

**Hearing Stream 3 – Residential
Wellington City Council**

In the matter of Proposed District Plan review incorporating the
Intensification Streamlined Planning Process
(ISPP), and the first schedule of the Resource
Management Act.

Hearing 3 – Heritage

Expert Evidence of Ian Leary on behalf of Quayside Property Trust

Date: 24/04/2023

Next Event Date: 24th April 2023
Hearing Chair: Trevor Robinson
Hearing Panel: Robert Schofield, Heike Lutz, Liz Burge, Lindsay Daysh, Jane
Black, Rawiri Faulkner, David McMahon.

INTRODUCTION

- 1 My full name is Ian Thomas Leary. I am a Director of the firm of Spencer Holmes Limited.
- 2 My evidence is given on behalf of Quayside Property Trust who are owners of 115 Brougham St.
- 3 I have been involved with the preparation of the submission on the District Plan. I engaged initial with Ian Bowman the heritage advisor to determine the heritage values of the subject site. Following the preparation of the heritage report, I reviewed the submission by Spencer Holmes on behalf of the submitter.

QUALIFICATIONS AND EXPERIENCE

- 4 I have a degree in Land Surveying from the University of New South Wales (obtained in 1989) and a Post Graduate Diploma in Resource and Environmental Planning from the University of Waikato (obtained in 2001). I am a full member of the New Zealand Institute of Planners. I hold a current certificate from the Ministry of the Environment as a hearing Commissioner and have sat in that role for Wellington City Council on a number of occasions.
- 5 I have around 30 years of experience in land development, planning, resource management and surveying. I have been a director of Spencer Holmes Limited, a multi-discipline company since 2009. I had been employed by the firm as planning manager for 10 years prior to becoming a director.
- 6 During that time I have undertaken a broad range of planning work within the Wellington, Kapiti Coast, Hutt Valley and Wairarapa regions. I have prepared resource consent applications for activities such as landfills, quarries, recreation activities, subdivision developments, multi-storied office buildings, residential apartment buildings, childcare facilities, residential housing and signs. I have also made numerous applications for amendments or partial/full demolitions of heritage buildings.

- 7 I have made numerous submissions and presented evidence and made recommendation decisions on plan changes in my career, including presenting evidence at the Environment Court.

CODE OF CONDUCT

- 8 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. Whilst this is a Council hearing, I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence before the commissioners. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

ORIGINAL SUBMISSION

- 9 115 Brougham St has been identified as being included in the Porritt Avenue Heritage Area. Figure 1 below shows the property and the District Plan maps showing the relevant overlay.



Figure 1: Porritt Ave Heritage Area

10 The original submission made by Quayside Property Trust (the submitter) is that:

Remove the site from the Historical Area and Contributing building status from 115 Brougham Street.

11 The submission was accompanied by a report from Heritage architect Ian Bowman, who has provided evidence which outlines the heritage values of the property.

Hearing Stream 3 – S42A Report

12 The section 42A report does not recommend the property is removed from the Heritage Area and this is based on the evidence of Moira Smith who states:

Overall

907. My conclusion is that 115 Brougham Street should be included in the district plan heritage schedules as it has significant historic values. But the lack of visibility from the Porritt Avenue and Armour Avenue heritage areas makes it difficult to establish the best option.

13 The officers section 42A conclusions are as follows:

1185. Ms Smith has assessed the values of 115 Brougham Street and concluded that it has contributing value to the Armour Avenue or the Porritt Avenue (as notified) heritage areas given that it is effectively wedged between the two. She concludes that while the building is not particularly visible it nonetheless contributes to the story of these heritage areas. She identifies that it could feasibly be included in either heritage area, but that there is less connection thematically with Armour Ave. I agree with her advice and recommend that the building's status within the notified Porritt Avenue remain unchanged.

14 It is noted that a Further submission was received from the Mt Victoria Historical Society. At this point, I am not aware of any expert evidence provided by the submitter and the basis of their opposition.

RESPONSE TO S42A REPORT

15 Firstly I note that the assessment of Ms Smith, does not address the report provided by Mr Bowman, that accompanied the original submission by Quayside Property Trust.

16 Mr Bowman has carried out an assessment of the building in some detail and assessed the criteria, such as historic, physical and social values and found all to be 'low' or 'none'. His actual assessments on this were summarised as follows:

My comparative analysis has established that the building is not architecturally significant, its use of materials is not rare, it is not especially old or rare for its original or subsequent building uses. No-one of any historical significance has been confirmed as being associated with the building. It is not significant or is a landmark in its setting, not does it contribute visually or physically to the immediate neighbourhood.¹

17 I note that Mr Bowman has concluded that

In summary, based on the WCC assessment criteria, 115 Brougham Street has low heritage significance, such that it does not warrant individual listing.²

18 Ms Smith has acknowledged that the property is not visible from the street and added the puzzling comment "*makes it difficult to establish the best option*"

19 I am unsure as to exactly what this means, but it appears to acknowledge that because the building is not visible from the public streets including Porritt Ave, that it makes the decision more difficult to justify including in the heritage area.

20 There is a divergence in opinion between the expert evidence as to the value of the building, but an agreement that the lack of visual connection reduces the overall reasons for including 115 Brougham St in the Heritage Area.

¹ Evidence of Ian Bowman, page 7 paragraph 25.

² *ibid*, page 7, paragraph 27

21 Mr Bowman's comment with respect the evidence of Ms Smith is:

Given my assessment above in paragraphs 26 and 27, I disagree with Ms Smith that 115 has sufficient heritage values for individual listing in the district plan and, given its lack of any thematic, historic or visual connection with Porritt Avenue, it should not be included in the PAHA either.³

22 I have had a lot of experience in making applications for alterations and demolitions of heritage buildings.

23 It is my experience that including a building in a Heritage Area, is not significantly different to an individual listing in terms of the costs, information required to be provided and the level of assessment applied.

24 The inclusion of a site/building within a heritage/character area is not a matter which should be 'lightly' done as it results in a significant impediment to the individual property rights of the owner.

25 The costs and delays in obtaining consents, for even relatively minor works, can be significant.

26 It should also be noted that this building is old. Built sometime in the late 1890's or thereabout. It is also a wooden building. It has been subject to numerous additions and alterations. But it is going to need additional work simply due to its age. The listing of a building creates significant additional costs in that work. The need for some type of consent in future would be high, regardless of the owners current intent.

27 The inclusion in the heritage area, also limits the owners abilities to utilise the other parts of the land for their enjoyment and economic benefit.

28 Under our current scenario, whilst Council does provide a Heritage Assistance Fund, on every occasion I have been involved, the

³ Evidence of Ian Bowman, page 10, paragraph 36.

contribution that could potentially be contributed by the fund, is
'meaningless' in terms of the individual costs of the works involved.

29 Including this building into a heritage area, where that building cannot be seen from the public streets, is not particularly physically connected to the heritage area and which has low to no heritage values, in my view, is not a sustainable allocation of resources.

30 The significant potential future costs and potential erosion of development rights for the owner, in this case, given the lack of actual contribution to heritage values and experiences of people in the Mt Victoria area, do not warrant the inclusion of 115 in the Porritt Avenue Heritage Area.

CONCLUSION

31 The relief sought is that the District Plan Heritage Chapter Schedule 3 Heritage Areas, item 45 should be amended to delete the reference:

Brougham Street - 115 (PT LOT 2 DP 12250 LOT 1 DP 34813 - ROWENA HOSTEL)

32 Further, the District Plan maps showing the PAHA should be amended to remove the annotations in respect to 115 Brougham St.

33 Overall, the contributions of the property to the overall value of the PAHA are not significant enough to warrant its inclusions in the heritage area.

Date: 24/04/2023



Signed: Ian Leary