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## Submission on Napier City Proposed District Plan

### Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To:** Napier City Council - Planning Unit

**Date received:** 14/12/2023

**Submission Reference Number #:**153

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

**Submitter:**

Steve Orme

**Address for service:**

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Waiapu Board of Diocesan Trustees  
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**Attachments:**

Submission - Waiapu Board of Diocesan Trustees.pdf

Submission - Waiapu Board of Diocesan Trustees.docx

**I wish to be heard:** Yes

**I am willing to present a joint case:** Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **Yes**

### Submission points

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## Point 153.1

**Section:** SCHED3 - Historic heritage items

**Sub-section:** SCHED3 - Heritage Items Schedule

### Provision:

Ref. No.	HNZ Category	Name	Address	Legal Description	Heritage Group
12		St John the Evangelist/Waiapu Cathedral, Cathedral of Saint John the Evangelist	28 Browning Street	Town Section 130, 131,132 Napier, Lot 1 DP 4224, Town Section 751 Napier	A

**Sentiment:** Oppose

### Submission:

TO: Napier City Council (Council)

Name of Submitter: Waiapu Board of Diocesan Trustees (WBDT) as owners.

This is a submission on the Proposed Napier City District Plan (Proposed Plan).

The submitter could not gain an advantage in trade competition through this submission.

The specific provisions of the Proposed Plan that this submission relates to are:

(a) Schedule 3, Heritage Items – Ref. No. 12.

(b) All other provisions of the Proposed Plan as relate to or affect the Group A scheduling of Waiapu Cathedral under the Proposed Plan.

The Waiapu Board of Diocesan Trustees (WBDT) submits as follows:

1. The WBDT acknowledges (and holds dear) the spiritual and cultural significance of the Cathedral to the City of Napier, including (not least) to its clergy and parishioners. As well as serving a Parish ministry function, the Cathedral is the seat of the Bishop of Waiapu and Bishop of Aotearoa (Atipihopa o Aotearoa). As such, the Cathedral also serves a broader Diocesan function within the Anglican Church, and beyond that is a centre for a range of civic events of broader cultural significance to the City of Napier, more generally.

2. With all of that said, the WBDT opposes the Historic Heritage (Group A) scheduling of the Cathedral in Schedule 3 to the Proposed Plan, for the following reasons:

(a) The Group A heritage scheduling of the Cathedral has immediate legal effect from the date of notification of the Proposed Plan (on 21 September 2023).

(b) Little over one week after the Proposed Plan with this heritage scheduling was notified, on 29 September 2023 the Council issued a notice under s 133AL of the Building Act 2004 requiring the owner of the building to carry out building work to

ensure that it is no longer earthquake prone (seismic work), with this work needing to be completed by 29 September 2038.

(c) The WBDT understands, based on expert engineering advice, that the cost of undertaking the seismic work needed to meet the direction of that notice could be between \$20 million and \$30 million.

(d) Unless and until Napier City (and its ratepayers) are prepared to commit the capital resources required to complete that seismic work, it would simply and unavoidably be beyond the reach of either the WBDT (as building owner) or the Parish community.

(e) The WBDT intends to engage with the people and communities of Napier to determine their vision of the future for the Cathedral in this context. This may lead to a decision being made by the City to in effect 'stand behind' the heritage scheduling of the Cathedral in the Proposed Plan, and meet the costs of the seismic work being completed.

(f) Alternatively, it may lead to a decision to demolish the Cathedral and replace the building on the site with one more in keeping with (or 'fit for purpose for') a combination of spiritual, Parish ministry, and wider civic functions of value to the City and Diocese, in a 21st century context.

(g) Should any decision of that nature be taken, an application for resource consent would now need to be made to demolish the Cathedral. Conversely, under the Operative District Plan, demolition could have proceeded as a permitted activity.

(h) Specifically, as a result of the heritage scheduling, a non-complying activity application would now need to be made to demolish the Cathedral, under Rule HH-R10 of the Proposed Plan.

(i) As matters stand under the Proposed Plan, the WBDT understands that such an application would be publicly notified and very likely declined, particularly in light of the objectives and policies of the Historic Heritage Chapter as notified including (in particular) Policy HH-P7 (Demolition and Relocation), which is to avoid total or partial demolition (with limited exceptions).

(j) The only other option for the WBDT would be to close the building to the public given the seismic risks presented, and necessarily leave it (through want of a funding base or reason for ongoing for maintenance), to become increasingly derelict on the site.

(k) In short, the WBDT is effectively placed in a near impossible legal and financial position as a result of the issuing of the Building Act Notice (on the one hand) and the Historic Heritage scheduling under the Proposed Plan (on the other).

(l) To preserve its position, including to enable a meaningful conversation with the people and communities of Napier City (and our own Parish community) as to the vision for the future of the Cathedral, the WBDT seeks that these provisions of the

Proposed Plan be deleted, or at least amended such that a demolition option remains feasible under the RMA, including in response to the Notice issued under the Building Act by the Council.

(m) As revealed in the background report relied on by the Council in scheduling the Cathedral as a Group A heritage item, its heritage significance derives more from the historical and cultural values of the site (including as the site of the previous Cathedral and earlier church buildings), than the values of the building itself. Simply put, the Cathedral building is more of architectural value, than heritage value per se.

(n) In that regard, as the background report also reveals, the architectural style of the building is "overtly modernist" and "breaks with tradition". Beyond that, the Cathedral is said to be rated for a range of factors including "aesthetic", "social" and "spiritual" which do not actually fall within the definition of a historic heritage under s 2 of the RMA.

(o) In this context, amending the Proposed Plan to better provide for demolition of the building (and enable site development to the potential intent and purpose outlined at (f) above) would not represent inappropriate development of the site, under s 6(e) of the RMA.

## **Relief sought**

The WBDT seeks the following decision from the Council:

1. That the Proposed Plan be amended as it affects or relates to the provisions of the Proposed Plan identified above, and the matters of concern just addressed including:

- (a) Removal of the Group A scheduling of the Cathedral from Schedule 3; and/or
- (b) Amendment of the objectives and policies of the Historic Heritage Chapter including (without limitation) Policy HH-P7 to provide (by way of further exception) for demolition of a heritage building where necessary as a result of prohibitive costs

otherwise being faced in meeting the requirements of a notice issued under the Building Act to complete seismic work; and/or

(c) Alteration of the activity status for demolition of a heritage item (Rule HH-R 10) in these circumstances to become a controlled (or at worst restricted discretionary) activity, to be processed and determined without notification; and/or

(d) Providing for the reuse of the heritage fabric of such a building in any replacement structure as one of the assessment criteria that would support the granting of consent for such demolition.

(e) Such further, other and including consequential changes to the Proposed Plan as

necessary or appropriate to address the matters raised in this submission.

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## Point 153.2

**Section:** SCHED3 - Historic heritage items

**Sub-section:** SCHED3 - Heritage Items Schedule

**Provision:**

Ref. No.	HNZ Category	Name	Address	Legal Description	Heritage Group
17	i	Ormond Chapel	55 Chaucer Road South	Pt Lot 29 DDP 718	A

**Sentiment:** Oppose

**Submission:**

The Waiapu Board of Diocesan Trustees (WBDT) further submits as follows:

1. The WBDT acknowledges (and holds dear) the spiritual and cultural significance of the Ormond Chapel at 55 Chaucer Street, Hospital Hill, to the City of Napier, including (not least) to its clergy and parishioners.
2. With all of that said, the WBDT opposes the Historic Heritage (Group A) scheduling of the Ormond Chapel in Schedule 3 to the Proposed Plan, for the following reasons:
  - (a) The Ormond Chapel is already registered on the Historic Places Trust as a Category 1 building.
  - (b) The Category A scheduling of Ormond Chapel will further hinder development of the building in terms of accessibility, addition of ablutions etc.

The WBDT seeks the following decision from the Council:

1. That the Proposed Plan be amended as it affects or relates to the provisions of the Proposed Plan identified above, and the matters of concern just addressed including:
    - (a) Removal of the Group A scheduling of the Cathedral from Schedule 3; and/or
    - (b) Alteration of the activity status for demolition of a heritage item (Rule HH-R 10) in these circumstances to become a controlled (or at worst restricted discretionary) activity, to be processed and determined without notification; and/or
    - (c) Providing for the reuse of the heritage fabric of such a building in any replacement structure as one of the assessment criteria that would support the granting of consent for such demolition.
    - (d) Such further, other and including consequential changes to the Proposed Plan as necessary or appropriate to address the matters raised in this submission.
    - (e) Removal of the Group A scheduling of the Ormond Chapel from Schedule 3
- The WBDT wishes to be heard in support of this submission.

If others make a similar submission, the WBDT would consider presenting a joint case with them

**Relief sought**

The WBDT seeks the following decision from the Council:

1. That the Proposed Plan be amended as it affects or relates to the provisions of the Proposed Plan identified above, and the matters of concern just addressed including:
  - a) Removal of the Group A scheduling of the Ormond Chapel from Schedule 3.

Other matters addressed above are provided for in separate submission points.

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**Point 153.3**

**Section:** HH - Historic heritage

**Sub-section:** Policies

**Provision:**

HH-P7: Demolition and relocation

Avoid total or partial demolition or relocation of historic heritage items and elements of significant heritage values unless:

1. The demolition or relocation is required to allow for significant public benefit:
  - a. that could not otherwise be achieved, and
  - b. where the significant public benefit outweighs the retention of the historic heritage item or parts of the heritage item; and/or
2. The partial demolition is necessary to remove a significant amount of damaged heritage fabric to ensure the conservation and/or long-term viability, retention, or ongoing functional use of the historic heritage item; and/or
3. It is necessary to prevent serious and immediate threat to property, people, or services, and interim protection measures would not remove the threat; and
4. For clauses 1, 2, and 3 above, all other reasonable alternatives to retain the heritage item have been explored, taking into account possible future technological advances; and
5. An archaeological authority is obtained from Heritage New Zealand Pouhere Taonga prior to the total or partial demolition or removal of the heritage item occurring if it is also an archaeological site.

*Relates to HH-O1, HH-O2, and HH-O3*

**Sentiment:** Amend

**Submission:**

The WBDT seeks the following decision from the Council:

1. That the Proposed Plan be amended as it affects or relates to the provisions of the Proposed Plan identified above, and the matters of concern just addressed including:

a) Amendment of the objectives and policies of the Historic Heritage Chapter including (without limitation) Policy HH-P7 to provide (by way of further exception) for demolition of a heritage building where necessary as a result of prohibitive costs

otherwise being faced in meeting the requirements of a notice issued under the Building Act to complete seismic work.

**Relief sought**

The WBDT seeks the following decision from the Council:

(a) Amendment of the objectives and policies of the Historic Heritage Chapter including (without limitation) Policy HH-P7 to provide (by way of further exception) for demolition of a heritage building where necessary as a result of prohibitive costs

otherwise being faced in meeting the requirements of a notice issued under the Building Act to complete seismic work;

(b) Such further, other and including consequential changes to the Proposed Plan as necessary or appropriate to address the matters raised in this submission.

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## Point 153.4

**Section:** HH - Historic heritage

**Sub-section:** HH - Historic Heritage - Rules Table

**Provision:**

HH-R10: Demolition, including partial demolition, of a Group A heritage item

**Activity Status:** Non-complying

NA

**Sentiment:** Amend

**Submission:**

The Waiapu Board of Diocesan Trustees (WBDT) further submits as follows:

(a) Alteration of the activity status for demolition of a heritage item (Rule HH-R 10) in these circumstances to become a controlled (or at worst restricted discretionary) activity, to be processed and determined without notification.

(b) Such further, other and including consequential changes to the Proposed Plan as necessary or appropriate to address the matters raised in this submission.

**Relief sought**

The WBDT seeks the following decision from the Council:

1. That the Proposed Plan be amended as it affects or relates to the provisions of the Proposed Plan identified above, and the matters of concern just addressed including:

(a) Alteration of the activity status for demolition of a heritage item (Rule HH-R 10) in these circumstances to become a controlled (or at worst restricted discretionary) activity, to be processed and determined without notification.

(b) Such further, other and including consequential changes to the Proposed Plan as necessary or appropriate to address the matters raised in this submission.

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## Point 153.5

**Section:** HH - Historic heritage

**Sub-section:** Assessment criteria

**Provision:**

In assessing all applications for historic heritage, Council will have regard to the following assessment criteria:

**Sentiment:** Amend

**Submission:**

The Waiapu Board of Diocesan Trustees (WBDT) further submits as follows:

1. That the Proposed Plan be amended as it affects or relates to the provisions of the Proposed Plan identified above, and the matters of concern just addressed including:

(a) Providing for the reuse of the heritage fabric of such a building in any replacement structure as one of the assessment criteria that would support the granting of consent for such demolition.

(b) Such further, other and including consequential changes to the Proposed Plan as necessary or appropriate to address the matters raised in this submission

### **Relief sought**

The WBDT seeks the following decision from the Council:

1. That the Proposed Plan be amended as it affects or relates to the provisions of the Proposed Plan identified above, and the matters of concern just addressed including:

(a) Providing for the reuse of the heritage fabric of such a building in any replacement structure as one of the assessment criteria that would support the granting of consent for such demolition.

(b) Such further, other and including consequential changes to the Proposed Plan as necessary or appropriate to address the matters raised in this submission.

## **SUBMISSION ON PROPOSED NAPIER CITY DISTRICT PLAN**

**TO:** Napier City Council (**Council**)

**Name of Submitter:** Waiapu Board of Diocesan Trustees (WBDT) as owners.

**This is a submission on** the Proposed Napier City District Plan (**Proposed Plan**).

The submitter could not gain an advantage in trade competition through this submission.

**The specific provisions of the Proposed Plan that this submission relates to are:**

- (a) The Historic Heritage Chapter, objectives, policies and rules.
- (b) Schedule 3, Heritage Items – Ref. No. 12.
- (c) All other provisions of the Proposed Plan as relate to or affect the Group A scheduling of Waiapu Cathedral under the Proposed Plan.

**The Waiapu Board of Diocesan Trustees (WBDT) submits as follows:**

1. The WBDT acknowledges (and holds dear) the spiritual and cultural significance of the Cathedral to the City of Napier, including (not least) to its clergy and parishioners. As well as serving a Parish ministry function, the Cathedral is the seat of the Bishop of Waiapu and Bishop of Aotearoa (Atipihopa o Aotearoa). As such, the Cathedral also serves a broader Diocesan function within the Anglican Church, and beyond that is a centre for a range of civic events of broader cultural significance to the City of Napier, more generally.
2. With all of that said, the WBDT opposes the Historic Heritage (Group A) scheduling of the Cathedral in Schedule 3 to the Proposed Plan, for the following reasons:
  - (a) The Group A heritage scheduling of the Cathedral has immediate legal effect from the date of notification of the Proposed Plan (on 21 September 2023).
  - (b) Little over one week after the Proposed Plan with this heritage scheduling was notified, on 29 September 2023 the Council issued a notice under s 133AL of the Building Act 2004 requiring the owner of the building to carry out building work to



ensure that it is no longer earthquake prone (**seismic work**), with this work needing to be completed by 29 September 2038.

- (c) The WBDT understands, based on expert engineering advice, that the cost of undertaking the seismic work needed to meet the direction of that notice could be between \$20 million and \$30 million.
- (d) Unless and until Napier City (and its ratepayers) are prepared to commit the capital resources required to complete that seismic work, it would simply and unavoidably be beyond the reach of either the WBDT (as building owner) or the Parish community.
- (e) The WBDT intends to engage with the people and communities of Napier to determine their vision of the future for the Cathedral in this context. This may lead to a decision being made by the City to in effect 'stand behind' the heritage scheduling of the Cathedral in the Proposed Plan, and meet the costs of the seismic work being completed.
- (f) Alternatively, it may lead to a decision to demolish the Cathedral and replace the building on the site with one more in keeping with (or 'fit for purpose for') a combination of spiritual, Parish ministry, and wider civic functions of value to the City and Diocese, in a 21<sup>st</sup> century context.
- (g) Should any decision of that nature be taken, an application for resource consent would now need to be made to demolish the Cathedral. Conversely, under the Operative District Plan, demolition could have proceeded as a permitted activity.
- (h) Specifically, as a result of the heritage scheduling, a non-complying activity application would now need to be made to demolish the Cathedral, under Rule HH-R10 of the Proposed Plan.
- (i) As matters stand under the Proposed Plan, the WBDT understands that such an application would be publicly notified and very likely declined, particularly in light of the objectives and policies of the Historic Heritage Chapter as notified including (in particular) Policy HH-P7 (Demolition and Relocation), which is to avoid total or partial demolition (with limited exceptions).
- (j) The only other option for the WBDT would be to close the building to the public given the seismic risks presented, and necessarily leave it (through want of a funding base or reason for ongoing for maintenance), to become increasingly derelict on the site.
- (k) In short, the WBDT is effectively placed in a near impossible legal and financial position as a result of the issuing of the Building Act Notice (on the one hand) and the Historic Heritage scheduling under the Proposed Plan (on the other).
- (l) To preserve its position, including to enable a meaningful conversation with the people and communities of Napier City (and our own Parish community) as to the vision for the future of the Cathedral, the WBDT seeks that these provisions of the

Proposed Plan be deleted, or at least amended such that a demolition option remains feasible under the RMA, including in response to the Notice issued under the Building Act by the Council.

- (m) As revealed in the background report relied on by the Council in scheduling the Cathedral as a Group A heritage item, its heritage significance derives more from the historical and cultural values of the site (including as the site of the previous Cathedral and earlier church buildings), than the values of the building itself. Simply put, the Cathedral building is more of *architectural value*, than heritage value *per se*.
- (n) In that regard, as the background report also reveals, the architectural style of the building is “overtly modernist” and “breaks with tradition”. Beyond that, the Cathedral is said to be rated for a range of factors including “aesthetic”, “social” and “spiritual” which do not actually fall within the definition of a historic heritage under s 2 of the RMA.
- (o) In this context, amending the Proposed Plan to better provide for demolition of the building (and enable site development to the potential intent and purpose outlined at (f) above) would not represent *inappropriate* development of the site, under s 6(e) of the RMA.

**The Waiapu Board of Diocesan Trustees (WBDT) further submits as follows:**

1. The WBDT acknowledges (and holds dear) the spiritual and cultural significance of the Ormond Chapel at 55 Chaucer Street, Hospital Hill, to the City of Napier, including (not least) to its clergy and parishioners.
2. With all of that said, the WBDT opposes the Historic Heritage (Group A) scheduling of the Ormond Chapel in Schedule 3 to the Proposed Plan, for the following reasons:
  - (a) The Ormond Chapel is already registered on the Historic Places Trust as a Category 1 building.
  - (b) The Category A scheduling of Ormond Chapel will further hinder development of the building in terms of accessibility, addition of ablutions etc.

**The WBDT seeks the following decision from the Council:**

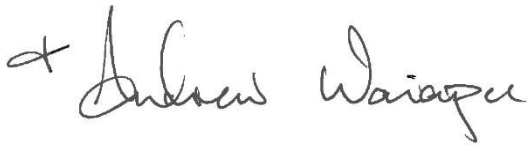
1. That the Proposed Plan be amended as it affects or relates to the provisions of the Proposed Plan identified above, and the matters of concern just addressed including:
  - (a) Removal of the Group A scheduling of the Cathedral from Schedule 3; and/or
  - (b) Amendment of the objectives and policies of the Historic Heritage Chapter including (without limitation) Policy HH-P7 to provide (by way of further exception) for demolition of a heritage building where necessary as a result of prohibitive costs

otherwise being faced in meeting the requirements of a notice issued under the Building Act to complete seismic work; and/or

- (c) Alteration of the activity status for demolition of a heritage item (Rule HH-R 10) in these circumstances to become a controlled (or at worst restricted discretionary) activity, to be processed and determined without notification; and/or
- (d) Providing for the reuse of the heritage fabric of such a building in any replacement structure as one of the assessment criteria that would support the granting of consent for such demolition.
- (e) Such further, other and including consequential changes to the Proposed Plan as necessary or appropriate to address the matters raised in this submission.
- (f) Removal of the Group A scheduling of the Ormond Chapel from Schedule 3

**The WBDT wishes to be heard in support of this submission.**

If others make a similar submission, the WBDT would consider presenting a joint case with them.



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**The Right Reverend Andrew Hedge**

Chair of Waiapu Board of Diocesan Trustees  
Bishop of the Diocese of Waiapu

Date: 14 December 2023