

Appendix One

TO: THE MINISTER OF JUSTICE

FROM: COUNCILLOR HEARING – WELLINGTON CITY COUNCIL

DATE: APRIL 2007

SUBJECT: NOTICE OF REQUIREMENT FOR SUPREME COURT DESIGNATION

1. RECOMMENDATION

Wellington City Council recommends to the Ministry of Justice (MOJ) that the Notice of Requirement for justice purposes (Courts/Offices), principally the Supreme Court of New Zealand be confirmed, subject to the addition of the following conditions:

Assesment of Environmental Effects

- 1. An assesment of environmental effects (in the form envisaged by Schedule 4 of the Resource Management Act 1991, but excluding clause (1)(b) relation to alterative locations or methods) of any work(s) proposed should be submitted with any future Outline Plans, the assesment of effects shall include the information required under section 3.2.2 and section 3.2.4 of the Wellington City Council District Plan.*

Building Height

- 2. No building on the site shall exceed 20m in height above ground level. The requiring authority shall obtain the agreement of the New Zealand Historic Places Trust for any material works on the new building that extend above the parapet height of the old High Court building.*

Construction

- 3. The Requiring Authority shall prepare and submit a Construction Management Plan (CMP) to the Manager, Compliance Monitoring and Enforcement, Wellington City Council for approval at least 10 working days prior to works commencing. Works shall not commence until the CMP has been approved by the Manager, Compliance Monitoring and Enforcement.*
- 4. The CMP shall include specific details relating to demolition, excavation, construction and restoration of all works associated with the Project, including:
 - a) Details of the site or project manager, including their contact details (phone, facsimile, postal address, email address);**

- b) *The location of large notice boards that clearly identify the project name, together with the name, telephone number, email and address for service of the site or project manager;*
 - c) *An outline of the construction programme;*
 - d) *Days and hours of work;*
 - e) *An outline of anticipated construction related traffic and how it will be managed both onsite and offsite;*
 - f) *Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;*
 - g) *Location of workers' offices and conveniences (e.g. portaloos);*
 - h) *Means of ensuring the safety of the general public;*
 - i) *The protocol for the discovery of archaeological remains as referred to in condition 8 below.*
 - j) *Methods of avoiding, remedying or mitigating any potential adverse construction related effect (including dust, debris and mud on public roads etc).*
5. *The CMP shall be implemented and maintained throughout the entire construction and restoration period.*
6. *Noise associated with the work must comply in all aspects with the controls set out in NZS 6803:1999 and all persons undertaking day-to-day activity management will adopt the best practical option at all times to ensure the emission of noise from the site does not exceed a reasonable level in accordance with section 16 of the Resource Management Act 1991.*
7. *Temporary protection shall be installed to prevent vehicles damaging drains, footpaths, kerbs, vehicle crossings during construction. Any damage to the drains, footpaths, berms, kerbs, vehicle crossings and the roads attributable to any vehicle associated with construction activities shall be repaired to the same or similar standard as existed prior to such damage at no cost to the Wellington City Council.*

Archaeological

8. *Prior to works commencing, an Archaeological Management Plan shall be prepared by the Requiring Authority in consultation with the site engineer, primary contractor, project archaeologist and the New Zealand Historic Places Trust. This plan shall include the following:*
- a) *procedures for any archaeological investigation or monitoring,*
 - b) *the role, responsibility and level of authority of the approved archaeologist(s),*
 - c) *protocols for the unexpected discovery of archaeological material,*
 - d) *timeframes for archaeological work,*
 - e) *requirements for stand down periods to enable archaeological work,*

- f) *the responsibilities of contractors with regard to notification of archaeological sites, and*
- g) *mechanisms for dispute resolution.*

Note:

The Historic Places Act 1993 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. Section 10 of the Act directs that an authority is required from the New Zealand Historic Places Trust if there is “reasonable cause” to suspect an archaeological site (recorded or unrecorded), may be modified, damaged or destroyed in the course of any activity. An authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted.

Cultural

- 9. *Prior to any works commencing on the site, a ground breaking and blessing ceremony shall be carried out by kaumatua from Wellington Tenth Trust.*
- 10. *If, during any earthworks any koiwi (human skeletal remains) or other Maori cultural materials are unearthed, work in the immediate vicinity shall cease immediately. The area shall be immediately secured and the project archaeologist along with representatives of the Wellington Tenth Trust must be promptly advised to carry out an initial examination. The New Zealand Historic Places Trust is also to be advised. The Police must be contacted if any human remains are uncovered*
- 11. *If, as a result of this initial investigation there is a need for an appropriate ceremony the iwi authority representatives will arrange for the process at the Requiring Authority’s expense.*

Heritage Conditions

- 12. *For those parts of the Old High Court Building that are to be demolished and not replaced (shown on Map 1 (Attached as Appendix 1) as hatched areas and listed in Table 1) there are no heritage restrictions.*
- 13. *For the parts of the Old High Court Building listed as Heritage Significance Category 1, 2 or 3 in Table 2 below (and shown on Maps 1, 2, 3 and 4 (Attached as Appendix 1)):*
 - (a) *“Modifications” shall include maintenance, stabilisation and strengthening, repair, adaptive reuse, removal and reuse, and the demolition required for the new Supreme Court and the Old High Court Building complex.*
 - (b) *Modifications to Heritage Significance 1 parts of the Old High Court Building may occur only for the purposes of meeting essential functional, construction or restoration requirements as determined by the Secretary for Justice in consultation with the New Zealand Historic Places Trust and the Manager of Urban Design Policy, Wellington City Council, safeguarding the building, or meeting statutory requirements. Any modifications shall be as discreet as practicable in the circumstances and the minimum reasonably necessary in the circumstances.*

- (c) *Modifications to Heritage Significance 2 parts of the Old High Court Building may occur only for the purposes of meeting functional, construction or restoration requirements as determined by the Secretary for Justice in consultation with the New Zealand Historic Places Trust and the Manager of Urban Design Policy, Wellington City Council, safeguarding the building, or meeting statutory requirements. Any modifications shall be as discreet as practicable in the circumstances and the minimum reasonably necessary in the circumstances.*
- (d) *Modifications to Heritage Significance 3 parts of the Old High Court Building may occur only for the purposes of meeting functional, construction or restoration requirements or improvements as determined by the Secretary for Justice in consultation with the New Zealand Historic Places Trust and the Manager of Urban Design Policy, Wellington City Council.*
- (e) *Any other modifications to Heritage Significance 1, 2 and 3 parts of the Old High Court Building which the Secretary for Justice thinks desirable for the complex may occur if agreed to by the New Zealand Historic Places Trust and the Manager of Urban Design Policy, Wellington City Council.*
14. *The items listed in Table 2 below (and shown on Maps 1 and 2 (Attached as Appendix 1)) as Significant Fabric in Heritage Significance 1 parts of the Old High Court Building shall only be modified in consultation with a suitably qualified conservation architect.*
15. *Public access to the No 1 Courtroom in the Old High Court Building will be provided in accordance with access protocols, prepared and approved by the Secretary for Justice in consultation with the New Zealand Historic Places Trust. The access protocol will balance the interests of the public in being able to see and enjoy the spaces, and the functional requirements of the Supreme Court and other justice purposes in using the spaces and the Old High Court Building efficiently and securely. Access protocols may be amended from time to time by the Secretary for Justice in consultation with the New Zealand Historic Places Trust and the Manager of Urban Design Policy Wellington City Council. The Secretary of Justice shall forward to the Chief Executive Officer of the Wellington City Council any such protocol once approved.*
16. *For the interior spaces in the Old High Court Building listed as No Heritage Significance in Table 2 below (and shown on Maps 1 and 2(Attached as Appendix 1)), there are no restrictions on modifications.*
17. *The designation holder must compile a thorough photographic record to show areas of the building that are Heritage Significance Category 1, 2 or 3, which will be subject to additions/alterations/partial demolition before, during and after each stage. This record must be lodged with the Manager Urban Design Policy and the New Zealand Historic Places Trust in two stages. The before photos must be lodged prior to commencement of work and the remaining photos must be submitted within 2 months of the work being completed.*
18. *Any parts of the old High Court building identified in the Tables below as Heritage Significance 1 or 2 which are to be removed and reused in the building or are required for future maintenance of the building shall be removed and stored with reasonable care and in accordance with good practice.*

TABLE 1

Those parts and spaces of the Old High Court Building that are to be demolished and not replaced as shown as hatched on Map 1(Attached as Appendix 1).

Exterior

<i>Part of the South Elevations</i>		<i>Heritage Significance 1</i>
<i>Description</i>	<i>The northern end of the 1907 extension of south elevation facing Ballance Street as shown in Plan 1 below.</i>	

<i>Part of the North Elevations</i>		<i>Heritage Significance 1</i>
<i>Description</i>	<i>The entire 1913 extension facing Whitmore Street as shown in Plan 1 below.</i>	

Interior

<i>Spaces G36, G37, G38, G39, G40</i>		<i>Heritage Significance 2</i>
<i>Law Library</i>		
<i>Use</i>	<i>Library.</i>	

<i>Space G51 Judge's Chambers</i>		<i>Heritage Significance 2</i>
<i>Use</i>	<i>Office.</i>	

<i>Space G52 Judge's Chambers</i>		<i>Heritage Significance 2</i>
<i>Use</i>	<i>Office.</i>	

<i>Space G48 and the part of G47 contained in the 1913 Whitmore Street extension</i>		<i>Heritage Significance 3</i>
<i>Use</i>	<i>Corridor</i>	

<i>Spaces G49, G50 Bathroom and Toilet</i>	<i>Heritage Significance 3</i>
<i>Use</i>	<i>Bathroom and toilet.</i>

1981 Addition

<i>The entire 1981 Addition</i>	<i>Heritage Significance None</i>
<i>Use</i>	<i>Offices</i>

TABLE 2

Those parts of the Old High Court Building rated as Heritage Significance 1, 2 and 3 and those interior spaces with No Heritage Significance, excluding those parts and spaces listed in Table 1 above, as shown in Maps 1, 2, 3, and 4 (attached as Appendix 1).

Heritage Significance 1

Exterior

<i>East Elevations</i>	<i>Heritage Significance 1</i>
<i>Description</i>	<i>The east elevation facing Stout Street is the front elevation of the building, with the main public entrance. The entrance has been altered by the closing in of a small space on either side for toilets. The elevation is strictly symmetrical in its original form, the single storey 1907 addition on the north side now disrupting the symmetry. Decorative parapets, pediments and acroterian have been stripped from all the main elevations.</i>
<i>Significant Fabric</i>	<i>Plasterwork. Timber joinery. Wrought and cast iron gates D1.</i>
<i>Heritage Values</i>	<i>Historic, social, aesthetic, scientific.</i>

<i>South Elevations excluding the north end of the 1907 extension as described in Table 1 above.</i>	<i>Heritage Significance 1</i>
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Description	<i>The south elevation facing Ballance Street has a discreet door leading to the library, also the below ground entrance to the holding cells. This has been enclosed by a modern single-storey concrete block wall and steel gate. There is another concrete block wall and gate to the west of the library, giving vehicle access to the site; these are elements on this elevation. The single-storey wing on the street boundary is the 1907 addition to the library.</i>
Significant Fabric	<i>Plasterwork. Timber joinery. Door D35</i>
Heritage Values	<i>Historic, social, aesthetic, scientific.</i>

West Elevations	Heritage Significance 1
Description	<i>This elevation is the least seen, most particularly because of the 1981 addition that stretches across this side of the building. (Before this, it was largely hidden by the buildings on Lambton Quay, described earlier.) While the main bulk of the 1881 building was decorated as for the other elevations, the exterior of the blocks containing the No 2 Courtroom and the suite of judge's chambers was finished in plain plaster. Although set well back, behind and above the No 2 Courtroom, there was a prominent pediment facing west, matching those on each of the other elevations. Part of the west elevation of the 1913 addition has never been painted; this has value in helping to understand the original appearance of the building.</i>
Significant Fabric	<i>Plasterwork. Timber joinery.</i>
Heritage Values	<i>Historic, social, aesthetic, scientific.</i>

North Elevations excluding the 1913 extension as described in Table 1 above.	Heritage Significance 1
Description	<i>The north elevation facing Whitmore Street follows the pattern and detail of the south, although with differences in form originating in the asymmetrical additions. A broad flight of steps leads to the judge's entrance, and there are two other entrances to the west of this main one. The single-storey 1913 addition to the west continues the architectural detail of the 1881 building. The basement service rooms which rise through the garden to the east of the judge's entrance are intrusive elements.</i>
Significant Fabric	<i>Plasterwork. Timber joinery. Doors D71, D59, D61.</i>
Heritage Values	<i>Historic, social, aesthetic, scientific.</i>

Curtilage

<i>OS 1 Ballance Street</i> <i>OS 2 Ballance Street</i> <i>OS 3 Whitmore Street</i>	<i>Heritage Significance 1</i>
<i>Use</i>	<i>Gardens, lawns, vehicle access.</i>
<i>Description</i>	<i>These are utility spaces, although there is some modest townscape value in the gardens and trees, and they have value in providing an open setting for the building. Concrete block walls and steel gates on the south side of the building (OS 1) are modern and utilitarian. None of the fabric of these spaces is known to have any particular heritage value.</i>
<i>Significant Fabric</i>	<i>None.</i>
<i>Heritage Values</i>	<i>Historic, aesthetic.</i>

Interior

<i>Space G1 Main Entrance</i>	<i>Heritage Significance 1</i>
<i>Use</i>	<i>Formal entrance to the building.</i>
<i>Description</i>	<i>This space has steps up from the street, with swing doors into a modern wind lobby and thence into G2. Spaces G6 and G8 on either side were originally a part of the entrance, and were closed off in 1949 to form new toilets.</i>
<i>Significant Fabric</i>	<i>Main entrance doors, D2.</i>
<i>Heritage Values</i>	<i>Historic, social, aesthetic, scientific.</i>

<i>Space G2 Foyer</i>	<i>Heritage Significance 1</i>
<i>Use</i>	<i>Formal entrance space to the No 1 Courtroom, the corridors and the offices.</i>
<i>Description</i>	<i>This space rises through the two storeys of the building. On the central axis, it has double doors to the No 1 Courtroom and matching curved stairs to doors to the public gallery. The north and south side corridors open off on either side.</i>

Significant Fabric	<p><i>Dado and skirting.</i></p> <p><i>Double stair to public gallery.</i></p> <p><i>Doors D10 and D11 to No 1 Courtroom.</i></p> <p><i>Doors D101 to public gallery.</i></p> <p><i>Plasterwork to arched opening to G12 and G14.</i></p> <p><i>Plaster cornice.</i></p> <p><i>Windows (3) incl plaster architraves and pediments.</i></p> <p><i>Ceiling light.</i></p>
Heritage Values	<i>Historic, social, aesthetic, scientific.</i>

Space G13 No 1 Courtroom	Heritage Significance 1
Use	<i>Courtroom.</i>
Description	<p><i>This space is the heart of the Supreme Court, functioning as its main court throughout the life of the building 1881 – 1993. It rises through the two storey height of the building, with windows at the upper level providing natural (borrowed) light. It is entered through 5 sets of double swing doors, two each from the north and south corridors, and one at the east end from the foyer into the public area; there are also doors to the public gallery at first floor level. At the western end there is the judge’s bench, surmounted by an ornate timber canopy with a coat of arms; this may have been moved from the earlier (1865) Supreme Court building in Lambton Quay. A narrow stair from the cells in the basement rises to a dock in the middle of the room. Clerk’s bench, witness box, jury benches and other furniture are disposed around the space.</i></p>
Significant Fabric	<p><i>Timber panelling, including carved frieze.</i></p> <p><i>All doors (numbered with other spaces).</i></p> <p><i>Pediments over doors, with carved brackets.</i></p> <p><i>Windows (10) incl plaster architraves and pediments.</i></p> <p><i>Coffered plaster ceiling, pendants and ceiling light (all presently hidden by the modern ceiling).</i></p> <p><i>Fluted cast iron columns to public gallery, Corinthian capitals.</i></p>

	<p><i>Balustrade to public gallery.</i></p> <p><i>Judge's bench.</i></p> <p><i>Canopy over judge's bench.</i></p> <p><i>Clerk's bench in front of judge's bench.</i></p> <p><i>Witness box.</i></p> <p><i>Jury benches.</i></p>
<i>Heritage Values</i>	<i>Historic, social, aesthetic, scientific.</i>

<i>Space F16 Public Gallery</i>		<i>Heritage Significance 1</i>
<i>Use</i>	<i>Public space in G13, the No 1 Courtroom.</i>	
<i>Description</i>	<i>This space provided seating for the public observation of trials; it can only be reached by the double stairs in the lobby G2.</i>	
<i>Significant Fabric</i>	<i>See G13.</i>	
<i>Heritage Values</i>	<i>Historic, social, aesthetic, scientific, all as part of the main courtroom space.</i>	

Heritage Significance 2

Exterior

<i>Roof</i>		<i>Heritage Significance 2</i>
<i>Description</i>	<i>The roof forms of the building are barely visible from street level because of the height of the parapets. They are generally hipped roofs, set within the parapets with internal gutters. Roof framing that supported the main pediment on each elevation was removed with the removal of the pediments, so that the main roof over the No 1 Courtroom, which was gabled, is now hipped. The original cladding of slates has been replaced with corrugated sheet material.</i>	
<i>Significant Fabric</i>	<i>None.</i>	
<i>Heritage Values</i>	<i>Historic, social, aesthetic, scientific.</i>	

Interior

<i>Space G11 Stair</i>	<i>Heritage Significance 2</i>
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Use	<i>Staircase to the first floor southern gallery, spaces F17 and F18.</i>
Description	<i>This is a small space with a tightly winding stair, retaining its original form and detail of 1881. A matching stair on the north side has been removed.</i>
Significant Fabric	<i>Timber stair and balustrade</i>
Heritage Values	<i>Historic, technical</i>

Space G12 South Corridor		Heritage Significance 2
Use	<i>Circulation.</i>	
Description	<i>This space is a long corridor giving access to the No 1 Courtroom and various south-side offices. It retains its original form of 1881, although with two modern partitions and doors. The stair at the east end is also original.</i>	
Significant Fabric	<i>Timber dado and skirting. Plaster work. Doors D12, D13, D17, D19, D20, D21, D23, D24, D26.</i>	
Heritage Values	<i>Historic, social, aesthetic, scientific.</i>	

Space G14 North Corridor		Heritage Significance 2
Use	<i>Circulation.</i>	
Description	<i>This space is a long corridor giving access to the No 1 Courtroom and various north-side offices. It retains its original form of 1881, although with space G3 divided off at the east end.</i>	
Significant Fabric	<i>Timber dado and skirting. Plaster work. Doors D14, D15, D74, D78.</i>	
Heritage Values	<i>Historic, social, aesthetic, scientific.</i>	

Space G15 Middle Corridor		Heritage Significance 2
Use	<i>Circulation.</i>	
Description	<i>This space is a corridor giving access to the No 2 Courtroom. It retains its original form of 1881</i>	
Significant Fabric	<i>Timber dado and skirting. Plaster work. Doors D27, D37, D75, D77.</i>	
Heritage Values	<i>Historic, social, aesthetic, scientific.</i>	

Spaces G16 G18, G19		Heritage Significance 2
No 2 Courtroom Corridors		
Use	<i>Circulation</i>	
Description	<i>This space is a corridor running around the north, south and west sides of the No 2 Courtroom, giving access to it and surrounding spaces. It has been altered from the original form of 1881 by the removal of a prisoner's room that used to occupy a portion of the west corridor.</i>	
Significant Fabric	<i>Timber dado and skirting. Plaster work. Doors D46, D48, D60, D 62, D63, D64.</i>	
Heritage Values	<i>Historic, social, aesthetic, scientific.</i>	

Space G17 No 2 Courtroom		Heritage Significance 2
Use	<i>Courtroom</i>	
Description	<i>This space has fulfilled the role of the second court throughout the life of the building 1881 – 1993. It rises above the single-storey corridors that surround it on all sides, with windows at the upper level providing natural light. All walls are lined with timber paneling. The court is entered through 4 single doors, with one pair of double doors giving access to the public gallery at the north end; the judges bench is at the south end. Clerk's bench, witness box and other loose furniture is disposed around the space.</i>	
Significant Fabric	<i>Timber paneling. All doors (numbered with other spaces). Windows (10) including plaster architraves and pediments.</i>	
Heritage Values	<i>Historic, social, aesthetic, scientific.</i>	

Space G20 Staff Room		Heritage Significance 2
Use	<i>Staff room</i>	
Description	<i>This space is in the south-east corner of the building, with three windows. Its original use was the Sheriff's office, and it retains its form from this time, although it is now altered with modern bench, cupboards and seats.</i>	
Significant Fabric	<i>Timber dado and skirting. Plaster work.</i>	

Heritage Values	<i>Historic, social, aesthetic, scientific.</i>
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Space G21 No 1 Witness Room		Heritage Significance 2
Use	<i>Witness room</i>	
Description	<i>This space, on the south side of the building, was originally the registrar's office; it retains its original configuration.</i>	
Significant Fabric	<i>Timber dado and skirting. Plaster work. Fire surround</i>	
Heritage Values	<i>Historic, social, aesthetic, scientific.</i>	

Space G22 Crown Prosecutor		Heritage Significance 2
Use	<i>Office.</i>	
Description	<i>This space was originally the witness room; it too retains its original configuration.</i>	
Significant Fabric	<i>Timber dado and skirting. Plaster work.</i>	
Heritage Values	<i>Historic, social, aesthetic, scientific.</i>	

Space G26 Stair to Basement		Heritage Significance 2
Use	<i>Circulation.</i>	
Description	<i>This stair gives access down to the basement passageway and holding cells, and it matches these spaces in its utilitarian character.</i>	
Significant Fabric	<i>General fabric.</i>	
Heritage Values	<i>Historic, scientific.</i>	

Spaces G27, G28 Solicitor's Robing Room and Cupboard		Heritage Significance 2
Use	<i>Robing room.</i>	
Description	<i>This space was originally part of the Grand Jury Room; it has no windows, and has access through to the G24 and G25 toilets described above. The robing cupboards are still in place. The space has been reduced by having two staircases built into it, one to the</i>	

	<i>basement cells and one to the first floor.</i>
Significant Fabric	<i>Remnants of timber dado and skirting. Plaster work.</i>
Heritage Values	<i>Historic, social.</i>

Spaces G29, G30 Canadian Bay	Heritage Significance 2
Use	<i>Library.</i>
Description	<i>This space was divided off the original Grand Jury Room. It has one window facing east.</i>
Significant Fabric	<i>Remnants of timber dado and skirting. Plaster work. Glazed screen, tongue and groove boarding, to space G35.</i>
Heritage Values	<i>Historic, social.</i>

Space G31 Law Library	Heritage Significance 2
Use	<i>Library.</i>
Description	<i>This space has been occupied by the library for the whole life of the building. It was extended with a major addition in 1907, and later a steel staircase was built to the floor above.</i>
Significant Fabric	<i>Remnants of timber dado and skirting. Plaster work. Two fire surrounds are now missing. Doors D28, D34, D38</i>
Heritage Values	<i>Historic, social.</i>

Space G34 Law Library Entrance	Heritage Significance 2
Use	<i>Entry.</i>
Description	<i>This space has been a direct entrance to the library from Balance Street. It was added some time after 1907, since the original street entry is shown on the drawings at the far west end of the facade.</i>
Significant Fabric	<i>Door D35</i>
Heritage Values	<i>Historic, social.</i>

Space G35 Law Library	Heritage Significance 2
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Use	<i>Library.</i>
Description	<i>This space constitutes part of the 1907 addition facing Balance Street. It was occupied by the library from that time. Finishes in this addition were plain, with solid plaster walls and no dado.</i>
Significant Fabric	<i>Timber skirting. Plasterwork. One gas fire surround.</i>
Heritage Values	<i>Historic, social.</i>

Space G41 Chief Justice's Associate		Heritage Significance 2
Use	<i>Office.</i>	
Description	<i>This space has a connecting door to the Chief Justice's Chambers, being used most recently as the Chief Justice's Associate office.</i>	
Significant Fabric	<i>Timber dado and skirting. Plaster work. Cast iron fireplace and timber surround. Cupboards.</i>	
Heritage Values	<i>Historic, social.</i>	

Spaces G42, G43 Robing Room and Toilet		Heritage Significance 2
Use	<i>Robing room and toilet.</i>	
Description	<i>These two small service spaces show on the original drawings as they appear today. They open off the Chief Justice's Chambers.</i>	
Significant Fabric	<i>Remains of timber dado and skirting.</i>	
Heritage Values	<i>Historic, social.</i>	

Space G44 Chief Justice's Chambers		Heritage Significance 2
Use	<i>Office.</i>	
Description	<i>This room retains its original form, but it has been altered by the insertion of new steel-framed windows and remodelling with new finishes and joinery.</i>	
Significant Fabric	<i>Timber joinery in mahogany.</i>	

Heritage Values	<i>Historic, social.</i>
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Space G59 Corridor	Heritage Significance 2
Use	<i>Circulation</i>
Description	<i>This space is a corridor giving access from the north side entrance to main corridors around the courtrooms, although double swing doors at the inner end have been removed.</i>
Significant Fabric	<i>Timber dado and skirting. Plaster work. Door D72</i>
Heritage Values	<i>Historic, social</i>

Spaces G60, G61 Judge's Library	Heritage Significance 2
Use	<i>Library</i>
Description	<i>This space was originally the Magistrate's Court Office, shown on the original drawing with no doorway. It is now fully lined with bookshelves.</i>
Significant Fabric	<i>Timber shelving (in kauri). Timber cornice and panelled ceiling. Attached wall columns. Six light fittings. Doors D72, D79.</i>
Heritage Values	<i>Historic, social, aesthetic, scientific</i>

Space G62 No 4 Courtroom	Heritage Significance 2
Use	<i>Court.</i>
Description	<i>The former Petit Jury Room, now a court, retains its original form of 1881, although with new fittings.</i>
Significant Fabric	<i>Remnants of timber dado and skirting. Plaster work.</i>
Heritage Values	<i>Historic, social.</i>

Space G63 Strongroom	Heritage Significance 2
Use	<i>Storage</i>

Description	<i>This is a utilitarian space, extended from its original form by the addition of 1907, and with a stair added to give access to the basement below. It has a vaulted ceiling, in masonry.</i>
Significant Fabric	<i>Masonry structure.</i>
Heritage Values	<i>Historic, scientific</i>

Space G65 Public Office		Heritage Significance 2
Use	<i>Office.</i>	
Description	<i>This space was more than doubled in size by the 1907 addition, and occupies the whole north-east corner of the building.</i>	
Significant Fabric	<i>Remnants of timber dado and skirting. Plaster work. Doors D81, D82, D83</i>	
Heritage Values	<i>Historic, social</i>	

Space G66 Deputy Registrar		Heritage Significance 2
Use	<i>Office.</i>	
Description	<i>This space was the Sheriff's office in 1907 and was part of the addition to the north-east corner of the building made at that time.</i>	
Significant Fabric	<i>Remnants of timber dado and skirting. Plaster work.</i>	
Heritage Values	<i>Historic, social</i>	

Space F3 Stair		Heritage Significance 2
Use	<i>Circulation.</i>	
Description	<i>See G56, G57.</i>	
Significant Fabric	<i>See G56, G57.</i>	
Heritage Values	<i>Historic, scientific.</i>	

Space F11 No 3 Courtroom		Heritage Significance 2
Use	<i>Courtroom.</i>	
Description	<i>This space was originally the Arbitration Court, although access to it is now by a single-run staircase instead of a dog-leg stair.</i>	

	<i>Significant modernisation of the court was carried out (perhaps in the 1960s).</i>
Significant Fabric	<i>None.</i>
Heritage Values	<i>Historic, social.</i>

Space F14, F15 Northern Gallery		Heritage Significance 2
Use	<i>Servicing</i>	
Description	<i>This space serves to filter natural light to the No 1 Courtroom, and to insulate it from outside noise. A stair has been removed from its eastern end but it is otherwise in its original form. Lights in the floor, to give borrowed light to the north corridor below, are shown on the drawings but have not been found in situ as yet.</i>	
Significant Fabric	<i>None.</i>	
Heritage Values	<i>Historic, scientific</i>	

Space F17, F18 Southern Gallery		Heritage Significance 2
Use	<i>Servicing</i>	
Description	<i>This space, as for its symmetrical partner F14, F15, serves to filter natural light to the No 1 Courtroom, and to insulate it from outside noise. The original stair at its eastern end is still in place. Lights in the floor are similarly shown on the drawings but have not been found in situ as yet.</i>	
Significant Fabric	<i>Timber stair and balustrade.</i>	
Heritage Values	<i>Historic, scientific</i>	

Space F26 Judge's Chambers		Heritage Significance 2
Use	<i>Office.</i>	
Description	<i>This is a plain square room with two windows out to the east. This group of rooms is a later subdivision of what was originally a two storey high space of the Grand Jury room.</i>	
Significant Fabric	<i>Timber skirtings.</i>	
Heritage Values	<i>Historic, social</i>	

Space F27 Stair	Heritage Significance 2
Use	<i>Circulation</i>
Description	<i>This is a straight stair giving access from the south corridor G12 to the second floor offices.</i>
Significant Fabric	<i>Timber skirtings.</i>
Heritage Values	<i>Historic.</i>

Space F30 Associate	Heritage Significance 2
Use	<i>Office</i>
Description	<i>This room is similar to F26 and F28, and benefits from its corner position with two windows.</i>
Significant Fabric	<i>Timber skirtings.</i>
Heritage Values	<i>Historic, social</i>

Spaces B1, B2, B10 Passageways	Heritage Significance 2
Use	<i>Circulation</i>
Description	<i>These spaces gives access to the cells from the southern corridor G12 and from the outside; they also provide access, via a narrow and steep stair, to the dock in the centre of the No 1 Courtroom. The spaces are grim and utilitarian, built in concrete and painted brick.</i>
Significant Fabric	<i>General fabric. Steel gates. Stair to No 1 Courtroom.</i>
Heritage Values	<i>Historic, scientific</i>

Space B3, Tearoom Spaces B4, B5, B6, B7, Holding Cells Spaces B8, B9, Plant Room, Storeroom	Heritage Significance 2
Use	<i>Holding cells and service spaces</i>
Description	<i>These spaces, on the south side of the building, are dungeon-like and dark and in vivid contrast to the elegance of the No 1 Courtroom above. Graffiti on walls and doors is a poignant reminder of the function of the spaces.</i>
Significant Fabric	<i>General fabric. Cell doors.</i>

Heritage Values	<i>Historic, scientific</i>
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Spaces B11, B12, B14 Basement Strongroom	Heritage Significance 2
Use	<i>Storage</i>
Description	<i>These spaces, on the north side of the building, have been used for storage, being accessed from the strongroom above, G63. Although this basement area appears to be original, the internal access is of more recent origin.</i>
Significant Fabric	<i>General fabric.</i>
Heritage Values	<i>Historic, scientific</i>

Heritage Significance 3

Interior

Space G3 Cleaner	Heritage Significance 3
Use	<i>Cleaners room.</i>
Description	<i>This space has been divided off the original north corridor, G14. It was originally a stairwell at the end of the corridor, the stairs giving access to the first floor corridor alongside the No 1 Courtroom windows. (A matching stair to the one removed still exists in the south corridor.)</i>
Significant Fabric	<i>Timber dado and skirting Doors D84, D85.</i>
Heritage Values	<i>Historic.</i>

Space G4 Messenger	Heritage Significance 3
Use	<i>Office.</i>
Description	<i>This space retains its original form, door and window openings.</i>
Significant Fabric	<i>Timber dado and skirting.</i>
Heritage Values	<i>Historic.</i>

Space G6 Male Staff WC	Heritage Significance 3
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Spaces G8, G9 Female WC	
Use	<i>Toilets.</i>
Description	<i>See reference to these spaces under G1.</i>
Significant Fabric	<i>Doors D5, D6, D7, D8, D9.</i>
Heritage Values	<i>Historic.</i>

Space G10 Female Rest Room	Heritage Significance 3
Use	<i>Rest room, originally a store and women's wc.</i>
Description	<i>Description This space is a small plain room with one window. It retains its original form of 1881, although with a new door to G9.</i>
Significant Fabric	<i>Timber dado rail. Door D18.</i>
Heritage Values	<i>Historic.</i>

Spaces G23, G24, G25 Toilets	Heritage Significance 3
Use	<i>Toilets.</i>
Description	<i>These toilet spaces have been subdivided from a larger space, originally the robing room.</i>
Significant Fabric	<i>Remnants of timber dado and skirting. Plaster work. Doors D30, D31, D32, D33.</i>
Heritage Values	<i>Historic.</i>

Space G45 Judge's Chambers	Heritage Significance 3
Use	<i>Office.</i>
Description	<i>This room retains its original form, but it has been altered by the insertion of new steel-framed windows and remodeling with new finishes and joinery.</i>
Significant Fabric	<i>Timber joinery in mahogany</i>
Heritage Values	<i>Historic, social</i>

Space G46 Judge's Chambers		Heritage Significance 3
Use	<i>Office.</i>	
Description	<i>This room retains its original form, but it has been altered by the insertion of new steel-framed windows and remodeling with new finishes and joinery.</i>	
Significant Fabric	<i>Timber joinery in mahogany</i>	
Heritage Values	<i>Historic, social</i>	

Space G47 Corridor, excluding the part of this corridor in the 1913 Whitmore Street extension		Heritage Significance 3
Use	<i>Corridor.</i>	
Description	<i>This north end of the judge's wing was originally symmetrical with the south end; it was altered with the addition of 1913, and this corridor was formed out of spaces G53 and G54.</i>	
Significant Fabric	<i>Doors D51, D53, D55, D57, D58.</i>	
Heritage Values	<i>Historic.</i>	

Space G53 Associate		Heritage Significance 3
Use	<i>Office.</i>	
Description	<i>Part of the 1881 building, when it was a robing room and toilet, this space has been an office since the time of the 1913 addition. (This space and G54 were originally symmetrical with spaces G41, G42 and G43 at the other end of the judge's chambers.)</i>	
Significant Fabric	<i>Timber skirting</i>	
Heritage Values	<i>Historic, social</i>	

Space G54 Judge's Chambers		Heritage Significance 3
Use	<i>Office.</i>	
Description	<i>Part of the 1881 building, this space has been an office since 1913.</i>	
Significant Fabric	<i>Timber dado</i>	
Heritage Values	<i>Historic, social</i>	

Space G55 No 2 Witness Room		Heritage Significance 3
Use	Witness room	
Description	This room has been subdivided from the original bailiff's office.	
Significant Fabric	Timber dado and skirting Cast iron fireplace and timber fire surround Door D67.	
Heritage Values	Historic, social	

Spaces G56, G57 Stair		Heritage Significance 3
Use	Stair	
Description	This stair shows on the original drawings in a different configuration, being entered from what is now a cupboard in space G58. It was part of the original "Housekeepers" suite of rooms, G58 on the ground floor with three rooms on the first floor. The bottom 4 or 5 treads were rebuilt at some time, so that the stair means is now accessed from G55 or an outside door in the north side alley.	
Significant Fabric	Timber stair and balustrade. Timber dado.	
Heritage Values	Historic, scientific	

Space G58 Registrar		Heritage Significance 3
Use	Office.	
Description	This room retains its original form, but altered by the re-arrangement of the stair described above.	
Significant Fabric	Timber dado and skirting. Plaster work.	
Heritage Values	Historic, social.	

Space F1 Associate		Heritage Significance 3
Use	Office.	
Description	This space was part of the Housekeeper's scullery, occupying the north-west corner of the first floor.	

Significant Fabric	<i>Remnants of timber dado and skirting.</i>
Heritage Values	<i>Historic, social</i>

Spaces F2, F5, F7 Passageways	<i>Heritage Significance 3</i>
Use	<i>Circulation.</i>
Description	<i>These spaces were part of the Housekeeper's scullery and bedroom, giving access now to the No 3 Courtroom.</i>
Significant Fabric	<i>Remnants of timber dado and skirting.</i>
Heritage Values	<i>Historic.</i>

Space F4 No 2 Jury Room	<i>Heritage Significance 3</i>
Use	<i>Jury room.</i>
Description	<i>This space was one of the Housekeeper's bedrooms.</i>
Significant Fabric	<i>Timber dado and skirting.</i>
Heritage Values	<i>Historic, social.</i>

Space F6 No 1 Jury Room	<i>Heritage Significance 3</i>
Use	<i>Jury room.</i>
Description	<i>This space was one of the Housekeeper's bedrooms and a Judge's Room.</i>
Significant Fabric	<i>None.</i>
Heritage Values	<i>Historic, social.</i>

Spaces F12, F13 Stair	<i>Heritage Significance 3</i>
Use	<i>Circulation</i>
Description	<i>This is a utilitarian stairway, giving awkward access to the second floor spaces on the north side of the building. It replaces the original dog-leg stair.</i>
Significant Fabric	<i>None.</i>

<i>Heritage Values</i>	<i>Historic</i>
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<i>Space F19 Secretary to Chief Justice</i>	<i>Heritage Significance 3</i>
<i>Use</i>	<i>Office.</i>
<i>Description</i>	<i>This space, and the others in the south wing second floor, are later subdivisions of what was originally a two storey high space of the library. Most fabric is of modern origin.</i>
<i>Significant Fabric</i>	<i>None.</i>
<i>Heritage Values</i>	<i>Historic, social</i>

<i>Spaces F20, F21, F22</i>	<i>Heritage Significance 3</i>
<i>Use</i>	<i>Service rooms and circulation.</i>
<i>Description</i>	<i>These are small spaces, with fabric of modern origin.</i>
<i>Significant Fabric</i>	<i>None.</i>
<i>Heritage Values</i>	<i>Historic.</i>

<i>Space F23 Associate</i>	<i>Heritage Significance 3</i>
<i>Use</i>	<i>Office</i>
<i>Description</i>	<i>A small office space, with fabric of modern origin.</i>
<i>Significant Fabric</i>	<i>None.</i>
<i>Heritage Values</i>	<i>Historic.</i>

<i>Space F24 Solicitor's Robing Room</i>	<i>Heritage Significance 3</i>
<i>Use</i>	<i>Robing room.</i>
<i>Description</i>	<i>A more generous room, with fabric of modern origin.</i>
<i>Significant Fabric</i>	<i>None.</i>
<i>Heritage Values</i>	<i>Historic.</i>

Space F25 Stair	Heritage Significance 3
Use	<i>Circulation.</i>
Description	<i>This is a modern staircase, giving access to the first floor from the library, G31</i>
Significant Fabric	<i>None.</i>
Heritage Values	<i>Historic.</i>

Space F28 Associate	Heritage Significance 3
Use	<i>Office.</i>
Description	<i>This is a plain room with a window out to the east.</i>
Significant Fabric	<i>Timber skirtings.</i>
Heritage Values	<i>Historic, social.</i>

Space F29 Toilet	Heritage Significance 3
Use	<i>Toilet.</i>
Description	<i>A small service room with a raised floor, presumably to accommodate plumbing.</i>
Significant Fabric	<i>None.</i>
Heritage Values	<i>Historic.</i>

No Heritage Significance

Interior

Spaces F8, F9, F10 Toilets and Tearoom	Heritage Significance None
Use	<i>Toilets and tearoom.</i>
Description	<i>These are makeshift service spaces, added on to the building between the two storey north wing and the high walls of the No 2 Courtroom. Although barely visible outside, they detract from the form of the exterior of the building.</i>
Significant Fabric	<i>None.</i>
Heritage Values	<i>None.</i>

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<i>Space B13 Diesel Generator Room</i>	<i>Heritage Significance None</i>
<i>Use</i>	<i>Plant room.</i>
<i>Description</i>	<i>This utility space has access down from the outside of the building on the north side.</i>
<i>Significant Fabric</i>	<i>None.</i>
<i>Heritage Values</i>	<i>None.</i>

2 INTRODUCTION

2.1 Authority to Report

The Committee was formally appointed by the Wellington City Council (WCC) with delegated authority to report and make a recommendation on the Notice of Requirement (NOR) for a designation received by it from the Minister of Justice (MOJ).

2.2 The Notice of Requirement

The Wellington City Council received a NOR for a designation from the Minister of Justice. In accordance with section 169 of the Resource Management Act (RMA) the requirement, for “*justice purposes (Courts/Offices), principally for the Supreme Court of New Zealand*” was publicly notified on 13 January 2007.

The site to which the requirement applies is the Wellington city block bounded by Stout Street, Balance Street, Whitmore Street and Lambton Quay (Section 1 Survey Office Plan 37067, Section 2 Survey Office Plan 37067, and Section 1 Survey Office Plan 37081). The designation does not include any of the surrounding areas of public land (i.e. footpaths and roads)

The designation is proposed so that the area can house a Supreme Court building and be used for this purpose in perpetuity. The Supreme Court is currently housed in temporary accommodation, in the basement of the High Court in Molesworth Street, with court chambers located in the Old Government Buildings leased from Victoria University.

At this time the MOJ has sought only to designate the site for justice purposes. Although some plans for the new Supreme Court building have been included with the Notice of Requirement documentation, they are for information purposes only and do not form part of the Notice of Requirement that the Council has been asked to process. The MOJ plans to submit an Outline Plan to Council after the designation has been approved for works to construct a new two storied building to house the Supreme Court. The building is proposed to be situated mainly on the Justice Park portion of the site, with the existing Old High Court Building to be restored so that it can be used as part of the Supreme Court complex. As the Outline Plan information does not form part of the Notice of Requirement, it can not be considered in this report.

2.3 Statutory Requirements

The MOJ is a Requiring Authority under s167 of the RMA and is entitled to issue a NOR as described above. The relevant provision of the RMA for the report and recommendation on a requirement is s171. This section was amended by the Resource Management Amendment Act 2003 to make it more consistent with other decision making provisions of the Act, in particular the weight to be given to submissions is clarified, sitting below consideration of Part II matters and the matters listed in s171 (a) to (d).

This report is issued under s171 of the RMA and contains the Hearing Committee’s recommendations with respect to the NOR. The Requiring Authority will then consider the recommendations and issue a decision. The Council and/or the other submitters to the requirement then have the ability to appeal that decision to the Environment Court.

The provisions of s171 are set out below. An assessment of the NOR in terms of those criteria is contained in the main part of this report.

2.4 Section 171.

Section 171 of the RMA is for the recommendation by a territorial authority. It states:

- (1) *When considering a requirement and all submissions received, a territorial authority must, subject to Part II, consider the effects on the environment of allowing the requirement, having particular regard to—*
 - (a) *any relevant provisions of—*
 - (i) *a national policy statement;*
 - (ii) *a New Zealand coastal policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
 - (b) *Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
 - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

Section 171(2) states that the territorial authority may recommend to the requiring authority that it –

- (a) *confirm the requirement;*
- (b) *modify the requirement;*
- (c) *impose conditions;*
- (d) *withdraw the requirement.*

2.5 District Plan provisions.

Under the operative Wellington City District Plan, the site which is proposed to be designated is zoned as Central Area, with a height limit of 75m above mean sea level. Under Proposed Plan Change 48 this height limit has been reduced to 20m (above ground level) as part of the proposed Stout Street Heritage Area.

The Old High Court Building is listed in the District Plan as a heritage building. The Old High Court Building is also listed with the New Zealand Historic Place Trust as a Category I heritage building.

The District Plan lists Lambton Quay, Whitmore and Stout Streets as frontages where vehicle access is restricted. Part of the site is shown to be contained within a Hazard (Ground Shaking) Area shown in the District Plan.

All of the other courts in Wellington City are contained within designations. The Wellington District Court is designation number J1, the Wellington High Court is contained within designation J2 and the Court of Appeal is listed as designation J3 in the

Wellington City District Plan. All of these areas are have the designation title of “Court/Offices”.

Within the Central Area activities related to courts and offices are permitted activities provided they comply with performance standards. The objectives, policies and rules relating to the Precinct are discussed in the NOR which notes that; *“when viewed in the context of the positive outcome in relation to heritage, and also in the context of the form and scale of new Central Area buildings anticipated by the District Plan, it is the Requiring Authorities assesment that any adverse effects on the environment associated with the project will not be significant. Indeed, given the significant positive effects, especially in terms of heritage, the Requiring Authority considers that the overall outcome is positive.”*

The NOR asserts that the use of the site for justice purposes will not be contrary to the Central Area provisions of the Plan.

3. SUBMISSIONS

The Council called for submissions on 13th January 2007. By the closing date of Monday 19th February, 2007, 3 submissions had been received by Council.

1. New Zealand Historic Places Trust
2. Wellington District Law Society
3. Joanna Moss

The following submissions were not represented at the hearing:

3.1 Joanna Moss

Oppose the proposed designation for the following reasons:

- The existing Justice Park should be retained.
- The design of the proposed Supreme Court building in the Outline Plan material provided for information is inappropriate because:
 - It does not match up to the quality of other countries highest courts.
 - The image of “veiled justice” is inappropriate
 - The design lacks synthesis with other buildings in the area
 - The design needs to be more exciting
 - The design lacks architectural merit
- The future of the Supreme Court is uncertain and may be abolished in the future, therefore the building of a court building contains political risk.
- Any building on the site will cause loss of light to the District and Family Court and Lambton Quay
- The Supreme Court does not need so much space and that the Supreme Court should be able to be accommodated elsewhere in the MOJ infrastructure.

3.2 Wellington District Law Society

Support the proposed designation as per the details submitted.

4. THE HEARING

The Hearing of submissions was held on Friday 23 March 2007 in Committee Room 2 at Wellington City Council. The hearings committee was made up of Councillors Gill and Cook, with Councillor Gill acting as chair. The following submitters and experts presented evidence to the Committee.

4.1 New Zealand Historic Places Trust (represented by Laura Paynter)

The New Zealand Historic Places Trust (The Trust) supports the designation of the site for court purposes. The Trust also supports the plans for the proposed development as shown in the information provided with the NOR. In its submission the Trust also highlighted its support for the recommendations made in Officer's Report, but believe that two of the recommended conditions be refined.

Condition 2 which relates to building height is of concern to the Trust. One of the main reasons that the Trust supported the proposal was because the new building was proposed to be of a similar height to that of the Old High Court Building. A blanket 20m height restriction over the site could result in a building significantly higher than the existing building. The Trust would like the condition to limit development to what is proposed. The Trust and the applicant agreed to the following wording of the proposed condition:

No building on the site shall exceed 20m in height above ground level. The requiring authority shall obtain the agreement of the New Zealand Historic Places Trust for any material works on the new building that extend above the parapet height of the old High Court building.

Condition 8 which relates to an Archaeological Management Plan was considered to be confusing by the Trust and they would prefer that the wording be as follows:

Prior to works commencing, an Archaeological Management Plan shall be prepared by the Requiring Authority in consultation with the site engineer, primary contractor, project archaeologist and the New Zealand Historic Places Trust. This plan shall include the following:

- a) procedures for any archaeological investigation or monitoring,*
- b) the role, responsibility and level of authority of the approved archaeologist(s),*
- c) protocols for the unexpected discovery of archaeological material,*
- d) timeframes for archaeological work,*
- e) requirements for stand down periods to enable archaeological work,*
- f) the responsibilities of contractors with regard to notification of archaeological sites, and*
- g) mechanisms for dispute resolution.*

4.4 Minister of Justice (MOJ)

4.4.1 Jim Lynch (Buddle Findlay)

Mr Lynch, legal counsel for the MOJ, introduced the MOJ's evidence. He outlined the scope of the work proposed and summarised the legislative requirements to be addressed

through the hearing. He concluded that there was a strong case for the proposed designation, and that the work and site are the most appropriate option open to the MOJ for the housing of the Supreme Court of New Zealand. He considered that the designation was reasonably necessary for this purpose to enable secure provision of Court premises for the administration of justice in the national interest. Mr Lynch also commented briefly on points raised through submission, and suggested a number of amendments to the conditions included in the Officers Report.

In particular Mr Lynch commented on the recommended conditions 1, 12, 13, 14, 15 and 16. Mr Lynch considered that the originally proposed condition 1 was unnecessary, and totally impracticable. Mr Lynch then went through each point of condition 1 and discussed its relevance. Mr Lynch advised the Committee that if they decided to go against the advise of the MOJ and find it necessary to place a condition on the designation relating to an assessment of environmental effects that the Committee should use the condition recommended by Alistair Aburn in his evidence (this proposed condition is outlined under section 4.2.6 below).

Mr Lynch also stated that the requiring authority believes that the requirement to consult with the Wellington City Council on heritage matters covered in conditions 12-15 is impractical and will not add any benefit to the process. Mr Lynch and the MOJ believe that the Trust is the principal statutory body in respect of heritage and is well equipped to fulfil this role, therefore consultation with the Wellington City Council would be unnecessary, time consuming and expensive.

4.4.2 Andrew Hampton (Ministry of Justice)

Mr Hampton outlined why the Ministry of Justice was proposing a designation on the site and gave a background to the project. The conclusion of Mr Hampton's evidence was that:

“The Ministry of Justice has undertaken substantial development of the project over many years involving considerable site and method assesment and consultation. This work has resulted in a very sound project which provides a significant example of adaptive reuse of a nationally significant building by incorporating it with the Supreme Court complex. The Supreme Court complex will be a significant addition to Wellington’s public and historic buildings.”

4.4.3 Roy Wilson (Warren and Mahoney Ltd)

Mr Wilson is the project director and the Architect for the Supreme Court of New Zealand. Mr Wilson outlined the proposed works on the site of the proposed designation including the design of the new building and the work to be carried out for the Old High Court Building. The conclusion of Mr Wilson's evidence was that:

“Both buildings will be of the highest architectural design styles of their times, will sit well within the parliamentary precinct and will reflect the status of the highest court of New Zealand”.

4.4.4 Christopher Cochran (Conservation Architect)

Mr Cochran outlined the historic significance of the Old High Court Building and discussed the proposed works to the building and the adjacent new building. Mr Cochran concluded that although there would be a significant loss of heritage associated with the demolition of parts of the Old High Court Building the positive effects of the restoration

of the building and its continued use for the purposes which it was originally constructed would outweigh the negative heritage effects of the proposal.

4.4.5 Dr Ben Schrader (Public Historian)

Dr Schrader provided evidence on the importance of the Old High Court Building in New Zealand's urban and public heritage. Dr Schrader believes that the significance of the Old High Court Building will be enhanced by the completion of the new Supreme Court alongside it and the continued use of the site for justice purposes.

4.4.6 Alastair Aburn (Urban Perspectives Limited)

Alastair Aburn presented evidence as the resource management consultant to the MOJ. His presentation provided an assessment of the NOR against the provisions of section 171(1) of the RMA, commented on the matters raised in submissions, and made recommendations regarding the conditions included in Officers Report.

Mr Aburn considered that the NOR was consistent with Part II of the RMA as it will promote the sustainable management of a historically important resource. Mr Aburn also stated that the designation is reasonably necessary to achieve the objectives of the Requiring Authority.

He considered that the effects of the NOR would either be strongly positive or where there was the potential for the effects to be adverse these would not be significant.

Mr Aburn considered that the proposed Supreme Court is consistent with the relevant policy statements and plans. In particular the outcome is demonstrably consistent with the anticipated environmental effects in the District Plan for both heritage buildings and the new Central Area buildings.

In his evidence Mr Aburn addressed the fact that only three submissions were received and two were strongly in support of the proposal.

Mr Aburn commented on the conditions recommended in the Officers Report. Mr Aburn agreed with the changes to conditions recommended by Mr Lynch during his submission. Mr Aburn did however suggest a rewording of the part of the condition 1 recommended in the Officers Report. Mr Aburn suggested that if a condition relating to an assessment of effects is required by the Committee it should be included as follows:

An assessment of effects (in the form envisaged by Schedule 4 of the Resource Management Act 1991, but excluding clause 1 (b) relating to alternative locations or methods) of any work(s) proposed should be submitted with any future Outline Plans.

5. ISSUES

5.1 Heritage Effects

The MOJ has consulted extensively with the Trust which has led to the inclusion of comprehensive heritage conditions in the NOR and to the Trust presenting a submission in support of the proposal.

There were significant heritage conditions suggested by the MOJ in the NOR. The conditions were then altered by the MOJ at the request of the Trust to incorporate heritage

protection during construction as well as after construction. The heritage conditions recommended by the MOJ were slightly altered by the Council Officer in the Officers Report, to include consultation with the Wellington City Council as well as the Trust in certain situations, the production of a photographic record of the proposed demolitions and restoration, and the storage and use of reusable elements of the areas of the Old High Court building which are to be demolished.

As mentioned above Chris Cochran, a conservation architect prepared a submission on behalf of the MOJ with regard to the heritage effects of the NOR. The conclusion of Mr Cochran's submission was as follows.

“In my opinion the negative heritage effects caused by the proposed demolitions are significantly outweighed by the positive heritage effects and compliance of the proposed works with good heritage practice and policy. Overall, I believe that there are very positive heritage effects arising from the Supreme Court project.”

This submission is mirrored in NZHPT's submission at the hearing of the NOR. In their submission they state that:

“While we find the loss of some portions of the historic Supreme Court regrettable, on balance the overall project is expected to have to have positive heritage effects.”

The Committee agree with both the NZHPT and Mr Cochran's submissions that the overall effect of the proposal on heritage is a positive one. Especially because only the façade of the Old High Court Building is protected under the Wellington City District Plan and the proposed designation will add a level of protection to the significant interiors of the building.

The Committee considered the submission of Mr Lynch in which he states that the Wellington City Council should not be involved in the heritage consultation to do with the renovation of the Old High Court Building. The Committee believes that although the Trust is the national body in respect of heritage the Wellington City Council plays a very important role in managing the historic heritage of Wellington City. The Council Officer highlighted that in many cases the City Council has listed buildings as heritage items in the District Plan that the Trust does not list on their register. This shows that in terms of identifying and managing the effects of historic heritage on Wellington City the City Council is the principal authority, and therefore have a vested interest in the Old High Court Building as it forms a significant part of Wellington's historic heritage (as well as the Nations). The Committee therefore consider that the Wellington City Council should be involved in ongoing consultation regarding heritage matters. The Committee considered that the Wellington City Council has both the resources and the expertise to be involved in the consultation in relation to the renovations of this building of national and city wide heritage significance. Therefore the Committee recommends to the MOJ that the heritage conditions relating to consultation include both the Trust and the Wellington City Council.

It is recommended that all of the conditions relating to historic heritage be included in the proposed designation to safe guard the heritage values of the Old High Court Building and to ensure future consultation with NZHPT and the Wellington City Council with regard to significant alterations to the building fabric.

5.2 Effects on Central Area Amenity

One of the submitters to the NOR highlighted many concerns about Central Area amenity in their submission. Mrs Moss' main amenity concerns were:

- That the design of the building does not evoke the correct symbolism for New Zealand's highest Court; and
- That the current design does not fit with the existing buildings in the area (including the Old High Court Building); and
- The design of the court is not impressive enough to suit its Golden Mile site; and
- The design lacks architectural merit; and
- The current screen design may become unstable in winds or earthquakes; and
- Any building on the site would cause a loss of light to Lambton Quay and other buildings in the area; and
- The park should remain as more people will use the park than the court.

Mrs Moss did not appear at the hearing. The Officers Report outlined the fact that the proposed design of the building as shown in the plans with the NOR is not able to be considered at this time as it did not form part of the NOR document. The proposed building (and its design) will be dealt with via an Outline Plan application once the proposed designation is finalised. Therefore the submitters concerns regarding the design of the building are not relevant to the proposed designation discussion.

Mrs Moss also raised concerns about the loss of the existing park and the fact that there may be a building built on the site. The Committee noted that although the 'vacant' lot at 85-91 Lambton Quay is popularly referred to as "Justice Park", it is not a public park or reserve as such, the allotment is a vacant building site that has been landscaped pending development. The site is zoned Central Area confirming its suitability and availability for new building development. Other parks in the Central Area, like Midland Park and Te Aro Park are zoned as Open Space.

As Justice Park is not zoned as Open Space the site is not protected as a park. Therefore with regard to concerns raised relating to the retention of the existing Justice Park, these concerns are not considered to be relevant because of the zoning of the site anticipates development, and a building could be built on site almost as of right.

The anticipated height for the site under the Operative District Plan is 75m above mean sea level. The Proposed Plan Change 48 has proposed an amendment to the height of the site to be 20m above ground level to compliment the scale of adjacent heritage buildings. The MOJ has shown its intent to comply with the proposed height limit of the site by offering a condition on the designation which restricts the height of any building on the site to 20m. After discussion with the Trust, the MOJ produced an even more stringent condition in relation to height. Accordingly the Committee considered that that in terms of daylight and any effects on amenity in the Central Area, the proposed designation will have a positive effect when compared to a building that could be anticipated to be built under the Operative District Plan or Proposed Plan Change 48.

5.3 Effects on Cultural Heritage

A cultural impact assesment was submitted as part of the NOR for the site. This assesment was carried out by Raukura Consultants (in association with the Wellington

Tenths Trust). No submissions were received relating to cultural heritage and no submissions were given at the hearing relating to cultural heritage. The suggested conditions which relate to cultural heritage remain the same as those suggested by the MOJ in the NOR.

5.4 Effects on Traffic

An assessment of the proposed designations traffic related issues was included with the NOR. The assessment was carried out by Traffic Concepts Limited. No submissions were received which highlighted concerns about traffic effects and no submissions were given at the hearing relating to traffic effects. There are no proposed conditions which relating to traffic.

5.5 Wind Effects

An assesment of the proposed designations wind effects was included with the Notice of Requirement. There is no requirement under the District Plan for the consideration of the effects of buildings lower than four stories (taken as 18.4m). Although the information supplied in the Notice of Requirement which relates to the Outline Plan is not part of the designation it should be noted that this information indicates that any proposed building on the site will be two stories in height. The wind assesment included with the designation was for a two storied building on the site and it concluded that “the effect of a new two-storey building on the inner-city wind environment is typically neutral or moderately beneficial.

None of the submissions received by Council raised any wind concerns and no submissions were given at the hearing relating to wind effects. There are no proposed conditions relating to wind.

5.6 Construction Effects

To avoid any adverse effects relating to the construction of a new building or alteration of any existing building on the site, the MOJ included conditions relating to construction in the NOR. These conditions include a requirement to prepare a construction management plan and outline what this management plan will include. The Council Officer recommended some additions and changes to the proposed construction conditions. The condition which was changed significantly relates to noise. Mr Lynch considered that the revised condition was appropriate and accepted that it should be placed on the designation.

No submissions were received by Council regarding construction effects.

6. EVALUATION

6.1 Part II

A requirement must be assessed against the provisions of s171 of the RMA. This consideration in the first instance is ‘subject to part II’ of the Act. Section 5, the Purpose and Principles of the Act is as follows:

5. *Purpose—*

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The Committee agreed that the proposal to locate a national institution such as the Supreme Court on this site would help provide for the social and cultural wellbeing of Wellington City and the country as a whole.

Section 6 of the Act sets out the Matters of National Importance that the Council and the Requiring Authority must recognise and provide for. These include:

- (f) *The protection of historic heritage from inappropriate subdivision use and development.*

The Committee agreed with the conclusions of the Officers Report that the proposed designation over the site (with the heritage conditions) would allow for a greater level of heritage protection of the Old High Court Building than is currently provided under the District Plan. Under the District Plan only the façade of the building is protected, while under the proposed designation internal areas of the Old High Court Building would also have a high level of protection which requires the MOJ to consult with both the Wellington City Council and the New Zealand Historic Places Trust. Therefore it is considered that the proposed designation meets the requirements of section 6 of the Act.

Section 7 of the Act sets out the Other Matters that the Council and the Requiring Authority must have particular regard to. These include:

- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance and enhancement of amenity values:*
- (f) *Maintenance and enhancement of the quality of the environment:*

Again the Committee agreed with the conclusions reached by the Council Officer that the use of the designation site as a court was an “efficient use” of the site given its location in the centre of Wellington City and its proximity to Parliament and the other courts in the area. Conditions are recommended to avoid, remedy or mitigate adverse effects on amenity values and the quality of the environment from any future development of the site.

Section 8 of the Act requires the Council and the Requiring Authority to take into account the principles of the Treaty of Waitangi. Iwi have been consulted prior to the

NOR being lodged and have advised that they have no difficulties with the proposed development.

Therefore the Committee considers the use of the site for designation of Court/Office purposes to be consistent with the Purpose and Principles of the Act.

6.2 Section 171 - Effects on the Environment

The requirements of s171 have been set out. Under s171(1) consideration must be given to the effects on the environment of allowing the requirement, and having particular regard to, firstly, various policy statement and plans that may be relevant. In this case, the effects on the environment that will arise from allowing the requirement and work have been fully discussed above. The detrimental effects are in general related to the demolition of historic heritage, but as discussed above the positive heritage effects of the proposal are considered to out weigh the negatives. Long term effects from the work will be positive, relating to construction of New Zealand's highest Court and the use of the site for Justice purposes in perpetuity.

- 7.1.1 Secondly, it was submitted, and is accepted that there are no relevant national policy statements. The Wellington Regional Policy Statement (RPS) is considered relevant even though it mainly focuses on non-urban issues. Two chapters of the statement are considered relevant, these are Chapter 10, Landscape and Heritage and Chapter 14, The Built Environment and Transportation. The hearing Committee considered that the proposed designation is consistent with the goals of the RPS to enhance and protect amenity values, encourage good urban design and protect 'historic heritage' amenity values.

6.3 Section 171 – Alternatives

Section 171(b) requires assessment of 'whether adequate consideration has been given to alternative sites, routes or methods of undertaking the work'. The provision is triggered in this case because the requiring authority does not have a sufficient interest in the land to undertake the work.

It was submitted by Mr Lynch that as the MOJ owns the site of the proposed designation and therefore the requiring authority has sufficient interest in the land to undertake the work. This was not disputed by any party and the Committee did not consider it necessary to outline the many alternative sites and methods considered by the MOJ in this report (these were outlined in the NOR and the Officers Report).

The Committee was satisfied that the MOJ had a sufficient interest in the land to undertake the work and that appropriate consideration was given to alternative sites and methods of undertaking the work.

6.4 Section 171 – Necessity

Section 171 (c) asks whether 'the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought'.

It was submitted by Mr Lynch that "*buildings of such constitutional importance and should be immune from District Plan changes and use of designation process is necessary to achieve this. It is in the national interest for the Minister to have control over a site to be used for such important constitutional purposes.*"

It was noted both in the Officers Report and the submission of Mr Lynch that the designation of court sites is consistent with established practice through out New Zealand.

The Committee agreed with both Mr Lynch and the Council Officer and considered that the MOJ documentation and evidence presented to the hearing adequately meets the test of s171(c).

6.5 Section 171 – Other Matters

It is considered all other matters have been already covered in the discussion of ‘Issues’.

7. CONDITIONS & RECOMMENDATION

The conditions which are set out at the beginning of this report are mostly to do with control of effects which may arise from the construction of a new building on the site of the proposed designation, and the restoration, alteration and partial demolition of parts of the Old High Court Building. These are based on conditions proposed by the Council Officer in their report to the hearing. In its submission as requiring authority, the MOJ noted its agreement with many of the proposed conditions, but suggested a number of changes and amendments to others. A number of conditions therefore have been modified in response to matters raised by the MOJ, the Trust and the Council Officer during the course of the hearing.

The rationale for a number of the conditions has been noted in the course of this report. In a four instances changes have been included which are not noted in the Officers Report. These include condition 12 which has been amended to change the table and map numbers referred to. This is also the case for conditions 13 and 15.

The changes to condition 1 were discussed in great detail at the hearing. The resulting condition is a compromise between the parties present at the hearing. The Council Officer stated during the hearing that they considered the condition to include all of the intentions of the originally proposed condition 1.

8. CONCLUSION

This report notes the nature of the work for which a designation is required by the MOJ for the setting aside of land for the Supreme Court of New Zealand, issues arising from the work, in particular the effects on historic heritage and the overall benefits in terms of the provision of land for the construction of the Supreme Court. The overall benefits are considered to be the use of the site for court purposes in perpetuity, benefits in relation to the historic building on the site being restored, the benefit of the site being used for its historic purpose, and the provision of New Zealand’s highest court.

The work has been assessed against the provisions of s171 of the RMA. The Hearing Committee has no doubt that the proposed requirement meets the criteria set out in the Act for its assessment, and accordingly recommends to the requiring authority, the MOJ, that the NOR to designate for the purposes of the Supreme Court of New Zealand, be confirmed without modification, subject to the conditions set out above.

Cr Leonie Gill
Chair Hearing Committee
Notice of Requirement, Supreme Court

Appendix Two

Maps