

Proposed District Plan Change 81 Submission form

Absolutely Positively
Wellington City Council

Rezoning 320 The Terrace and De-listing the Gordon Wilson Flats

Form 5, Clause 6 of First Schedule, Resource Management Act 1991

Submissions can be

Emailed to: district.plan@wcc.govt.nz

Posted to: District Plan Team
Wellington City Council
PO Box 2199
Wellington 6011

Delivered to: Ground Floor Reception
Civic Square/101 Wakefield Street
Wellington

We need your submission by Friday 25 September 2015 at 5pm

Your name and contact details

Full names: John Gary BLINCOE and Wendy Ann WALKER

Full address: 76B Salamanca Road
Kelburn
Wellington 6012

Address for service of persons making submission:
(as above)

Phone: M: 027 443 0066 (John)

Fax: N/A

Email: j.blincoe@xtra.co.nz

Trade competition and adverse effects (*select appropriate*)

We could ~~not~~ could not gain an advantage in trade competition through this submission.

I am / ~~am~~ not directly affected by an effect of the subject matter of the submission that:

~~(a) adversely effects the environment, and~~

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

~~Delete entire paragraph if you could not gain an advantage in trade competition through this submission.~~

The specific provisions of proposed District Plan Change 81

that my submission relates are as follows (*Please continue on separate sheet(s) if necessary.*)

- Rezoning 320 The Terrace from "Inner Residential" to "Institutional Precinct" with corresponding changes to District Plan Maps 12 and 16.
- Amending the *Institutional Precincts* provisions of the Wellington City District Plan by adding rule 9.3.2 to 9.3 *Discretionary Activities (Restricted)*, ie:
 - 9.3.2 The construction, alteration of, and addition to any buildings and structures on 320 The Terrace is a Discretionary Activity (restricted) in respect of
 - 9.3.2.1 design, external appearance and siting
 - 9.3.2.2 landscaping
 - 9.3.2.3 site access for vehicles, parking and loading
 - Non-notification / no affected persons
In respect of rule 9.3.2 applications will not be publicly notified (unless special circumstances exist) and no persons will be considered to be adversely affected. ...

My submission is that (You should include whether you support or oppose the specific provisions or wish to have them amended. You should also state the reasons for your views. Please continue on separate sheet(s) if necessary.)

See below box, and see **Appendix** for details (4 pages).

We seek the following decision from the Council (Please give precise detail.)

- That in its present form, proposed District Plan Change 81 (DPC 81) be rejected and the current zoning of 320 The Terrace as “Inner Residential” be retained.
- That, alternatively, the proposed new 9.3.2 in *Institutional Precincts* be tightened up to make it clear that it does not apply to student residential accommodation, ie that it does not allow any building activity of this nature.
- That to put the matter beyond doubt, there should also be a new 9.4 *Prohibited activities* stating that student residential accommodation on 320 The Terrace is a prohibited activity. The effect of this would be that if in future Victoria University of Wellington (VUW) did want to build such accommodation on 320 The Terrace, it would have to apply for another publicly notified plan change.

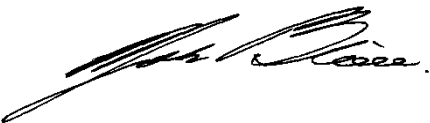
Please indicate by ticking the relevant box whether you wish to be heard in support of your submission

- I/we wish to speak at the hearing in support of my submission.
- ~~We do not wish to speak at the hearing in support of my submission~~

If you have used extra sheets for this submission, please attach them to this form and indicate this below

- Yes, we have attached 4 extra sheets. ~~No, I have not attached extra sheets.~~

Signature of submitter (or person authorised to sign on behalf of submitter):



Date 25/09/2015

Personal information is used for the administration of the submission process and will be made public. All information collected will be held by Wellington City Council, with submitters having the right to access and correct personal information.

APPENDIX TO SUBMISSION FROM JOHN BLINCOE AND WENDY WALKER

Our submission is:

- **That in its present form, proposed District Plan Change 81 (DPC 81) be rejected and the current zoning of 320 The Terrace as “Inner Residential” be retained.**
- **That, alternatively, the proposed new 9.3.2 in *Institutional Precincts* be tightened up to make it clear that it does not apply to student residential accommodation, ie that it does not allow any building activity of this nature.**
- **That to put the matter beyond doubt, there should also be a new 9.4 *Prohibited activities* stating that student residential accommodation on 320 The Terrace is a prohibited activity. The effect of this would be that if in future Victoria University of Wellington (VUW) did want to build such accommodation on 320 The Terrace, it would have to apply for another publicly notified plan change.**

The demolition of the existing Gordon Wilson building is not a particular issue, provided disruption, dust, noise etc is kept to a minimum while it is being done. It appears clear from the documents supplied by the Wellington City Council (WCC) relating to DPC 81 that the existing building is beyond repair for any future economic use.

Reasons for our submission

The core of our concern is that DPC 81 would allow new student halls to be erected as of right (or nearly as of right) without public notification, subject only to a building consent – by way of this being, under the proposed new 9.3.2, a non-notified restricted discretionary activity.

We hold this concern because of VUW’s bad track record with those living in its existing student halls causing unacceptable alcohol-fuelled disruption to their local communities. VUW has failed to demonstrate that it is capable, or willing, to run these establishments harmoniously with their host communities. VUW cannot be trusted to set up any more student halls. Our experience outlined below demonstrates why.

We therefore strongly object to VUW *ever* using 320 The Terrace for student residential purposes – or for any other purpose that leads to undue noise or other disruption crossing the boundaries of the site on to non-VUW land or premises.

We also refer to examples of recent negative media attention, supportive of our submission, regarding:

Katharine Jermyn Hall – <http://www.stuff.co.nz/dominion-post/news/71987027/battle-between-drunk-VUWw-students-and-neighbours>

Te Puni Village – <http://www.stuff.co.nz/national/education/71252225/Wellington-family-sick-of-drunk-Vic-Uni-students-vomiting-outside-their-home>

Our own experience, and engagement with VUW

Our own experience relates to living in Salamanca Road overlooking Kelburn Park for 7 years, between the VUW Kelburn campus and its Weir House hall of residence (Weir), the VUW hall closest to us. We accept that we live in a mixed community and that good-natured youthful exuberance will be a feature of that from time to time. But things have moved well beyond that, into frequent unacceptable behaviour that is variously noisy, disruptive, drunk and disorderly, and intimidating – including chanting, screaming, vomiting and public urination.

We and nearby residents (from Rawhiti Tce to The Terrace area, including Everton Tce) have a reasonable expectation of peace and quiet at night (after 10 pm at the latest). Weir denies us that by its:

- acceptance of students becoming intoxicated on the premises, despite the Weir House Handbook 2015 (the Handbook) stating (at p 7) as an expectation, “You will not drink to the point of intoxication at Weir House”;
- allowing / condoning pre-loading on its premises by students before 10 pm of an evening – the Handbook stating (at p 7), “There is no drinking after quiet time of 10pm. You will either leave the house before 10pm or cease drinking”;
- discharging large numbers of pre-loaded intoxicated students into the community at 10 pm “curfew” time (typically on Wednesday, Friday and Saturday nights), in order to preserve peace and quiet within Weir for those remaining; and
- thereby shifting drunk and disorderly behaviour onto the neighbouring residential community, regardless of the cost to that community in terms of stress, anxiety and loss of sleep.

Also, before and after curfew time, there has arisen a practice of drinking around the Kelburn Park fountain, sometimes until well into the next morning. This can attract large numbers of students from Weir (and we suspect on occasion from Te Puni Village), well above the 30 allowed by WCC for a gathering on the Park without a permit.¹ These drunk and disorderly gatherings are associated with loud noise and littering in and around the fountain – and vandalism from time to time (eg the boundary fence and goal posts), which will have cost WCC and its ratepayers thousands of dollars to repair.

We say that Weir and other VUW halls should (as both neighbours and businesses) accept responsibility for the behaviour of their student guests – just as we residents accept responsibility for the behaviour of our guests while they are in the neighbourhood. It is simply unacceptable for Weir to avoid alcohol-fuelled disruption within the House after 10 pm by shifting the problem to the community by way of a curfew. Weir must deal with the problem within its own walls, and so must other halls.

This is not too much to ask, but VUW has seemed reluctant to take effective action – at least action having sufficiently lasting effect that local residents can proceed with their lives without being continually distracted by a problem not of their making.

Licensed premises have a moral and legal duty to prevent and/or deal with intoxication issues on their premises, particularly so they do not spill out into the streets. The authorities take a very dim view of licensed premises that are deficient in this regard. Yet VUW thinks it can get away with operating Weir and other halls as unlicensed “booze barns” or BYO bars, where their fee-paying student guests binge drink and pre-load to intoxication before being discharged into the community at 10 pm.

VUW refers to students’ responsibilities about noise in the Handbook (at p 9) but does not extend this responsibility to include noise made outside of Weir that affects the neighbourhood. Nor does VUW appear to take seriously its own Student Conduct Statute prohibition (at p 2) on student “[b]ehaviour that is ... detrimental ... to the reputation of the University.”

An informal group of affected neighbours of Weir House has been meeting periodically with VUW, WCC and Police representatives since 2013. We appreciate having these meetings. However, we feel that our concerns have been minimised (let alone student health and safety issues) by responses from VUW such as:

- It’s not really our problem – it’s part of a wider societal problem.
- The students are adults and Weir is their home.
- We are not responsible for their behaviour once they have left our premises. (This contrasts with Otago University’s policy of fining students for unacceptable behaviour off campus.)
- Call someone else like the Police or the WCC.
- It’s not our students coming from the direction of Weir House, and causing drunken disorder and disruption (a disingenuous position given the observable evidence).

¹ See *Town Belt Management Plan*, para 9.3.3.

VUW is embedding an ugly culture of a 10 o'clock student swill. This is reminiscent of the notorious 6 o'clock swill that prevailed in New Zealand 50 years ago. This booze culture is incompatible with VUW claiming (as it does in the DCP 81 application) to be a "great global-civic ... university ... that values close involvement with the cultural and economic life of its city and region ..." Such a close involvement necessarily requires a high level of goodwill to exist between VUW and local residents, but that has been eroded by the student booze culture.

To us it appears that VUW and its governing Council are more interested in the income generated by an increasing student residential population (with the objective of doubling the size of the university in 20 years) than in encouraging vibrant, attractive, diverse and harmonious neighbourhoods that include considerate, law-abiding families and young professionals.

Deterioration in recent years

Until about 5 years ago, WCC had a resident caretaker at Kelburn Park in a house situated between Weir House and the Park. While he was there, students did not loiter around Kelburn Park, but tended to walk straight along Salamanca Road (or within the Park adjacent to the road) towards the CBD and Courtenay Place, albeit not always quietly. In any event, there has been a marked deterioration in student behaviour in the neighbourhood since the resident caretaker left. (Incidentally, we are confident that reinstating a resident caretaker would lead an improvement in behaviour.)

We and other residents have lodged complaints and/or made contact with the Police, WCC and VUW over the years as various incidents have occurred. The number of complaints / contacts has risen over time, in part because we have been more inclined to complain so as to nip incidents in the bud, but also because of an actual deterioration in student behaviour (albeit with some periods of relative calm).

We have compiled a table of complaints lodged or contacts made (which is as complete as our information allows):

Kelburn Park / fountain area: complaints lodged and contacts made with various agencies

Year	Police	WCC	VUW	Other	Total per year
2011	1	2	3	0	6
2012	1	5	10	1	17
2013	14	20	16	0	50
2014	15	28	9	2	54
2015	15	38	9	3	65

To 19 Sept 2015 only. (Other = Vice-Chancellor or other senior VUW officer directly.)

Consequences for VUW and Wellington City

VUW needs to focus properly on ensuring a safe and healthy community and environment for local residents who host its student residential activities. And we wonder how VUW can credibly claim to be providing "pastoral care excellence for its resident student community"² when, in respect of alcohol consumption and its consequences and costs, it so clearly fails to provide such care. Some of the costs include police and WCC callouts, alcohol-related ambulance callouts and hospital admissions, and WCC and residents having to repair damaged property.

We note from information supplied by Capital & Coast District Health Board that between 1 January 2015 and 22 September 2015, 33 students from various VUW halls presented to the Emergency Department at Wellington Hospital with alcohol intoxication or an alcohol-related problem or injury. Of these, 10 were from Katharine Jermyn Hall, 8 from Te Puni Village, and 3 each from Cumberland House, Victoria House and Weir House.³ For Katharine Jermyn Hall and Te Puni Village, this is consistent with the negative media attention referred to above.

² See VUW website at <http://www.victoria.ac.nz/accommodation/halls/support/index.aspx>

³ OIA response from CCDHB, 24 September 2015.

Rather than contributing to Wellington city, VUW is in danger of tarnishing the city's reputation by putting the health and safety of residents and its own students at risk, encouraging student ghettos (as in Dunedin), driving residents out of inner city residential areas, and undermining both heritage values and property values.

VUW should be taking a lead on alcohol issues facing New Zealand, especially in light of increased knowledge of alcohol's long-term health impacts, and the association between alcohol consumption and unsafe sexual behaviour and violence against women.

Drinking to excess is a societal blight, not the apparent rite of passage VUW too readily tolerates.

WCC should take action to have Parliament return the criteria for liquor ban areas to what they were before 2013. We explored the possibility of such a ban for Kelburn Park and adjacent areas but discovered that changes to the Local Government Act 2002 (sections 147A and 147B) now require that there be "a high level of crime or disorder" associated with alcohol consumption. This threshold seems so onerous that even WCC's existing liquor bans might be in doubt when the relevant bylaws are reviewed. Losing those bans would be a seriously retrograde step.

Returning to DCP 81, VUW has demonstrated by its performance that it is not a sufficiently responsible corporate citizen as to be trusted with the powers it is requesting. DCP 81 should therefore be rejected or modified in the way we suggest.