

Form 34
Notice of appeal to Environment Court (general)

To the Registrar
Environment Court
Wellington

The Architectural Centre appeals part of a decision on the following matter:

Plan Change 81: Rezoning 320 The Terrace and de-listing the Gordon Wilson Flats

The Architectural Centre received notice of the decision on 19 May 2016

The decision was made by Wellington City Council

The Centre is not a trade competitor for the purposes of [section 308D](#) of the Resource Management Act 1991.

The part of the decision that we are appealing is:

The decision to amend the District Plan to de-list Gordon Wilson Flats as a Heritage building (removal from the Heritage List (Chapter 21 appendix))

The reasons for the appeal are as follows:

The decision:

- a) incorrectly evaluated the historic heritage values of Gordon Wilson Flats as moderate, rather than significant.
- b) failed to have sufficient regard to the existing WCC District Plan listing of the Gordon Wilson Flats,
- c) had no proper basis to conclude that the WCC's 2012 heritage assessment (which reconfirmed the heritage listing of the building) was incorrect and inconsistent with the significance of other listed items.
- d) gave little or no weight to expert evidence which disagreed with the Applicant's heritage evidence and little or no weight to submissions from submitters with expert qualifications.
- e) was contrary to Regional Policy Statement Policies 21, 22, 46
- f) failed to put appropriate weight on the strong direction in RPS Policy 21

- g) failed to properly apply the criteria for significant historic heritage as set out in RPS Policy 21
- h) confused the consideration of whether to retain the current heritage listing of the building with the consideration of whether to permit demolition of the building, and, consequently wrongly took into account irrelevant factors (including: lack of reasonable alternatives to demolition, adverse heritage effects of adaptive re-use modifications, and the financial costs of strengthening and restoration) when deciding whether or not to retain the heritage listing of the building.
- i) placed over reliance upon the s 32 report and failed to evaluate the Plan Change against s32 matters.
- j) wrongly treated s74 as inapplicable

The Centre seeks the following relief:

1. The quashing of those parts of the decision relating to the de listing of the Gordon Wilson Flats. In particular:
 - a) the removal of the Gordon Wilson Flats from the WCC DP Heritage List in Chapter 21 and the removal of the heritage notation "299" in DP Map 16.
 - b) the insertion of reference to the demolition of Gordon Wilson Flats within WCC DP 9.2 "Controlled Activities in the Institutional Precinct" provisions.
2. Such other consequential relief as the Court may find appropriate including the quashing of the entire Plan Change.
3. The costs of this appeal.

We attach the following documents to this notice:

- (a) a copy of the relevant decision (*or* part of the decision):
The decision is available at: <http://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/plan-changes-and-variations/active/change-81-rezoning-of-320-the-terrace>
- (b) a list of names and addresses of persons to be served with a copy of this notice:
- (c) any other documents necessary for an adequate understanding of the appeal.
Regional Policy Statement: Table 5; Policies 21, 22, 46; Method 20:
<http://www.gw.govt.nz/assets/Plans--Publications/Regional-Policy-Statement/Regional-Policy-Statement-full-document.pdf>
WCC District Plan:
chapter 20: <http://wellington.govt.nz/~media/your-council/plans-policies-and-bylaws/district-plan/volume01/files/v1chap20.pdf?la=en>
heritage list (chapter 21 appendix, p. 23): <http://wellington.govt.nz/~media/your-council/plans-policies-and-bylaws/district-plan/volume01/files/v1chap21list.pdf?la=en>

Copies of these documents may be obtained on request from the appellant.



Signature of appellant
(or person authorised to sign
on behalf of appellant)

.....9 June 2016.....
Date

Address for service of appellant: The Architectural Centre, P.O. Box 24-178, Manners St,
Wellington
Telephone: (04)463-6164
Fax/email: arch@architecture.org.nz
Contact person: Christine McCarthy, President, Architectural Centre

Note to appellant

You may use this form for any appeal for which you cannot identify a prescribed form.
You must lodge the original and 1 copy of this notice with the Environment Court. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.
Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

Advice to recipients of copy of notice of appeal

How to become a party to proceedings

If you wish to become a party to the appeal, you must,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (*see* form 38).

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

Advice

If you have any questions about this notice, contact the Environment Court in Wellington.

Schedule 1 form 34: amended, on 3 March 2015, by regulation 15(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 34: amended, on 3 March 2015, by regulation 15(2) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 34: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 34: amended, on 1 June 2006, by regulation 10(4) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).

List of names and addresses of persons to be served with a copy of this notice:

John McSweeney, Wellington City Council, P.O. Box 2199, Wellington 6140;
district.plan@wcc.govt.nz
Victoria University of Wellington c/- Peter Coop, Urban Perspectives Ltd, P.O. Box
9042, Marion Square, Wellington 6141; Morgan Slyfield, P.O. Box 117, Wellington
6140.
Anka Kuepper, 107 Elizabeth St, Mt Victoria, Wellington 6011
Anna Ronberg, 346 The Terrace, Te Aro, Wellington 6011
Avril Miles, 344A The Terrace, Te Aro, Wellington 6011
Cara Francesco, 3/25 Brentwood Ave, Mt Eden, Auckland 1024
Craig Relph, 152 Taranaki St, Te Aro, Wellington 6011
Dorothea and Yves-Louis Sage, 13 Waiteata Rd, Kelburn, Wellington 6012
Dan Stenton, 192C The Terrace, Te Aro, Wellington 6011
Dartrey and Ann Marie Lamb, 36 Buller Street, Te Aro, Wellington 6011
Denise Stephens, 1/326 The Terrace, Te Aro, Wellington 6011
Dennis Walton, 1 Rawhiti Terrace, Kelburn, Wellington 6011
Heritage New Zealand, c/- Jillian Kennemore, P.O. Box 2629, Wellington 6140
Iain Southhall, 71 Todman Street, Brooklyn 6021
Terry and Jenny Cosgrove, 145 Dixon Street, Te Aro, Wellington 6011
John Blincoe and Wendy Walker, 76B Salamanca Rd, Kelburn, Wellington 6012
John Jenner, 5/227 The Terrace, Te Aro, Wellington 6011
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William Aitken, P.O. Box 36, Paekakariki 5381
Fernhill Body Corporate, c/- Geraldine Ryan, 3/324 The Terrace, Te Aro, Wellington
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