

30 June 2023

Chris Milne
fyi-request-22647-4a9e8aa1@requests.fyi.org.nz

Susan Sales
Senior Advisor Official Information and Privacy
04 570 6666 / 0800 488 824
Susan.Sales@huttcity.govt.nz
Our reference: LGOIMA

Dear Chris

Request for Information – Local Government Official Information and Meetings Act 1987 (LGOIMA)

We refer to your official information request dated 3 May 2023 for information, from 1 February 2023, about the addition of Bay Street and Beach Street to HA08.

The information you have requested in questions 1 - 3 is enclosed (see Appendix 2). Our response to question 4 was provided to you on 30 May 2023.

Some parts of this information have been withheld under sections 7(2)(a), 7(2)(f)(i) and 7(2)(g) of the LGOIMA. More detail on these withholding grounds is provided in Appendix 1 of this letter. In making the decision to withhold this information, we have determined that the withholding of that information is not outweighed by other considerations which render it desirable, in the public interest, to make that information available.

Please note that this response to your information request and your name may be published on Hutt City Council's website, on the following link: www.huttcity.govt.nz/council/contact-us/make-an-official-information-act-request/proactive-releases

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely



Susan Sales
Senior Advisor Official Information and Privacy

Encl:-

Appendix 1 – Section 7(2) withholding grounds

Appendix 2 - HA08 attachments

Appendix 1 – Section 7(2) LGOIMA withholding grounds

- (2) Subject to [sections 6, 8](#), and [17](#), this section applies if, and only if, the withholding of the information is necessary to—
- (a) protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) protect information where the making available of the information—
 - (i) would disclose a trade secret; or
 - (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
 - (ba) in the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the [Resource Management Act 1991](#), to avoid serious offence to tikanga Maori, or to avoid the disclosure of the location of waahi tapu; or
 - (c) protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—
 - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - (ii) would be likely otherwise to damage the public interest; or
 - (d) avoid prejudice to measures protecting the health or safety of members of the public; or
 - (e) avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (f) maintain the effective conduct of public affairs through—
 - (i) the free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom [section 2\(5\)](#) applies, in the course of their duty; or
 - (ii) the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (g) maintain legal professional privilege; or
 - (h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
 - (j) prevent the disclosure or use of official information for improper gain or improper advantage.

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER OF:

Hutt City Proposed District Plan
Change 56: Enabling Intensification
in Residential and Commercial Areas

SECTION 42A REPORT OF CHESSA STEVENS – HERITAGE ASSESSMENT

Dated 7 March 2023

Released under the Local Government Official Information and Meetings Act

Submissions for the Extension of the Petone Foreshore Heritage Area

43. The heritage values of the Petone Foreshore Heritage Area can be summarised as follows:

- (a) The area has high historic values as an example of some of the earliest residential development in Wellington.
- (b) The area has high physical values derived from the consistent late 19th and early 20th century subdivision patterns, and the integrity of its traditionally constructed late 19th and early 20th century timber frame buildings. There is also high potential for further information about the past of Petone, Lower Hutt and New Zealand to be revealed through investigation by archaeological methods.
- (c) The area has high social values, holding sentimental significance for the generations of people who have lived there, and being well recognised by the community as contributing to the shared history and identity of Petone.
- (d) The area has high rarity for its intact late 19th and (predominantly) early 20th century residential buildings.
- (e) The area features good examples of buildings of a particular age and type, conferring a high level of representativeness.

44. The Desktop Heritage Inventory Review Report issued in April 2021 identified Nelson Street, Bay Street, Beach Street, Queen Street, Buick Street and Bolton Street between Jackson Street and the Esplanade for potential inclusion in a Petone Foreshore Heritage Area. The boundaries of the proposed area did not change in the Draft Heritage Inventory Review Report issued in June 2021.

45. Following the June 2021 Draft, HCC requested a review of the Petone Foreshore Heritage Area due to its size, particularly given the intensification requirements of the NPS-UD and the treatment of historic heritage as a qualifying matter.

46. This review confirmed that Queen, Buick, and Bolton Streets were the most intact, and were therefore critical to the heritage values of the proposed Petone Foreshore Heritage Area; while modern redevelopment at the northern and southern ends of Nelson Street, at the northern end of Beach Street, and sporadically along Bay Street had eroded their cohesion and integrity. The proposed Petone Foreshore Heritage Area was therefore reduced to Queen, Buick and Bolton Streets.
47. In submission 102.1, Graeme Lyon requests that consideration be given to extending the Petone Foreshore Heritage Area to include Beach and Bay Streets, but does not provide a detailed explanation as to why. The submission focusses more strongly on the need for appropriate “zoning” to require “in character development” within the wider foreshore area. My evidence does not discuss the definition of ‘character’ or the difference between ‘character’ and ‘heritage’. This will be addressed by other experts on behalf of HCC.
48. In submission 44.1, Laura Skilton requests that the Petone Foreshore Heritage Area be extended to include Bay Street and Beach Street “as a minimum” on the grounds that they “are not substantially different” to Queen, Buick and Bolton Streets. In the submission, Laura Skilton has provided an analysis of Beach and Bay Streets against the criteria of Policy 21 of the RPS.⁴ In general, I agree with the statements made in this analysis, particularly as regards historic themes and associations, architectural and townscape values, age and representativeness, noting that there has been some dilution of these values through modern development.
49. I have reviewed the extent of the proposed Petone Foreshore Heritage Area, and I agree that Bay Street (particularly the western side) and Beach Street (particularly the south end) have heritage values that are consistent with the other streets included in the proposed Area, and therefore meet the criteria of

⁴ Laura Skilton’s submission and analysis refer multiple times to “the report”, “the analysis” and “the summary document” without specifying which particular report, analysis or summary document are being referred to. I have not cross checked all of these references in reviewing her Policy 21 analysis as I do not believe it changes the general nature of the statements made.

Policy 21 of the RPS. I support the inclusion of Beach and Bay Streets in the Petone Foreshore Heritage Area to the extent shown in Figure 1.



Figure 1: Extent of Bay and Beach Streets proposed for inclusion on the Petone Foreshore Heritage Area. Properties identified in dark red (34 Bay Street and 52 Beach Street) are individually scheduled heritage items. Properties shaded in pale red have been identified as contributing.

Submission for the Consideration of the Petone 2040 Spatial Plan 2017

50. In her submission (44.1) Laura Skilton requests that “consideration is made for the area identified in Figure 2.1.5 of the Petone 2040 Spatial Plan” prepared by McIndoe Urban Ltd in 2017. I have assumed that what is being requested here is for consideration to be given to making all of those residential areas identified in Figure 2.1.5 as “Areas of Cohesive and Intact Traditional Housing” into Heritage Areas.

51. I do not disagree that, to a certain extent, these areas are representative of Lower Hutt’s early development, and that many historic residences remain intact or substantially intact in these areas. The Desktop Heritage Inventory

Review Report undertaken in 2021 was necessarily high level. It is possible that more detailed analysis of the area bounded by the railway line, the river, Jackson Street, Kensington Ave and Cuba Street may identify other areas with heritage value.

52. However, I note the Petone 2040 Spatial Plan did not use the criteria of RPS Policy 21 to assess “Areas of Cohesive and Intact Traditional Housing” and, therefore it cannot be assumed that these areas would necessarily qualify as Heritage Areas.

53. I also note that the “Areas of Cohesive and Intact Traditional Housing” encompass other proposed Heritage Areas, including the Riddlers Crescent and Patrick Street Heritage Precincts, and the Hutt Road Railway, Petone State Flats, and Moera Railway Heritage Areas. Therefore, consideration has already been given to these areas.

Out of scope





Chessa Stevens

WSP Principal Conservation Architect and National Built Heritage Lead

7 March 2023

Released under the Local Government Official Information and Meetings Act

From: Nathan Geard <Nathan.Geard@huttcity.govt.nz>
Sent: Wednesday, 19 April 2023 10:25 am
To: Tim Johnstone <Tim.Johnstone@huttcity.govt.nz>; Ceinwen Curtis <Ceinwen.Curtis@huttcity.govt.nz>
Cc: Alison Geddes <Alison.Geddes@huttcity.govt.nz>; Michelle Palmer <Michelle.Palmer@huttcity.govt.nz>; Cam Meads <Cam.Meads@huttcity.govt.nz>
Subject: RE: Heritage housing messaging

Good morning

In response to Tim's question about residents wanting to make submissions, I have spoken on the phone to someone in the last couple of weeks who was asking about whether they could make a submission on the process. I advised them that unfortunately the opportunity to make a submission on this process has passed, but that there will be opportunity to be involved through the full District Plan Review.

Cheers

Nathan

Nathan Geard
Policy Planning Manager

Hutt City Council, 30 Laings Road, Hutt Central, Lower Hutt, Lower Hutt 5010

P: ^{s7(2)(a)} [REDACTED] M: W: www.huttcity.govt.nz



From: Tim Johnstone <Tim.Johnstone@huttcity.govt.nz>
Sent: Wednesday, 19 April 2023 9:55 AM
To: Ceinwen Curtis <Ceinwen.Curtis@huttcity.govt.nz>
Cc: Nathan Geard <Naxxxx.xxxxx@xxxxxxxx.xxxx.xx>; Alison Geddes <Alison.Geddes@huttcity.govt.nz>; Michelle Palmer <Michelle.Palmer@huttcity.govt.nz>; Cam Meads <Cam.Meads@huttcity.govt.nz>
Subject: RE: Heritage housing messaging

I don't think we have any requests from the residents to make a submission to the process – Nathan is that correct?

Here some background points:

- The article relates to District Plan Change 56 which is the Council's response to the national direction requiring Council to change its planning rules to enable higher and denser development in some parts of our city.
- This was a fully notified plan change meaning that anyone could make a submission. The plan change was notified on 18 August 2022 until 20 September 2022. A total of 275 submissions were received.
- Council provided all of the submissions received on its website, along with a summary of the decisions requested in the submissions.
- There was then another submission period from 10 November to 24 November when people could make a further submission in support or opposition to any of the decisions requested in the original submissions. 25 further submissions were received.
- In relation to Bay Street and Beach Street in Petone – an original submission was received requesting the inclusion of additional heritage areas in the plan change including these streets. No further submissions were received in response to this original submission.
- Council's expert heritage advisor reviewed the submission and evidence and recommended extending the heritage area to Beach and Bay Streets. Council's reporting officer has agreed with this recommendation.
- The plan change is now being considered by an independent hearing panel. The hearing is currently taking place until the 28th April. The decisions from the hearing panel are due by August 2023.
- The panel can recommend to Council to either accept or reject the submission point seeking the expansion of the Heritage Area.
- When the panel has made its recommendation on the submission, Council is then required to decide whether to accept or reject that recommendation.
- The final decision on whether to extend the heritage area to and Bay Street and Beach Street has not yet been made.
- This plan change has followed the statutory process set out in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

Tim Johnstone
Head of Planning

Hutt City Council, 30 Laings Road, Lower Hutt 5040

M: s7(2)(a) W: www.huttcity.govt.nz



From: Ceinwen Curtis <Ceinwen.Curtis@huttcity.govt.nz>

Sent: Tuesday, 18 April 2023 11:34 am

To: Tim Johnstone <Tim.Johnstone@huttcity.govt.nz>

Subject: Fwd: Heritage housing messaging

Kia ora Tim,

Ceinwen Curtis here from the comms team – I'm media advisor.

I'm looking for some key messages on the issue of heritage housing regarding the article below.

We may be asked to respond to media queries on this.

Are you able to help with this?

Ngā mihi,

Ceinwen

['Hutt City Council adds two new heritage streets without consultation' | Voxy.co.nz](#)

The Hutt City Council has added over 80 new houses to the proposed heritage area on the Petone Foreshore without consulting residents, which the Hutt Voluntary Heritage Group (VHG) says could breach the Local Government Act.

The extension was made in response to a request from a few individual submitters to include Bay Street, King Street, Richmond Street, and Nelson Street in the Petone Foreshore Heritage area - one of 10 proposed heritage areas in the Hutt to mitigate the Government's intensification law.

The Council Officer responded by recommending the Petone Foreshore heritage area be extended to include over 80 houses in Beach Street and Bay Street.

The shocking discovery was made by the VHG while analysing the 176-page Council Officers Report. VHG Convenor Phil Barry says the extension is unacceptable as they were not part of the original proposal, and therefore homeowners have not been adequately consulted.

"An additional 82 homeowners are now impacted by the new heritage area rules, many of which are likely not aware of the consequences for their property."

"Residents on Bay and Beach Street won't have an opportunity to have their say as submissions have already closed. This could breach the Council's responsibilities under the Local Government Act."

The Consultation Principles of the Local Government Act guide consultation processes to ensure communities receive information, engagement opportunities, and the ability to express their opinions.

Barry says this has not been done.

"Sneaking in over 80 more households into an already underway process goes against every principle set out for consultations in the Local Government Act.

"Mayor Campbell Barry and his Councillors should be ashamed and start asking questions of the Council's planning team right now."

"The Council should walk back the extension and apologise."

"At the absolute least, the Council should invite homeowners to submit at the hearings taking place this month, which are currently only accessible to previous submitters - those included in the heritage areas from the beginning."

The Council Officer has discretion to add and remove individual properties from the proposed heritage areas in response to submissions, but Barry says the addition of two whole streets is extraordinary and requires new consultation.

"82 families are probably still under the impression that they have escaped the Council's intensification controls."

"It's simply not acceptable that these people would find out their house is subject to strict new heritage rules, without ever being given a chance to say something about it."

"When the consultation principles are ignored like they are here, the trust between council and community is eroded."

Barry says the Hutt City Council wants to avoid consultation because it knows the heritage areas would not stand up to scrutiny, and it's hastily trying to limit the effects of Government-sanctioned intensification.

"The inclusion of Bay and Beach Street is consistent with the Council's crusade against intensification in the area.

"The Council Officer's acceptance of these areas, based on the belief that the 'practical effect of the Petone Foreshore Heritage Area is to limit building height and density to existing levels,' is just pretext for the council's anti-intensification agenda.

"The Council's actions throughout the entire process demonstrate that it does not care in the slightest about preserving any supposed heritage value of Petone homes.

"This strategy of forcing residents into heritage areas so the Council can display some semblance of control over housing density exhibits a complete disregard for the community it serves."

Ceinwen Curtis
Media Advisor
Hutt City Council

s7(2)(a)

communications@huttcity.govt.nz

From: Ceinwen Curtis

Sent: Monday, 24 April 2023 11:11 AM

To: Alison Geddes <Alison.Geddes@huttcity.govt.nz> ; Tim Johnstone <Tim.Johnstone@huttcity.govt.nz> ; Cam Meads <Cam.Meads@huttcity.govt.nz> ; Caryn Ellis <Caryn.Ellis@huttcity.govt.nz> ; Jarred Griffiths <Jarred.Griffiths@huttcity.govt.nz>

Cc: Michelle Palmer <Michelle.Palmer@huttcity.govt.nz> ; Frances Gregory <Frances.Gregory@huttcity.govt.nz>

Subject: FYI: Media query on Voluntary Heritage Group

Kiaora tatou katoa,

For your awareness, the statement below will go to Stuff reporter s/(2)(a) shortly in response to this question:

s7(2)(a) query:

Why are the extended heritage areas in Plan Change 56 needed?
Were the houses, as Phil Barry claims, just added in to avoid implementing the NPS-UD more broadly?
If not, why did the heritage assessment in 2022 (after the NPS-UD came out) recommend so many more homes for inclusion than previous assessments?

HCC's response:

The proposal to add properties in Beach Street and Bay Street to the proposed Petone Foreshore Heritage Area is in response to submissions received during the first notification process from 18 August 2022 until 20 September 2022. A total of 275 submissions were received.

Council's independent qualified heritage expert reviewed these streets and found them to have heritage values consistent with the other streets in the heritage area.

The proposed heritage areas in Plan Change 56 are not proposed for protection on the grounds of 'character'. They are proposed for protection because they have been assessed to have historic heritage values that meet the strict requirements of the tests of the RMA and the Regional Policy Statement.

They are not an attempt to avoid implementing the NPS-UD, but an integral part of implementing the NPS-UD, which directs councils to provide for intensification in a way that also delivers on other issues of national significance identified by the RMA, such as preserving historic heritage and protecting people and property from natural hazards.

Council provided all submissions received on its website, along with a summary of the decisions requested in the submissions.

Following the first submission period there was a subsequent period for further submissions from 10 - 24 November. Twenty-five submissions were received during this period.

This plan change is following the Intensification Streamlined Planning Process which is a statutory process set by the Resource Management Act. This process prevents people from making submissions at the hearing if they did not make an original or further submission.

The proposed new heritage areas in Plan Change 56 account for less than one percent of the residential properties in Lower Hutt.

ENDS

Ngā mihi,

Ceinwen Curtis
Media Advisor
Hutt City Council

s7(2)(a)

communications@huttcity.govt.nz

From: Tim Johnstone

Sent: Saturday, 22 April 2023 3:23 pm

To: Ceinwen Curtis <Ceinwen.Curtis@huttcity.govt.nz> ; Cam Meads <Cam.Meads@huttcity.govt.nz> ; Alison Geddes <Alison.Geddes@huttcity.govt.nz> ; Caryn Ellis <Caryn.Ellis@huttcity.govt.nz>

Cc: Michelle Palmer <Michelle.Palmer@huttcity.govt.nz> ; Frances Gregory <Frances.Gregory@huttcity.govt.nz>

Subject: RE: [EXTERNAL] Media query on Voluntary Heritage Group

Hi Ceinwen

Here's a few additional points:

- Council has been reviewing its heritage inventory as part of the ongoing full review of the district plan, begun in 2019. This is the most complete, city-wide assessment of historic heritage since the current district plan was prepared in the 1990s. There has been a lot of change in central government and regional council policy direction about heritage assessment since then, which Council is now required to give effect to.
- The proposed new heritage areas in Plan Change 56 account for less than 1% of the residential properties in Lower Hutt. They are proposed for protection for their significance to the region and country.
- They are not an attempt to avoid implementing the NPS-UD, but an integral part of implementing the NPS-UD, which directs councils to provide for intensification in a way that also delivers on other issues of national significance identified by the RMA, such as preserving historic heritage and protecting people and property from natural hazards.
- Following the original submissions stage, and in response to specific submissions received on Beach Street and Bay Street, Council's independent qualified heritage expert reviewed these streets and found them to have heritage values that are consistent with the other streets in the proposed Petone Foreshore Heritage Area.
- It is also noted in response to the reporters comment on Wellington's character areas that the proposed heritage areas in Plan Change 56 are not proposed for protection on the grounds of "character". They are proposed for protection because they have been assessed to have historic heritage values that meet the strict requirements of the tests of the RMA and the Regional Policy Statement.

Below is my initial suggest response and background comments for ease of reference.

This is part of the Proposed District Plan Change 56 process, which follows the Intensification Streamlined Planning Process set by the Resource Management Act. Decisions on the proposed plan change will be made later this year.

The plan change is now being considered by an independent hearing panel. The hearing is currently taking place until the 28th April. The decisions from the hearing panel are due by August 2023.

Hutt City Council is unable to comment further until the panel has decided whether to recommend the expansion of the Heritage Area .

BACKGROUND NOTES:

- This relates to District Plan Change 56 which is the Council's response to the national direction requiring Council to change its planning rules to enable higher and denser development in some parts of our city.
- This was a fully notified plan change meaning that anyone could make a submission. The plan change was notified on 18 August 2022 until 20 September 2022. A total of 275 submissions were received.
- Council provided all of the submissions received on its website, along with a summary of the decisions requested in the submissions.
- There was then another submission period from 10 November to 24 November when people could make a further submission in support or opposition to any of the decisions requested in the original submissions. 25 further submissions were received.
- In relation to Bay Street and Beach Street in Petone – an original submission was received requesting the inclusion of additional heritage areas in the plan change including these streets. No further submissions were received in response to this original submission.
- Council's expert heritage advisor reviewed the submission and evidence and recommended extending the heritage area to Beach and Bay Streets. Council's reporting officer has agreed with this recommendation.
- The plan change is now being considered by an independent hearing panel. The hearing is currently taking place until the 28th April. The decisions from the hearing panel are due by August 2023.
- The panel can recommend to Council to either accept or reject the submission point seeking the expansion of the Heritage Area.
- When the panel has made its recommendation on the submission, Council is then required to decide whether to accept or reject that recommendation.
- The final decision on whether to extend the heritage area to and Bay Street and Beach Street has not yet been made.

- This plan change has followed the statutory process set out in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

Tim Johnstone

Head of Planning

Hutt City Council, 30 Laings Road, Lower Hutt 5040

M: s7(2)(a) W: www.huttcity.govt.nz



Out of Scope

Released under the Local Government Official Information and Meetings Act

From: **Michelle Palmer** <Michelle.Palmer@huttcity.govt.nz>
To: **__CLT** <CLT@huttcity.govt.nz>
CC: **Ceinwen Curtis** <Ceinwen.Curtis@huttcity.govt.nz>; **Frances Gregory** <Frances.Gregory@huttcity.govt.nz>
Subject: FW: Heritage housing messaging
Date: 18.04.2023 22:45:04 (+02:00)

Kia ora CLT

Forwarding the key points as FYI.

Additional to the below, planning team have advised that the opportunity to make a submission on this process has passed, but that there will be opportunity to be involved through the full District Plan Review.

Nga mihi
Michelle

From: Alison Geddes <Alison.Geddes@huttcity.govt.nz>
Sent: Wednesday, 19 April 2023 9:46 am
To: Ceinwen Curtis <Ceinwen.Curtis@huttcity.govt.nz>; Tim Johnstone <Tim.Johnstone@huttcity.govt.nz>
Cc: Nathan Geard <Nathan.Geard@huttcity.govt.nz>; Michelle Palmer <Michelle.Palmer@huttcity.govt.nz>; Cam Meads <Cam.Meads@huttcity.govt.nz>
Subject: RE: Heritage housing messaging

CLT would probably benefit from knowing this background too.

From: Ceinwen Curtis <Ceinwen.Curtis@huttcity.govt.nz>
Sent: Wednesday, 19 April 2023 9:41 am
To: Tim Johnstone <Tim.Johnstone@huttcity.govt.nz>
Cc: Nathan Geard <Nathan.Geard@huttcity.govt.nz>; Alison Geddes <Alison.Geddes@huttcity.govt.nz>; Michelle Palmer <Michelle.Palmer@huttcity.govt.nz>; Cam Meads <Cam.Meads@huttcity.govt.nz>
Subject: RE: Heritage housing messaging

Hi Tim,

That's right, yes.

The request is for some messaging if a media query pops up.

Are we able to respond to the requests the residents are making to be able to submit to the process?

Looping in Cam Meads here who will need this information.

Noho ora mai,
Ceinwen

IMPORTANT: The information contained in this e-mail message may be legally privileged or confidential. The information is intended only for the recipient named in the e-mail message. If the reader of this e-mail message is not the intended recipient, you are notified that any use, copying or distribution of this e-mail message is prohibited. If you have received this e-mail message in error, please notify the sender immediately. Thank you.

From: Elected Members Requests <electedmembersrequests@huttcity.govt.nz>

Sent: 26 April 2023 14:00

To: __Mayor & Councillors <__Mayor&Councillors@huttcity.govt.nz>; Belinda Moss <Belinda.Moss@huttcity.govt.nz>; Mike Fisher <Mike.Fisher@huttcity.govt.nz>; Te Awa Puketapu <TeAwa.Puketapu@huttcity.govt.nz>

Cc: __CLT <CLT@huttcity.govt.nz>

Subject: Media coverage relating to extension of proposed Petone Foreshore Heritage Area

Kia ora koutou

Please see below from Tim Johnstone, Head of Planning, regarding recent media coverage relating to the extension of proposed Petone Foreshore Heritage Area to include Beach Street and Bay Street in Petone as part of District Plan Change 56.

Background

There has been some recent media coverage on this:

<https://news.fuseworksmedia.com/78bc95df-1b3f-4e75-80ae-0df84082478f>

This story is being driven by the Voluntary Heritage Group who are opposed to Council listing private residential properties as heritage areas without homeowner consent.

We have also been contacted by a reporter from Stuff and are expecting some more coverage, so we want to provide Councillors with all of the facts.

Process

- This relates to District Plan Change 56 which is Council's response to the national direction requiring Council to change its planning rules to enable higher and denser development in some parts of the city.
- This plan change is following the Intensification Streamlined Planning Process which is a statutory process set by the Resource Management Act.
- This was a fully notified plan change meaning that anyone could make a submission. The plan change was notified on 18 August 2022 until 20 September 2022. A total of 275 submissions were received.

- Council provided all of the submissions received on its website, along with a summary of the decisions requested in the submissions.
- There was then another submission period from 10 November to 24 November when people could make a further submission in support or opposition to any of the decisions requested in the original submissions. 25 further submissions were received.
- The plan change is now being considered by an independent hearing panel. The hearing is taking place until the 28th April.
- The Voluntary Heritage Group made a submission on the plan change and last week they presented their submission at the hearing to the independent panel.

Beach Street and Bay Street

- These streets were not originally included within the proposed Petone Foreshore Heritage Area when the plan change was notified.
- Two submissions were received requesting the inclusion of these Streets within the heritage area. No further submissions were received on this.
- In response to these submissions, Council's independent qualified heritage expert reviewed the streets and found them to have heritage values consistent with the other streets in the proposed Petone Foreshore Heritage Area.
- The heritage expert therefore recommended extending the heritage area to include Beach Street and Bay Street, and Council's reporting officer agreed with this recommendation.
- This will be considered by the independent hearing panel, along with other submissions such as that from the Voluntary Heritage Group.

Response to specific points raised by the Voluntary Heritage Group

Response to concerns raised by the Voluntary Heritage Group in relation to lack of consultation:

- It is correct that the residents in Beach Street and Bay Street have not been directly contacted in relation to this matter. This is an outcome of this plan change process.
- Council is correctly following the Intensification Streamlined Planning Process which is a statutory process set by the Resource Management Act. This process prevents people from making submissions at the hearing if they did not make an original or further submission.

Response to concerns raised by the Voluntary Heritage Group that the addition of these streets to the heritage area is an attempt to avoid implementing the intensification required under the National Policy Statement on Urban Development (NPS-UD):

- The addition of these streets to the heritage area is not an attempt to avoid implementing the NPS-UD, but is in fact an integral part of implementing the NPS-UD, which directs councils to provide for intensification in a way that also delivers on other issues of national significance identified by the RMA, such as preserving historic heritage and protecting people and property from natural hazards.
- The proposed new heritage areas in Plan Change 56 account for less than 1% of the residential properties in Lower Hutt.

Next steps

- The final decision on whether to extend the heritage area to and Bay Street and Beach Street is yet to be made.
- The decisions from the hearing panel are due by August 2023.
- The panel can recommend to Council to either accept or reject the submission point seeking the expansion of the heritage area.
- When the panel has made its recommendation on the submission, Council is then required to decide whether to accept or reject that recommendation.
- If it rejects the recommendation then the matter is referred to the Minister for the Environment, who has the final decision-making power in respect of panel recommendations that have been rejected by Council.

Ngā mihi

Hamish Bell

Elected Member Support Coordinator

Hutt City Council, 30 Laings Road, Lower Hutt 5010

M: s7(2)(a) W: www.huttcity.govt.nz



Released under the Local Government Official Information and Meetings Act

From: **Tim Johnstone** <Tim.Johnstone@huttcity.govt.nz>
To: **Hamish Bell** <Hamish.Bell@huttcity.govt.nz>
CC: **Alison Geddes** <Alison.Geddes@huttcity.govt.nz>
Subject: Memo to be circulated to Councillors - Beach Street and Bay Street
Date: 24.04.2023 03:56:06 (+02:00)
Attachments: Briefing for Councillors on Beach Street and Bay Street media coverage.docx (3 pages)

Hi Hamish

Can this please be circulated to elected members and copied to CLT.

Alison has cleared the content of the memo.

Tim Johnstone

Head of Planning

Hutt City Council, 30 Laings Road, Lower Hutt 5040

M: s7(2)(a) W: www.huttcity.govt.nz



Released under the Local Government Official Information and Meetings Act

MEMORANDUM

To: All Councillors

Copy: Corporate Leadership Team

From: Tim Johnstone, Head of Planning

Date: 24 April 2023

SUBJECT: MEDIA COVERAGE RELATING TO EXTENSION OF PROPOSED PETONE FORESHORE HERITAGE AREA TO INCLUDE BEACH STREET AND BAY STREET IN PETONE AS PART OF DISTRICT PLAN CHANGE 56

Background

There has been some recent media coverage on this:

<https://news.fuseworksmedia.com/78bc95df-1b3f-4e75-80ae-0df84082478f>

This story is being driven by the Voluntary Heritage Group who are opposed to Council listing private residential properties as heritage areas without homeowner consent.

We have also been contacted by a reporter from Stuff and are expecting some more coverage, so we want to provide Councillors with all of the facts.

Process

- This relates to District Plan Change 56 which is Council's response to the national direction requiring Council to change its planning rules to enable higher and denser development in some parts of the city.
- This plan change is following the Intensification Streamlined Planning Process which is a statutory process set by the Resource Management Act.
- This was a fully notified plan change meaning that anyone could make a submission. The plan change was notified on 18 August 2022 until 20 September 2022. A total of 275 submissions were received.
- Council provided all of the submissions received on its website, along with a summary of the decisions requested in the submissions.

- There was then another submission period from 10 November to 24 November when people could make a further submission in support or opposition to any of the decisions requested in the original submissions. 25 further submissions were received.
- The plan change is now being considered by an independent hearing panel. The hearing is taking place until the 28th April.
- The Voluntary Heritage Group made a submission on the plan change and last week they presented their submission at the hearing to the independent panel.

Beach Street and Bay Street

- These streets were not originally included within the proposed Petone Foreshore Heritage Area when the plan change was notified.
- Two submissions were received requesting the inclusion of these Streets within the heritage area. No further submissions were received on this.
- In response to these submissions, Council's independent qualified heritage expert reviewed the streets and found them to have heritage values consistent with the other streets in the proposed Petone Foreshore Heritage Area.
- The heritage expert therefore recommended extending the heritage area to include Beach Street and Bay Street, and Council's reporting officer agreed with this recommendation.
- This will be considered by the independent hearing panel, along with other submissions such as that from the Voluntary Heritage Group.

Response to specific points raised by the Voluntary Heritage Group

Response to concerns raised by the Voluntary Heritage Group in relation to lack of consultation:

- It is correct that the residents in Beach Street and Bay Street have not been directly contacted in relation to this matter. This is an outcome of this plan change process.
- Council is correctly following the Intensification Streamlined Planning Process which is a statutory process set by the Resource Management Act. This process prevents people from making submissions at the hearing if they did not make an original or further submission.

Response to concerns raised by the Voluntary Heritage Group that the addition of these streets to the heritage area is an attempt to avoid implementing the intensification required under the National Policy Statement on Urban Development (NPS-UD):

- The addition of these streets to the heritage area is not an attempt to avoid implementing the NPS-UD, but is in fact an integral part of implementing the NPS-UD, which directs councils to provide for intensification in a way that also delivers on other issues of national significance identified by the RMA, such as preserving historic heritage and protecting people and property from natural hazards.
- The proposed new heritage areas in Plan Change 56 account for less than 1% of the residential properties in Lower Hutt.

Next steps

- The final decision on whether to extend the heritage area to and Bay Street and Beach Street is yet to be made.
- The decisions from the hearing panel are due by August 2023.
- The panel can recommend to Council to either accept or reject the submission point seeking the expansion of the heritage area.
- When the panel has made its recommendation on the submission, Council is then required to decide whether to accept or reject that recommendation.
- If it rejects the recommendation then the matter is referred to the Minister for the Environment, who has the final decision-making power in respect of panel recommendations that have been rejected by Council.

Tim Johnstone

Head of Planning

From: **Nathan Geard** <Nathan.Geard@huttcity.govt.nz>
To: **Emily Campbell** <Emily.Campbell@huttcity.govt.nz>
Subject:
Date: 09.03.2023 22:55:13 (+01:00)

I've had a look in the heritage files and it doesn't look like Beach and Bay Street were sent letters in the April 2021 mail-out (I'll confirm this with Stephen next time he is in the office as he helped with that mail-out). I think we should deal with them separately, as the message we need to give them is quite different.

Released under the Local Government Official Information and Meetings Act

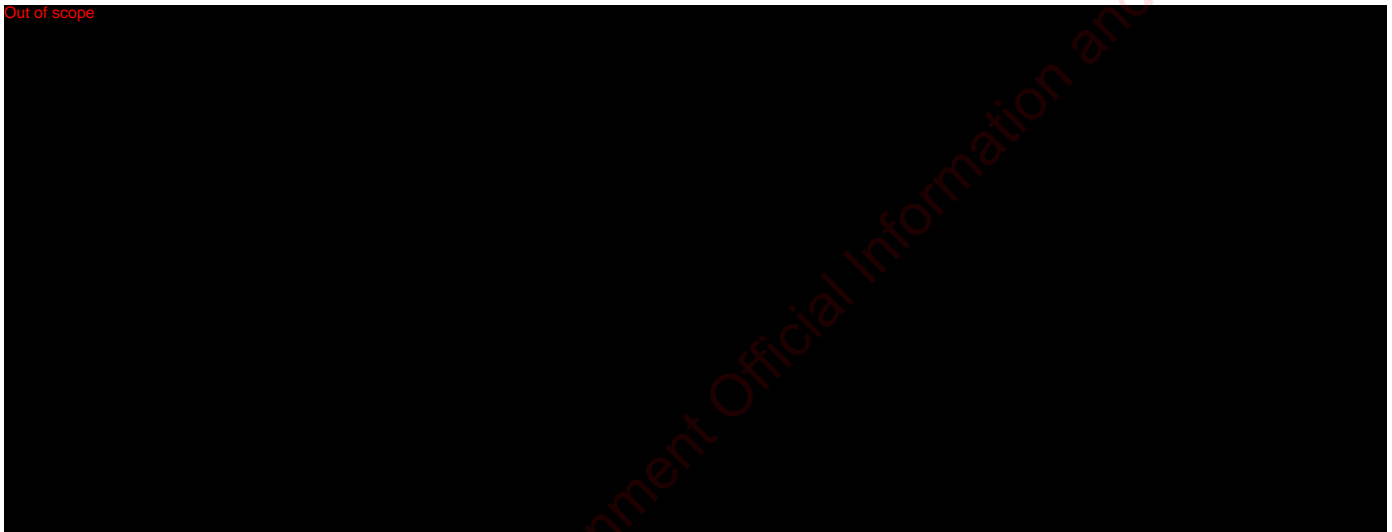
Hutt City Council

District Plan Change 56: Enabling Intensification in Residential and Commercial Areas

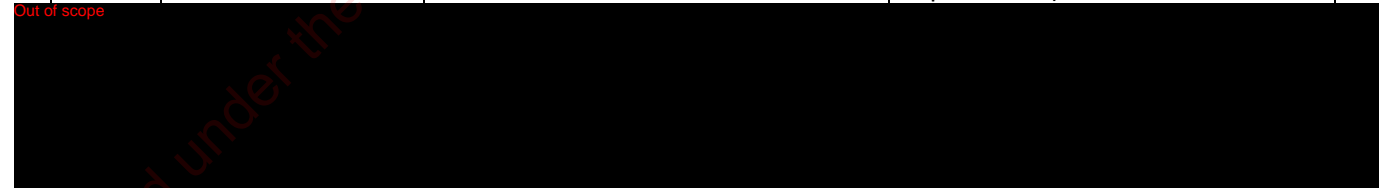
Brief for Heritage Evidence to Respond to Submissions

Evidence for the PC56 hearing to cover the following matters:

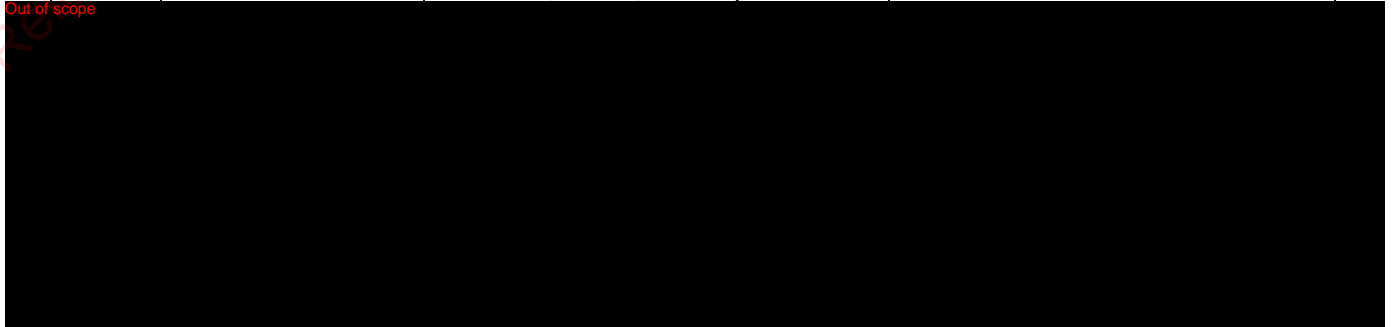
- (a) Introduction, covering qualifications, experience and role in plan change including preparation of technical advice and information which has informed Plan Change 56
- (b) Provide heritage evidence responding to the following submission points, by either reconsidering the original assessment or explaining the reasoning for the decision



44.1	Laura Skilton	Extend the Petone Foreshore Heritage Precinct to include Bay Street and Beach Street as a minimum, and consider the area covered in Figure 2.1.5 of the Petone 2040 Spatial Plan.	The process for identifying heritage areas and how this relates to the submitter's proposed additions. (Figure 2.1.5 is attached as a separate file).
------	---------------	---	--



102.1	Graeme Lyon	Confirm ... the Petone Foreshore Heritage Area, perhaps extending it to Queen, Beach, and Bay Streets.	The relevance of Queen, Beach, and Bay Streets to the heritage area
-------	-------------	--	---



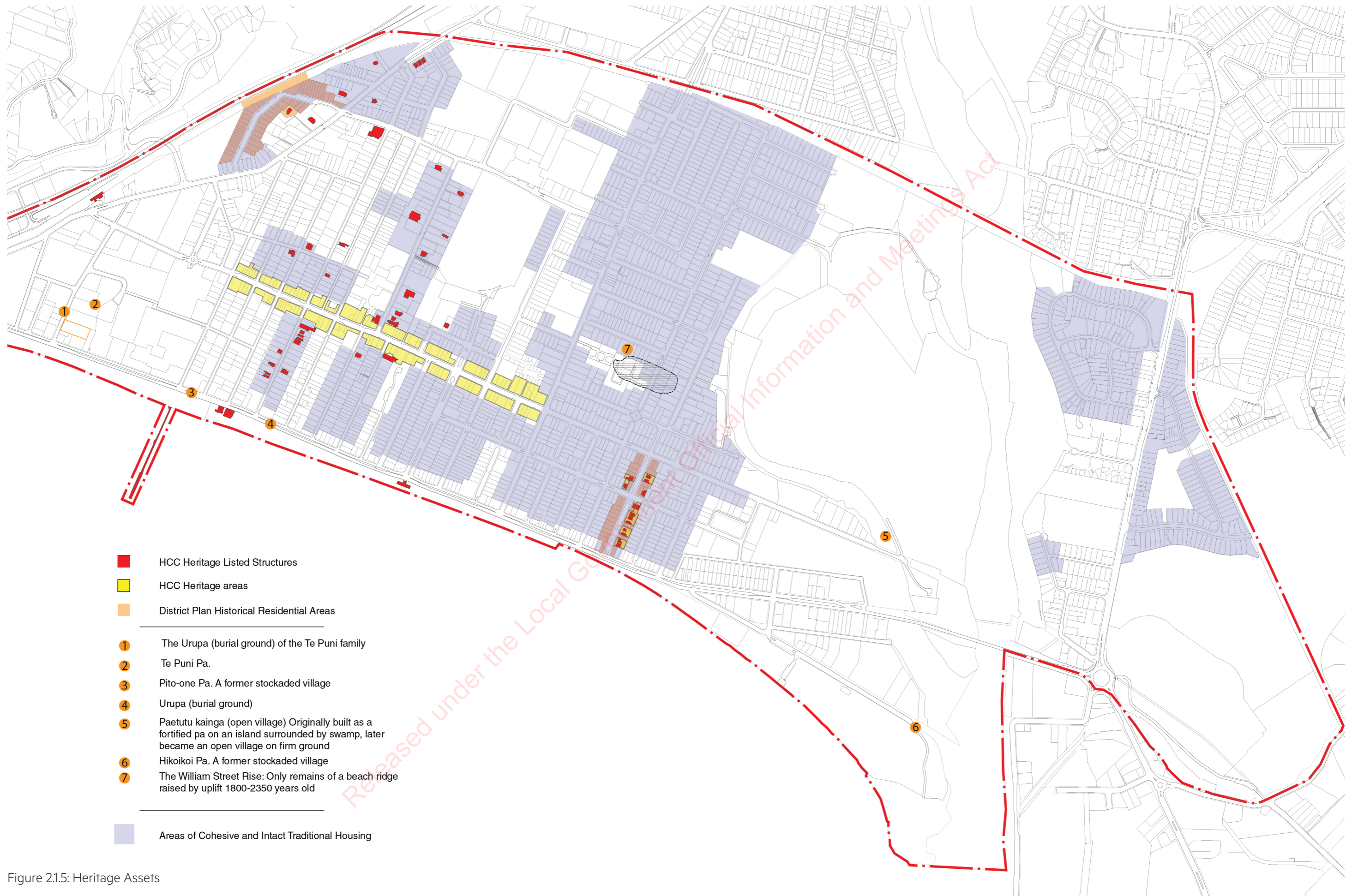


Figure 2.1.5: Heritage Assets