

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT WELLINGTON**

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

of the hearing of submissions on the
Proposed Wellington City District Plan

**STATEMENT OF EVIDENCE OF JOE JEFFRIES
ON BEHALF OF JANE AND TURI PARK (SUBMISSION 73)**

Planning

Hearing 3 – Historic Heritage

26 April 2023

1 INTRODUCTION

- 1.1 My name is Joe Jeffries. I am an Associate at Barker & Associates, an independent, specialist planning consultancy with offices throughout New Zealand, including Wellington where I am based. I have been in this position since July 2021.
- 1.2 I have a Master of Planning Practice (Hons) from the University of Auckland, and a Bachelor of Arts from the University of Otago. I am an Intermediate member of the New Zealand Planning Institute.
- 1.3 I have over ten years of experience in planning policy and have provided evidence as an expert planning witness on behalf of councils and central government throughout New Zealand. In my current position I have provided expert evidence on behalf of Kāinga Ora on the Proposed Selwyn District Plan on the natural hazards, commercial and mixed use, residential zones, and rezoning topics. I regularly assist local authorities with policy and district plan development. I have also provided expert evidence on behalf of private sector clients on the Wellington City Proposed District Plan and Hutt City intensification plan change (PC56).
- 1.4 Prior to my current position I was employed as a Senior Policy Planner at Hutt City Council. I was Hutt City Council's lead planner on Plan Change 43 – a full review of the Residential Chapter of the District Plan. This included preparing the section s42a report, acting as the reporting planner through the hearings, and leading Environment Court mediation for Council.
- 1.5 In 2020 and 2021 I led the review of the Historic Heritage chapter of the Hutt City Council District Plan, which included instructing heritage specialists on identifying new historic heritage buildings and areas.
- 1.6 I worked as a Policy Planner for Auckland Council between 2012 and 2017. In this position, I gave evidence as an expert witness on the Auckland Unitary Plan on the Precincts and Rural Urban Boundary topics.

2 CODE OF CONDUCT

- 2.1 I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it. My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3 SCOPE

- 3.1 This statement of evidence is presented on behalf of Jane and Turi Park. This evidence addresses Jane and Turi Park's submission points, on the Historic Heritage topic within the Wellington City Proposed District Plan (**PDP**), as they relate to the recommendations of the Wellington City Council s42A report on those topics.
- 3.2 In preparing my evidence, I have reviewed:
 - (a) The PDP.
 - (b) The Historic Heritage Section 32 Evaluation Report.

- (c) The Historic Heritage Section 42A Report.
 - (d) The statement of evidence of Moira Smith on behalf of Wellington City Council Historic Heritage.
 - (e) Historic Heritage Evaluation 44 Moir Street Heritage Area 2022.
 - (f) Methodology and guidance for evaluating Wellington’s historic heritage 2021.
 - (g) Mt Victoria Heritage Study Report 2017.
- 3.3 I have also read and relied on: the statement of evidence of Sam Kebbell, which I agree with, and the Building Inspection Letter for 134 Brougham Street which is attached as Appenidx A.
- 3.4 I carried out a site visit of 134 Brougham Street and the Moir Street Heritage Area on 16 April, 2023.
- 3.5 This statement of evidence addresses the following issue:
- (a) The inclusion of 134 Brougham Street in the Moir Street Historic Heritage Area

4 MOIR STREET HISTORIC HERITAGE AREA

- 4.1 The PDP identifies the Moir Street Area as a Historic Heritage Area. It includes 134 Brougham Street as a “contributing building”. The proposed Moir Street Heritage Area contains no individually scheduled Historic Heritage buildings.
- 4.2 The submission of Turi and Jane Park on the PDP (submission 73) seeks the removal of 134 Brougham Street from the Moir Street Heritage Area identified in Schedule 3 of the PDP.
- 4.3 In the s42A report the reporting officer rejects the requested removal of 134 Brougham Street from the Moir Street Heritage Area but provides little justification for this other than a reference to the statement of evidence of Moira Smith.
- 4.4 I support the requested removal of 134 Brougham Street from the Moir Street Heritage Area for reasons set out in more detail below.

Section 32 Evaluation

- 4.5 Section 32 of the RMA requires an evaluation to examine whether the provisions in a proposal are the most appropriate way to achieve the objectives. This evaluation must identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provision.
- 4.6 The Historic Heritage Section 32 assessment for the PDP includes no assessment of the benefits and costs of introducing new heritage areas such as the Moir Street heritage area generally, and no specific assessment of inclusion of 134 Brougham Street as a contributing building within the Moir Street Heritage Area.
- 4.7 Introducing new district plan historic heritage restrictions imposes significant costs on individual property owners affected, as well as broader opportunity costs to the wider city. As such, there should be a high threshold for establishing that those costs are justified by the benefits.

4.8 In my opinion the benefits of including 134 Brougham Street within the Moir Street Heritage Area would not exceed the costs under such an assessment for the following reasons:

- (a) 134 Brougham Street does not qualify for an individual listing as Historic Heritage¹.
- (b) 134 Brougham is identified as a “contributing” buildings within the Moir Street Heritage Area.
- (c) The Moir Street Heritage Area contains no individually listed historic heritage buildings.
- (d) The Moir Street Heritage Area is identified as being of “local” significance in a hierarchy of local, regional, national, and international. As such, the wider Moir Street Heritage Area is likely at the lower end of significance for qualifying as Historic Heritage. In my view there is validity in identifying heritage areas for protection which do not contain any individually listed buildings, where the collection has greater value than its parts. However, the lack of any single scheduled historic heritage building within this collection would also place this Heritage Area in the lower end of significance.
- (e) Most of the historic heritage values identified for the Moir Street Heritage Area do not apply specifically to 134 Brougham Street. As set out in the statement of Samuel Kebbell, 134 Brougham Street is of a distinct architectural form to the other contributing buildings within the Moir Street collection.
- (f) 134 Brougham Street is also spatially separated from, and part of a separate “streetscape” from the rest of the houses identified in the Moir Street Heritage Area. As such, it has limited potential to intrude on the collective values of the heritage area if not protected as historic heritage by removal from the Moir Street Heritage Area.
- (g) Historic Heritage provisions impose significant costs on the individual property owner affected and on the wider city including the loss of residential development capacity in a well located area of high demand, the lost opportunity to improve the quality of dwellings, and the lost opportunity to improve the quality of the built environment.
- (h) Given these significant costs, and the limited heritage values of 134 Brougham Street in relation to the Moir Street Heritage Area, the benefits do not exceed the costs.

4.9 134 Brougham Street is in an area that is required to provide for building heights of at least six storeys under policy 3(c) of the NPSUD, unless a “qualifying matter” applies to justify modifying the relevant building height or density requirements under Policy 3 to the extent necessary to accommodate that qualifying matter in that area. Clause 3.33(2) of the NPSUD sets out the requirements if a qualifying matter applies and states that the evaluation report prepared under section 32 of the Act in relation to the proposed amendment must:

(a) demonstrate why the territorial authority considers that:

(i) the area is subject to a qualifying matter; and

(ii) the qualifying matter is incompatible with the level of development directed by Policy 3 for that area; and

- (b) assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity; and
- (c) assess the costs and broader impacts of imposing those limits.

- 4.10 The section 32 evaluation for the PDP does not provide analysis of the costs and impacts of limiting development on 134 Brougham Street through inclusion in the Moir Street Heritage Area in light of the national significance of urban development and the direction of Policy 3.
- 4.11 I discuss these matters in more detail below.

Background

- 4.12 The following sets out the background and evidence base for the identification of the Moir Street Heritage Area and the inclusion of 134 Brougham Street in the PDP.

Mt Victoria Heritage Study Report 2017

- 4.13 The Mt Victoria Heritage Study Report 2017 (the Mt Victoria Study) was instigated by the Wellington City Council (WCC) to examine the historic heritage values of Mt Victoria. It includes an assessment of the Moir Street Heritage Area, and an individual 'house report' assessment of 134 Brougham Street.
- 4.14 The individual house report of 134 Brougham Street concludes that "The many changes to the house make it an unlikely candidate for listing."
- 4.15 The Heritage Area Report for Moir Street includes individual assessments of most of the houses within the Moir Street collection but this does not include an individual assessment of 134 Brougham Street. The only reference to 134 Brougham Street within the Moir Street Heritage Area Report is as follows:

There are 28 houses that make a positive contribution to the heritage values of the area, the majority of which form a continuous streetscape. One of these is 134 Brougham Street, a corner property that does not face Moir Street but is directly related to the heritage of the street.

Historic Heritage Evaluation 44 Moir Street.

- 4.16 *Historic Heritage Evaluation 44* considers the proposed Moir Street Heritage against Wellington City Council's criteria for evaluation of historic heritage for inclusion in the District Plan heritage schedules.
- 4.17 The only assessment of inclusion of 134 Brougham Street within the Moir Street Heritage Area within this evaluation is as follows:

Although 134 Brougham Street was originally recommended to be individually listed as a heritage building, it fits as an important part of the wider narrative of the Moir Street Heritage Area and would contribute to the heritage values of the area. As such it is recommended that the house is included within the Moir Street Heritage Area. The house is a highly modified example of a Victorian cottage that has historic value for its association with Rev. John Moir, after whom Moir Street is named. The District Plan Heritage Area rules are likely to be a good way to manage the values of the place.

4.18 In my view, relying on the statement of evidence of Sam Kebbell, the historic association with John Moir is not one that is expressed in the remnant built form of 134 Brougham Street.

4.19 Under *Historic Heritage Evaluation 44*, the heritage values identified as applying to the Moir Street heritage area as a collection generally do not apply to 134 Brougham Street specifically. For example:

Moir Street has significant architectural value for its concentration of notable, highly intact examples of working-class dwellings that date from the 1870s to the early 20th century.

....

The Moir Street Heritage Area's combination of a short, narrow street flanked by mostly workers' cottages is rare in Matakairangi Mount Victoria and is one of few examples in an inner-city suburb of Wellington outside Thorndon and Aro Valley.

4.20 The summary description of the Moir Street Heritage Area within this evaluation also does not identify values which apply to 134 Brougham Street specifically:

The proposed Moir Street Heritage Area includes approx. 30 houses. Constructed from the late 1870s onwards, it is a relatively densely built narrow lane, home to diminutive houses on small sections that give the street its particular historic character. Most of the houses were designed as workers' dwellings and are substantially unchanged since the early 20th century.

4.21 The inclusion of 134 Brougham Street within the Moir Street Heritage Area is therefore primarily based on the association with Rev. Moir.

Methodology and guidance for evaluating Wellington's historic heritage 2021

4.22 The Methodology and guidance for evaluating Wellington's historic heritage 2021 guides the process of evaluating the significance of historic heritage places against the Wellington City Council heritage criteria to determine whether a place meets the thresholds for scheduling in the District Plan.

4.23 This methodology document provides no specific methodology or criteria for identifying individual buildings as "contributing" buildings for the purpose of inclusion within a Heritage Area.

Statement of Evidence of Moira Smith – Historic Heritage

4.24 The statement of evidence of Moira Smith responds to Jane and Turi Park's request to remove 134 Brougham Street from the Moir Street Heritage Area. It asserts that 134 Brougham Street is an important component of the heritage area, including that the property:

- (a) Makes an important contribution to the historical values of the heritage area for its association with Rev. Moir who owned the land and instigated the subdivision of Moir Street. It is also one of the oldest houses in the heritage area and was owned by the Moir family for over 60-years.
- (b) 134 Brougham Street contributes to the overall integrity of the heritage area, where only one house has been demolished in recent history.

(c) 134 Brougham Street is consistent with the streetscape values of the Moir Street Heritage Area as a collection of houses constructed from the 1870s until the late 1920s.

4.25 In my view, relying on the statement of evidence of Samuel Kebbell, the historic association with Rev. Moir is not one that is expressed in the remnant built form of 134 Brougham Street. The association with Rev. Moir is also of reduced significance as Rev. Moir only resided at the property for a total of five years in his eighties, and there is no evidence that 134 Brougham St was significant to Rev. Moir personally or to the historical narrative that surrounds his life.

4.26 It is also unclear to me that 134 Brougham Street is consistent with the streetscape values of the Moir Street Heritage Area as a collection, which I will discuss further under the analysis of the Moir and Brougham streetscapes below.

4.27 Planning implications of inclusion in Historic Heritage Area

4.28 Under the proposed Historic Heritage protections of the PDP the demolition of a “contributing building” within a heritage area is a Discretionary Activity (HH-R16 of the PDP). Associated with this Policy HH-P16 provides guidance to the assessment of demolition as a Discretionary Activity and states:

Avoid the total demolition of contributing buildings and structures within heritage areas unless it can be demonstrated that:

1. There are no significant adverse effects on the identified heritage values of the heritage area; or
2. Alternatives to total demolition have been explored and total demolition is considered by Council to be a reasonable option.

4.29 This provides a clear direction that demolition of contributing buildings should be avoided and provides limited grounds and a high threshold for establishing acceptable exceptions to this.

4.30 For the purposes of comparison the demolition of individually scheduled heritage buildings is also a Discretionary activity, and the associated Policy HH-P10 for assessing demolition as a Discretionary Activity states:

Avoid the total demolition of heritage buildings and heritage structures unless it can be demonstrated that there are no reasonable alternatives to total demolition, including:

1. Maintenance and repair;
2. Seismic strengthening;
3. Additions, alterations or partial demolition, including to enable reuse;
4. Repositioning; and
5. Relocation.

4.31 This means in practice that contributing buildings, which do not meet the criteria for individual listing as historic heritage, face similar restrictions on demolition as individually scheduled historic heritage buildings. As a result of this the inclusion of buildings as “contributing” buildings within historic heritage areas carries significant costs. These costs are comparable to those for individually scheduled heritage buildings which provide far greater historic heritage benefits.

Costs of Inclusion in Historic Heritage Area

- 4.32 In general scheduling sites and areas as historic heritage through a district plan imposes significant economic and social costs on both the individual property owners affected and the wider city. Protecting historic heritage can also provide significant public benefits in some cases. However, given the significant costs, the benefits to the wider city of protecting historic heritage need to be significant to outweigh these costs.
- 4.33 Costs imposed on the individual property owners affected include the opportunity costs of lost development potential, and the direct financial costs associated with maintenance and restoration. Further information on the direct costs and difficulties of the maintenance and restoration of 134 Brougham Street, and of the poor quality of the existing dwelling, is set out in the Building Inspection Letter (Appendix A)
- 4.34 Costs to the wider city of historic heritage restrictions include lost development capacity. In the case of 134 Brougham this cost is significant given:
- the location within a short walkable distance of the city, in an area of high housing demand that is required to provide for building heights of at least 6 storeys under Policy 3(c) of the NPSUD.
 - the lack of any natural hazards identified, in a city with an extreme shortage of residential land that is unconstrained in this way.
 - the national significance of urban development and the objectives of the NPSUD around improving housing affordability and enabling more people to live in areas of high demand, near centres, and near employment opportunities.
- 4.35 Other costs to the city include the lost opportunity to improve the built environment (see the Zavos Corner development below), and the lost opportunity to improve the quality of housing stock in a city with a low overall quality, and a problem with cold, damp houses.



Figure 1 - Zavos Corner

- 4.36 The “Zavos Corner” development, as shown in figure 1 and situated on Brougham Street, provides an example of the positive contribution a new development can make, to the quality of the built environment, to increased housing capacity, and to the internal quality of Wellington’s housing stock.

Analysis of Moir and Brougham streetscapes, and spatial separation.



Figure 2 - Brougham Street. The red arrow indicates 134 Brougham Street.



Figure 3 - Moir Street.

- 4.37 The Brougham Street Streetscape, as shown in Figure 2 is defined by a wide street and larger site sizes. It is heavily modified and contains a mix of architectural styles and eras including a large residential tower block.
- 4.38 The Moir Street Streetscape by contrast is defined by a narrow street, small site sizes, and workers cottages of a consistent style and era as shown in Figure 3.
- 4.39 134 Brougham Street is spatially separated from the main north-south axis of Moir Street by distance and elevation. There is limited visibility of 134 Brougham Street from this main axis of Moir Street as shown in figure 4 below.



Figure 4 - 134 Brougham Street as visible from Moir Street.

- 4.40 134 Brougham Street's primary frontage is to Brougham Street, while all other contributing buildings within the Moir Street Heritage Area front the north-south axis of Moir Street as shown with the blue and red arrows respectively in figure 5 below. Further analysis of streetscape and of the spatial separation of 134 Brougham Street from the Moir Street collection is set out in the statement of evidence of Sam Kebell which I have relied on.



Figure 5 – Moir Street Heritage Area building frontages.

4.41 In my opinion this demonstrates that:

- (a) 134 Brougham Street is not part of the Moir Street streetscape and is spatially, and visually separated from it by distance and elevation.
- (b) 134 Brougham is part of the Brougham Street streetscape which is heavily modified and distinct from Moir Street in form.
- (c) There is limited potential for changes to 134 Brougham Street to intrude on the identified streetscape values of Moir Street.

5 Conclusion

5.1 In summary:

- (a) 134 Brougham Street does not qualify for individual historic heritage listing and this point is not in contention. Given this, its inclusion in the area needs to be justified in terms of protecting the identified collective values of the Moir Street area.
- (b) I concur with Mr Kebbell's overall assessment that the remnant heritage values of 134 Brougham Street are insufficiently significant, and insufficiently connected to the identified values of the Moir Street heritage area to justify its inclusion, and the associated restrictions as a part of this Heritage Area collection.
- (c) The benefits of inclusion of 134 Brougham Street do not exceed the costs including the loss in residential development capacity in a well located area of high demand, the lost

opportunity to improve the quality of dwellings, and the lost opportunity to improve the quality of the built environment.

- (d) Without inclusion of 134 Brougham Street in the heritage area there are still protections to the quality and amenity of the built environment provided under the proposed character precinct. In my view these less onerous restrictions are more appropriate to protect the amenity values of the area, given the limited historic heritage values identified.
- (e) Without inclusion there is little risk of eroding the identified historic heritage values of the remaining parts of the Moir Street area as 134 Brougham Street is spatially separated from the rest of the Moir Street collection, is of a different style and form, and is part of a separate and highly modified streetscape.
- (f) I therefore recommend removing 134 Brougham from the Moir Street Heritage Area and retaining the Moir Street Heritage Area with a revised boundary.

Joe Jeffries

26 April 2023