

Before Wellington City Council

<b>Under</b>	the Resource Management Act 1991
<b>In the matter of</b>	Plan Change 81: Rezoning 320 The Terrace and de-listing the Gordon Wilson Flats

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CONFERRING STATEMENT  
D Batley – Planner for WCC & P Coop – Planner for VUW  
9 February 2016

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1. The Hearing Panel requested a written statement from the two resource management experts who gave evidence at the hearing (Daniel Batley for the Council and Peter Coop for Victoria University of Wellington) on the relevance of policies 21, 22 and 46 of the Regional Policy Statement (RPS) to VUW's District Plan Change (DPC).

2. The RPS policies are as follows:

*Policy 21: Identify places, sites and areas with significant historic heritage values – district and regional plans.*

*Policy 22: Protecting historic heritage values - district and regional plans.*

*Policy 46: Managing effects on historic heritage values – consideration.*

3. At the hearing Mr Batley tabled the following advice on the above matter:

**Policy 21 and 22:**

*Policy 21 requires Council to identify sites of significant historic heritage value under one or more of a listed set of criterion. Policy 22 then requires Council to protect such sites.*

*Firstly, I do not consider that the reference to identification under this policy directly corresponds to a requirement to list a site in the District Plan. The prospect for any site (or building) that is considered to have significant value under one or more of the criteria as justifying a District Plan listing to be both unrealistic and inappropriate.*

*Rather, I consider this to mean that Council is required to identify such sites and then go through a process of considering these further and determining whether these should be included on its list of heritage buildings. This is currently the process Council follows. Therefore, I consider that the District Plan is consistent with this policy in that it protects approximately 900 sites or places with significant heritage value.*

Furthermore, Policy 22 explicitly states in the explanation that it is not intended to prevent change to historic heritage. It also requires protecting sites of value from inappropriate subdivision, use, and development, which suggests that there is a possibility for cases where use and development are considered appropriate, particularly where the historic heritage value has changed. We have heard and been presented with extensive material that renders this building appropriate for 'de-listing' and as not being of significant historic heritage value any longer.

Therefore, I consider that the District Plan is consistent with policies 21 and 22 of the Regional Policy Statement in that the de-listing to enable demolition of the Gordon Wilson Flats is not considered to be an inappropriate use or development. There is also no provision within these policies that requires a building, site or place to be protected for 'eternity' where they meet at least one of the criteria listed.

#### **Policy 46**

This policy, despite its wording, is also considered to apply to this District Plan Change. However, despite a weighting towards retention of heritage buildings, it (1) does not create an obligation higher than 'particular regard' and (2) also allows for 'appropriate' activity that effects heritage. This is consistent with my assessment of policies 21 & 22 above and therefore it is considered that the Plan Change is consistent with this policy also.

4. Mr Batley has reviewed this advice and confirms that in his opinion:
  - (i) Policy 21 is not relevant to the determination of VUW's DPC because the Gordon Wilson Flats is already listed by the District Plan to the highest order possible, and it is not the role of this private request to perform a full review the Plan's heritage list.
  - (ii) Policy 22 is also not considered to be relevant, it is not the role of this request to perform a full review of the policies, rules and/or other methods that are currently in the Plan. The Plan provides a context for considering the removal of a listed building (whether it is demolition or de-listing) that is believed to be relevant to the consideration of this Plan Change request.. The provisions

anticipate that buildings will from time to time be added to or removed from the District Plan heritage list.

- (iii) These two policies are centred around Plan making and Plan reviewing. It is not considered that there is an expectation in the RPS (or in any other planning document) that a private request perform these roles under the context of the RPS. There is a perceived difficulty as to how VUW's Plan Change request can explicitly 'give effect to' these policies. Despite this however the overall request is not considered to be inconsistent with the RPS. The policies do not provide any guidance on the circumstances once something of heritage value has been 'identified'. However, policy 22 does anticipate change and policy 46 provides a context in which to assess change against.
  - (iv) The level of information and assessment provided to the hearing panel by VUW's DPC 81, including via the public notification, submission and the hearing process, addresses all the relevant matters under Policy 46.
5. Mr Coop concurs with Mr Batley's advice and opinions set out above and adds the following comments:
- (a) Policies 21 and 22 require that District Plans identify and protect historic heritage. These policies have been implemented by the heritage provisions of the Wellington City District Plan.
  - (b) Policy 22 is *"not intended to prevent change to historic heritage but rather to ensure that change is carefully considered"* (the explanation to Policy 22). The "change" anticipated includes consideration of what buildings should be added to or removed from the District Plan heritage building list. VUW's DPC is not inconsistent with this.
  - (c) The District Plan heritage provisions anticipate and provide for buildings to be added or removed from the District Plan heritage list. Page 20/2 of the provisions state that buildings *"may only be added to or removed from these lists by way of a Plan Change"*.

- (d) The Greater Wellington Regional Council (GWRC) has accepted that the District Plan heritage provisions "give effect to" RPS heritage policies, otherwise they would have contested them.
  - (e) VUW's DPC application was served on the GWRC. If the GWRC had considered that the application was contrary to its RPS, it would have lodged a submission to this effect. No such submission from GRWC was lodged.
6. Mr Batley concurs with the comments of Mr Coop set out above.



Daniel Batley for WCC

9-02-16



Peter Coop for VUW

9/2/16,