
**APPROVAL OF PROPOSED DISTRICT PLAN CHANGE 13
– FUTUNA CHAPEL**

1. Purpose of Report

To report to the Council the recommendations of the District Plan Hearing Committee concerning District Plan Change 13 – Futuna Chapel.

2. Recommendations

It is recommended that the Council:

1. *Receive the information.*
2. *Agree to confirm the recommendations of the Hearings Committee in respect of proposed District Plan Change 13 as detailed in the attached report of the Hearings Committee dated 24 and 25 March 2003.*

3. Background

District Plan Change 13 was initiated by the Wellington City Council to extend the heritage listing for Futuna Chapel in the District Plan. The exterior fabric of the Chapel building is already provided for in the heritage listing.

Futuna Chapel is sited in Karori and was part of a Catholic retreat complex that was sold to a property developer for a residential subdivision in 2000.

The change has two purposes. The first is to provide for the listing of: the whole of the interior in the Heritage Schedule, including the acrylic and glass window panes and all moveable furniture and fittings such as the altar, the pews and the crucifix which form the fabric of the interior of the chapel; and the area around the outside of the Chapel (see Appendix 1).

It was also considered essential to include an area around the Chapel to protect the building in its setting. This would ensure assessment from a heritage perspective should any future proposals be received for the establishment of further residential buildings on the site.

The second purpose was the addition of an appendix to the heritage listing that specifies specific rule provisions applying to Futuna Chapel and its setting.

4. Discussion

Proposed District Plan Change 13 was publicly notified on 2 October 2002. Fifteen main submissions and sixteen further submissions (including a number of signatories) were received. A hearing was held on the 24 and 25 of March 2003 at which 9 submitters made further representations. The Hearing Committee recommends that District Plan Change 13 be approved by Council without amendment and as detailed in the attached report.

Once approved by Council the decisions will be publicly notified and served on the submitters. Submitters then have the option of referring the matter to the Environment Court within 15 working days. If no references are made the District Plan Change will become operative.

Report from: Sue Piper

Chairperson of the District Plan Hearings Committee on Plan Change 13

WELLINGTON CITY COUNCIL

DISTRICT PLAN

REPORT OF HEARING COMMITTEE

**SUBJECT: PROPOSED DISTRICT PLAN CHANGE
13: FUTUNA CHAPEL**

**COMMITTEE MEMBERS: CRS PIPER
SIERS
AHIPENE-MERCER**

DATE OF HEARING: 24 AND 25 MARCH 2003

1. RECOMMENDATIONS

- 1) *That Proposed District Plan Change 13 as publicly notified on 3 October 2002 is approved (refer Appendix 1) subject to:*
- € *an amendment to the listing where it states “the reflective pools on each corner of the Chapel” replace with “the reflective pools on the south east and north west corners of the Chapel”.*
 - € *an amendment to the last two paragraphs of the explanation to now read:*

‘It was always the intention of the architect that the Chapel related to, and with, its exterior setting.

Because of the significance of the building, its interior, exterior and its setting the Council believes it is important that the entire building and land area be subject to Discretionary Activity (Unrestricted) provisions to assist its conservation and protection.’
 - € *an amendment to the first sentence of the explanation to now read ‘The Chapel, designed by John Scott, was constructed ...’*
- 2) *That all the submissions and further submissions be accepted or rejected to the extent that they accord with recommendation (1) above.*

- 3) *That under section 37(1) Resource Management Act 1991 time be extended for submission 13 by Futuna Trust Limited to 21 November 2001.*
- 4) *That further submission 13 by Russell Walden be accepted.*
- 5) *That the submission by Jan Robertson be disallowed.*

2.0 INTRODUCTION

This decision relates to a Council initiated plan change to extend the heritage listing in the District Plan. The change has two purposes. The first is to provide for the listing of: the whole of the interior in the Heritage Schedule, including the acrylic and glass window panes and all moveable furniture and fittings such as the altar, the pews and the crucifix which form the fabric of the interior of the chapel; and the area around the outside of the Chapel (see Appendix 1). The Heritage Schedule in the District Plan is supported by the Heritage Inventory, which provides detailed information on buildings with heritage merit. Both the 1995 Heritage Inventory entry and the review in 2001 refer to the significance of the interior of the chapel. The exterior fabric of the Chapel building is already provided for in the heritage listing.

In this case it was also considered essential to include an area around the Chapel to protect the building in its setting. This would ensure assessment from a heritage perspective should any future proposals be received for the establishment of further residential buildings on the site.

The second purpose was the addition of an appendix to the heritage listing that specifies specific rule provisions applying to the Futuna Chapel site. The rule proposes that all additions and alterations, the total or partial demolition, destruction or removal of the Chapel or new buildings or structures within the identified land area around the building are a Discretionary Activity (Unrestricted). A resource consent would be required for such works and it is likely that it would be notified (see Appendix 1).

Fifteen main submissions and sixteen further submissions (including a number of signatories) were received. Of these only two opposed the proposed change. The Committee was asked to consider extensions of time for 2 submissions which were received late. After consideration (and there being no opposition) the Committee resolved to accept Submission 13 by Futuna Trust Limited. The Committee noted that the submission by Jan Robertson was received 22 days following the closure of submissions and after the public notification for further submissions. As it was not available for submitters to comment on in the further submissions process the Committee resolved to disallow the submission. The Committee agreed to accept Further Submission 13 by Russell Walden. The Committee was of the view that no one was prejudiced by the granting of the waiver.

The Committee gave careful consideration to all the issues raised by the submitters, including those issues elaborated on in presentations by the 9 individuals who appeared before the Committee. The Committee also visited the Chapel and site. The following sets out the Committee's reasons for making this decision.

3.0 PROCEDURAL MATTERS RELATING TO THE PLAN CHANGE

The Committee gave careful consideration to the procedural issues raised in the Oral Presentation by Mr Anastasiou, Counsel for Futuna Trust Limited. These matters are addressed in sections 3.1 – 3.3 of this decision.

3.1 Whether the process required by Section 32 was followed including:

(a) Whether any preparatory work had been done

The Committee was of the view that Section 32 had been followed in that there was a clear trail of information that Council officers had considered in preparing the proposed plan change. The Committee noted that since the time the Chapel was listed in the District Plan further research had been done on the heritage significance of the Chapel for the Heritage Building Inventory 1995 and 2001. Further investigative research on the significance of the building and its setting was carried out by officers and heritage and landscape consultants as part of the resource consent process (SR 70980) for the Futuna Retirement Village Development.

The Committee noted that the benefits and costs of setting aside the area of land to be included in the proposed District Plan change (and the Chapel) had been worked through with the owner as part of the resource consent process and that by agreeing to the landscape plan that was prepared as part of the resource consent and by agreeing to the resource consent conditions affecting the area of land the owner understood the significance of the site and the need to protect the open space area to the north of the Chapel, and the view of the Chapel from Friend Street. The Committee also took into account the financial and other assistance to which the owner of a listed heritage item would be entitled.

(b) Whether any alternatives including heritage orders were investigated

The Committee was satisfied that Council officers had investigated alternative means of protecting the Chapel and its setting including whether to follow the heritage order process in accordance with s.189 of the Resource Management Act 1991.

The Committee took into account that either the Council or some other agency (e.g. NZHPT) could seek a heritage order to protect the Chapel (including the interior and curtilage). However, the Committee considered that the Resource Management Act 1991 and the Historic Places Act 1993 envisaged that the responsibility for protecting natural and physical resources including places with heritage value was the prime responsibility of private owners. This is also indicated in the objectives, policies and rules in the Wellington City District Plan and the financial and other incentives the Council makes available for owners of listed heritage buildings, objects and areas.

The Committee considered that the research that was undertaken on the Chapel as a part of the inventory listing process as outlined above was part of the Section 32 analysis that the Council had already undertaken to determine the significance of the Chapel (including the interior, exterior and its setting). The Committee also took into account that the further work that had been undertaken as part of the resource consent and interim enforcement order process reinforced the significance of the Chapel and its interior and setting and its need for protection. The Committee was satisfied that

in terms of the records available and their accessibility that the Section 32 requirements had been met.

3.2 *Consultation with landowner*

The Committee considered that while the landowner had not been consulted on the actual proposed plan change that there had been ongoing discussions with the landowner over the previous 18 months as part of the resource consent process about the importance of protecting the Chapel and its setting. The result of these discussions was reflected in the area agreed to be set aside as parking space, driveways and private open space in the resource consent.

The Committee was satisfied that there appeared to be a sense of urgency in the decision taken by the Council in publicly notifying the District Plan Change due to concerns about the state of the exterior and interior of the Chapel and the redevelopment of the area around it as part of a subdivision. The Committee was aware of the interim enforcement order that was granted on 7 September 2002 *to cease any removal, amendment, or damage to any component of the exterior and interior of the building, including (but not limited to) removal of any roofing material and internal furniture and fixtures such as (but not limited to) any remaining pews, the concrete uprights of the pews, the altar, cross, the 12 stations of the cross and the marble floor.* The order also made provision for the owners to secure the building.

3.3 *Whether the proposed change was ill-thought out and unworkable and is harsh and oppressive and inequitable for the landowner*

The Committee is of the opinion that the plan change is not ill-thought out, unworkable, harsh and oppressive as most heritage places listed in the District Plan are in private ownership as was envisaged by the provisions in the RMA 1991 and the objectives, policies and rules in the Wellington City Council District Plan.

The Committee is optimistic that new uses for the Chapel can be identified that are appropriate to the heritage values of the interior and its setting. The Committee acknowledged that the community, Council and the NZHPT are prepared to help in finding an adaptive re-use of the Chapel and its setting that is appropriate to its heritage values.

4.0 **REASONS**

4.1 *Significance of interior (including fixtures and fittings and spatial qualities) and exterior (as set out in map in Plan Change 13)*

The Committee heard from a number of submitters who were strongly supportive of the proposed listing of the whole interior and all movable fittings and furniture forming the fabric and spatial qualities of the Chapel as well as the exterior, and the proposed rules controlling the types of activity that could affect the Chapel.

The Committee took into account the emphasis a number of the submitters placed on the local, national and international significance of the Chapel and that it was considered to be a heritage icon for all New Zealanders. The Committee also considered the points raised by Submission 9 and Further Submission 13 that as the design of the building 'is one of New Zealand's most expressive and significant

architectural creations’, recognition should be given to the architect of the Chapel, John Scott, in the explanation to the listing.

The Committee recognized that there were in fact only two reflective pools on the south east and north west corners of the Chapel. However it considered that the two pools (with an overflow mechanism) were an integral part of the original design of the building¹ and were not merely drains as put forward by the landowner in his oral submission. The Committee therefore considered the pools to be an essential part of the exterior of the building and recommended that the description in the listing and the explanation be amended accordingly.

The Committee accepts the NZHPT submissions, written and verbal, that the setting is an important part of the Chapel. In particular the point raised by the NZHPT in its oral submission that the importance of the setting to a heritage place is recognized internationally as well as in the ICOMOS New Zealand Charter 1992 which states that *“the historic setting of a place should be conserved with the place itself”*².

The Committee considered that it was important that the area between Friend Street and the Chapel including the driveway and carparking area be included in the as they were an integral part of the setting for the Chapel in that they enabled a visual link to be maintained from the street to the Chapel.

The Committee was of the view that it was always the intention of the architect that Chapel related to, and with, its exterior setting and that the setting included the marae atea (open area to the north of the Chapel), the driveway, the entrance from Friend Street and the carparking area between the Chapel and Friend Street.

The Committee recognized that, with some change through the loss of the linkage to the former Kirkcaldie homestead, the area as set out in the District Plan Change reflected the original site layout for the Chapel when the Chapel was designed for its specific setting by the architect. The Committee considered that the explanation should be adjusted accordingly to recognize this.

5.0 CONCLUSION

The Committee was persuaded, taking into account both the oral and written submissions, that Futuna Chapel comprises the interior (including fixtures and fittings and spatial qualities), the exterior including the two reflective pools and the setting (as identified in the plan change) and that the purpose of the plan change is to identify and protect Futuna Chapel in its entirety.

The Committee was of the opinion that the inclusion in the listing and the associated rules will ensure that any proposed additions, alterations, demolition etc. that may effect these features will have to have regard to their heritage values.

The Committee also considered that it was important that the Chapel not be hemmed in by new residential uses that would isolate the building and limit future use of,

¹ John Scott, Futuna Chapel Drawings 1 and 12 June 1959

² ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value General Principle 6

restrict access to, and views of, the Chapel, and that the proposed listing and rules would ensure this would not happen.

The Committee heard from the owner of the land and his counsel that the proposed change would restrict future development of the building and the site however the Committee was of the opinion that the owner understood the significance of the Chapel and its setting and the need to protect these as part of agreeing to the conditions of the resource consent which identified the area around the chapel as open space.

The Committee is satisfied that the plan change with the amendments as set out in the recommendations will “promote the sustainable management of natural and physical resources” and in particular recognizes and protects the heritage values of the Chapel and its setting as provided for in section 7 (e) of the Resource Management Act 1991. The proposed plan change is therefore consistent with the purpose and principles of the Resource Management Act 1991. On this basis, Proposed District Plan Change 13 to the Wellington City District Plan has been recommended for approval, subject to the changes outlined above.

Sue Piper
Chairperson, Hearings Committee District Plan Change 13

Appendix 1

Amend the Heritage list of buildings on page 21/24 of the Operative District Plan to read as follows:

Futuna Chapel 1961, including:

- € *the whole interior and all movable fittings and furniture forming the fabric and spatial qualities of the Chapel at the time of completion;*
- € *the area of land (including the reflective pools on the south east and north west corners of the Chapel) identified in Appendix 3 of Chapter 21;*

refer to Appendix 3 of Chapter 21 of the District Plan for specific rules.

Include the following as Appendix 3 to Chapter 21:

“Appendix 3. Futuna Chapel (including the whole interior and all movable fittings and furniture forming its fabric and spatial qualities of the Chapel *at the time of completion*, the reflective pools on the south east and north west corners of the Chapel, and its setting)
62 Friend Street, Karori

Particular provisions for Futuna Chapel (62 Friend Street, Karori, Part Lot 1 Plan A/1630)

1. Heritage Rule 21.2.2 (relating to additions and alterations) shall not apply and the following will apply:
 - € Additions and alterations to Futuna Chapel as listed in the heritage list of buildings in Chapter 21 are a Discretionary Activity (Unrestricted) and the assessment criteria in Rule 21.3.1 (where relevant) will apply;
 - € Rule 21.3.1 shall apply to total or partial demolition, destruction or removal.
2. The construction of any buildings or structures in the area identified in the plan attached, except for structures approved under Resource Consent 70980, is a Discretionary Activity (Unrestricted).

Explanation

The Chapel, designed by John Scott, was constructed in 1961 and is considered to be “a landmark building in the work of New Zealand’s

first Maori architect... and one that has successfully synthesized various influences to create a genuinely local modern architecture ... “(Heritage Inventory 2001). It is registered as a Category I building under the Historic Places Act 1993.

The chapel, including the whole interior and all movable fittings and furniture forming its fabric and spatial qualities and its setting, has both national and international significance. It embraces both Maori and European traditions and designs. “As a chapel of silence, its use of light, its directness and subtleties of texture and space, its precision and geometry, its colour and mystery, its honesty of expression and lack of egotism mark Futuna as a religious building unique to the Pacific” (Russell Walden Voices of Silence 1987).

Built on the plan of a Greek cross, it uses natural materials in its construction with rough cast concrete and timber beams, kahikatea roof sarking, concrete and wooden pews and serpentine flooring. The central pole, sharply sloping eaves, and its modest deferential entrance gives the building significant reference to a traditional Maori building.

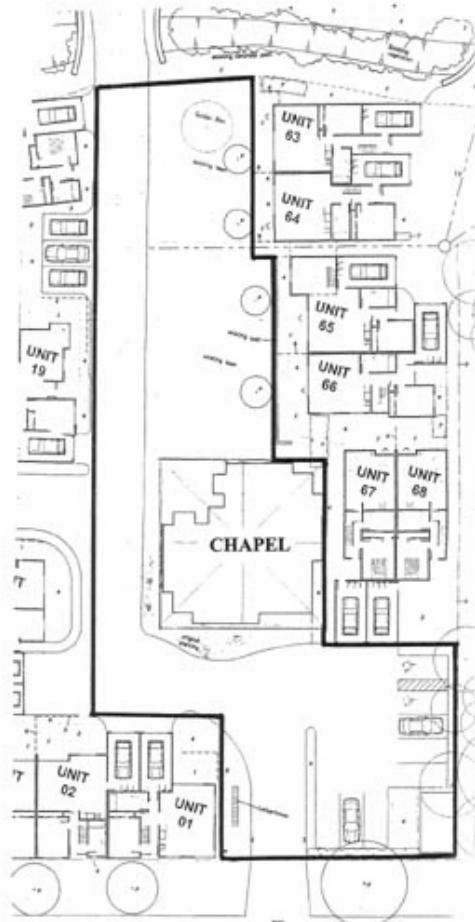
The location of the altar in relation to the entrance porch; the South African cardinal-red granite altar table; the design of the roof and the acrylic and glass panes that use the sun’s cycle to illuminate the altar, sanctuary, walls, and the crucifix; and the stations of the cross combined to create a sense of “stillness” that is the essence of a place of retreat which was the intent of the chapel.

*Both the interior and the exterior of the chapel have been identified as having **emotional** values due to its religious and social associations; **design** values due to its all encompassing design that explores a New Zealand vernacular - a unique building that addresses issues of religion, culture and heritage within architecture; and **level of authenticity** values in that it maintains a high level of design material, setting, workmanship and craftsmanship (refer Heritage Building Inventory 1995). The amendment to the Inventory in 2001 also identifies the **aesthetic** value of the chapel as being very great, for its artistic achievement, the originality of its interior spaces, and the mystic and ageless qualities that are its hallmark.*

It was always the intention of the architect that the Chapel related to, and with its exterior setting.

Because of the significance of the building, its interior, exterior and its setting the Council believes it is important that the entire building and land area be subject to Discretionary Activity (Unrestricted) provisions to assist its conservation and protection.

Futuna Chapel - 62 Friend Street Karori



FRIEND ST

— Boundary of area in which buildings and structures are a Discretionary Activity (Unrestricted)