
REPORT 3

(1215/52/IM)

BUILT HERITAGE POLICY 2005

1. Purpose of Report

To present the review of submissions on the Draft Built Heritage Strategy and to seek approval of the Built Heritage Policy 2005.

2. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Note the review of submissions*
3. *Approve the Built Heritage Policy 2005 as set out in Appendix 1.*

3. Executive Summary

The Built Heritage Policy 2005 provides the strategic direction for the city's built heritage over the next 10 years. Following public consultation the policy has been revised to take into account some of the main issues by the submitters. These include:

- that more importance be given to identifying heritage areas throughout the city;
- the need for better protection mechanisms in the District Plan to prevent inappropriate changes including rooftop additions which impact on the heritage values of the building;
- that many heritage buildings, structures and objects have not yet been identified for listing in the District Plan with a number of submissions providing extensive lists of a variety of types of places that could be listed;
- the provision of different types of incentives for owners of listed heritage buildings;
- improved communication with owners and the community as well as the provision of advice, guidelines, and education; and
- the role tourism could have in the retention and promotion of the city's built heritage.

Some changes to the Objectives, Actions and Implementation Plan have been made and these are included in the Built Heritage Policy 2005 in Appendix 1.

With the restructuring of Council's strategy architecture the Draft Built Heritage Strategy (DBHS) will be renamed the Built Heritage Policy 2005 (BHP) when it is approved by Council.

4. Background

The Draft Built Heritage Strategy was approved for public consultation by the Built and Natural Environment Committee in June 2004. Due to the local body elections it was not publicly notified until November 2004 with submissions closing in February 2005. All owners of listed heritage buildings were sent written notice of the Draft Built Heritage Strategy (approximately 2,500 flyers were sent out to owners) as well as a range of community organisations.

A total of 98 written submissions were received. A summary of these submissions is attached as Appendix 2. Of these submissions 34 requested to make oral submissions and these were held in March and April of this year. A number of submitters also identified that they would like to take part in a public forum. This was held on 18 April and 12 people attended as well as a number of Councillors. A separate meeting with some Councillors and Council officers was also held with the Property Council on 10 May.

5. Discussion

Aside from a few submitters who did not support Council having any heritage provisions including the listing of their properties in the District Plan there was general overall support for the approach taken in the DBHS. For instance, Genevieve Orr (69) submitted that *the city's built heritage is one of its greatest assets - both socially in the environment it creates and economically in tourism (local and otherwise). It differentiates Wellington from the least attractive places and puts the city in the league of the most attractive (and savviest) places to live and work.*

The Council promotes this aspect heavily in its communications. I seek to have the Heritage Strategy truly give affect to that commitment.

The current building boom is putting the city at serious risk of losing one of its key points of difference and generators of social and economic benefits. Those who benefit most from demolition or over-altering old buildings constitute a very small number of people, while the benefits of retaining a strong heritage culture affects a huge group of residents and visitors.

Some key points raised in the submissions were:

- Twenty-four out of the ninety eight written submissions emphasised the importance of heritage areas including buildings, and their surroundings;

- Thirty-one out of the ninety eight written submissions identified specific buildings or places including other objects that they wanted to see listed in the District Plan;
- Sixty out of the ninety eight written submissions supported the provision of different types of financial support for owners of listed heritage buildings
- Sixty out of the ninety eight written submissions supported strengthening the heritage rules while five opposed strengthening the rules

Other points raised:

- the need to identify different aspects of the built heritage including maritime and rail heritage;
- improved communication with owners and the community as well as the provision of advice, guidelines, and education; and
- Six submissions pointed out the role tourism could have in the retention and promotion of the city's built heritage.

This report comments on the submissions under each of the key headings in the DBHS and makes recommendations for changes to the final policy document and comments on the cost of implementing the policy. The final policy is attached as Appendix 1. Changes to the draft policy are highlighted in bold.

Built Heritage Policy 2005

5.1 Introduction

The importance of the built heritage as a non-renewable resource was raised in the submission by Mr Cochran and Mr Murray (65) who pointed out that *... Unlike a black robin, for instance, two heritage buildings cannot be bred to create a population of new heritage buildings, and they cannot be re-created from fragmentary building DNA. Once demolished, a heritage building is gone forever.*

They submitted that the current management of heritage is not sustainable. The number of buildings and sites effectively protected by current heritage policy is so few that it is conceivable that only the iconic buildings will be left in another few decades if the current policy direction is sustained. They contended that *a key achievement of a successful built heritage policy will be to start from the principles that heritage is rare, is a matter of national importance, and is to be urgently conserved.*

Conversely, Mr Lynch, on behalf of Capital Properties and the Property Council (88) criticised the Introduction to the DBHS as being a “narrow statement about conservation” that did not address other Council strategies. Mr Lynch raised concerns about matters such as the need for fairness, equity and a balanced approach in how the city protected its built heritage.

Comment

The Introduction is wide ranging and puts the DBHS in the context of the Sense of Place Strategy and the concept of a creative city. It talks about “enhancing growth”, “making a significant contribution to the economy” and explicitly states “the continued use of a heritage building is essential to its survival”. Rather than “precluding a balanced weighing up of the circumstances of each case to meet conflicting goals” as Mr Lynch states the DBHS introduction clearly recognises that the city is an “evolving environment” with “the needs of a rapidly changing community”. This results in challenges in terms of achieving heritage protection.

The issue of heritage as a matter of national importance as well as its rarity value and the importance of conserving it is perhaps understated in the introduction particularly given the elevated status given to historic heritage in the RMA Amendment 2003. It is recommended therefore to include reference to these matters in the introduction to the policy.

5.1.1 Definition of Built Heritage

The definition of built heritage in the DBHS is: buildings, objects, structures and areas and their immediate setting, or parts thereof, as specified in the District Plan listing.

Several submitters raised concerns with the narrow focus of the definition. Robert McClean, Wellington Region New Zealand Historic Places Trust (NZHPT) (57) stated that *an explicit and clear definition of built heritage is an important and critical element of the Strategy and that it should not be based on the definition in heritage chapter in the District Plan.* Other submitters including 40, 41 and 54 also commented on the broader nature of what comprises the built heritage such as places associated with military and maritime history, archaeological sites and areas associated with a building or groups of buildings or structures.

Comment

The definition of built heritage needs to recognise the broad range of the city’s built heritage as well as the definition of historic heritage in the RMA 1991 therefore it is proposed to amend the definition in the DBHS.

Recommendation

That the definition of built heritage be amended to:

Built heritage - An individual or group of buildings, structures, monuments, or installations, or remains, and their surroundings which are associated with the city’s architectural, cultural, social, political, economic, scientific, technological and transport, military or maritime history.

5.1.2 Maori Heritage Issues

The NZHPT also considered that Maori-heritage issues should be addressed in the Strategy.

Comment

The DBHS has focused on the built heritage and does not specifically address sites of significance to iwi. As part of the ongoing process of identifying heritage places in the District Plan, Council liaises with iwi in the identification of places appropriate for inclusion in the plan. The Wellington Tenth Trust is currently preparing an updated database of sites of significance to iwi and a review of Chapter 2 Tangata Whenua Matters in the District Plan is to be undertaken as a separate process. A review of any of the heritage provisions in the District Plan will be undertaken as part of this process.

5.1.3 Rationale and Structure

The DBHS identifies three key initiatives: *1 – Reviewing the heritage rules, 2 – Establishing a new Heritage Incentive Fund and 3 – Enhancing the heritage list.*

Mr Lynch states in his submission that these three key initiatives are not part of the rationale but possible means of implementation. He also comments that by including a reviewing of the heritage rules that Council could be seen to be pre-empting any statutory process.

Comment

The three key initiatives clearly signalled Council's intent to: review the rules given the elevation of historic heritage in the RMA; to establish a new funding mechanism to provide a more flexible approach for providing assistance to owners and to enhance the heritage list which has not been updated since 1995.

Most submissions support the direction set out in the DBHS, in particular the need to have greater protection for the city's built heritage. The initiative to strengthen the heritage rules does not pre-empt any statutory processes and the public as well as property owners will be consulted on any changes to the heritage rules and any future listings in the District Plan.

Recommendation

To clarify the key initiatives in the final Built Heritage Policy it is recommended that the wording of the first key initiative be amended to:

Improving statutory protection for the built heritage – this will involve undertaking a District Plan Change to strengthen the heritage rules in the District Plan

5.1.4 Vision

The vision in the DBHS is:

Wellington is a creative and memorable city that celebrates its past through the protection, conservation and use of its built heritage for the benefit of the community and visitors, now and for future generations.

There was general support for the vision however the NZHPT submitted that the strategy should be broadened overall to include cultural heritage and that the vision should therefore be amended to read:

Wellington City is a place where cultural heritage is identified, recognised, preserved and conserved to be valued and enjoyed by present and future generations.

Comment

Cultural heritage encompasses the arts, language and moveable cultural property. These matters are beyond the scope of this policy. The vision statement does, however, fail to provide for recognition of built heritage and as this is one of the core goals of the policy it should be included in the vision.

Recommendation

It is recommended therefore that the vision be amended to:

Wellington is a creative and memorable city that celebrates its past through the recognition, protection, conservation and use of its built heritage for the benefit of the community and visitors, now and for future generations.

5.1.5 Goals

The goals in the DBHS are:

- **Recognition** – Wellington’s built heritage is recognized as contributing to our understanding of our cultural diversity and awareness of sense of place
- **Protection, conservation and use** – Wellington’s unique character is enhanced by the protection, conservation and use of its built heritage
- **Sustainable economic use** – Wellington’s built heritage is acknowledged as contributing to a vibrant economy.

Several submitters commented on the goals with Mr Lynch arguing that the goals should include: *Investment, Development of Infra-Structure, Growth and Good Contemporary Design.*

On the other hand the NZHPT submitted that the following goals be incorporated into the Strategy: The identification, protection, preservation, and conservation of Wellington’s cultural heritage will be achieved by:

- *Robust research and planning processes that take into account all relevant cultural values, knowledge, and disciplines and ensures that places are fully researched, documented, and recorded.*

- *Regulation that takes account of material of cultural heritage value and ensures the least possible alteration or loss of it.*
- *Taking a precautionary approach to any proposed changes to cultural heritage places in order to safeguard the options of present and future generations.*
- *Supporting owners to repair and maintain cultural heritage places*
- *Promoting adaptive and sustainable use in a manner that involves minimal intervention*
- *Ensuring Council adopts best practice standards in the management and protection of Council-owned properties of cultural heritage value.*

Comment

The goals identified by Mr Lynch are not really goals but a means of achieving goals. For example the provision of infrastructure should be a means to an end and not an end in itself. In a similar manner “investment”, “growth” and “development of infrastructure” are all means of achieving the goal of a “vibrant economy”. As this is a goal already expressed in the DBHS there is no need to change it.

In a similar way “good contemporary design” is a means of achieving both a “sense of place” and a unique character. Good contemporary design will help create future heritage buildings and it is possible that if the contemporary design had sufficient merit then a modern building could achieve heritage status. The DBHS does not pre-empt good contemporary design particularly for new buildings in the city.

The goals identified by the NZHPT can be seen as best practice principles for Council in implementing the BHP and align with Objective 6 -Council effectiveness. Many of the goals proposed by the NZHPT also align with the actions set out under each Objective. Where appropriate some of the actions have been amended under the relevant objectives in the final BHP.

5.1.6 Objectives

There was generally overall support for the six objectives: Recognition, Protection, Public Awareness, Conservation, Sustainable Economic Use and Council Effectiveness. However, one submitter Deyana Popova, Urban Perspectives (76) suggested a rationalisation of the objectives to three based around the Council’s statutory and non-statutory responsibilities as follows:

Objective 1: Identification (“what should be included in the City’s statutory heritage resource?”)

Objective 2: Statutory Management of Identified Heritage Resources (“how should the identified resource be managed through the District Plan?”)

Objective 3: Non-Statutory Initiatives (“what non-statutory initiatives should be adopted to promote heritage?”)

The policy is not constrained to defining Council’s statutory and non-statutory responsibilities. The objectives included in the DBHS reflect the diverse aspects of the city’s built heritage and Council’s and the community’s role in identifying, protecting

and ensuring its continued use for present and future generations. It is not therefore recommended that the number of objectives be reduced.

Several submitters made suggestions of changes to some of the objectives and actions and these are commented on separately under each objective.

5.2 Objective 1 – Recognition *To continue to recognise built heritage places as essential elements of a vibrant and evolving city.*

There were a number of recurring issues raised by submitters under this objective particularly relating to the actions including:

- Identifying surviving elements in the CBD of wooden 19th century Wellington;
- Identifying places important to local communities such as places in Makara, Glenside, Brooklyn, Kilbirnie;
- Suburban Shopping Centres – a highly significant part of Wellington’s character derives from the individual ‘villages’ of the early suburbs;
- Post WWII buildings: An acknowledgement that buildings of significance to their communities today are tomorrow’s heritage, regardless of age or era;
- Military, maritime and other places that are part of the built heritage need to be identified;
- Additional residential neighbourhoods possessing particular consistency to their period and character are important;
- Retaining Wellington's diversity through the effective preservation of individual buildings and of neighbourhoods that remain of Wellington's colonial, Victorian, Edwardian, Art Deco, 60s/70s eras, as well as significant buildings of recent decades. (Janice Swanick (58));
- Viewshafts, 'lightshafts' and ridgelines For instance, Tim Bollinger (86) suggests that the lack of remaining heritage buildings in the CBD is disguised by the fact that a number of older corner sites still remain, providing views from many critical vantage points. This provides the necessary contrast with the abundance of 1980s-model buildings in the CBD. Special provision should be given to heritage buildings in key sightlines on corner sites in the inner city;
- Rooftops: Wellington’s original roofscapes have declined in number in recent times, due to lack of height restriction. These are an integral part of the heritage fabric of a building;
- Interiors are too often overlooked and an essential part of original heritage fabric;

- Settings: There is currently no protection for the context and environs of historic buildings, such as fences, gates, walls, gardens, painted signs, fire escapes, external fittings, ancillary buildings and structures (unless specifically listed). As Di Buchan, Civic Trust, (30) summed this up in her submission: *Individual heritage places deprived of context are impoverished representatives of the very values for which they have been protected.;*
- the promotion and support of the New Zealand Archaeological Association Site Recording Scheme Upgrade and archaeological surveys as an important method and programme of cultural heritage identification and verification;
- Ranking of individual buildings; and
- Heritage areas.

5.2.1 Heritage areas

Many of the submissions raised concerns about protecting the overall character of Wellington through identifying heritage areas... *not just 'historical buildings' but the feel of the city*, particularly through identifying more heritage areas. For instance Di Buchan (30) stated *that Council needs to identify special features of Wellington's heritage that define the city, in particular the patterns of heritage discernible over extended areas and that this should be used to inform Council's overall approach to preservation.*

These submissions stressed the importance of identifying heritage areas throughout the city and many felt that this was more important than identifying individual buildings as heritage areas. For instance, Mr Lynch stated that *heritage areas should be used recognising that not all buildings may contribute and allowing for sensitive development that contributes to the heritage area.*

Another submitter, Iona Pannett (60) stated that: *it is critical that all parts of the city that have a certain defined character be given protection as soon as possible, like in Mt. Victoria, Aro Valley, Mt Cook, Courtenay Place. Places which should be given special consideration include Oriental Parade, Brooklyn, Island Bay and Kelburn.*

The identification and protection of heritage areas is both a national and international trend in heritage preservation. For instance Greg Bowron, Housing New Zealand Corporation (85) states that: *New buildings were a response to building heights and regulations, adjacent buildings, streetscape, prevailing fashion in design, etc. These are all local factors that are best considered in a group of buildings or as an area. The protection of singular buildings at the expense of a group or area quickly erodes our understanding of how the area developed and why it was important.*

Mr Bowron recommended that emphasis be placed on area identification rather than individual building identification and on the development of policies to retain the character of that area.

Comment

Both heritage areas and individual heritage buildings are integral components of the city's built heritage. A historic building is also more than just the four walls that are currently protected by the rules in the District Plan. They include interiors e.g. Erskine College Chapel, as well as their surroundings e.g. Futuna. Heritage areas and the character of wider areas in the suburbs are also important to a community's sense of place and the submissions clearly indicate the need for greater recognition and protection of the features and characteristics of these areas.

These points have been taken into account in the final Built Heritage Policy.

Recommendation

That the following action be added to the Built Heritage Policy:

Adopt a heritage area approach to identify important areas within the city which will contribute to the community's sense of place.

5.2.2 Interiors, Surroundings

A number of written and oral submissions addressed the need for greater identification and protection for the interiors of buildings as well as for their surroundings. For instance Colin Pannell (8) in his oral submission illustrated the importance of interior spaces, particularly public spaces such as entrances and stairwells. Mr Cochran and Mr Murray also pointed this out that the rules and listings in the District Plan do not currently recognise that *many remaining heritage buildings have important interiors (for example Futuna Chapel), and does not recognise that buildings exist in a context of other buildings and landscape/townscape features (for example, the National War Memorial). These things are integral to the understanding of each of the buildings.*

Comment

The Interiors Project was undertaken in 1996/7 and identified a number of buildings with significant interiors which may be worthy of listing in the District Plan. In a report to Council in 1997 it was recommended that 85 interiors be added to the Schedule of listed buildings. It is understood that these interiors were initially intended to be included in the 2001 non-residential buildings inventory, but this never happened. Of the 85 interiors recommended for inclusion, 27 building owners accepted the recommendation, 9 rejected, and 48 did not reply. This report was not followed through on due to concerns raised by property owners.

The interior of the Erskine College chapel is the only church interior that is listed in the District Plan. The implications of not addressing the listing of interiors means that any building with a significant interior is at risk. For instance in the last year a Plan Change was required to list the interior of Futuna Chapel (as well as the surrounding land).

Further work to identify and include significant interiors in the listing is required with a view to listing them to ensure important heritage features and fabric is not lost.

The listings of buildings and structures in the District Plan currently do not include the surroundings of a place unless specifically stated. This has caused some confusion and was highlighted in the legal case over the National War Memorial steps. The 2003 amendment to the Resource Management Act 1991 now provides a clear mandate for Council's to recognise the surroundings of a place.

It is proposed that the current inventory listings be reviewed and in identifying any proposed new listings the surroundings of a place will be clearly identified, including steps, outbuildings and trees etc where appropriate.

Recommendation

That the following action be added to the BHP:

- **Recognise buildings with significant interiors to ensure their protection, promotion, conservation and appropriate use for present and future generations.**
- **Acknowledge the contribution surroundings make to the heritage value of places.**

5.2.3 Ranking

At least three submissions suggested the use of ranking as part of the identification process. For instance Mr Cochran and Mr Murray (65) believe that heritage buildings, once identified, should be ranked into two principal categories for protection:

1. Buildings of very great heritage significance
Ordinary maintenance, repairs and small scale internal alterations would be permitted activities.
2. Buildings of heritage significance
Modestly scaled alterations would be permitted, such as single storey additions, internal alterations etc.

Ian Bowman, of NZIA Wellington Branch (91), wants the ranking of heritage buildings to be considered as it would enable an easier assessment for determining suitability for grants and for requirement for conservation plans or heritage inventories.

Deyana Popova, Urban Perspectives (76) also raised similar issues in her submission commenting that the Council should consider the value of a more site specific approach to the conservation/management of built heritage based on the relative significance of the individual buildings and the policies and rules would be determined based on the level of significance of each site.

On the other hand two submitters raised the issue of blanket protection for all buildings before a certain date. For example Laurie Foon (44) submitted that any building over 80 years old should have immediate listing. While Rosamund Averton, Mt Victoria Residents Association (56) suggested that *initially the focus needs to be on the 'listing' of all buildings and structures pre 1950 thereby redefining what has been considered heritage*. While Mr Lynch suggests that a balanced approach to listing buildings is required and that *only buildings with sufficiently strong heritage characteristics should be listed as individual buildings*.

Comment

The idea of creating a ranking system for heritage listings is not new. The matter was debated during the hearings for the Heritage Chapters and was also raised by the Sunset Clause Panel prior to the District Plan becoming operative in 2000. A subsequent report was commissioned by the Council in 1997/98 and a workshop held with heritage professionals to discuss whether to introduce a ranking system. Following the workshop it was generally agreed not to pursue a ranking system due to legal and budgetary considerations as well as the overall view that heritage was not about “picking winners” and therefore buildings should not be ranked.

If a ranking system were to be introduced, over 565 places (excluding trees) currently listed in the District Plan would need to be re-evaluated. This would be a substantial task and expense without necessarily achieving better protection for the built heritage which is what most of the submitters have indicated they would like to see occur. In a sense, Wellington already has a de facto ranking system as those places registered by the New Zealand Historic Places Trust are scheduled as either Category I or Category II. This can be used as a guide for both RMA and funding purposes.

Using a ranking system is generally seen to imply that some heritage places are less worthy of protection and usually gives more weight to nationally significant heritage places. However, often what may be considered locally significant is more important to the local community and reinforce their sense of place and community pride whereas something that is nationally significant may feel more remote and arouse less community interest.

The elevation of historic heritage to a matter of national importance under the RMA does not imply any sort of ranking. The overall thrust of the amendment signals the increased value and importance to be placed on historic heritage, particularly when considering proposals that could have adverse effects.

Ranking can be used to help in the administration of any funding scheme with priority being given for instance to places ranked in the top category. However, policies can be adopted for prioritising grants or other funding mechanisms without necessarily adopting a ranking system.

Similarly a robust assessment process for identifying places for listing in the District Plan can be implemented that takes into account the significance of a place, including whether it has national, regional or local significance, is an important part of a heritage area etc. without introducing a grading system.

A more blanket approach in identifying and protecting places before a certain date is used overseas. For example some places have a rolling date of 50 years before the present while others have a fixed cut-off date depending on the age and value they place on their building stock e.g. in Northern Ireland all buildings pre 1830 that remain in a reasonably unaltered form are automatically listed.

The pre-1930's demolition rule in the Mount Victoria North Character Area and a similar one in Thorndon, gives some limited protection to buildings constructed before a certain date in an effort to protect the character of the overall neighbourhood in these areas. This approach is being considered in other suburbs as part of a review of suburban areas.

A site specific approach for determining what level of change can be made to a listed place can, depending on the extent of the site, fail to take into account the surroundings of the place, its context and character. On the other hand the current listing and regulatory mechanisms can be seen to provide for such an approach. Any proposed changes to a place are usually driven by financial considerations and not the site specific characteristics or values of a place, despite the heritage criteria or design guides in the District Plan. It is proposed to address this matter in the review of the rules and the development of guidelines for heritage places as set out in this policy document.

Recommendation

That Council does not pursue a ranking system or blanket listing system for identifying and listing heritage places.

5.2.4 Trees

Some submissions raised the issue of extending the review to include provision for heritage trees. For instance, Rosamund Averton, Mt Victoria Residents Association (56) suggested that the criteria for inclusion in the heritage register/list needs to be set in such a way that it can easily be expanded to include "heritage" trees and stands of trees or plants that reflect the patterns of plant cultivation since the early settlement of Wellington.

Comment

The District Plan already has provisions for identifying and listing significant trees either individually or as a group. The current rules in the District Plan however do not give any protection to trees or groups of trees that are part of the surroundings of a place has and contributes to its heritage value. Under the proposed changes to the rules, trees or plants that are an integral part of the history of a place will be taken into account when assessing the heritage values of a place including its surroundings.

5.2.5 Registered places under the Historic Places Act 1993

Robert McClean, NZHPT (57) recommended that the review of the District Plan listings and rules explicitly provide for the addition of Historic Places, Historic Areas, Wahi Tapu, or Wahi Tapu areas registered under the Historic Places Act 1993.

Comment

Any places registered by the New Zealand Historic Places Trust will be assessed for listing in the District Plan as part of the ongoing inventory review process as currently occurs.

5.2.6 Additional places to be listed

A number of submissions particularly those from community groups such as Glenside, Makara and Thorndon provided extensive lists of places that they believe are important in their local community or in Wellington.

Comment

The places identified will be reviewed by Council officers and form part of the ongoing Inventory Review process identified in the Policy

5.3 Objective 2 – Protection

There was general overall support for strengthening the heritage rules in the District Plan (69 supported strengthening the heritage rules while 5 did not) and to review other rules where they were construed to have a negative effect on heritage buildings. Those areas of concern identified included:

- rules for additions and alterations and demolition should carry more weight;
- inadequate protection for the fifth elevation – rooftops;
- current height limits in Te Aro are too high and do not protect valuable streetscapes that feature a number of heritage buildings e.g. Cuba St; and
- the need for greater protection for heritage in the residential suburbs.

Submitters also raised concerns about the need for protection mechanisms for heritage interiors, ancillary buildings and surroundings. Di Buchan, Civic Trust, (30) was concerned that *particular the rules fail to protect small detail e.g. progressive erosion of Charlesworth houses, Oriental Parade.*

Some submitters suggested severe financial penalties be applied when rules are contravened. On the other hand some submitters such as Michael Batson, New Zealand Medical Association (21) expressed concern at the impact on the resale value of a heritage listed property if rules were tightened.

5.3.1 Additions, alterations and demolition of a listed building or area

Many submitters recommended changes to the current activity status of the rules in order to achieve greater protection for the city's built heritage. For instance Laurie Foon (44) also suggested specific levels of activity in order to strengthen the rules such

as additions and alterations becoming discretionary restricted to carry more weight and that demolition become non-complying or prohibited.

This view was also expressed by Gavin McLean (42) in his submission which stated that *the present approach that considers demolition a 'discretionary (unrestricted) activity', and additions and alterations a 'controlled activity', has allowed too much latitude for inappropriate development. Much of the reuse of buildings has produced incompetently executed hybrids with unsightly rooftop additions or inappropriate verandas of a type not generally seen in the other main centres. They are an embarrassing blight.*

Mr McLean expressed the view that: *the best way of ensuring that heritage is protected is by improving the rules. WCC should:*

- *Make demolition of a listed heritage building a prohibited activity;*
- *Make additions or alterations non-complying activities (with some small discretion allowed) with a heavy emphasis on using the discretion for the protection of heritage values.*
- *Institute height control rules that take into account the character of historic areas.*

Tony Nightingale, Serious About Heritage (96) states that the most significant way to ensure that heritage is protected is improving the rules and recommended the following:

- *That demolition of a listed heritage building be made a 'prohibited activity', as it is in Auckland.*
- *That additions or alterations be made a 'non-complying activity' or, at the very least, a 'discretionary (unrestricted) activity', with a heavy emphasis on using the discretion for the protection of heritage values.*

Comment

There was general support for a change to the heritage rules in the District Plan with many submissions indicating what they considered to be appropriate levels. These will be taken into account when a change is proposed to the District Plan heritage rules. Any District Plan Change will require public consultation and there will be further opportunity both for owners and the public to comment.

5.3.2 Other rules affecting heritage items

Many submitters also raised concerns about other rules in the District Plan which affect built heritage. In particular the current height limits around the city were seen as resulting in rooftop additions that are having negative effects on the heritage value of buildings.

For instance Kerryn Pollock (34) submitted that *the current approach to height 'limits' in the city are inappropriate when it comes to heritage buildings. As they stand, the limits invariably compromise the integrity of heritage buildings because they allow for spatially offensive, out of scale rooftop additions.* Ms Pollock suggested that *special lower limits be devised for heritage buildings.*

This approach was supported by Genevieve Orr (69) who submitted that the District Plan needed *to recognise that character is a cumulative effect of height, proportion, building materials, and style. If new buildings simply retain certain height restrictions (although this is very important) the overall effect is a change of character, this is not preserving much sense of heritage.*

Mr Cochran and Mr Murray (65) also submitted that a key achievement of a successful heritage strategy would be to remove heritage buildings and sites from the blanket application of rules for building height, sunlight access and the like altogether. There is no shortage of sites with little or no heritage value for development where the current rules and processes could continue to apply.

Comment

Height controls as well as other changes to rules that impact on heritage buildings and areas can play a key role in protecting the heritage values of a building and area. While not specifically mentioned in the DBHS, height controls, will also be reviewed along with other rules and design guides to ensure they are consistent with this policy.

5.3.3 Protecting Suburban areas

Gavin McLean (42) in his submission recommended extending the protection of heritage values to the residential suburbs states that *the heritage values of inner-city suburbs be much better protected to manage the otherwise socially positive process of suburban infill housing. In the suburbs, as in the city, the curtilage and surroundings of built heritage should also be taken into consideration.*

This point was also made in Serious About Heritage's submission which noted that the heritage values of city suburbs be much better protected. They considered that infill housing, off-street car parking, demolition and alterations are undermining one of the key elements of Wellington's unique character. They recommend that along with protecting the houses themselves, through listing individual structures and whole areas, there should be greater recognition of the broader landscape features, such as trees, cliff faces, paths, fences, gates, garages etc., that impart the character to those areas, so that settings are protected along with the streets and buildings.

Comment

There is some recognition in the District Plan at present to protect the character of parts of Mt Victoria, Thorndon and Aro Valley. Projects are also underway to review Mt Cook, Newtown and Berhampore as well as Seatoun. These projects in particular the Seatoun Heritage Character Assessment are providing a more holistic approach to identifying the heritage character of an area. The DBHS already makes provision for this type of approach to be used in assessing heritage areas throughout the city with a view to considering the appropriate types of mechanisms that encourage retention of the heritage character of an area while enabling development and change to also occur.

5.3.4 Other Matters

The NZHPT submitted that Action 2 – Objective 2, Encourage *the sustainable use of heritage buildings for present and future generations*, be deleted or removed to Objective 5. The NZHPT was of the view that *encouraging sustainable economic use may actually cause adverse effects and compromise heritage values of a place*. However, it recognised that appropriate use that is consistent with the principles of the ICOMOS charter and should be encouraged and promoted.

Comment

Encouraging sustainable use of a building does not necessarily result in adverse effects on a place. In fact it is based on the presumption that sustainable use promotes retention and adaptive reuse without compromising the heritage values of a place. It is appropriate however that this action be moved to Objective 5 as it gives a clear indication that Council not only encourages sustainable use but is also committed to contributing financially towards this happening.

Recommendation

That Action 2 – Objective 2, Encourage the sustainable use of heritage buildings for present and future generations, be moved to Objective 5.

5.4 Objective 3 – Public Awareness – *To actively promote and celebrate the city's built heritage.*

There was general overall support for this objective whether from property owners, individuals or community groups. The NZHPT recommended that the objective be renamed to Recognition and that the objective should state: *To recognise and promote Wellington's cultural heritage*. Recognition is already the first objective. The term public awareness has been used in this context as a clear signal to raise community awareness of the city's heritage.

A range of suggestions for enhancing public awareness were included in many of the submissions. Most of these reflected those already indicated in the actions, while others included:

- Heritage educational programme. The programme should be directed towards Council staff, schools, and the general public, especially persons and groups who own properties containing historic heritage places and items;
- Extend the present system of heritage noticeboards in the city;
- Establish a system of individual plaques for buildings of heritage significance;
- Enhance the explanation of Maori heritage;
- Heritage restoration awards for building restoration and development;
- Heritage walks, signboards and promotion;
- List of protected heritage buildings be posted on the City Web site in an easy-to-use form, browsable by suburb and street (i.e. not tucked away in the PDF files for the district plan);

- Plotting remains of buildings or other built structures should be mapped on a single archaeological map that is publicly available for reference purposes;
- Property owners need easy access to preliminary professional advice about any work on heritage buildings;
- Produce local heritage information material for schools so that children can start to learn the stories of their neighbourhood – this is a key part of community development as well as town planning;
- Facilitate broad debate about the role and worth of heritage and conservation across a range of avenues (e.g. public forums, exhibitions, publications);
- Survey communities on what makes their local urban environment meaningful to them;
- Establish Heritage Incubators, with a focus on bringing together people developing business around the heritage economy;
- Heritage Education – A heritage area that is devoted to courses and skills for restoring Wellingtons buildings or gardens. Encourage youth with a passion for heritage to participate;
- Heritage Handwork – A heritage area devoted to the pursuit of old Wellington skills. For example, calligraphy, weaving, cooking, baking, brick making, glazing etc; and
- Heritage activities on Council’s holiday programmes so children learn early for example teach kids how to select the correct paints for Wellington’s building styles. Have volunteers demonstrate their old time skills and give kids a go.

Mr Nightingale, Serious About Heritage (96) submitted that public awareness programmes should target developers and building owners with priority being given to *promoting a new approach, away from exploiting heritage buildings for maximum profit to fostering a sense of public good among owners and developers. The positive benefits of heritage have not been lost on some other New Zealand cities; they are gaining significant economic and social advantage from their stock of heritage buildings. So should Wellington. While positive outcomes for heritage may well be achieved effectively through incentives, a change of attitude would achieve far more.*

One submitter suggested that there should be a mechanism whereby a member of the public can suggest a new building to be protected, and that Council officers review these suggestions at regular intervals (say every six months) and update the district plan as appropriate.

Comment

The actions in the BHP identify a range of mechanisms and processes for Council to promote and celebrate the city’s built heritage particularly under the heading Community Partnerships and Stakeholders. Council officers are already working on developing a heritage website that will provide information about places listed in the District Plan, heritage trails and directions to useful guidelines for property owners. Discussions are also underway with some tertiary institutions regarding the development of higher education courses in the conservation. It is intended to pursue these actions as a priority as well as continuing to have ongoing dialogue with property owners and the community.

4.5 Objective 4 – Conservation – *To ensure that best practice in heritage conservation is followed by heritage practitioners, owners and occupiers of heritage buildings and Council staff, and the loss of heritage values is minimised.*

Few submissions specifically addressed this objective. However Robert McClean, NZHPT raised the following points: *With regards to conservation, we consider it is appropriate and important that actions should ensure Council-owned cultural heritage places are conserved according to best practice standards, including the need for Standard Operating Procedures with regard to earthworks that may damage archaeological sites. Conservation plans should be prepared for all Council-owned historic heritage, and asset management plans should be consistent and implement those plans.*

Comment

The matters raised in this submission are generally addressed in the Actions under this objective and in the Implementation Plan under Objective 6 Council Effectiveness. It would be appropriate however for there to be a clear statement of Council commitment to best practice as is indicated in this objective.

Recommendation

That the following Action be added to the objective in the BHP:

Adopt a set of guiding principles for conserving the built heritage to ensure that the heritage values of a listed place are retained.

Training

The other issue that was raised was the issue of training including *pressuring tertiary institutes into providing training for those whose professions involve conservation such as town planning and architecture.*

Comment

There is very limited opportunity for training in the conservation area whether for planners, architects or trades people. Council officers are already in discussions with some tertiary institutions and the NZHPT about this matter. No changes to the actions as identified are proposed.

5.6 Objective 5 – Sustainable Economic Use

Many submissions recognised the economic value of retaining the city's built heritage particularly through tourism, the *embodied energy savings* of preserving and restoring a heritage building and the varied uses that a heritage building could be adapted for without compromising its heritage values.

The NZHPT objected to the wording of this objective which they believe encourages and supports economic growth, without considering the protection and maintenance of the integrity of heritage places. They contend that such an objective is appropriate within a Economic Growth Strategy, but not within a Heritage Strategy and the it should be rewritten to state: *To promote the repair and maintenance of cultural heritage places and ensure the adaptive and sustainable use in a manner that involves minimal intervention.*

One submission commented that *one of the most significant failures of heritage policy in Wellington (and nationally) to date is the lack of Council, business and public awareness that the number of heritage buildings and sites around Wellington is actually very small, and that their potential value to benefit the local economy is very high.*

Comment

As has been evidenced in the last ten years, when very few heritage buildings have been demolished in the city, it is apparent that most historic buildings can be put to good economic use. They are a valuable material resource and can make a positive contribution to economic prosperity and our overall quality of life.

There is a general concern among the submitters however, at the degree of modification that has taken place in order to retain some of these buildings. For instance *Save Our Streets* considers the economic sustainability of a heritage building can be ensured without compromising its character and integrity. *Thoughtful and creative solutions can be found to realise the economic potential of a heritage building but the Council must direct owners and developers to seek these solutions.*

Similar concerns were expressed in the submission by Tony Nightingale, Serious About Heritage (96) who pointed out in his submission that *the use of heritage buildings is an important issue, if only because finding a compatible use can be difficult.* Mr Nightingale noted that the use of heritage buildings as carparks, as well as a change of fenestration, the moving of entries, the installation of balconies or verandahs and the alteration of floor levels, were inappropriate changes that should be discouraged.

Rooftop additions, earthquake strengthening and a lack of rules in the District Plan that protect interiors has meant that many buildings have been gutted out and rebuilt with little acknowledgement given to protecting the heritage fabric of these places. The provision of financial incentives for changes to buildings that respect the heritage values of the place and minimise any adverse effects can provide a positive mechanism for encouraging retention of heritage buildings.

5.6.1 Financial incentives

There were some divergent views on the provision of financial incentives for owners of listed heritage buildings. For instance, Greg Bowron, Housing Corporation of New Zealand, strongly recommended that rates reduction be considered to compensate the owner for restrictions on development potential as part of the built heritage strategy. In their view rates relief, is seen as the most effective incentive to a property owner to reinvest in his property. This view was similar to that of Mr Lynch.

On the other hand, some submitters expressed a view similar to that of Tony Nightingale in his submission, that *priority should be given to promoting a new approach, away from exploiting heritage buildings for maximum profit to fostering a sense of public good among owners and developers.*

Overall 60 submissions commented on the financial incentives identified in the DBHS. Many of these suggested a range of mechanisms such as:

- transfer of development rights;
- financial relief for owners where insurance premiums are abnormally high due to the construction method and age of building;
- rates relief;
- recognition for embodied energy savings of preservation/restoration (e.g. carbon credits);
- reducing the time over which tax depreciation is allowed on strengthening and its assoc. repair/restoration;
- greater incentives for developers to seek heritage advice at an early stage of design and planning to create heritage-friendly outcomes, rather than modifying a few things at the end;
- developer-friendly speedy processes for protection and associated resource consents and hefty fines and prosecutions for infringement of heritage rules;
- reduced resource consent fees for heritage buildings;
- re-set the rules for grants from the Heritage Fund to establish a broader, general discretion, and enable larger sums to be given in special circumstances;
- heritage incubators, with a focus on bringing together people developing business around the heritage economy; and
- provision of technical advice and assistance.

A couple of submissions also suggested penalties for owners who didn't look after their buildings. For example Guy Marriage (55) recommended that *owners and developers must be made to care for their properties at their own expense, or the properties should be repaired by the council and the owners charged accordingly, or if the situation requires, the building should be confiscated and placed in public ownership to defray the costs of lack of maintenance. As sometimes happens with heritage buildings overseas where the owner has no interest in repair, the building is sold for a nominal sum such as \$1.*

Comment

A paper which included "options for Non-Regulatory Methods of Heritage Conservation" was included in a report to the Built and Natural Environment Committee in December 2003 during the development of the DBHS. The paper recommended that Council continue to provide one-off heritage grants rather than to pursue a rates relief option. There was no direction from the Committee at this time to pursue a rates relief option and the DBHS clearly indicated Council's intention to give primacy to funding a new Heritage Incentive Fund.

Action 3 under Objective 5 which states that Council – *Investigate the use of appropriate financial instruments, covenants and other voluntary mechanisms for the*

protection of heritage places, does not preclude Council pursuing a rates relief programme. This could be investigated as part of the review of the development contributions policy where it applies to owners of heritage buildings.

Council already provides free technical and professional advice to owners of heritage buildings and this policy proposes that this be continued.

5.6.2 Tourism

Six submissions commented specifically on the failure of the DBHS to identify the potential tourism has for the city's economy. For instance Natasha Naus submitted that the retention of built heritage adds economic value not just for the building owner but to the city and the community. *Wellington's built heritage is a tourist magnet and the Council needs to recognise this fantastic asset and provide leadership and advocacy for its preservation.* A similar view was expressed by Kerry Pollock who pointed out that the 'heritage tourist' market is huge and could make up for any 'losses' sustained by property developers denied consent to build rooftop additions for example.

This view was also articulated by Roland Sapsford, Aro Valley Community Council (70) in his submission that the DBHS should acknowledge the value that built heritage adds to tourist experiences and to urban design values. He submitted that tourism should be linked to *Wellington's unique heritage stories – tourists are as interested in the unique qualities of a place as they are in shopping areas that are the same all over the world.*

Comment

Tourism can have a key role to play in the preservation, use and promotion of the city's built heritage. This was recently recognised by the World Tourism Organisation and UNESCO in the Muscat Declaration on Built Environments For Sustainable Tourism 2005, which calls upon central and local governments, tourism authorities and the tourism private sector to recognise (among other matters) *the positive role that tourism can potentially play in the preservation and conservation of natural and cultural heritage.*

The role of tourism in promoting the preservation and use of the city's built heritage is an oversight in the DPHS. There is plenty of scope for Council to work with Positively Tourism Wellington and the business community to promote the city's built heritage.

Recommendation

That the following action be added to Objective 5:

Work with the tourism and business industries to discuss ways in which retention of heritage buildings can be promoted and encouraged.

5.7 Objective 6 – Council Effectiveness

Several submissions including that by Mr Kiddey, Chair Wellington Branch NZHPT (74), supported the ongoing training of council staff to develop council expertise in this

area while others identified the need to develop a heritage culture within Council particularly in its internal decision making processes.

Mr Nightingale also commented on this matter stating that *one of the biggest impediments to council's effective management of heritage is the low priority given to built heritage within the Council. Heritage should be given primacy over most other matters so that its protection and conservation isn't compromised, thereby giving effect to the status of heritage under the RMA as a matter of national importance.*

Mr Lynch submitted that one of the keys to Council effectiveness was to improve communication and consultation with property owners. Mr Lynch points out that Action 3 in the DBHS currently excludes property owners.

Comment

The matters raised by Mr Kiddey and Mr Nightingale are already addressed under this objective and in the Implementation Plan therefore no changes are recommended.

While there are clear references to property owners in the relevant actions under the other objectives this is an oversight in this section of the policy.

Recommendation

That it is therefore recommended that Action 3 be amended to:

Maintain and develop relationships with key stakeholders and interested parties e.g. NZHPT, Wellington Regional Council, property owners, appropriate government and non-government agencies, and local community groups, to ensure wider heritage goals are met.

5.8 Implementation Plan 2005-2015

Many of the submissions stressed the importance of funding for heritage including: providing funding and support (e.g. two to three full-time equivalent staff), a community programme of heritage identification, as well as providing more funding to support the proposed new Heritage Incentive Fund.

Comment

The current allocation for heritage in the Annual Plan is \$250,000 excluding a salary component. This includes provision for legal advice, technical advice, consultants for specific projects, publication and design costs and an amount for the new Heritage Incentive Fund. The current allocation will cover the ongoing upgrade of the Heritage Inventory as well as Council continuing to be able to provide specialist advice for owners of listed buildings. There is also enough funding to manage the review of the heritage trail and to employ consultants where necessary to work on special projects including the review of heritage area that is a major issue identified through the consultation process.

The amount set aside within the current allocation for the new Heritage Incentive Fund is \$79,000 for the 2005/06 financial year, this is similar to the amount currently available. No additional funding has been allocated to cover the loss of the funds available for earthquake strengthening. This allocation runs out at the end of this financial year.

The new fund being developed includes providing grants to assist to owners with:

- conservation work, including stabilisation, repair or restoration, for at-risk, significant heritage buildings
- fire protection and maintenance and repair work that will aid the conservation of a heritage building
- funding for professional services (e.g. to undertake conservation plans, heritage inventories, condition reports) for listed heritage buildings and structures

The level of funding available clearly does not meet the intent of the new fund to provide substantial grants to at-risk significant buildings. For instance there are at least two nationally significant buildings in the city at present that fall within this category each requiring conservation and repair work of over \$300,000. While it is not intended that the Council is seen as the main source of funding for such projects, small one-off grants will make little difference to these important projects. It is proposed to put forward a new initiative for consideration in the 2006/07 Annual Plan for a substantial increase in the current allocation to provide an appropriate level of funding for the new Heritage Incentive Fund and other initiatives proposed in this policy.

Other initiatives include introducing a fees waiver for non-notified resource consent applications for conservation work on listed heritage buildings and structures, and heritage buildings in listed heritage areas. This initiative will be investigated as part of the proposed rule change to strengthen the heritage rules. The initial estimates of costs associated with the implementation of this policy indicate that it could be in the vicinity of \$100,000 per annum. The waiver of resource consent fees is used by some other local authorities such as Christchurch City Council, where the project involves a good heritage outcome. This initiative would require additional funding to the current heritage allocation.

Recommendation

That the following action be added to Objective 6

Ensure annual funding to support heritage activities identified in this policy.

6. Conclusion

There was general support for the direction the Council is taking with the development of the Built Heritage Policy 2005. Of the 98 submissions received only half a dozen were not supportive. Most of the submissions recognized the need for greater protection for built heritage due to the changes in the RMAA 2003 which elevated the protection of historic heritage to a matter of “National Significance”. The Policy and Implementation Plan have been revised based on the submissions received and a re-

evaluation of the heritage staff's work program. This is included in the Built Heritage Policy in Appendix 1.

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Supporting Information
<p>1) Strategic Fit / Strategic Outcome <i>The policy supports Council's overall vision of Creative Wellington – Innovation Capital. The policy supports Council commitment to the city's built heritage.</i></p>
<p>2) LTCCP/Annual Plan reference and long term financial impact <i>The project is contained in the Council Plan # KCDV01. There are no changes indicated in this financial year however there is a projected increase in the operational budget for heritage grants in the 2006/07 financial year of \$350,000 to provide for the new Heritage Incentive Fund and the waiver of resource consent fees.</i></p>
<p>3) Treaty of Waitangi considerations <i>The DBHS was sent to the Tenth Trust and Ngati Toa as part of the consultation process.</i></p>
<p>4) Decision-Making <i>This is a significant decision. The report includes some recommendations to amend the DBHS. These are based on a review of the submissions received as part of the consultation process.</i></p>
<p>5) Consultation</p> <p>a) General Consultation <i>There has been extensive public consultation on the Draft Built Heritage Strategy, including all owners of heritage buildings being notified.</i></p> <p>b) Consultation with Maori <i>See 3 above.</i></p>
<p>6) Legal Implications <i>Council's lawyers have been consulted on in the development of some of the funding options in the BHP.</i></p>
<p>7) Consistency with existing policy <i>This report is seeking approval for the Built Heritage Policy 2005.</i></p>