

4 May 2023

Hearings Panel
Proposed Wellington District Plan
c/- Wellington City Council
PO Box 2199
Wellington 6140

Wellington
Level 2
5 Cable Street
PO Box 24137
Wellington 6142

Auckland
Level 4
12 Viaduct Harbour Avenue
PO Box 2007
Auckland 1140
willisbond.co.nz

For: Jaskirat Kaur, Hearings Administrator

Wellington Proposed District Plan: Hearing Stream 3 – Submitter Statement

1. Introduction

1.1. Thank you for the opportunity to participate in Hearing Stream 3 (Heritage) on the Proposed District Plan (“PDP”). Willis Bond and Company Limited (“Willis Bond”) recognises the intrinsic value of heritage and seeks to incorporate heritage values within its developments. These have included:

- the restoration of the Free Ambulance Building and NZX Centre (former Odmins Building) on the Wellington Waterfront;
- the construction of new buildings on the Wellington Waterfront (such as the PwC Centre, Bell Gully Building and Clyde Quay Apartments) in a way sympathetic to existing (and earlier) Waterfront buildings and the Waterfront area;
- Chews Lane, a combined residential, retail and office precinct between Willis Street and Victoria Street that involved the refurbishment of four heritage commercial buildings; and
- the restoration of the Farmers Building on Cuba Street and retention of heritage facades on neighbouring buildings.

1.2. Willis Bond generally supports the heritage protections within the PDP as proposed by Council. The key issues on which Willis Bond submitted in Hearing Stream 3 are:

- Objectives and Policies
- Public Notification
- Buildings and Structures within Te Ngakau Civic Precinct
- Design Guides

1.3. Willis Bond does not intend on presenting in Hearing Stream 3, but requests that this letter is tabled for the Panel’s consideration.

2. Objectives and Policies

2.1. Willis Bond is generally comfortable with the relevant objectives and policies in the PDP.

2.2. In our submission (supported by Parliamentary Service), we requested two new objectives after HH-O2:

Clearly identify historic heritage and provide certainty on the extent of heritage protection.

Recognise the importance of achieving a balance between heritage protection and enabling new development.

- 2.3. The author of the section 42A report takes the view (at [182]) that these objectives are not necessary as the extent of protection required is identified within the PDP and historic heritage is already positioned within the broader strategic context of the PDP.
- 2.4. We consider the first objective requested is an important guiding principle for the PDP. In our experience, the extent of heritage protection can be unclear, particularly in interface areas. This creates an uncertainty in the planning process that is not in anyone's interest.
- 2.5. The second objective requested is a recognition that heritage must be balanced with enabling new development. The section 42A author appears to agree with the concept. Most submitters would also agree with the concept, although have different views as to where the balance is to be found. While the objective requested is a broad concept, and does not contain the ever-important detail, we believe its inclusion would be helpful to guide discussion on heritage issues and be an important reminder of what the PDP is attempting to achieve.
- 2.6. We requested one amendment to HH-P11 to make it clear the policy only applies to development within heritage areas:

Manage the height of development within heritage areas to recognise and respect...

- 2.7. The section 42A author supports the amendment and has recommended a few other minor amendments to HH-P11 which we support.

3. Public Notification

- 3.1. HH-R13 contains the rule for new buildings and structures within heritage areas. In our submission, we asked to preclude public notification.
- 3.2. The section 42a author's view (at [493]) is that reliance should be placed on the appropriate tests for public notification under section 95 of the Resource Management Act 1991.
- 3.3. Our concern is that, due to the sensitivities in heritage areas, Council decision-makers will be pressured towards public notification, even though public notification is not likely to yield any additional useful information. This will make new buildings particularly challenging in heritage areas, inhibiting development even where development would not detract from the heritage values of the area.
- 3.4. As drafted, the only new buildings and structures which are permitted activities within heritage areas are those within the Medium Density Residential Zone (MDRZ) and High Density Residential Zone (HDRZ) that comply with HH-S2. Buildings under HH-S2 must be accessory to primary residential buildings, located to the rear of the primary residential building and smaller than 10m² – i.e. small sheds and sleepouts. There are no permitted activities under HH-R13 for all other zones. Essentially,

almost every new building and structure within a heritage area will require consent as a restricted discretionary matter and may be publicly notified.

- 3.5. As a compromise, we propose that public notification be precluded for zones other than MDRZ and HDRZ where the minimum and maximum height standards in HH-S4 are achieved. This would strike an appropriate balance, allowing public notification for buildings which do not meet the stipulated height parameters. Council would still have discretion over the matters in HH-P14, but applicants would know that, provided HH-S4 is achieved, Council will not publicly notify the application.
- 3.6. This proposal would not affect heritage areas within the MDRZ and HDRZ. If the Panel saw merit in the suggestion, the height limits for those zones could be used to set a level under which public notification is precluded.
- 3.7. The proposal would also not affect the rules (and potential for public notification) for the demolition of buildings within heritage areas. In our view, demolition is the critical activity to be controlled in heritage areas and the one in which the public are more likely to expect input.

4. Buildings and Structures within Te Ngākau Civic Square Precinct

- 4.1. Several submitters requested that Te Ngākau Civic Square and buildings and structures within Civic Square be listed in the heritage schedules:
 - 4.1.1. Wellington Civic Trust (sub 388.120) requested four additional buildings fronting Civic Square be included as heritage buildings within SCHED1. We agree that Wellington Central Library (which is a Category 1 Historic Place) should be included, but do not consider Michael Fowler Centre, CAB (Civic Administration Building) or MOB (Municipal Office Building) warrant inclusion, particularly given the broader protections proposed to apply to Civic Square within the PDP (see below).
 - 4.1.2. Wellington Civic Trust (sub 388.122) also submitted that the City to Sea bridge and Civic Square be included as heritage structures. We oppose the submission.
 - 4.1.3. Historic Places Wellington (sub 182.47) and Wellington's Character Charitable Trust (sub 233.40) submitted that Civic Square be included as a heritage area. We oppose the submission.
- 4.2. The Te Ngākau Civic Square Precinct provisions within the City Centre Zone (CCZ-PREC01) adequately address heritage considerations within the area. They are centred on a long-term vision for the Precinct as "the beating heart of our capital city: a thriving neighbourhood where creativity, culture, democracy, discovery and arts experiences collide on the edge of Te Whānganui-a-Tara".
- 4.3. These provisions (and the vision) are based on the Te Ngākau Civic Square Precinct Framework ("Framework"), developed by Council through extensive community consultation. The CCZ-PREC01 provisions and Framework are purpose-designed for the area, which is expected to undergo new development in the short-term to achieve that vision. The PDP, as drafted, recognises that this is development that Wellington needs to happen without further delay. Further protection is not required, may clash with the CCZ-PREC01 provisions and lead to unnecessary delay for future consent applications.

4.4. Willis Bond has a particular interest in the “Michael Fowler Carpark” site at 110 Jervois Quay, being the current location of the temporary Royal New Zealand Ballet building. Council has approved a development agreement with Willis Bond for the site. It is included within the Te Ngākau Civic Square Precinct and is accommodated by the Framework, as explained on Council’s website:¹

The Council adopted the Framework with one amendment to reflect the residential/office development planned (via a long-term lease to Willis Bond) for Michael Fowler Centre carpark, as the development agreement was approved at the same Council meeting.

4.5. Our proposed development on the site is currently subject to an application for resource consent, which has been referred to the Environment Court.

4.6. The Michael Fowler Centre carpark is not typically considered part of Civic Square. It does not front the open area within the centre of the Square as the Library, CAB, MOB, Town Hall, City Gallery and Michael Fowler Centre do. If Civic Square were to be listed as a heritage area, as proposed by Wellington Civic Trust, the Michael Fowler Centre carpark site should not be included.

4.7. For the reasons above, we agree with the recommendations in the section 42A report that:

4.7.1. SCHED1 is not amended to include The Michael Fowler Centre, The Municipal Office Building, The Civic Administration Building, (at [954]);

4.7.2. no structures within Civic Square are added to SCHED2 (at [1057]); and

4.7.3. SCHED3 is not amended to include Civic Square as a heritage area and that Te Ngākau Civic Square Precinct is included in the City Centre Zone (at [1257]).

4.8. As mentioned earlier, we support the listing of Wellington Central Library in SCHED1 in principle (contrary to the recommendation in the section 42A report at 954). We note, however, any implications for the current redevelopment of the Library should be carefully considered if it were to be listed. It may be more appropriate to list the Library following the redevelopment.

5. Design Guides

5.1. In HH-P14, we asked to remove reference to the Heritage Design Guide.

5.2. We expressed our views on the Design Guides in Hearing Stream 2. We are comfortable with the Panel’s approach to first consider how the Design Guides may be improved and then revisit the issue of the Design Guides in a later hearing.

Yours sincerely,



Rosalind Luxford
Senior Development Manager, Willis Bond and Company Limited

¹ <https://wellington.govt.nz/your-council/projects/te-ngakau-civic-precinct-programme>