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National Policy Statement on Urban
Development Consultation
Ministry for the Environment
PO Box 10362
WELLINGTON

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Proposed National Policy Statement on Urban Development

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Historic Places Wellington (HPW) is a registered charity that promotes the identification, protection and conservation of historic places in the Wellington region for the benefit of the community and the general public.

NPS-UDC (2016)

HPW welcomes the proposal to replace the existing NPS-UDC (2016). HPW does not support the existing NPS-UDC because it requires Wellington City Council (WCC) to establish development capacity using economic modelling relating to projected population growth and current values. HPW notes the serious flaw which requires WCC to provide “sufficient development capacity” and when that capacity is not actually taken up by developers (based on current economic values) then WCC is required to provide even more capacity. And so on until historic heritage is no longer safe from inappropriate development.

NPS-UD Rationale - Wellington

In general, HPW wants to see affordable housing stock available for residents who want to live in compact areas near transport links within a sustainable city that doesn't sprawl across green rural areas around Wellington. HPW acknowledges that to be the overall aim of the proposed National Policy Statement on Urban Development (NPS-UD).

However, Wellington City is geographically constrained with earthquake resilience issues for developers and residents and HPW does not want to see inappropriate intensification of urban development at the expense of historic heritage protection. HPW wants to avoid a requirement which would inevitably lead to the existing protections under the District Plan for historic heritage buildings and "Character Areas" being removed inappropriately.

The proposed NPS-UD is of concern to HPW because by giving specifically limited national direction to WCC (and other high growth Councils) it will disrupt the current balance between heritage protection and appropriate intensification of development.

The "protection of historic heritage from inappropriate subdivision, use, and development" is a matter of National Importance under s.6(f) of the Resource Management Act 1991. Successive plan developments resulting from public input and litigation about decisions taken by local government has established a careful balance in Wellington between "inappropriate" and "appropriate" development and heritage protection.

Quality Urban Environments

The proposed NPS-UD will require WCC to make room for growth by providing a "quality urban environment". That is proposed to be one which *inter alia* reduces impact on the natural environment, provides a range of transport options, and *reflects historical and cultural heritage in the urban environments* (page 27). HPW supports the inclusion of heritage but recommends the word "*reflects*" be replaced by the word "*protects*" consistent with s.6(f). Amending s.6(f) of the primary legislation by means of a subsidiary legal process (NPS) will be confusing and *ultra vires*.

Furthermore, the value of historic heritage and cultural connectedness is identified in recent NZ Treasury work on the wellbeing of the nation and its population. The existing RMA protection should not be diminished.

HPW is also concerned that notwithstanding this perambular type description of a quality urban environment, the NPS-UD will actually direct WCC under **Proposed P2A** and **P2B** to make District Plan and consent **decisions in accordance with an even more limited** description in **O2** which does not mention heritage. **O2** only focusses on meeting demand, providing businesses with economies of scale, using land efficiently and responding to changing needs. There is no requirement to balance those needs with protecting historic heritage from inappropriate development. In effect, NPS-UD seeks to amend and extend the list of matters of National Importance contained in s.6(f). Without resort to legislation, that is *ultra vires*.

In terms of question 4, HPW therefore does not support the features of quality urban environment stated in **O2**. The impact will be to undermine the weight currently given to

ensuring *historic heritage is protected from inappropriate development* as required by s.6(f). An alternative approach could be to allow a city to identify specific geographic areas, or specific buildings, where for heritage protection reasons intensification will be avoided and that the matters identified in **O2 will not apply to areas or sites identified for historic heritage and cultural protection**. This proposes a specific exemption for heritage areas and sites.

Ensuring Plan Content Provides for Development

Under proposed **P5C**, WCC will be required to amend its District Plan and any rules which stand in the way of achieving the “development expected”. This is a somewhat draconian approach. If public input to the District Plan results in protections for historic heritage from inappropriate development, then WCC will nonetheless be required to change the rules to allow for the development.

In terms of question 7, HPW therefore does not support the proposed mechanism to require WCC to change its rules to allow for development at the expense of heritage protection.

Please do not hesitate to contact me about this matter.

Yours sincerely

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