

WANGANUI DISTRICT COUNCIL

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**Subject:** Plan Change 29 Built Heritage  
**Meeting Dates:** 6<sup>th</sup>, 7<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> May 2013

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## 1.0 INTRODUCTION

- 1.1 Council is presently reviewing the District Plan in Phases. This Plan Change is part of a series of changes proposed as part of the Phase 3 review addressing Built Heritage issues.
- 1.2 The RMA requires each part of the District Plan to be reviewed not later than 10 years after the Plan becomes operative. The Operative Plan was made operative on 27 February 2004. In accordance with Section 73(3) of the Resource Management Act 1991, the Wanganui District Council is undertaking a review of the District Plan in 7 phases, with Proposed Plan Change 29 being Phase 3.
- 1.3 This report records the public notification and hearing process in relation to Plan Change 29. It records the Hearings and Regulatory Committee's decision made pursuant to its delegated authority to hear and determine all District Plan changes except for those delegated to an independent commissioner.
- 1.4 Proposed Plan Change 29 proposed changes to the Heritage provisions of the District Plan, the Old Town Conservation Overlay Zone and significant additions to the Heritage inventory. This has been aided by a comprehensive review of heritage items conducted in early 2012.

## 2.0 PROCEDURAL MATTERS

- 2.1 The Hearing and Regulatory Committee members were:  
Crs Westwood (Chair), Bullock, Dahya, Higgie, McDouall, Vinsen.
- 2.2 Submitters who tabled or presented information to support or expand on their submission were:

Tony Harrison	Sub 1 and 5
Larry & Sue Jones	Sub 3 and FS1
John Anderson for Wanganui Furniture Limited	Sub 7 and FS3
Wendy Pettigrew for WRHTB	Sub 8
David Sewell	Sub 9
Sylvia Allen and Sonia Dolan for NZHPT	Sub 10 and FS5
Peter Grant Robinson	FS2
- 2.3 Proposed Plan Change 29 was publicly notified in accordance with Clause 5 of the 1<sup>st</sup> Schedule of the Resource Management Act 1991 on Thursday 1 November 2012, with the period for submissions closing on Thursday 4 December 2012.
- 2.4 A total of 11 submissions were received in relation to Proposed Plan Change 29 at the close of submissions.
- 2.5 All submissions received were summarised and the decisions requested by submitters was publicly notified in accordance with Clause 7 of the First Schedule of the Act on 24 January 2013.
- 2.6 The further submission process closed on 13 February 2013. Five further submissions were received on Proposed Plan Change 29. Where further submissions make reference to an original submission, they have been summarised under the relevant submission.

- 2.7 A petition from Turere Place residents was received on 10 April 2013. The committee agreed to receive the petition as a contribution to Submission 11, and to hear Mr Vance Chapman on the matter.
- 2.8 A hearing was convened to hear submissions on 6<sup>th</sup>, 7<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> May 2013. The Committee then closed the meeting and deliberated in confidence on 16<sup>th</sup> and 31<sup>st</sup> May and 14<sup>th</sup> June 2013.

### 3.0 SCOPE OF THE PROPOSED PLAN CHANGE

- 3.1 Plan Change 29 is the first comprehensive review of District Plan heritage provisions since the preparation of the current plan in the 1990's.
- 3.2 This Plan Change proposed to amend Heritage rules to provide for different classes of heritage to reflect different levels of importance. It is not a ranking system.
- 3.3 The Old Town Overlay is retained, but with consideration of the buildings within it to give them individual status. As before, all replacement buildings will be covered by rules.
- 3.4 There have been considerable additions of residential and other items, covering the best examples of the range of styles and eras in the District.
- 3.5 The evaluation of existing and suggested items was carried out as a major research project. The project was headed by Wendy Turvey of Opus International Consultants, with Ian Bowman, Conservation Architect and a team of historians, using their own and local research input, preparing individual reports on heritage items. Although not imbedded in the plan, these form an integral part of the classification of heritage items.
- 3.6 It is acknowledged that due to budgetary and time constraints there are points where the research may need to be extended in the future.

### 4.0 RELEVANT STATUTORY CONSIDERATIONS

- 4.1 The relevant functions of the Council in this instance are set out in sections 31(a) to (f).  
***“31 Functions of territorial authorities under this Act – Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:***  
*(a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;...*”  
 To achieve the purpose of the RMA in accordance with the stated functions, any proposed District Plan provisions must be the most appropriate method of providing for any future use, development of protection of land or associated natural and physical resources within the district whilst avoiding, mitigating or remedying the effects of that development on the environment.  
 In this case, it is considered that the proposal is consistent with the Resource Management Act 1991.
- 4.2 Before a plan change is notified, the Council must undertake the following duties under Section 32 of the RMA:  
**“32 Consideration of alternatives, benefits, and costs-**  
*(1) In achieving the purpose of this Act, before a .... change...is publicly notified....an evaluation must be carried out by-*  
*(d) the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under [clause 25\(2\)\(b\)](#) of Part 2 of Schedule 1);*  
*(2) A further evaluation must also be made by-*  
*(a) a local authority before making a decision under clause 10 or clause 29(4) of the First Schedule.*

- (3) *An evaluation must examine-*
  - (b) *whether having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives,*
- (4) *For the purposes of this examination, an evaluation must take into account-*
  - (a) *the benefits and costs of policies, rules, and other methods;*
  - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matters of the policies, rules, and other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates to is publicly notified or the regulation is made.”*

#### **4.3 RMA Part II Considerations**

The purpose of the RMA is the baseline against which these statutory steps are to be carried out. Section 5 of the RMA sets out the purpose of the Act. The following sections are relevant:

##### **“5 Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*
  - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

**4.4** The plan change enables the sustainability of Built Heritage in the District by systematically identifying it and providing rules for its development.

4.4 Other sections of relevance in Part II of the Act are as follows:

##### **“7 Other matters**

- (a) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (f) *Maintenance and enhancement of the quality of the environment.”*

The proposed changes contribute to the efficient use and development of resources within the district by clarifying the rules applying to a range of Built Heritage items. Built Heritage is a significant physical resource, is important to amenity values and the quality of the environment. The proposed rule change is therefore considered consistent with section 7 of the Resource Management Act 1991.

## **5.0 RELEVANT POLICY STATEMENTS AND PLAN PROVISIONS**

### **5.1 Horizons Regional Council – Regional Policy Statement**

Section 75(2) of the Act requires that a district plan must not be inconsistent with the regional policy statement or any regional plan. Horizons Regional Council’s Operative Regional Policy Statement and Proposed One Plan are considered to be relevant to this Plan Change in that they include requirements relating to Heritage.

An assessment of how the provisions in Plan Change 29 compare with the Objectives and Policies of the Operative Regional Policy Statement and the Proposed One Plan are considered in Table 1 below.

Table 1

Regional Policy Statement (operative)		Plan Change 29
Objective 10	Policy	Evaluation
To protect heritage resources of regional significance.	<p><b>Policy 10.1</b> To identify and promote the protection of regionally significant natural and cultural heritage resources. These include places or natural resources which:</p> <ul style="list-style-type: none"> <li>a. have a high degree of importance or are part of history in the Region; or</li> <li>b. have a high degree of importance in the provision of knowledge of the Region's history; or</li> <li>c. are rare or unique in the Region; or</li> <li>d. have special cultural or spiritual significance to tangata whenua; or</li> <li>e. are already protected by a national protection mechanism; or</li> <li>f. exhibit a high degree of technological accomplishment.</li> </ul> <p><b>Policy 10.2</b> To promote the protection of sites of significant cultural, historic and spiritual value to Maori, subject to consultation with nga hapu and nga iwi. This may include ways to safeguard confidential iwi and hapu knowledge where appropriate.</p>	The provisions of Plan Change 29 satisfy these requirements

Proposed One Plan		Plan Change 29
Objective 7-3	Policy	Evaluation
<p><b>Objective 7-3: Historic heritage<sup>^</sup></b> Protect <i>historic heritage<sup>^</sup></i> from activities that would significantly reduce heritage qualities.</p>	<p><b>Historic Heritage<sup>^</sup></b> <b>Policy 7-10: Historic heritage<sup>^</sup></b> The <i>Regional Coastal Plan<sup>^</sup></i> and <i>district plans<sup>^</sup></i> must include provisions to protect <i>historic heritage<sup>^</sup></i> of national significance, which may include places of special or outstanding heritage value registered as Category 1 historic places, wāhi tapu, and wāhi tapu areas under the Historic Places Act 1993. <b>Policy 7-11: Historic</b></p>	<p>Overall Plan Change 29 satisfies these requirements. With regard to 7-11 (c) the inclusion of links to individual detailed reports for each heritage is considered adequate.</p>

	<p><b>heritage<sup>^</sup> identification</b>  (a) <i>Territorial Authorities<sup>^</sup></i> must develop and maintain a schedule of known <i>historic heritage<sup>^</sup></i> for their district to be included in their <i>district plan<sup>^</sup></i>.  Indigenous biological diversity, landscape and historic heritage  Proposed One Plan as Amended by Decisions - Clean Version  7-11  (b) The Regional Council must develop and maintain a schedule of known <i>historic heritage<sup>^</sup></i> for the <i>coastal marine area<sup>^</sup></i> to be included in the <i>Regional Coastal Plan<sup>^</sup></i>.  (c) <i>Historic heritage<sup>^</sup></i> schedules must include a statement of the qualities that contribute to each <i>site<sup>*</sup></i>.</p>	
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## 6.0 SUMMARY OF SUBMISSIONS

Refer to Appendix 1 for a summary of each submission.

## 7.0 PRINCIPAL ISSUES THAT WERE IN CONTENTION

Submissions, further submissions and hearings appearances dealt with four areas of concern

1. The validity of the entire plan change and the wisdom of proceeding with it at this time, especially in the light of the uncertainty over the likely changes to Government rules for earthquake prone buildings and current high insurance costs for heritage buildings.
2. Details of particular provisions and other corrections of fact.
3. Assessments of individual buildings, from both owners and heritage interests.
4. The appropriate treatment of Turere Place.

## 8.0 SUMMARY OF EVIDENCE HEARD

### 8.1 Key evidence presented by submitters:

- 8.1.1 The validity of the entire plan change and the wisdom of proceeding with it at this time, especially in the light of the uncertainty over the likely changes to Government rules for earthquake prone buildings and current high insurance costs for heritage buildings.
  - i. Larry and Sue Jones, 49 College Street: The need for and the process of the plan change were challenged. The matter of additional costs of maintenance and insurance to owners has not been adequately addressed. A voluntary scheme of heritage protection was proposed.
  - ii. Peter Robinson: Noted the maintenance and insurance costs of retaining heritage buildings. A cynical approach would be to remove any property for which there was an objection. A coordinated Council-wide approach to heritage is needed. The concept of withholding decisions until the Government position is clear was mooted.
  - iii. John Anderson for Wanganui Furniture: The plan change process was questioned on the basis of inadequate engagement and lack of evaluation of costs.

### 8.1.2 Details of particular provisions

- i. Sylvia Allen and Sonia Dolan, NZHPT: Objective 50 should be removed due to its ambiguity. Policy 159 should be removed as its inclusion creates a risk of repeated challenge and review. In clarification of Policy 172 a definition of contributory buildings is requested. Rules: Request that “frontage” be removed where used in rules phrase “street frontage”. Clarification of information requirements requested. The matter of signage should be addressed sooner rather than later.

#### 8.1.3 Assessments of individual buildings, from both owners and heritage interests.

- i. Mr Harrison, Riverlands: provided evidence that the NZHPT registration was deficient, the building had been altered since registration, and there were serious current problems with insurance, which could result in substantial loss to the owner and the heritage values.
- ii. Larry and Sue Jones, 49 College Street: presented evidence that the dwelling was not a good example of the neo-Georgian style.
- iii. David Sewell, Field House: provided information the NZHPT registration was removed in 1980. Raised the idea of placing the 14 Class B private dwelling in a separate list. Owners are facing serious insurance issues. Clarification of what types of post-damage repairs would be required is needed.
- iv. John Anderson, Dentist Studio, Victoria Avenue: Noted lack of visibility of this building, therefore cannot contribute to streetscape or general character of the area. The community is reluctant to assist building owners with the additional costs of retention.
- v. Wendy Pettigrew for WRHTB, Bacon Factory, Taupo Quay: Tabled additional information on the rarity and importance of this building.

#### 8.1.4 The appropriate treatment of Turere Place.

- i. Vance Chapman, petitioner: The heritage designation creates difficulties for owners. A different terminology would help.

#### 8.2 Evidence of officer's report

1. Deferring decisions for 18 months would cause an unfair period of uncertainty. The chief difficulty with the Old Town Conservation Zone was the perceived difficulty in demolishing non-heritage buildings. This will now be permitted, but with replacements subject to design guidelines.

There is considerable uncertainty over the likely outcomes of following the Hutt City example of having only voluntary listings plus NZHPT registered properties.

There is an urgent need to develop active relationship with the heritage owning community.

2. Accept many of the NZHPT points. Note information requirements are in the operative plan, but may need to be made more visible.
3. Riverlands: retain listing and await outcome of NZHPT review and then reconsider.
4. College Street: further information from Ian Bowman reinforcing the merit of the building as neo-Georgian example.
5. Turere Place: Create new classification of Special Character Area, with same rules as Residential B; include Council assets also.

## 9.0 MAIN FINDINGS ON THE PRINCIPAL ISSUES

1. The plan change is valid and should proceed. To delay it would create a prolonged period of uncertainty for all concerned. The Council is confident the plan change process has been robust. Regardless of external processes and events, it is important to have built heritage adequately identified and protected.
2. A number of changes have been made to specific rules. These are set out in in Appendix 1.

3. Changes were made to the classification level of many of the built heritage items subject to submissions. Details are set out in Appendix 1.
4. To address the particular circumstances of Turere Place a new classification of Special Character Area has been created.

## **10.0 STATEMENT OF DECISION & REASONS**

10.1 The details of decisions and reasons for decisions on all submission points are in Appendix 1

## **11.0 APPENDICES**

1. Decisions on Submissions and Reasons for Decisions
2. Marked-up Versions of Plan Change 29 following Decisions on Submissions
3. Planning Maps affected by Decisions on Submissions – (refer to separate folder)
4. Section 32 Evaluation

Signature of Chairman

Cr Sue Westwood