

320 THE TERRACE

APPLICATION FOR DISTRICT PLAN CHANGE

VICTORIA UNIVERSITY OF WELLINGTON
JULY 2015

DISTRICT PLAN CHANGE REQUEST

320 THE TERRACE

WELLINGTON

1 DISTRICT PLAN CHANGE REQUEST

1.1 THE REQUEST

This is a request under the Resource Management Act 1991 (“RMA”) by Victoria University of Wellington (“Victoria University”) for a District Plan Change (“DPC”) to the operative Wellington City District Plan (“the Plan”).

The request relates to the site at 320 The Terrace (“the site”). A copy of the certificate of title and aerial photograph is in **Appendix 1**. The site is 7139m² and contains the existing Gordon Wilson Flats building.

The request seeks to:

- Remove “Gordon Wilson Flats” from the District Plan’s list of heritage buildings.
- Change the zoning of the site from “Inner Residential Activity Area” to “Institutional Precinct”.
- Change the Institutional Precinct provisions for the site.

The full DPC request is attached in **Appendix 2** including the Institutional Precinct provisions with the proposed site specific changes highlighted.

1.2 CONTEXT

Victoria University is a vital part of the Wellington region, contributing in excess of \$1 billion to the regional economy each year. It comprises:

- More than 23,000 staff and students and 100,000 alumni make up the Victoria University of Wellington community.
- Victoria University is the second largest employer in the region with more than 2,500 FTEs.
- More than 3,000 students live in the halls of residence in the heart of Wellington. Up from just 870 in 1993.
- Victoria University contributes in excess of \$1 billion to the regional economy each year.

In addition to its economic impact, Victoria University contributes to the capital city in myriad ways, ranging from the provision of future employees, employers and leaders, to the advice and commentary we provide on important topics—to our creative and cultural contributions—to the innovation and entrepreneurship partnerships we undertake to help drive a high value economy.

The heart of Victoria University is the Kelburn Campus. Over the last two decades Victoria University has significantly invested in the development of the Campus, including:

- Strengthening and refurbishment of the Hunter Building.
- Construction of the “HUB” building.
- Construction of Alan MacDaimid building.
- Construction of Te Puni Village student accommodation.

- Construction of the Adam Art Gallery.
- Expansion of Weir House.
- Refurbishment of the Student Union building, Cotton and Rankine Brown buildings.
- Redevelopment of Boyd-Wilson field.
- Enhancement and maintenance of the Mount St cemetery.
- Current construction of a new \$100m science, research and teaching building.

Victoria University has also established the Te Aro Campus on Vivian St for the School of Architecture and Design, the Faculty of Law within the ex-Departmental Building near Parliament, and the Victoria Business School in Rutherford House on Lambton Quay. It has significantly invested in student accommodation in Willis St and along The Terrace.

Victoria University has a strong commitment to historic heritage. This is illustrated by:

- The significant cost of strengthening and maintaining its existing heritage listed buildings on the Kelburn Campus (i.e. Hunter Building and Weir House).
- Maintaining the Mount St heritage cemetery.
- Maintaining and enhancing Te Herenga Waka Mārae which is a significant heritage site on the Kelburn Campus identified by the District Plan.

Victoria University aspires to be a world-leading capital city university and one of the great global-civic universities. A civic university is one that values close involvement with the cultural and economic life of its city and region and this is the mandate upon which the University was founded 117 years ago and it remains as important today.

To have the impact that defines a great global-civic university, Victoria is looking to double in size over the next 20 years.

An important factor involves having an increased range of development options to grow the heart of Victoria University in a way that enhances the visibility, profile and connection of the University to the City. 320 The Terrace fits this criterion.

1.3 320 THE TERRACE

In 2012 Victoria University was approached by the then owners of the site, Housing NZ, who wished to sell the property.

From Victoria University's perspective, the offer of the property was a unique opportunity principally because:

- The property adjoins the Kelburn Campus and adjoins The Terrace. It thus provides an attractive opportunity to enhance the physical connection of the existing Campus to The Terrace, to Te Aro and the wider Central Area.
- The site presents a long term Campus expansion opportunity.
- The site has a good "fit" with Victoria University's Strategic Plan and its goal of significant growth and expansion.
- Such opportunities are rarely offered to the University.

Victoria University therefore entered into discussions with Housing NZ and purchased the property in 2014.

1.4 STATUS OF GORDON WILSON FLATS UNDER THE RMA

Gordon Wilson flats and its residential use are non-complying activities under the District Plan.

The non-compliances arise primarily because:

- The height of the building significantly exceeds the maximum permitted building height of 10m under the Inner Residential zoning of the site.
- The building significantly exceeds the building recession planes under the Inner Residential zoning of the site.

- The building and use fails to comply with the car parking requirement of 1 space per household unit (there are 87 units within the building) and visitor parking of 1 space per 4 units. The District Plan requires 109 car parking spaces whereas only 31 or so spaces are provided. This is a significant non-compliance.
- The building and use fails to comply with the requirement for ground level usable open space of 35m² per unit. The District Plan therefore requires 3045m² of ground level usable open space (not occupied by car parking and vehicle access) to be provided for the 87 units. This is a significant non-compliance.
- The scale, design, external appearance and siting of the building and residential units is not consistent with the District Plan Residential Design Guide.

Section 10 of the RMA protects non-complying buildings and non-complying uses but protection is lost if the activity is discontinued for a period of 2 years.

Residential use of Gordon Wilson flats discontinued in 2012. This was due to risk to human life because of structural failure of the building in the event of high wind or earthquake. So serious was the risk that residents were given 1 week to vacate the building. Barrier fencing and building hoardings are now in place to try and keep people out of the building and away from its surrounds.

Because the period of discontinuance of use has exceeded 2 years, existing use rights for residential use of Gordon Wilson flats has been lost. An application for resource consent is therefore required for commencement of any use of the building. This is a major risk, given the significant non-compliances identified above.

In addition, an application for resource consent for building modifications under the District Plan Heritage provisions will also be required to the extent that strengthening will need to involve external modifications. External building modifications are also likely to be required to meet standards for re-occupation on a sustainable basis.

In summary:

- The District Plan does not anticipate or provide for a building of this height, bulk, location, design, and intensity of residential use and there is a shortage of car parking on this site.
- Existing use rights have been lost for multi unit residential use.
- The building fails to meet permitted activity building and use standards.
- Strengthening of the building and modification to make it fit for purpose is likely to require significant alterations to the external design and appearance of the building. Significant exterior modifications to the building are unlikely to be consistent with the heritage listing of the building.

Accordingly, there are significant resource consent risks associated with the need to strengthen the building, upgrade the building for sustainable use, and retain the building's external design and appearance consistent with its heritage listing.

1.5 INVESTIGATIONS

Since agreeing to purchase of the site, Victoria University has undertaken investigations to ensure its decision-making about the future of Gordon Wilson flats is comprehensive and robust.

In **Appendix 3** is a report prepared by Wareham Cameron and Co Ltd. Its findings support the following conclusions:

- The building is uninhabitable because of its unsafe structural condition.
- The building is earthquake prone.
- There is a significant structural (and therefore cost) risk associated with the piles.
- Trying to rectify the failing external facade of the building while also retaining its external design and appearance is a significant risk and cost.
- Options that significantly modify the exterior of the building to make it safe (i.e. construction of curtain walling) would defeat the purpose of the heritage listing.
- Existing use rights for the use of the building have lapsed.
- There are significant resource consent risks associated with the required application for resource consent to re-use the building when there are multiple non-compliances associated with the re-use.

- The building is unsuitable for conversion to student accommodation because of multiple substandard factors and constraints.
- The building is unsuitable for conversion to Victoria University offices, teaching space and the like because of multiple substandard factors and constraints.
- The risks and estimated costs to Victoria University in trying to refurbish the building, rectify its façade, and retain its exterior heritage are prohibitive.
- The building could conceivably be strengthened, refurbished, and resource consent obtained for public housing use. However due to its size, the only likely parties to this option would be Housing NZ and the Wellington City Council. Housing NZ declined to implement this option presumably after assessment of the risks, costs and return. There is no reasonable prospect of the Council taking responsibility for another uninhabitable and earthquake prone building.
- The building is unattractive for conversion to private apartments with significant complications in terms of achieving the required standard of amenity, car parking, open space etc.

The overall conclusion of the Wareham Cameron and Co Ltd report is that Gordon Wilson Flats is unsuitable for use for any university purpose and not cost effective compared to other readily available alternative options that would result in a significantly higher standard.

Included in the report by Wareham Cameron and Co Ltd is an assessment by Mr Maurice Clark of Cheops Holdings Ltd and McKee Fehl Constructors Ltd.

Mr Clark has unrivalled experience in rehabilitating existing heritage buildings in Wellington, including the Public Trust building on Lambton Quay and the Departmental building in Stout St. He also has experience in the conversion of existing buildings for student accommodation.

The conclusions that can be drawn from his advice are as follows:

- There is a high risk associated with the existing piles. It is very significant that Mr Clark advises that to his knowledge the type of pile under Gordon Wilson Flats has rarely been used again in Wellington due to its unsuitability and “risks around structural integrity” i.e. failure.
- The level of degradation of the façade is considerable with little ability to remediate consistent with heritage considerations. Even a curtain wall will not fully address on-going degradation and associated safety and damage problems.
- The dated design and structural restrictions do not easily allow for reconfiguration to meet the expectations of potential new residential occupants.
- External walkways are unappealing and the location of lifts do not meet modern standards.
- Energy efficiency will be very poor and maintenance costs high relative to a new build.
- There is little or no scope to redevelop the balance of the site to mitigate the risks around costs of strengthening and upgrading the building.

Mr Clark’s assessment highlights the multiple risks associated with the building and concludes that the building is beyond economic use for any purpose for any occupier.

Also included in the report by Wareham Cameron and Co Ltd is an assessment of the heritage significance of Gordon Wilson Flats prepared by Archifact Ltd. To assess the heritage significance, Archifact Ltd has used the following six-level rating scale based on the New Zealand Historic Places Trust “1994 Guidelines for Preparing a Conservation Plan” to assess the aesthetic, archaeological, architectural, functional, historical, scientific, social, technological and townscape significance of the building:

A= Exceptional Significance

The element or space is of exceptional importance to the overall significance of the place.

B= Considerable Significance

The element or space is of considerable importance to the overall heritage significance of the place.

C= Moderate Significance

The element or space is of moderate importance to the overall heritage significance of the place.

D= Minor Significance

The element or space is of minor importance to the overall heritage significance of the place.

O = No Significance

The element or space is of little or no importance to the significance of the place and is not intrusive or negative.

X= Intrusive

The element or space obscures or passively detracts from the heritage significance of the place.

The following table summarises the level of significance that Archifact Ltd attributes to Gordon Wilson Flats:

Aesthetic Significance	C= Moderate
Archaeological Significance	Not assessed.
Architectural Significance	C= Moderate
Functional Significance	O= No Significance
Historical Significance	B= Considerable
Scientific Significance	D= Minor
Social Significance	B= Considerable
Technological Significance	D= Minor
Townscape Significance	C= Moderate

Archifact Ltd's conclusion is that:

- Gordon Wilson Flats does not have any exceptional heritage significance.
- It has considerable historical and social significance.
- It has moderate aesthetic, architectural and townscape significance.
- It has minor scientific and technological significance.

Overall, Archifact rates the heritage significance of Gordon Wilson Flats as moderate.

Archifact's report identifies at least four other buildings similar to Gordon Wilson flats. These are:

- Dixon St Flats in Wellington. This building is included in the Wellington City Council Operative District Plan Heritage List, is classified as a Category 1 Historic Place by Heritage New Zealand, and was awarded the NZ Institute of Architects Gold Medal in 1947.
- Symonds St Flats in Auckland. This building is included in the Auckland Council Unitary Plan Heritage List as a Category A Item.
- Lower Greys Ave Flats in Auckland. This building is included in the Auckland Council Unitary Plan as a Category A Item and classified as an Category 2 Historic Place by Heritage New Zealand.

- Upper Greys Ave Flats in Auckland. Not listed in the Auckland Council Unitary Plan or classified as a Historic Place by Heritage NZ

1.6 CONSULTATION

In addition to the above investigations, Victoria University has consulted adjoining and adjacent owners and residents on the future of Gordon Wilson Flats and how they think the site should be developed and used by the University.

Feedback was received from 12 residents including all the adjoining residents/owners. The feedback received in summary was:

- All are in support of the demolition of Gordon Wilson Flats for a variety of reasons.
- There is concern about how demolition is going to be managed.
- Two adjoining owners raised concerns about site stability.
- There is support for site specific building standards to maintain an acceptable level of amenity for residents.

The above matters are assessed in section 4 of this document.

Specific consultation was held with Heritage NZ, Housing NZ (as owner of 320A The Terrace) and Wellington Electricity Ltd. The feedback received from these parties is as follows:

- The response from Heritage NZ is in **Appendix 4**. They confirm that Gordon Wilson Flats is not on the NZ Heritage List. They note that the building is the work of Government architect Gordon Wilson but is not one of the greatest works of the office during his tenure i.e. the building is not included in Julia Catley's "Long Live the Modern" which showcases twelve different housing schemes and buildings attributed to Gordon Wilson, including two Wellington City blocks of flats (Berhamphore Flats and Dixon St Flats). NZ Heritage confirm they raise no matters concerning the demolition of Gordon Wilson Flats.
- The response of Housing NZ is in **Appendix 5**. This confirms that they were not prepared to try and rehabilitate the building for continued public housing and hence why they sold the property. They support the demolition of Gordon Wilson Flats.
- Wellington Electricity Ltd is concerned at the potential for reverse sensitivity in relation to the existing substation that adjoins 320 The Terrace. This matter is assessed in section 4 of this document.

Consultation has also been held with City Council District Plan and Transportation officers. This has included:

- Meetings and communications with Council District Plan officers to ensure that the proposed DPC provisions has an appropriate fit with the existing structure, form and content of the District Plan.
- Consultation with Council Transportation officers to ensure their support for making site access, parking and loading a Discretionary Activity Restricted for this site.

1.7 VICTORIA UNIVERSITY'S CONCLUSIONS

In view of its investigations and consultation, Victoria University's conclusions are as follows:

- There are significant practical obstacles and inefficiencies associated with trying to reconfigure the building for student accommodation. In particular, the design of the building with external balconies does not meet Victoria University's design standards for student accommodation.
- The building by virtue mainly of its long and narrow floors and numerous structural walls is unsuitable for conversion for university research, tuition or office space.
- There are significant uncertainties associated with the exterior of the building and its piles that result in a unacceptably high level of assessed risk.
- The requirement of the District Plan to retain the exterior design and appearance of the building consistent with its heritage listing is a significant constraint and consenting risk.
- Victoria University is therefore not prepared to invest its resources in Gordon Wilson Flats. The moderate heritage value of the building does not alter this assessment.
- Victoria University considers there is no realistic prospect of any other party being prepared to invest the resources necessary to take on the risks, costs and uncertainties associated with trying to strengthen and rehabilitate the building for public housing, private housing or any other use.

- The removal of Gordon Wilson flats will however enable Victoria University to immediately afterwards undertake landscaping and enhancement works so that the site is made accessible and can be used by the university community. Thereafter Victoria University intends to construct a safe and convenient pedestrian connection through the site from The Terrace to the Campus and in the longer term, develop the site with well designed university buildings.
- The removal of Gordon Wilson flats will still leave two heritage listed public housing buildings in Wellington - Dixon St flats and and Berhamphore flats. There are also heritage listed public housing buildings elsewhere in the country, some of which are identified in the heritage assessment by Archifact Ltd contained in **Appendix 3**. Heritage NZ notes there are 12 housing schemes attributed to Gordon Wilson's tenure as Government architect.
- Victoria University can to some extent mitigate the removal of Gordon Wilson flats by preparing an appropriate record of the building prior to demolition and reusing certain parts of the building (i.e. plaque, entrance tiles etc) within the future new building(s) on the site.
- Consultation with nearby residents and owners has shown unanimous support for the removal of Gordon Wilson Flats. This support is primarily because the building is regarded as visually unappealing, blocks sun and views, and detracts from resident's enjoyment of their properties.

Victoria University has therefore decided to lodge this application for District Plan Change to remove Gordon Wilson flats from the District Plan heritage list, to change the zoning of the site to Institutional Precinct, and to propose site specific provisions to control future development and use of the site for University purposes.

2 DISTRICT PLAN CHANGE

2.1 REQUEST

The DPC request is in **Appendix 2** and includes the Institutional Precinct provisions with the proposed site specific changes highlighted.

The DPC request is to:

- Remove “Gordon Wilson Flats” from the heritage list contained in Chapter 21 of the District Plan and corresponding removal of heritage building notation “299” from District Plan Map 16.
- Change the zoning of the site from “Inner Residential” to “Institutional Precinct” with corresponding change to District Plan Maps 12 and 16.
- Change the Institutional Precinct provisions by adding some site specific building standards (under proposed condition 9.1.1.1.3).
- Change the Institutional Precinct provisions by adding a rule (proposed Rule 9.2.3) to provide the Council with the ability to control the temporary adverse effects of the demolition of Gordon Wilson Flats and to require the preparation of a record of the building prior to demolition.
- Change the Institutional Precinct provisions by adding a rule (proposed Rule 9.3.2) to provide the Council with the ability to control the design, external appearance, siting, landscaping, site access for vehicles, parking and loading of development proposals.

2.2 EXPLANATION

2.2.1 Proposed Permitted Activity Condition 9.1.1.1.3

The additional permitted activity condition proposed by the DPC (see **Appendix 2**) is:

9.1.1.1.3 Building standards for 320 The Terrace are specified in Appendix 4.

The standards specified are:

- **Height.** The permitted height of buildings and structures on 320 The Terrace is 10m (measured above existing ground level) except as shown on the aerial photograph of the site (in **Appendix 2**) titled “Permitted Building Standards for 320 The Terrace”. This identifies areas of the site where the permitted height is measured from mean sea level. This is consistent with the way the District Plan specifies permitted heights within the Kelburn Institutional Precinct and is necessary to enable buildings fit for university purposes. The proposed permitted heights above mean sea level (56.5m, 72m and 80m) have been carefully located and selected to enable reasonable scope for the construction of university buildings that are envisaged will “step up the slope” and make good use of the site’s topography.
- **Site Coverage.** 50% This is the same as for the adjoining Inner Residential Area.
- **Building Recession Planes.** These are the same as for the adjoining Inner Residential Area.
- **Yard.** A 5m yard is proposed along the boundaries with the adjoining Inner Residential Area. This is considered appropriate to provide a degree of separation between buildings used for university purposes and buildings on adjoining sites used for residential activities.
- **Building Length.** A maximum building length standard is proposed. This will avoid a continuous length of building without setbacks along the boundaries with the adjoining Inner Residential Area.

It is proposed that the building recession plane and building length standard will not apply along the 3 boundaries with the adjoining electricity substation building. These boundaries are identified in blue on the Appendix 4 plan in **Appendix 2**. Its substation use, shape and small size makes it impractical for residential use. Accordingly, standards to protect residential amenity for this site are unnecessary. It is however proposed that a 1.0m yard apply to these 3 boundaries primarily to provide the ability for the owner (Wellington Electricity Ltd) to maintain its substation building and also to enhance protection from potential reverse sensitivity (a matter assessed in more detail in section 4 of this DPC document).

2.2.2 Controlled Activity Rule 9.2.3

The rule provides for the control by Council of the temporary adverse effects of the demolition of Gordon Wilson Flats and to ensure the preparation of a record of the building prior to demolition.

2.2.3 Discretionary Activity Restricted Rule 9.3.2

Victoria University acknowledges that design control for multi unit developments on 320 The Terrace is currently provided for as a Discretionary Activity Restricted and that adjoining residents would expect this level of control to be maintained for university redevelopment.

The DPC therefore proposes Discretionary Activity Restricted Rule 9.3.2 so that the design, external appearance, siting and landscaping of development proposals on 320 The Terrace will be assessed by the Council using the Victoria University Design Guide. The DPC amends the Victoria University Design Guide to add design guidance for 320 The Terrace.

Discretionary Activity Restricted Rule 9.3.2 also proposes that site access for vehicles, parking and loading for any development proposals on 320 The Terrace will be assessed by the Council and either granted consent, granted consent with conditions, or declined. This proposed provision has the support of the Council's Transport officers.

2.3 PURPOSE OF THE PLAN CHANGE

The purpose of the DPC (and the objectives of the proposal) is to:

- Remove Gordon Wilson Flats from the District Plan heritage building list.
- Provide for the sustainable management of the site for university purposes.
- Avoid, remedy or mitigate adverse effects.

2.4 REASONS FOR THE PLAN CHANGE

The Plan Change Request is proposed by Victoria University for the following main reasons:

- Gordon Wilson flats is uninhabitable because its facades are structurally unsafe and failing. The building requires total refurbishment. There are significant uncertainties associated with the structural integrity of the piles and other fundamental aspects of the building. The building is non-complying under the District Plan and has lost its existing use rights under the RMA for residential use. The units do not comply with District Plan standards and the District Plan's Residential Design Guide. The heritage listing of the building's exterior significantly increases the constraint, complexity, uncertainty, risk and thus cost associated with potentially refurbishing and re-using the building. Consenting risks are high.
- The risks and thus costs to attempt to rehabilitate the building are prohibitive.
- Removal of Gordon Wilson Flats from the District Plan list of heritage buildings will enable its demolition. This is a necessary pre-requisite for the site to be redeveloped and sustainably used by Victoria University in a way that integrates the site into the Kelburn Campus.
- The existing Kelburn Campus is zoned "Institutional Precinct". It makes good sense from an integrated resource management perspective that this additional site acquired by Victoria University for expansion purposes should have the same zoning as its Kelburn Campus.
- The site specific provisions proposed by Victoria University are necessary to enable the construction of new buildings that are efficient, that make good use of the site, and that are fit for university purposes.
- Site specific provisions are also necessary to avoid, remedy or mitigate potential adverse effects.

3 SECTION 32 EVALUATION

3.1 INTRODUCTION

Clause 22(1) of the First Schedule to the Act requires that a Request for a Change to a District Plan be accompanied by an evaluation of the DPC (“the proposal”) prepared in accordance with s32 of the Act. In summary, this requires an evaluation of the alternatives, benefits and costs associated with the DPC.

This s32 evaluation should be read in conjunction with Sections 2 and 4 of this document. Section 2 describes the DPC and sets out its purpose and reasons for the DPC, and Section 4 assesses the effects of the DPC.

The structure and content of this s32 evaluation has been informed by, and is considered to be consistent with, recent s32 evaluations prepared by the Council (i.e. DPC 77 and DPC 78) and the “Guide to Section 32 of the RMA” published by the Ministry for the Environment in December 2014.

3.2 EVALUATION OF THE PROPOSED REMOVAL OF GORDON WILSON FLATS FROM THE HERITAGE BUILDING LIST

The objective of Victoria University is to remove Gordon Wilson Flats from the heritage building list and demolish the building.

There are two methods under the RMA that are available to Victoria University to achieve this objective.

- Method 1 = DPC to remove the building from the heritage list.
- Method 2 = Application for resource consent under the Heritage provisions of the District Plan to demolish the heritage listed building.

Method 1 is considered to be efficient and effective because the DPC to remove the building from the heritage register can easily be integrated with the DPC to change the zoning of the site to Institutional Precinct. A DPC also enables an unrestricted assessment of whether or not to remove the building from the heritage register. This method is also anticipated and provided for by the District Plan.

Method 2 would involve an application for resource consent under heritage rule 21A.2.1 to demolish the heritage listed building. The activity status of the application would be Discretionary Restricted with the only matter for assessment being the effects on “*historic heritage*”.

Victoria University has chosen method 1 because this is efficient and effective when combined with the DPC to change the zoning of the site to Institutional Precinct and because it enables an unrestricted assessment of the effects of removal of the building from the District Plan heritage list. It is also a method that is consistent with the District Plan statement that buildings may be “*removed from these lists by way of a Plan Change*” (p20/2).

3.3 EVALUATION OF OBJECTIVES AND POLICIES

The objectives and policies of the existing Residential Activity Area provisions are principally directed towards the sustainable management of land for residential subdivision, development and use.

The objectives and policies of the Institutional Precinct provisions as sought by the DPC are directed towards the sustainable management of land for tertiary education.

It is considered that the objectives and policies of the Institutional Precinct will best promote sustainable management because:

- Tertiary education and Victoria University is an important and fast growing sector of the City’s economy as summarised in section 1.2 of this DPC.
- It is important for the welfare of the community and the economy of the Region and City that Victoria University is future proofed to accommodate the growth of its Kelburn Campus.
- The site adjoins the Kelburn Campus and has the size and shape that make it suitable for university development and use.

- The location of the site adjoining the Kelburn Campus and having frontage to The Terrace provides the opportunity for physical linkage to The Terrace, Te Aro Campus and the university halls of residence on Willis St.
- The objectives and policies of the Institutional Precinct are specifically directed towards promoting the sustainable management of land for educational services and facilities.
- The reduction in land for residential subdivision, development and use by 7139m² (the site area of 320 The Terrace) will have a negligible impact on the opportunities for residential intensification within the City.

Other sets of District Plan objectives and policies have been discounted primarily because:

- The site is located in the Inner City. It would be nonsensical to evaluate “Outer Residential” or “Rural” objectives and policies.
- The site does not adjoin a Centre, Central Area, Business Area or Open Space Area.
- Other objectives and policies (e.g. for the “Airport Precinct”) are inappropriate.

3.4 EVALUATION OF PROVISIONS

In **Appendix 6** is a table that evaluates the costs, benefits, efficiency and effectiveness, and the appropriateness of the “Institutional Precinct” provisions compared to the existing “Residential” provisions.

The main conclusions from Victoria University’s perspective that can be drawn from this table are as follows:

- The provisions that most appropriate meet the needs of the university is “Institutional Precinct”.
- The “Institutional Precinct” provisions specifically provide for the effective and efficient operation of Victoria University (policy 8.2.1.1).
- The benefits of the “Institutional Precinct” provisions significantly outweigh the benefits of retaining the existing zoning.
- The small reduction in land zoned “Residential” will have a negligible impact on the opportunities for residential intensification within the City.

It should be noted that in Chapter 8 of the District Plan it is stated that Victoria University makes an important contribution to the cultural and economic welfare of the city and that expansion proposals “*will be dealt with under the plan change processes to enable a full assessment of environmental effects*” (p8/1).

The change in zoning of 320 The Terrace from Inner Residential to Institutional Precincts as sought by Victoria University is consistent with this District Plan statement.

During its evaluation of the District Plan provisions, and following consultation with nearby residents, it was identified that some additional site specific provisions would promote the sustainable management of the site and locality. These proposed provisions are now evaluated.

3.4.1 Evaluation of Proposed Condition 9.1.1.1.3

A detailed explanation of proposed condition 9.1.1.1.3 is in section 2.2 of this document. In summary, it proposes some site specific permitted activity building standards.

In terms of the costs, benefits, efficiency and effectiveness of the proposed building standards, the following evaluation is given:

- Maximum building height and recession plane standards for Institutional Precincts are currently provided for under the respective Design Guides. However, the Council’s most up to date approach is for Design Guides to be restricted to providing design guidance with permitted activity standards specified under the relevant rules. For this reason it is considered that it is more appropriate that the maximum building height and recession plane standards are specified in proposed condition 9.1.1.1.3 as permitted activity building standards rather than contained within the Victoria University Design Guide.
- The maximum permitted building heights proposed will be effective and efficient in enabling university buildings of reasonable scale to be achieved given the rising topography and contour of the site.

- The retention of the existing Inner Residential building recession plane standards will be effective and efficient in controlling the height and bulk of future university buildings in relation to adjoining side boundaries and maintaining reasonable sunlight and daylight into adjoining residential properties.
- There are no yard standards or maximum length of building standards in the Institutional Precinct. The proposed 5m yard standard and the maximum length of building standard are proposed additional site specific standards and will be effective and efficient in maintaining a reasonable level of amenity for adjoining residential properties.
- The retention of the Inner Residential maximum permitted building coverage of 50% will be effective and efficient in limiting the extent of building footprints on the site (thus maintaining the balance between built and unbuilt areas on the site) and will positively contribute to maintaining reasonable level of amenity for adjoining properties.
- It would be ineffective and inefficient if the recession plane, yard and building length standards applies to the three boundaries specified with the adjoining electricity substation owned by Wellington Electricity Ltd (WEL). This is because consultation has confirmed an ongoing need for the substation. There is therefore no prospect of the substation being discontinued.
- Consultation with WEL indicates a concern regarding reverse sensitivity. No side or rear yards are required under the Inner Residential provisions. Accordingly, residential buildings and activity can currently adjoin the substation as a permitted activity. Victoria University for its own purposes are unlikely to want to construct buildings adjoining the substation. Accordingly, a 1.0m yard is proposed for the 3 boundaries adjoining the substation. This will provide for future maintenance of the substation building and will reduce the potential for reverse sensitivity compared to the existing operative District Plan provisions. For these reasons, the proposed 1.0m yard will be effective in addressing the concern of WEL regarding the potential for reverse sensitivity.
- There are no direct costs associated with the proposed building standards. There are benefits to all parties in terms of providing certainty over the extent to which future buildings are either permitted or require resource consent.
- Building standards of the type proposed are proven to be effective in enabling reasonable building development to occur as a permitted activity and maintaining a reasonable level of amenity for the neighbourhood.

The overall conclusion that is reached is that the proposed condition and associated standards are efficient and effective with the benefits outweighing the costs.

3.4.2 Evaluation of Proposed Rule 9.2.3

In terms of the costs, benefits, efficiency and effectiveness of proposed Rule 9.2.3, the following evaluation is given:

- The District Plan does not currently have consistent and transparent provisions for the management of the temporary adverse effects of demolition activities.
- The management of the temporary adverse effects of the demolition of Gordon Wilson Flats is a matter of concern to the nearby residents as identified by Victoria University's consultation. It is Victoria University's intention therefore to recognise and provide for the management of the temporary adverse effects of demolition of Gordon Wilson Flats in its DPC.
- The proposed rule will enable the Council to impose conditions to avoid, remedy or mitigate the temporary adverse effects of demolition. This will be effective in addressing the concerns of the nearby residents.
- The Council has standard conditions of resource consent that it imposes (when it is empowered to do so) that require the preparation of a "Demolition Management Plan" containing measures to avoid, remedy or mitigate the temporary adverse effects of demolition and to meet the duty under section 16 of the RMA to avoid unreasonable noise.
- Council officers considered the costs, benefits, efficiency and effectiveness of proposed Rule 9.2.3 to be preferable to alternative options e.g. an application for resource consent lodged and processed concurrently with the DPC.
- Proposed Rule 9.2.3 will be effective in enabling the Council to require an appropriate record be prepared of the building prior to its demolition. There will be a cost to Victoria University but this is considered to be outweighed by the benefits of such a record being prepared.
- The non-notification provision will ensure the efficiency and cost effectiveness of the proposed Rule.

3.4.3 Evaluation of Proposed Rule 9.3.2

An explanation of proposed Rule 9.3.2 is in section 2.2 of this document.

In terms of the costs, benefits, efficiency and effectiveness of proposed Rule 9.3.2, the following evaluation is given:

- Proposed Rule 9.3.2 is in line with the Council's most up to date approach for the management of "*design, external appearance, siting and landscaping*" i.e. that the activity status should be Discretionary (Restricted) instead of a Controlled Activity as currently provided for by the Institutional Precinct provisions. For example, in the Central Area, Centres and Business Areas, the rules provide that the activity status for the management of design, external appearance, siting and landscaping is Discretionary Restricted.
- Proposed Rule 9.3.2 is potentially less efficient, more costly and greater risk for Victoria University than if Institutional Precinct Controlled Activity Rule 9.2.1 was applied. However, this needs to be weighed against the efficiencies associated with the Council having a consistent activity status (Discretionary Restricted) for the control of design, external appearance, siting and landscaping across the various activity areas of the District Plan.
- Consultation with the Council's District Plan officers has indicated their support for Discretionary Restricted activity status for the management of "*design, external appearance, siting and landscaping*".
- For the above reasons it is considered that proposed Rule 9.3.2 will be effective and efficient in providing for the management of the effects of the design, external appearance, siting and landscaping of proposals on the site.
- The additional design guidance proposed to be added to the Victoria University Design Guide have been prepared by McIndoeUrban Ltd, VUW's urban design consultants and principal authors of the Victoria University Design Guide. The amended Guide will be effective and efficient in providing design guidance to both the University when it develops the site and to the Council when it assesses development proposals under the proposed Rule 9.3.2.
- The proposed non-notification provision for design, external appearance, siting and landscaping is consistent with the Council's non-notification provisions in other Areas i.e. Central Area (Rule 13.3.4), Centres Areas (Rule 7.3.6), Business Areas (Rule 34.3.6) and Residential Areas (i.e. Rule 5.3.5). On this basis it is not only appropriate but will also be effective and efficient in providing a clear and certain process for the processing of applications under proposed Rule 9.3.2.
- Council's Transportation Officers were consulted on the management options for site access for vehicles, parking and loading. Their preference is that these matters be provided for as a Discretionary Activity Restricted. Proposed Rule 9.3.2 provides for this. This proposed provision and the associated non-notification provision is consistent with, and in some cases more onerous than, rules for other areas i.e. Central Area (Rules 13.3.1, 13.3.3, 13.3.7 and 13.3.8), Centres Areas (Rules 7.3.1, 7.3.5 and 7.3.10) and Business Areas (Rules 34.3.1, 34.3.4, 34.3.5, 34.3.6 and 34.3.12). This however is considered to be effective and efficient in view of the importance of The Terrace in the District Plan road hierarchy.

The overall conclusion that is reached is that the proposed rule will be effective and efficient in managing the effects of the restricted matters and the benefits will outweigh the costs.

3.5 RISK OF ACTING OR NOT ACTING

Victoria University considers that there is sufficient information about its proposal that will enable the Council to assess the efficiency and effectiveness of the DFC under s32 of the RMA.

3.6 SUMMARY

The provisions proposed by Victoria University's DFC have been evaluated under s32 of the RMA.

This evaluation supports the conclusion that the proposed provisions are appropriate and that they will be effective and efficient.

This conclusion will be tested through the public notification process.

4 ASSESSMENT OF ENVIRONMENTAL EFFECTS

4.1 INTRODUCTION

The following sections provide an assessment of effects that the DPC will have on the environment.

The effects assessed include both the positive effects that are anticipated from the DPC and the adverse effects.

4.2 HERITAGE EFFECTS

The heritage effects of the DPC are assessed to be as follows:

- The site is not identified by any statutory or non-statutory Plan as being of special significance to Maori. Accordingly, the DPC is not anticipated to have any adverse effects on any interest Maori might have in relation to the site.
- There are no above ground archaeological resources.
- The site has been substantially excavated when Gordon Wilson Flats was constructed. Any sub-surface archaeological resources that might have been present would therefore have been destroyed.
- Because of the above factors it is considered there will be no archaeological effects (positive or adverse).
- The removal of Gordon Wilson flats by demolition will have irreversible adverse heritage effects. This adverse effect is commensurate with the moderate heritage significance of the building.
- The assessment of Archifact Ltd contained in **Appendix 3** is that Gordon Wilson Flats does not have any exceptional heritage significance but that it does have considerable historical and social significance, moderate aesthetic, architectural and townscape significance and minor scientific and technological significance.
- Assessed in a wider context, there are other buildings similar to Gordon Wilson Flats. Some examples include:
 - (i) Dixon St Flats in Wellington. This building is included in the Wellington City Council Operative District Plan Heritage List, is classified as a Category 1 Historic Place by Heritage New Zealand, and was awarded the NZ Institute of Architects Gold Medal in 1947.
 - (ii) Symonds St Flats in Auckland. This building is included in the Auckland Council Unitary Plan Heritage List as a Category A Item.
 - (iii) Lower Greys Ave Flats in Auckland. This building is included in the Auckland Council Unitary Plan as a Category A Item and classified as an Category 2 Historic Place by Heritage New Zealand.
 - (iv) Upper Greys Ave Flats in Auckland. Not listed in the Auckland Council Unitary Plan or classified as a Historic Place by Heritage NZ
 - (v) Berhamphore Flats in Wellington. This is included in the Wellington City Council Operative District Plan Heritage List.
- Heritage NZ refers to 12 housing projects designed by Gordon Wilson.
- This is therefore not a case where the DPC will remove protection from and thus enable the demolition of a heritage building with considerable or exceptional heritage significance. Nor is it a case where Gordon Wilson Flats is the only remaining example of public housing heritage buildings either in the immediate neighbourhood (Dixon St flats), in Wellington City (Berhamphore flats), or in the country.
- Victoria University intends to commission a qualified building conservator to prepare a record of the interior and exterior of the building prior to demolition and to submit a copy to the Council. Proposed Rule 9.2.3 will enable the Council to require this.
- Victoria University also wishes to potentially re-use internal elements such as the opening plaque, perhaps some entrance tiles and the like as a way of acknowledging Gordon Wilson flats in new building(s) on the site.

4.3 UNIVERSITY CAMPUS DEVELOPMENT EFFECTS

The DPC will have the following main effects:

- Immediately following the removal of Gordon Wilson Flats it is intended to provide recreation and open space amenity for the university community, particularly students living in the nearby Victoria House and the other buildings on Willis St. The amenity will also be accessible to the local residents.
- Options are being assessed for a pedestrian path to be constructed through the site so that there is pedestrian connection between The Terrace frontage and the existing Kelburn Campus facilities. This needs to be carefully designed to ensure appropriate gradients and pedestrian safety. A path will also facilitate management of the trees and vegetation that occupies the upper portion of the site.
- There are existing development sites within the Kelburn Campus that will cater for the short to medium term need of Victoria University for additional buildings and facilities. The site will however “future proof” the Campus by providing for the longer term expansion of the Campus as foreshadowed by the University’s Strategic Plan.
- Expansion of the University contiguous with the Kelburn Campus has the significant advantage (compared to an additional stand alone Campus) of maximising the use, efficiency, effectiveness and accessibility to existing facilities and services on the Campus.

These effects are positive and cumulatively significant.

4.4 STREETScape AND ON SITE DESIGN QUALITY EFFECTS

Attached in **Appendix 7** are photographs of the site taken from Ghuznee Street and McDonald Crescent that show the existing outline of Gordon Wilson flats and the existing permitted building outline under the Inner Residential zone provisions of the District Plan (the orange dashed outline) and the outline (the white dashed outline) of the permitted building heights proposed by this DPC.

The lower, middle and upper white dashed lines indicate the permitted building heights proposed i.e. 56.5m, 72m and 80m above mean sea level.

The photographs show that assuming future university buildings are constructed to the maximum height permitted by the DPC:

- The proposed DPC building heights are lower than the existing Gordon Wilson Flats and thus will open up more of the view of the existing Campus when viewed from Ghuznee St.
- The lower building heights proposed by the DPC compared to the existing Gordon Wilson flats will open up more of the sky and silhouette of the existing Campus buildings when viewed from McDonald Crescent.

These effects, compared to the existing environment, are considered to be positive in terms of streetscape and pedestrian amenity.

The DPC provides that “*design, external appearance and siting*” and “*landscaping*” are to be managed by the resource consent process, specifically under proposed Rule 9.3.2 as a Discretionary Activity Restricted and assessed with reference to the proposed amended Victoria University Design Guide that includes design guidance for development of 320 The Terrace. This approach is consistent with how the District Plan manages the streetscape and on site design quality effects of development in the Central Area, Centres, Business Areas and for multi-unit residential development in Residential Areas.

It should be noted that Rule 9.3.2 provides for this site a greater level of design control (Discretionary Activity Restricted status) than currently provided for by the Institutional Precinct provisions (Controlled Activity status).

Attached in **Appendix 8** is an urban design assessment prepared by McIndoeUrban Ltd of the DPC. This confirms that:

- The proposed building standards are considered to be appropriate.
- The proposed amended Victoria University Design Guide that includes design guidance for development of 320 The Terrace is appropriate.
- The Institutional Precinct provisions with the above proposed building standards and design guidance will ensure that any new building development on the site will be able to be appropriately managed by

the Council through the resource consent process so that streetscape and urban design aspects are of a high standard.

4.5 TRANSPORTATION EFFECTS

Proposed Rule 9.3.2 provides that “*vehicle parking, servicing and site access*” will be matters for assessment and control by the Council as a Discretionary Activity (Restricted). This will enable the Council to assess each proposal and either grant consent, grant consent with conditions, or decline the application.

This level of control is greater than for the existing Kelburn Campus under the existing the Operative Institutional Precinct provisions. For this site, this is considered appropriate because:

- This part of The Terrace carries heavy traffic flows.
- It is important that future university buildings are provided with appropriate loading and unloading (i.e. servicing) facilities.
- The amount of any car parking that is proposed or required should be subject to assessment through the resource consent process.

It is therefore considered that the DPC provides an appropriate level of control of site access for vehicles, parking and loading matters.

4.6 RESIDENTIAL ACTIVITY AREA EFFECTS

The Operative Institutional Precinct provisions have been formulated to provide an appropriate level of residential amenity for adjoining and adjacent residents.

These include:

- **Noise** standards (standard 9.1.1.2). These have proved to be effective in maintaining an appropriate noise environment for adjoining and adjacent Residential Activity areas.
- **Dust** standard (standard 9.1.1.4). This has proven to be effective in controlling dust generation so that the residential amenity of adjoining and adjacent Residential Activity areas is maintained to an appropriate level.
- **Lighting** standard (standard 9.1.1.5). This will ensure that light spill is limited to appropriate levels when measured at any residential windows.
- **Electromagnetic radiation** standard (standard 9.1.1.6). This will ensure that any such radiation generated does not exceed appropriate levels.
- **Sign** standards (standard 9.1.1.7). These will ensure an appropriate level of visual amenity is maintained for adjoining and adjacent Residential Activity areas.
- **Hazardous substances** standards (standard 9.1.1.8). These will ensure that the effects of the potential storage and use of hazardous substances are appropriate.

The DPC proposes some additional site specific standards. These are:

- The **building recession plane standards** of the Inner Residential Area (5.6.2.8). These will ensure that future buildings are set back from the boundaries with adjoining residential properties so that an appropriate level of light and sunlight access into these adjoining residential properties is maintained.
- A 5m **yard** along the boundaries with adjoining residential properties. This proposed building setback, combined with the other proposed building standards (building recession planes, site coverage, and maximum building length) will ensure an appropriate level of residential amenity for the adjoining residential properties from the effects of future buildings on 320 The Terrace.
- A limit on the **length of building** along the boundaries with adjoining residential properties. This limit, combined with the other proposed building standards (building recession planes, site coverage and yards) will maintain an appropriate level of residential amenity for the adjoining residential properties from the effects of future buildings on 320 The Terrace.
- A maximum building **coverage** of 50%. This is the same permitted building coverage as the Inner Residential area.

The above is considered to be a comprehensive suite of activity and building standards that will maintain an appropriate level of residential amenity in the adjoining and adjacent Residential Activity areas.

Some of the above standards (i.e. building recession plane, yard and building length) will not apply along three of the boundaries with the adjoining electricity substation site (Part Lot 1 DP 7388). This adjoining site is owned by Wellington Electricity Ltd and used as an electricity substation. Its substation use, shape and small size makes it impractical for residential use. Accordingly, standards to protect residential amenity for this site are unnecessary.

It should be noted that the on site design quality of development proposals for 320 The Terrace will be subject to the resource consent process under proposed Rule 9.3.2. This control will indirectly but positively assist to maintain an appropriate level of residential amenity of adjoining and adjacent residential sites by ensuring development proposals for 320 The Terrace are consistent with and will promote the design guidance contained in the Victoria University Design Guide, and in particular, how proposals meet the objective to *“respond positively to neighbouring residential areas”* (p1).

The DPC will have other impacts on adjoining and adjacent residential properties as follows:

- The DPC will enable Gordon Wilson Flats to be demolished which will remove from the neighbourhood an existing visual detraction.
- For some adjoining and adjacent properties, the removal of Gordon Wilson Flats will enhance the level of amenity in terms of improved light, sunlight access and outlook. This has been confirmed by Victoria University’s consultation with near neighbours.
- The site will be developed and used for university purposes. This will necessarily have a different character than if the site was cleared of Gordon Wilson Flats and developed and used for multi unit housing consistent with the existing Inner Residential zoning. This different character and its associated effects on adjoining and adjacent residential properties is not considered to be unacceptable or “foreign” to Inner Residential Areas – indeed the objectives and policies of Residential Areas seek a greater mix of activities, including non-residential activities and facilities that serve the residential population as Victoria University does.

In summary, the amenity of adjoining and adjacent properties that are used or are capable of being used for residential activity will be appropriately maintained by the proposed Institutional Precinct provisions.

4.7 TEMPORARY ADVERSE DEMOLITION EFFECTS

Rule 9.2.3 will enable the Council to control the temporary adverse effects of demolition of Gordon Wilson Flats.

The Council has standard conditions of resource consent that it imposes when it can to require the preparation of a “Demolition Management Plan” (DMP). A DMP typically contains measures to avoid, remedy or mitigate the temporary adverse effects of demolition and meet the duty under section 16 of the RMA to avoid unreasonable noise.

Victoria University propose to carefully manage the demolition of Gordon Wilson Flats using a DMP. A draft DMP in **Appendix 9** has been prepared by Mr Bob Hall of rjha Ltd who is Wellington’s leading expert in the management of demolition and construction activity. A final DMP will be prepared in conjunction with the appointed demolition contractor.

The draft DMP includes a range of initiatives to appropriately control the temporary adverse effects of demolition, including:

- Health and Safety
- Hazardous materials
- Protection of Life and Property
- Dust
- Noise
- Sedimentation
- Traffic
- Communication Plan
- Complaints Procedures

Measures arising from the draft DMP include:

- Consultation with Housing NZ will occur to ensure that appropriate systems are included to protect their adjoining site and building given its close proximity to the south corner of the building.
- Consultation with Wellington Electricity Ltd will occur to ensure that their legal access to their substation is unaffected.
- A Communication Plan and Compliant Procedure will be prepared to ensure the near neighbourhood is informed in advance of the proposed demolition programme and how to contact the main demolition contractor in the event of any nuisance. The Communication Plan will include specific initiatives to communicate with the owners of 300 The Terrace which is the only residential property adjoining the vehicle entry and exist to the site.
- Vehicles entering and leaving the site will be managed by a dedicated Safety Traffic Management Supervisor (STMS).
- A Site Specific Safety Management Plan will be prepared by the appointed contractor to ensure Safety at Work legislation and applicable regulations are complied with. This will include an Asbestos Removal Plan to carefully and safely remove this hazardous material from the building.
- Mr Hall confirms that the demolition of Gordon Wilson Flats is expected to fall within the allowances of the District Plan noise standard for demolition activities (NZS6803P) provided it is undertaken consistent with the draft DMP. However in Mr Hall's assessment there may be short periods over a 2-3 week duration where noise at the north and south ends of the building may exceed the limit of 75dBA. This is confirmed by the assessment of Marshall Day Acoustics Ltd in **Appendix 9**.
- No floodlighting is proposed. Accordingly there will be no work at night.
- The existing security fences to keep people away from the site and building will be maintained during the demolition process.
- The removal of hazardous material is likely to take approximately 17 weeks and the building demolition approximately a further 19 weeks.

Once the demolition work has been completed, Victoria University proposes to make good the demolition area by landscaping as indicated on the plan prepared by Wraight and Associates Ltd in **Appendix 10** and removing the existing temporary security barriers/fences. This will make the flat part of the site accessible and suitable for use as open land for recreation and amenity purposes. Campus security will be extended to include the site.

In conclusion, it is considered that proposed Rule 9.2.3 will enable the Council to appropriately control the temporary adverse effects of demolition of Gordon Wilson Flats.

4.8 REVERSE SENSITIVITY EFFECTS

During consultation Wellington Electricity Ltd raised concerns relating to the potential for reverse sensitivity to occur from development and use of 320 The Terrace under the proposed Institutional Precinct provisions. This concern is in relation to WEL's substation building that adjoins 320 The Terrace.

Currently, all the land surrounding the substation is zoned Inner Residential. Under this zoning no side or rear yards (i.e. building setbacks) are required. Accordingly, residential activity and buildings are permitted to adjoin the substation. This is the existing permitted baseline.

The DPC proposes a 1.0m yard standard along the boundaries with the substation. This is in response to WEL's concerns. The positive effects will be:

- Reduced potential for reverse sensitivity effects to occur.
- Ability to access the sides of the substation for maintenance purposes.

Compared to the permitted baseline, there will only be positive effects in relation to the substation as a consequence of Victoria University's DPC.

4.9 SITE STABILITY AND EARTHWORKS EFFECTS

The DPC does not seek to change the existing earthworks provisions of the District Plan that are specifically designed to ensure that earthworks are carried out in a manner that will not cause instability of excavations or filling.

Earthworks Rule 30.1.1 applies to sites in both the Residential Activity Areas and Institutional Precinct.

Accordingly, the DPC will not alter the existing District Plan provisions and therefore there are no positive or adverse effects in terms of site stability and/or earthworks.

Victoria University proposes to commence managing the existing vegetation on the steep banks (mainly located on the upper portions of the site) to reduce the potential for vegetation to destabilise the banks. In the fullness of time the existing sprayed concrete excavated faces will be retained by proposed buildings.

In addition, the proposed 5m yard standard will mean that future buildings on 320 The Terrace will be set back from the boundaries with the adjoining residential sites and thus avoid the need for earthworks along the respective boundaries.

4.10 CONCLUSION

The overall conclusion is that the DPC provides an appropriate resource management regime for the sustainable management of the site.

This conclusion will be tested through the DPC public notification process.

5 POLICY ASSESSMENT

5.1 INTRODUCTION

Below is an assessment of the DPC under:

- Part 2 of the RMA (s5-8).
- National Statutory Policy.
- Regional Statutory Policy (Regional Policy Statement).
- Regional Strategy (Non-Statutory).
- District Statutory Policy (District Plan).
- Wellington City Non-Statutory Policy.

The conclusion is that assessed “in the round” the DPC is consistent with and will promote many of the Region’s and City’s policy objectives and will promote the sustainable management of the site.

5.2 SECTION 5 OF THE RMA

Section 5 promotes the sustainable management of natural and physical resources. Section 5 states:

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 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 DPC is considered to be consistent with and will promote Section 5 of the Resource Management Act 1991. This is primarily because:

- there is no realistic prospect of Gordon Wilson Flats being strengthened and re-used;
- Gordon Wilson Flats needs to be demolished to remove its danger and unsightly state and to enable the site to be developed and used;
- the change in zoning will enable Victoria University to incorporate the site into the Kelburn Campus and develop and use the site in a way that will provide for the social, economic and cultural wellbeing and health and safety of the community;
- the DPC provisions will ensure an appropriate level of residential amenity for adjoining and adjacent Residential Areas while making reasonable provision for university buildings and activities; and
- the DPC achieves an appropriate balance of use and development of the site and protection and enhancement of amenity.

Overall, it is considered the DPC will promote the sustainable management of this important land resource.

5.3 SECTION 6 - MATTERS OF NATIONAL IMPORTANCE

Section 6 of the Act sets out the matters of national importance which are required to be recognised and provided for when managing the use, development and protection of natural and physical resources.

The following is an assessment of the DPC under Section 6:

- the site is not situated within the coastal environment and does not contain a wetland, lake or river, and it is not on the margin of any of these;
- the site is not within a Significant Natural Resource or outstanding natural landscape identified in any Plan and no existing trees or existing vegetation are protected by the District Plan;
- the site is not identified by any Plan as having significant indigenous vegetation and significant habitats of indigenous fauna that should be protected;
- the site is not identified in any Plan as being of special relationship to Maori;
- the likelihood that the site contains subsurface archaeological resources and taonga is negligible but in any event this matter is specifically controlled under separate legislation - the Heritage NZ Pouhere Taonga Act 2014; and
- the removal of Gordon Wilson Flats from the District Plan heritage building list and its demolition is appropriate for the reasons identified in this DPC document.

In summary, the only s6 matter considered relevant to the DPC is s6(f) "*the protection of historic heritage from inappropriate subdivision, use and development*". For the reasons set out in this DPC document, the demolition of Gordon Wilson flats is considered to be appropriate.

5.4 SECTION 7 - OTHER MATTERS

Section 7 of the Act details the other matters which are required to be given particular regard to when managing the use, development and protection of natural and physical resources.

The proposal is considered to be consistent with Section 7 of the Act for the following main reasons:

- the DPC will enable Victoria University to exercise kaitiakitanga and stewardship over its site in an appropriate way;
- the DPC will enable Victoria University to make efficient use and development of its site; and
- the DPC will enhance the amenity values and the quality of the environment as identified in this DPC document.

The conclusion is that the DPC gives particular regard to Section 7 matters.

5.5 SECTION 8 - TREATY OF WAITANGI

Section 8 of the Resource Management Act requires that the principles of the Treaty of Waitangi be taken into account.

In this respect:

- no Treaty of Waitangi matters are considered to pertain to this site;
- the site does not contain any Maori cultural resources which are identified in the District Plan; and
- there is negligible likelihood that the site will contain any remaining subsurface archaeological resources.

It is therefore considered that there are no particular Treaty of Waitangi issues that should be specifically reflected in the DPC.

5.6 NATIONAL POLICY CONTEXT

National Policy Statements (NPS) have been reviewed and the following conclusions reached:

- the site is not part of the coastal environment and therefore the NZ Coastal Policy Statement is not applicable;
- the site is not occupied or traversed by any assets that are the subject of the NPS on Electricity Transmission;
- the NPS for Renewable Energy Generation is not applicable to the site or DPC;
- the site is not on the Greater Wellington Regional Council's Select Land Use Register (SLUR) of sites that are known to have soil contamination or that are considered to have the potential to have soil contamination. The site has not been used for any HAIL (Hazardous Activities or Industries List) activities, noting that the now redundant boiler within the building was gas fired. Therefore there are no on site fuel storage tanks. Accordingly, the NES for Assessing and Managing Contaminants in Soil to Protect Human Health is not applicable; and
- there are no resources on or through the site pertaining to the NPS for Freshwater Management.

The conclusion is there are no National Policy Statements that would preclude the proposed change in zoning or should be reflected in the DPC provisions.

5.7 WELLINGTON REGIONAL POLICY STATEMENT

The Regional Policy Statement (RPS) became operative on 24 April 2013. This has been reviewed and it is considered that two Chapters of the RPS are relevant to the assessment of the DPC.

Historic heritage is the subject of Chapter 3.5 of the RPS. Objective 15 of the RPS is that *"historic heritage is identified and protected from inappropriate modification, use and development"*. Policies 21, 22 and 46 are to identify, protect and manage the effects on historic heritage through the implementation of District Plans, including when changing District Plans.

The Chapter acknowledges that the demolition of heritage buildings listed in plans require resource consent. This is one method that the RMA provides for seeking the demolition of heritage buildings. Another method the RMA provides, and which is anticipated by the Wellington City District Plan, is the DPC process to remove a heritage building from the heritage building list in a District Plan. It is this method that Victoria University has decided to use.

Regional form, design and function are the subject of Chapter 3.9 of the RPS. In summary, these provisions promote amongst other things:

- Additional employment around and near Wellington's CBD/central area.
- Good quality design.
- Higher density and mixed use development to foster vibrancy and vitality.
- Development of areas identified in the Wellington Regional Strategy.
- Efficient use of existing infrastructure.

The DPC is considered to be consistent with and will promote the above RPS matters because:

- Development and use of the site for university purposes will provide the additional employment sought by the RPS.
- The Victoria University Design Guide and associated resource consent process (proposed Rule 9.3.2) will ensure good quality design of proposed developments.
- Development and use of the site for a range of university activities will foster the vibrancy and vitality sought.
- The site is located within the 'growth spine' identified in the Wellington Regional Strategy (p44) where development is sought.
- Development and use of the site for university purposes will make good use of existing infrastructure.

5.8 THE WELLINGTON REGIONAL STRATEGY

The Wellington Regional Strategy (WRS) is a sustainable growth strategy that has been developed by the nine local authorities within the Greater Wellington Area. The strategy has been developed in conjunction with central government, and the region's business, education, research and voluntary sector interests.

It is considered that the DPC will promote the growth strategy because:

- Significant investment by Victoria University and expansion of the Kelburn Campus will be enabled within the growth spine identified by the Strategy (p43-44).
- Victoria University and academic qualifications are identified as important economic building blocks that should be fostered (p8).
- The "quality urban design" sought will be achieved by site development consistent with the Victoria University Design Guide (p15).
- Rezoning will increase the land for business growth (p15).
- The DPC will assist to grow the Victoria University (p15) and the Centre of Excellence (p20).

Enabling the development and use of the site by Victoria University will therefore give effect to the WRS and its objective of fostering sustainable economic growth.

5.9 WELLINGTON CITY DISTRICT PLAN

The heritage objectives and policies are in Chapters 20. In Chapter 20 it is stated that once heritage resources are listed in the District Plan they "*may only be added to or removed from these lists by way of a Plan Change*" (p20/2).

Victoria University has chosen to seek the removal of the heritage listing of Gordon Wilson flats consistent with this District Plan statement by lodging this DPC.

The Institutional Precincts provisions are in Chapters 8 and 9.

In Chapter 8 it is stated that Victoria University makes an important contribution to the cultural and economic welfare of the city and that expansion proposals "*will be dealt with under the plan change processes to enable a full assessment of environmental effects*" (p8/1).

The change in zoning of 320 The Terrace from Inner Residential to Institutional Precincts as sought by Victoria University is consistent with this District Plan statement.

The District Plan notes that "*there is also considerable scope for growth and development of these institutions and related activities in the Central Area and Suburban Centres. In these areas there are few restrictions on the types of activities undertaken*" (p8/1).

Victoria University has expanded into the Central Area (notably with its Te Aro Campus, Pipitea Campus, and student accommodation along The Terrace) but now wishes to create the opportunity for the future contiguous expansion of its Kelburn Campus with associated enhanced benefits to university functions and performance.

5.10 NON-STATUTORY STRATEGIES AND PLANS

There are no non-statutory strategies and plans considered to be relevant to the DPC except for the Wellington Regional Strategy (WRS) - see section 5.8 above.

5.11 CONCLUSIONS IN TERMS OF POLICY CONTEXT

No changes to the DPC are considered to be required in response to national policy documents and the Wellington Regional Policy Statement.

The DPC is consistent with and will promote the Wellington Regional Strategy.

The DPC is consistent with District Plan provisions that anticipate that heritage items may be removed from the heritage list by the DPC process.

The DPC is consistent with District Plan provisions that anticipate that expansion of Institutional Precincts will be dealt with under the DPC process.

The DPC will promote Part 2 RMA matters.

6 CONCLUSIONS

The main conclusions of this DPC document are:

1. There is no reasonable prospect that Gordon Wilson Flats will be rehabilitated for re-occupation. This is principally because of the risks and uncertainty associated with its physical condition and limitations imposed by its structural design.
2. The demolition of Gordon Wilson Flats is a necessary pre-requisite to the site being used.
3. Change in the zoning of the site to Institutional Precinct is appropriate to provide for the physical expansion of the Kelburn Campus.
4. Site specific provisions will provide reasonable scope for Institutional Precinct buildings and activities on the site while maintaining an appropriate level of amenity for Residential Areas.
5. No change to the DPC is considered to be required in response to national policy documents and the Wellington Regional Policy Statement.
6. The DPC is consistent with and will promote the Wellington Regional Strategy.
7. The DPC is consistent with District Plan provisions that anticipate that heritage items may be removed from the heritage list by the DPC process.
8. The DPC is consistent with District Plan provisions that anticipate that expansion of Institutional Precincts will be dealt with under the DPC process.
9. The DPC will promote Part 2 RMA matters.
10. The overall conclusion is that the DPC provides an appropriate resource management regime for the management of the environmental effects of development and use of the site for university purposes.

The above conclusions and the assessments contained in this DPC will now be tested through the publicly notified DPC process under the RMA.

Peter Coop
Environment and Resource Management Consultant
URBAN PERSPECTIVES LTD

APPENDICES

- 1 Certificate of Title and Aerial Photograph for 320 The Terrace
- 2 DPC Request
- 3 Investigations of Gordon Wilson Flats prepared by Wareham Cameron Ltd.
- 4 Response of Heritage NZ
- 5 Response of Housing NZ
- 6 Section 32 of the RMA Evaluation Tables
- 7 Streetscape Photographs prepared by Athfield Architects Ltd
- 8 Urban Design Assessment by McIndoeUrban Ltd
- 9 Draft Demolition Management Plan by rjha Ltd and Acoustic Assessment by Marshall Day Acoustics Ltd
- 10 Post Demolition Landscape Plan by Wraight and Associates Ltd

APPENDIX 1

CERTIFICATE OF TITLE AND AERIAL PHOTOGRAPH FOR 320 THE TERRACE

APPENDIX 2

DISTRICT PLAN CHANGE REQUEST

APPENDIX 3

INVESTIGATION OF GORDON WILSON FLATS

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STREETSCAPE PHOTOGRAPHS

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URBAN DESIGN ASSESSMENT

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DRAFT DEMOLITION MANAGEMENT PLAN AND ACOUSTIC ASSESSMENT

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POST DEMOLITION LANDSCAPE PLAN