accordingly.

HH-CA-R3(1)(c)

Relocation is controlled by *HH-CA-R4(1)* and should therefore be omitted. Amend accordingly.

HH-CA-R3(1)(e)

The general reference to design guidelines lacks clarity and may not be applicable if the guidelines are not specifically related to heritage. As there are currently no (heritage) design guidelines, it is inappropriate to reference (heritage) design guidelines. If heritage design guidelines are required, it would be best practice to either: ensure they are developed and referenced within the rule itself; remove the reference to design guidelines altogether until they are established.

Amend accordingly.

HH-CA-R3(1)(g) Note

This note is ultra vires, it cannot be made a mandatory requirement of any consent application and should be deleted. Amend accordingly.

HH-CA-R3(1)(l)

Destroying and dismantling are included in the definition of demolition. The terms are unnecessary and should be deleted. Amend accordingly.

HH-CA-R4(1)

It is recommended that a list of assessment considerations is included that addresses the following matters:

- a) Whether adaptive reuse has been adequately considered as an alternative to demolition.
- b) Whether the heritage item in its current state poses a safety risk, including loss of life in the event of an earthquake.
- c) Whether structural performance improvements to achieve relevant Building Code requirements are financially feasible.
- d) The extent to which the proposed demolition or partial demolition has been informed by the advice of qualified professionals such as conservation architects, heritage consultants, structural engineers and quantity surveyors as appropriate. Such advice should include a thorough analysis of the alternative options available and the extent of professional advice obtained and should be proportional to the scale and intensity of the demolition or partial demolition.

HH-CA-R4(1)

Destroying and dismantling are forms of demolition and the terms are therefore unnecessary.

The word "defacing" is not a precise term and can be interpreted in various ways, leading to uncertainty and inconsistency in enforcement. It might not be clear what constitutes "defacing" in the context of a heritage item—whether it refers to graffiti, physical damage, or other types of alteration. The term should be deleted.

Amend accordingly.

HH-CA-R4 Note 1

Public notification of non-complying activities is governed by specific criteria outlined in the Resource Management Act. It is not appropriate for an advice note in a District Plan to speculate on the potential for public notification. As such, the advice note is opposed and should be removed.

HH-CB-R1(3)

There are no Scheduling Reports either included or referenced in Appendix A - Heritage Items. The rule requires amending.

HH-CB-R2(1)

This rule refers to 'Maintenance and repairs' with the definition of maintenance referring principally to lawfully established network utility structures. For consistency in drafting the rule should refer to 'Minor Works and Maintenance', a defined term and one that is used at HH-CB-R1(1). Amend accordingly.

HH-CB-R2(3)(a) and (b)

The wording of this rule requires an evaluation to take place that considers the extent of the effect of the works on the context and/or setting of the item. As a result, it is not capable of objective determination.

The phrase "affect the context and/or setting of the item" is open to interpretation and lacks measurable criteria. It would be difficult to apply consistently without clear guidelines on what constitutes an effect on the context or setting.

The reference to "if identified as a historic heritage value within Appendix A - Heritage Items" is problematic. Appendix A may list heritage items, but it does not necessarily define or identify the specific historic heritage values of those items.

The term "affect" is broad and subjective, which could lead to uncertainty about when the rule applies. It is not clear what level or type of effect would trigger the application of the rule.

The term 'works' is extremely broad and extends beyond alterations and additions to a building.

The rule does not stand alone, is uncertain and not enforceable.

The current drafting of this rule is opposed.

HH-CB-R3

Destroying and dismantling are included in the definition of demolition. The terms are unnecessary.

The word "defacing" is not a precise term and can be interpreted in various ways, leading to uncertainty and inconsistency in enforcement. It might not be clear what constitutes "defacing" in the context of a heritage item—whether it refers to graffiti, physical damage, or other types of alteration. The term should be deleted.

The reference to "a component of a heritage conservation area" is vague and creates uncertainty, making it unenforceable. Additionally, the term "heritage conservation area" does not appear to be used elsewhere in the Historic Heritage Chapter. The terms should be deleted or amended.

HH-CB-R3(1)(e)

The general reference to design guidelines lacks clarity and may not be applicable if the guidelines are not specifically related to heritage. As there are currently no (heritage) design guidelines, it is inappropriate to reference (heritage) design guidelines. If heritage design guidelines are required, it would be best practice to either: ensure they are developed and referenced within the rule itself; remove the reference to design guidelines altogether until they are established.

Amend accordingly.

HH-CB-R3(g) Note

This note is ultra vires, it cannot be made a mandatory requirement of any consent application. The note should be deleted. Amend accordingly.

HH-CB-R3 Note 1

Public notification of restricted discretionary and discretionary activities is triggered by specific criteria laid out in the Resource Management Act. It is not for an advice note in a District Plan to speculate on the potential for public notification of such activities. The note should be deleted. Amend accordingly.

HH-CB-R3 Note 2

Public notification of restricted discretionary activities is triggered by specific criteria laid out in the Resource Management Act. It is not for an advice note in a District Plan to comment on the potential for public notification of such activities. The note should be deleted.

Amend accordingly.

4. I seek the following decision from the Council:

Refer to the recommendations contained at section 3 of this submission.

HH-CB-R2(3)(a) and (b) require significant redrafting in order to provide enforceable and effective rules to manage heritage setting and context effects. This may include the provision of related standards. It is respectfully submitted that the extent of redrafting that is required is deemed beyond the scope of this submission.

5. I do wish to be heard in support of this submission.

6. If others make a similar submission I would be prepared to consider presenting a joint case with them at any hearing.

7. Address for service:

Premier Planning

C/ Hamish Lampp

2A Bristow Street

Whanganui 4501

Signature:

A handwritten signature in black ink, appearing to be 'Hul.', on a light blue background.

Day time phone: 0272696719

Email: hamish@premierplanning.co.nz

Date: 16 February 2025