

ORDINARY MEETING

OF

WELLINGTON CITY COUNCIL

AGENDA

Time: 05.30pm
Date: Wednesday, 11 May 2016
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

Mayor Wade-Brown
Councillor Ahipene-Mercer
Councillor Coughlan
Councillor Eagle
Councillor Foster
Councillor Free
Councillor Lee
Councillor Lester
Councillor Marsh
Councillor Pannett
Councillor Peck
Councillor Ritchie
Councillor Sparrow
Councillor Woolf
Councillor Young

Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 803-8334, emailing public.participation@wcc.govt.nz or writing to Democratic Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number and the issue you would like to talk about.

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1 Meeting Conduct

1.1 Apologies

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Wellington City Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.2 Announcements by the Mayor

1.3 APW Awards

1.4 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

1.5 Confirmation of Minutes

The minutes of the meeting held on 23 March 2016 will be put to the Council for confirmation.

1.6 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows:

Matters Requiring Urgent Attention as Determined by Resolution of the Wellington City Council

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor Matters relating to the General Business of the Wellington City Council

No resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Wellington City Council for further discussion.

1.7 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

2. General Business

REPORT BACK ON MAYORAL TRAVEL TO MELBOURNE AND CANBERRA, AND SISTER CITY RELATIONSHIP PROPOSAL

Purpose

1. To provide a report back on Mayor Wade-Brown's visit to Melbourne in April 2016.
2. To provide a report back on Mayor Wade-Brown's visit to Canberra in April 2016 to explore collaboration opportunities.
3. To propose a sister city agreement between Canberra and Wellington to formally connect Australia and New Zealand's capitals.

Summary

4. Mayor Wade-Brown was invited to attend and present at the Smart Cities Australia Summit in Melbourne on 20 April 2016. This international Summit brought city leaders together to share policy and strategic initiatives regarding sustainability, transport and resilience.
5. Mayor Wade-Brown visited Canberra 28-29 April 2016 with a WCC delegation at the invitation of the Australian Capital Territory Chief Minister Andrew Barr. The visit was an opportunity to explore collaboration opportunities and discuss greater sharing, cooperation and the exchange of expertise.
6. The delegation to Canberra identified mutual support to formalise a sister city relationship between Canberra and Wellington. A sister city relationship between the two capital cities builds off the Singapore Airlines' announcement to open a route to Wellington from Asia via Canberra.

Recommendation/s

That the Council:

1. Receives the information.
2. Note Mayor Wade-Brown's report back on the visit to Melbourne for the Smart Cities conference.
3. Note Mayor Wade-Brown's report back on the visit to Canberra.
4. Agree in principle to a Canberra-Wellington sister city relationship.
5. Agree in principle the following potential areas for cooperation between Wellington and Canberra: business partnerships; tourism; education; cultural exchanges with our national institutions and capital civic programmes; biodiversity; smart city technology; affordable housing solutions; and sport.

Background and Discussion

Melbourne

Overview

7. WCC's Digital Strategy and Action Plan outline Wellington's aim to achieve global recognition as a creative digital city. The Smart Cities Australia Summit brought together over 250 international public and private sector experts and leaders to share their latest developments, results and strategies for smart cities. The invitation to participate is an important example of increasing global recognition.
8. The Smart Cities focus was on energy, smart and collaborative cities, mobility and transport, city resilience and security. It showcased the technologies that are enabling smart cities such as high speed infrastructure, the Internet of Things (IoT), big data, data centres, cloud computing, apps and Geo information. This was an opportunity to keep abreast of international city trends and promote Wellington.
9. The Summit was held in Melbourne. Like Wellington, Melbourne is also a member of the 100 Resilient Cities network. Neighbours Day, which has been very popular in Wellington, was started in Melbourne.
10. The Summit paid for Mayor Wade-Brown's return airfare and two nights' accommodation. The Council paid \$16.10 for offsetting the cost of carbon emissions.

Smart Cities Summit

11. At the Smart Cities Summit Mayor Wade-Brown participated in the panel session, '[Best practice in enabling resilient cities](#)'. She gave a five minute introductory speech and engaged in discussion with fellow panellists Melbourne Councillor Arron Wood; Ipswich Mayor Paul Pisasale; Melbourne Chief Resilience Officer Toby Kent; and Microsoft Singapore Smart Nation Program Director Linda Chandler.
12. During her [introductory speech](#), Mayor Wade-Brown talked about how Wellington City Council is making the capital more resilient with technology, engineering, biodiversity and community initiatives. Topics included WCC's partnership with NEC to deploy sensors that will monitor crime and count transportation methods; Robinson Engineering's rubber base isolators which allow buildings to wobble instead of break; health and wellbeing; the Biophilic Cities network and the importance of green space; Neighbours' Day and connected communities; and the Tsunami Blue Lines project.
13. The concepts underpinning "smart cities" and "resilience" are complementary and uniting. Common themes included dramatic growth of cities, inequality, creative solutions, new models for business that focus on solving real world problems and disruptive technology ahead, especially in transport. Many speakers emphasised the importance of open, standardised, shared data with privacy built into access levels rather than keeping the data in silos.
14. There was a strong sense that electric vehicles, autonomous vehicles and many peer-to-peer solutions (such as realtime car sharing) are growing in popularity and will fix many problems that cities struggle with. However mass transit and active modes will still be desirable and necessary.
15. People strongly agreed with Wellington's emphasis on practical and immediate local solutions, both through technology and people-to-people initiatives, and accepted that healthy populations are more resilient
16. The [line-up of speakers](#) reflected the global importance of technology and connection. Speakers of note included Hila Oren from Tel Aviv, Krista Kanellakis from San

Francisco, Frans-Anton Vermaast from Amsterdam, and Renato de Castro from Brazil. They had the advantage of having lived in multiple countries, and so their perspective on smart cities and resilience was global and metropolitan. Singapore, Seoul and Portland have Smart City reputations too.

17. There was a parallel expo featuring hydrogen cars from Hyundai, intelligent parking sensors, photovoltaic waste bins, and underground services mapping.

Meetings

18. NEC Australia invited the Mayor to visit the new NEC Australia Office and Innovation Centre. This resulted in a proposed visit to Wellington from Victoria State minister Philip Dalidakis, who is responsible for small business, trade and innovation, which will take place early May. They used the preparation for their move to modern offices to go almost paper-free and encouraged staff to choose work from home when convenient. They also emphasised that creativity flourishes in creative surroundings.
19. The Mayor met with Toby Kent, Melbourne's Chief Resilience Officer, (who was also on the Smart Cities panel) and Beck Dawson, Sydney's Chief Resilience Officer. They see Wellington's emergency, infrastructure (private and public) and community people as well connected.
20. The Mayor also met Melbourne Lord Mayor Robert Doyle. There are over thirty municipalities in metropolitan Melbourne that rarely meet together. The last time Lord Mayor Doyle brought them together was to discuss resilience strategy. All Resilient Cities emphasise the mutual reliance on their hinterland and neighbouring cities.

Canberra

Overview

21. Canberra is Australia's capital, located in the Australian Capital Northern Territory. It is Australia's largest inland city and eighth-largest city overall.
22. Chief Minister Andrew Barr invited Mayor Wade-Brown to visit Canberra and to undertake a programme of visits. As the Capital, Canberra is the political hub of Australia. The Mayor led a two-day delegation of senior officials and toured the city, exploring opportunities for collaboration and engagement on a range of cultural and economic initiatives.
23. This trip was an opportunity to discuss sharing and collaboration in areas such as urban work; urban regeneration and redevelopment; major project implementation; the development and implementation of urban movement solutions; tourism and tertiary coordination.
24. The expected cost to Council was NZD \$3,588.34 including airfares, accommodation, meals, transport and incidental costs. The total cost to Council is NZD \$2,209.57.

Visit programme

25. *Canberra Innovation Network*

Dr Sarah Pearson, CEO of Canberra Innovation Network, met with the delegation and gave a tour of the facility. The CBR Innovation Network's is an open collaboration of innovators, dedicated to developing a diverse innovation eco-system within Canberra.

26. *Canberra Airport*

The visit with Stephen Byron, Canberra Airport Managing Director, focused on the airport terminal, including a tour of the rapidly developing international terminal, and freight expansion plans.

27. *Capital Metro*

The Mayor met with Emma Thomas, Head of Canberra's light rail project and an important part of the ACT Government's vision to deliver a truly sustainable and creative city. The project will be a catalyst for extensive urban development and public housing renewal. Tracks are due to start being laid in October 2016.

28. *Chief Minister*

Australian Capital Territory Chief Minister Andrew Barr and senior ACT Government officials met with the WCC delegation to discuss an economic and cultural cooperation agenda. Chief Minister Barr welcomed a formal sister city relationship and is planning a follow up visit to Wellington in July.

A VIP reception with the Chief Minister and the Mayor promoted opportunities a closer proactive engagement between the capitals of Australia and New Zealand would create to senior figures from the Canberra business community.

29. *Other visits*

Delegates met with the Environmental Planning Department; Canberra's Community Housing people; the Community Services Directorate; and prominent Cultural Institutions including the [National Museum of Australia](#). WREDA met with VisitCanberra, and the Mayor met with personnel managing schoolchildren's visit to Canberra to inform our Nationhood initiative. Some delegates went on an hour long cycle tour of Canberra and Mayor Wade-Brown also took a twilight tour of Mulligan's Flat Woodland Sanctuary, a nationally significant reserve.

International Relations policy

30. Canberra meets Wellington City Council's International Relations Policy objectives and principles as it fits within our strategic vision, Wellington Towards 2040: Smart Capital. The work programme already aims to "grow Australia".

Sister city relationship proposal

Overview

31. Wellington and Canberra are two of the most liveable cities in the OECD, and are both knowledge based economies that benefit from business opportunities that extend from being the seat of Government.
32. ACT Chief Minister Andrew Barr has said, "Both our Governments have strong ambition to drive change and opportunity, and to grow in a way that reflects our contemporary community. We are both focused on improving our productivity, liveability and economic competitiveness."
33. Canberra and Wellington share high GDP and education, are liberal and progressive, and are focused on innovation and incubator hubs.
34. These similarities and the announcement of direct international flights led to discussion around formalising Wellington and Canberra's economic and cultural engagement relationship. This would be based on mutual recognition, active cooperation and specific initiatives.

35. Singapore Airlines have announced that direct international flights between Wellington and Canberra from September 2016, as part of their service from Singapore to Wellington. This 'Capital Express' connection is the first direct scheduled service between Canberra and any New Zealand city.

Areas for cooperation

36. During the delegation, Chief Minister Barr announced that The Wellington Phoenix will play the Central Coast Mariners in Canberra next A-League season. New Zealand will play a One Day International match against Australia at Manuka Oval for the first time during the 2016-17 Chappell-Hadlee series.
37. There is a shared enthusiasm for outdoor activity. A mountain biking partnership between Stromlo Park and Makara Peak could be used for bilateral competitions.
38. Both Canberra and Wellington biodiversity is vulnerable to introduced predators, and the natural landscape is important to our tourism offering. This month an MOU between Canberra's 'Woodlands and Wetlands Trust' and Zealandia will be signed.
39. There is interest in connecting Wellington's tangata whenua and Canberra's first peoples.
40. Canberra and Wellington are subject to different physical risks – bushfires are a threat to Australia in the same way the earthquakes are in New Zealand. Resilience is about social cohesion and awareness of all physical risks.
41. Together Wellington and Canberra can be stronger. We can take joint delegations to Singapore and even our sister city Beijing. Education institutes in Wellington and Canberra already have some connections and are interested in growing bilateral and Asian opportunities.
42. National institutions such as the National Museum of Australia and Te Papa could exchange staff, exhibitions and expertise.
43. There's also opportunity to promote tourism from Asia, for example a two-capital holiday which focuses on areas of interest such as art, mountain biking, festivals, museums, and artisan food.

Options

44. N/A

Next Actions

45. Sign a sister city MOU with Chief Minister Barr in early July when he visits with a delegation.
46. VisitCanberra will continue to work with WREDA, and may lead a tourism delegation here in June. A delegation from Canberra's Housing Directorate and a range of NGOs involved in housing development and management may visit in September.
47. Officers will produce a framework with specific actions, milestones and achievement objectives which line up with our existing work programme, our International Relations policy and WREDA.
48. Explore forming a strategic steering group to support the sister city relationship. Members could include delegates from WCC, iwi, WREDA, WIAL, universities, the Chamber of Commerce, Zealandia (or nature connections/Biophilic cities), as well as sporting institutes such as the stadium, and artistic institutions such as Arts Wellington.

This would entail advice and coordination and each organisation would be responsible for their own area.

Attachments

Nil

Authors	Jayne Ramage, Communication Advisor Tom Yuan, International Relations Manager
Authoriser	Jeremy Baker, Director Strategy and Communications

SUPPORTING INFORMATION

Consultation and Engagement

There are a number of stakeholders from relevant external agencies already involved in formalising a sister city relationship with Canberra. Forming a steering group could produce opportunities for further collaboration.

Treaty of Waitangi considerations

A connection between Wellington's tangata whenua and Canberra's first peoples could be an aspect of the sister city relationship.

Financial implications

N/A

Policy and legislative implications

The International Relations policy has been considered.

Risks / legal

N/A

Climate Change impact and considerations

Both capitals are mindful of the impact of climate change so this is a potential area of cooperation. Carbon credits have been purchased under the council policy for these trips.

Communications Plan

Chief Minister Barr's visit to Wellington in July will generate publicity for the proposed sister city relationship. The Mayor's Office will work with International Relations and the CEO's Office to coordinate communications as required.

ELECTION 2016: ORDER OF CANDIDATES NAMES

Purpose

1. To provide Councillors with the timetable for the 2016 triennial local authority election and to seek a decision on the order in which the candidate's names appear on the voting documents.

Summary

2. The 2016 triennial local authority election will be held on Saturday 8 October and planning for the election has commenced.
3. In 2013, the Council agreed that the names would be listed in random order on the voting document.
4. Wellington City Council has agreed on the voting system to be the Single Transferrable Vote (STV) to apply for the election in 2016.
5. Warwick Lampp from Electionz.com is the the Council's Electoral Officer. Clare Sullivan is the Deputy Electoral Officer.

Recommendation/s

That the Council:

1. Receive the information.
2. Agree that the names of the candidates standing for the Council and its Community Boards at the 2016 local authority elections be listed in random order on the voting document.

Background

The election will be held on Saturday 8 October 2016. The Local Electoral Act 2001 (the Act) and the Local Electoral Regulations (the Regulations) set out the rules the Electoral Officer is required to comply with when running a local authority election.

Timetable

6. The timetable for the elections is set out in the Act and the Regulations. A copy of the timetable for the elections is set out in Attachment 1. The dates of principal interest to the public are shown in bold type.

Method of voting

7. The Council was advised of Cabinet's decision on 19 April that the online voting trial will not proceed in 2016. Therefore, postal voting will be used together with arrangements for people who have to cast a special vote.

Options for Order of Candidates Names

8. Clause 31(1) of the Local Electoral Regulations allows the Council to decide whether the candidates' names are to be listed in alphabetical order of surname, pseudo-random order or random order on the voting documents. In the absence of any Council

resolution the candidates' names must be arranged in alphabetical order. The features of each option are described as follows:

Option 1 Alphabetical order of surname

9. This is the order in which all candidates were listed in all local authority elections prior to 2004 and is self-explanatory.

Option 2 Pseudo-random order

10. Under this arrangement, the candidates' names for each election are drawn out with the candidates' names being listed on all voting documents for that election in the order in which they are drawn. If a local authority decides that this order is to be used the electoral officer must state in the public notice required to be given, the date, time and place at which the order of candidates' names will be drawn. Any person is entitled to attend and witness the draw take place.

Option 3 Random order

11. This is the preferred option and has been used by Wellington City Council since 2007. Under this option, the names of the candidates for each election are shown in a different order on each voting document.
12. The cost of printing the voting documents under any of the options will be the same.

Comments on the options

Alphabetical order

13. This has been said to be the simplest method for the elector. It is used for parliamentary elections. However, it has been assumed that candidates with a surname starting at the top end of the alphabet have an unfair advantage over others with a "lower" alphabetic ranking.

Pseudo-random order

14. The candidate names appear in mixed order (not alphabetical) on the voting document. This could cause possible confusion as specific candidate names are not easily found especially if there are a large number of candidates standing for election. The order of candidates on the voting document do not match the order of candidates listed in the candidate profile book.

Random order

15. This option presents the similar concerns for the elector as described under the pseudo-random method.
16. However, it is generally agreed that it is the fairest to candidates. It ensures that each candidate has an equal chance to be listed at the top or near the top of the voting document.
17. The Council has used the random order since 2007. The fact that the candidates were not listed in alphabetic order did not appear to cause any voter confusion and no complaints were received against its use.
18. It is therefore recommended that the names of the candidates standing for the Council and its Community Boards at the 2016 local authority elections be listed in random order on the voting document.

Attachments

Attachment 1. 2016 Elections Timetable

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Author	Clare Sullivan, Principal Governance Advisor
Authoriser	Jeremy Baker, Director Strategy and Communications

SUPPORTING INFORMATION

Consultation and Engagement

No general consultation has been undertaken for this report.

Treaty of Waitangi considerations

There are no Treaty of Waitangi implications for this report.

Financial implications

Provision for running the elections is provided for in the 2016/17 Annual Plan. The Greater Wellington Regional Council, Capital and Coast DHB and the Hutt Mana Charitable Trust will reimburse the Council for their share of the costs incurred following the election.

Policy and legislative implications

This decision fulfils the requirements as noted in clause 31 (1) of the Local Electoral Regulations 2001.

Risks / legal

The elections will meet the requirements of the Local Electoral Act 2001 and the Local Electoral Regulations.

Climate Change impact and considerations

Not applicable.

Communications Plan

The Council's decision regarding order of names will be communicated to the public as part of the Communications Plan for the elections which will be progressively .

LOCAL GOVERNMENT 2016 TRIENNIAL ELECTION TIMETABLE 8 OCTOBER 2016	
12-13 October 2015	Electoral officer training workshop
On/after Mon 1 February 2016	Declaration of electoral officer (sec 14, LEA)
February 2016 (TBC)	Electoral officer forum
Wed 2 March 2016 – Sat 30 April 2016	Ratepayer roll enrolment confirmation forms issued (reg 16, LER)
Wed 2 March 2016 – Wed 6 July 2016	Preparation of ratepayer roll (reg 10 LER)
Fri 11 March 2016	ES questionnaire sent to electoral officers
Sun 10 April 2016	LGC final representation review decisions (sec 19R LEA)
Fri 8 April 2016	ES questionnaire due
May 2016	National ratepayer roll qualifications and procedures campaign (sec 39 LEA)
Wed 4 May 2016	ES test data sent to electoral officers
Mon 27 June 2016	ES enrolment update campaign commences
By Thur 30 June 2016	Optional order of candidate names resolution (reg 31 LER)
Thur 7 July 2016	Check It residential electoral roll closes (reg 10 LER)
From Fri 8 July 2016	Receive residential roll data from ES
Fri 8 July 2016 – Wed 13 July 2016	Compile preliminary electoral roll (sec 38 LEA)
Say Wed 13 July 2016 (no later than Fri 15 July 2016)	Public notice of election, calling for nominations, roll open for inspection (sec 42, 52, 53 LEA)
Fri 15 July 2016	Nominations open/roll open for inspection (sec 42 LEA)
By Fri 29 July 2016	Appointment of Justice(s) of the Peace
Fri 12 August 2016	Nominations close (12 noon)/ roll closes (sec 5, 42, 55, LEA, reg 21 LER)
Say Wed 17 August 2016 (or as soon as practicable)	Public notice of day of election, candidates' names (sec 65, LEA)
By Fri 19 August 2016	Receive final data from ES
By Wed 31 August 2016	Ratepayer roll insert with rates notice (sec 39 LEA)
By Mon 12 September 2016	Electoral officer certifies final electoral roll (sec 51, LEA, reg 22, LER)
Fri 16 September 2016	ES letter sent to unpublished roll electors
Fri 16 September 2016 – Wed 21 September 2016	Delivery of voting documents (reg 51, LER)
Fri 16 September 2016 – Sat 8 October 2016	Progressive roll scrutiny (sec 83, LEA) Special voting period (sec 5, LEA, reg 35, LER) Early processing period (sec 80 LEA)
By 12 noon, Fri 7 October 2016	Appointment of scrutineers (sec 68, LEA)
Sat 8 October 2016	Election day (sec 10, LEA) Voting closes 12 noon – counting commences (sec 84, LEA), progress/preliminary results available as soon as practicable after close of voting (sec 85, LEA, reg 80A, 85A, LER)
PM Sat 8 October 2016 – Thur 13 October 2016	Official count (sec 84, LEA)
Thur 13 October 2016 – Wed 19 October 2016 (or as soon as practicable)	Declaration of result/public notice of results (sec 86, LEA)
December 2016 (TBC)	EO forum
Mid December 2016 (depends on date results published)	Return of election expenses forms (sec 112A, LEA)

ES = Enrolment Services (Electoral Commission) LGC = Local Government Commission LEA = Local Electoral Act 2001
LER = Local Electoral Regulations 2001 Prepared by Dale Ofsoke SOLGM Electoral Working Party, June 2014

MEMBERSHIP OF CITY GROWTH FUND PANEL (WEID)

Purpose

- 1 The purpose of this report is to seek Council's approval to amend the Chief Executive's delegations as contained in the Terms of Reference and Delegations to increase the number of Councillors on the City Growth Fund (referred to as Wellington Economic Initiatives Development Fund (WEID)) panel that need to be consulted.

Summary

1. This report has been prepared to provide wider context to the Economic, Growth and Arts Committee (the EGA Committee) recommendations of 15 March 2016 to the Council that all decisions made in City Growth Fund (WEID) be voted upon with votes recorded and that membership of City Growth Fund be increased to eight Councillors.
2. This report sets out some matters in relation to the existing decision-making and audit process that City Growth Fund decisions are subject to which may not have been available to the Committee when it made those recommendations.
3. Officers received preliminary advice that the Committee's recommendations in respect of the City Growth Fund may lead to unintended consequences if agreed to by Council as drafted. On the basis of that advice, the agenda item was deferred by Council to the next meeting on 11 May 2016 so that further advice could be obtained.
4. This report sets out the legal advice received since the 23 March 2016 Council meeting, and proposed new recommendations that captures the intent of the EGA Committee and retains the flexibility of the City Growth Fund panel.

Recommendation/s

That the Council:

1. That the Council receive the information.
2. Agree to amend the existing delegation to the Chief Executive as follows:
 - 2.1 The power to allocate funds from the City Growth fund (formerly called the Wellington Economic Initiatives Development Fund) in accordance with the criteria of the fund, but for proposals greater than \$100,000 only in consultation with, and with the agreement of [**or majority agreement of**], the Mayor, the Deputy Mayor, the Chair Economic Growth and Arts and **five additional Councillors to be nominated by Council**.
3. Agree that all members of the City Growth Panel be required sign a confidentiality agreement
4. Note that the City Growth Fund panel will be reviewed as part of the Council's new Governance Structure following the Election in October 2016.

Background

5. The City Growth Fund was established in 2003 as a tool to support initiatives that contribute to economic growth in the city.
6. At the Council meeting on 27 June 2013, it was resolved that the Chief Executive could make decisions on City Growth Fund applications below \$100,000 and that funding decisions above that could be made by the Chief Executive in consultation with the Mayor, Deputy Mayor and Chair of the EGA Committee. This was expressed in the Chief Executive's delegations for the 2013-16 Triennium as:
The power to allocate funds from the City Growth fund (formerly called the Wellington Economic Initiatives Development Fund) in accordance with the criteria of the fund, but for proposals greater than \$100,000 only in consultation with, and with the agreement of, the Mayor, the Deputy Mayor and the Chair Economic Growth and Arts.
7. The current process for making decisions on City Growth Fund is consultative. The funding panel (comprised of the Chief Executive, Mayor, Deputy Mayor and Chair of EGA Committee) itself has no decision-making power; the final decision lies with the Chief Executive who must seek the agreement of the panel members for proposals greater than \$100,000.
8. The current decision making process for the City Growth Fund, for amounts in excess of \$100,000 is for a written proposal to be presented to panel members. Panel members having considered the proposal, indicate their agreement or otherwise by signing the approval section of the proposal. This provides a formal record of the agreement of the panel members. A sample of this section of the report is provided for in Attachment 1.
9. The Council's intention of setting up the delegation in this way was that decisions on funding could be made in a relatively quick and flexible way. The Council desired the process to be nimble and responsive.
10. The City Growth Fund operates so that it documents each proposal that has gone to the panel seeking agreement of the members. Panel members who agree with decisions record their agreement by signing the paper recording the decision, creating an audit trail of the process of consultation.

EGA Recommendations for WEID

11. Officers prepared a report dated 15 March 2016 City Growth Fund following its meeting of 13 October 2015 to update Council on the activities of WEID over the six months to 31 December 2015 and to report back to Council the results of a criteria review undertaken of the fund. While not referred to in the report itself, the EGA Committee also resolved at the 15 March 2016 meeting to recommend that Council:
 - that all decisions made in City Growth Fund (WEID) panel meetings be voted upon with votes recorded; and
 - that membership of City Growth Fund (WEID) to be increased to eight councillors.
12. Prior to the 23 March 2016 Council meeting, Council officers sought advice from DLA Piper in relation the EGA Committee recommendations. DLA Piper confirmed that the proposed recommendations may result in an outcome the Council did not intend.
13. DLA Piper advised that the Council should consider deferring this item to the next scheduled Council meeting to allow sufficient time for legal advice to consider the full implications of the proposed recommendations to Council.
14. At the commencement of the meeting on 23 March 2016, the Mayor announced that Item 3.4 would be deferred to 11 May 2016 on advice of Council officers.

Discussion

15. DLA Piper have advised that there are risks in proceeding with the EGA Committee recommendations as drafted because:
 - What is being proposed (albeit styled as a recommendation that Council "recommend", rather than a Council resolution) is that City Growth Fund panel conduct formal meetings and its membership be expanded to include eight Councillors.
16. What was being recommended is that the number of people making the decision increases and that those decision makers vote on decisions (with votes recorded). While the Local Government Act 2002 does not define the terms "sub-committee" or "subordinate decision-making body", looking at substance over form, a decision that City Growth Fund panel have a "membership" that collectively makes "decisions" suggests it must be one or the other.
 - The existing delegation to the Chief Executive may be superseded by these recommendations.
 - If these recommendations are implemented, the City Growth Fund panel may be regarded at law as a subordinate decision-making body (if not a committee of the Council, in which case the Chief Executive could not be a member).
17. If Council still intended that the Chief Executive be part of the decision-making body for City Growth Fund decisions, it would have to be structured as a subcommittee.
 - City Growth Fund panel would then need to comply with the procedural meeting requirements under the Local Government Official Information and Meetings Act 1987 (**LGOIMA**).
18. The existing delegation for decision-making on the City Growth Fund funding in line with a Council resolution made on 27 June 2013 means the current process is consultative and flexible. It also means that the panel is not a decision making body because this power has been delegated to the Chief Executive subject to the condition that the Chief Executive consult with and seek agreement of the panel for decisions in excess of \$100,000.
19. Officers suggest retaining the existing decision-making structure for the City Growth Fund but amend the delegation to increase the number of panel members the Chief Executive is required to consult with. This will be consistent with the intent of the EGA Committees recommendation.
20. Officers are recommending that the existing delegation be amended as follows:
 - The power to allocate funds from the City Growth fund (formerly called the Wellington Economic Initiatives Development Fund) in accordance with the criteria of the fund, but for proposals greater than \$100,000 only in consultation with, and with the agreement of [**or majority agreement of**], the Mayor, the Deputy Mayor, the Chair Economic Growth and Arts and five **additional Councillors to be nominated by Council**.
21. It is recommended that all members of the City Growth Panel be required sign a confidentiality agreement.

Options

22. The other option is to agree with the recommendations reported from the EGA committee on 15 March, which, as noted above would change to that of subcommittee that is empowered to exercise or perform a power, duty or function of the Council, and would be subject to the meeting requirements of LGOIMA.

23. This would inconsistent with the existing delegation to the Chief Executive and how it was intended that the fund be administered. It is likely such a change would supersede the existing delegation for City Growth Fund decision-making.

Attachments

Attachment 1. City Growth Fund Appendix

Page 26

Authors	Clare Sullivan, Principal Governance Advisor Anusha Guler, Manager Democratic Services
Authoriser	Jeremy Baker, Director Strategy and Communications

SUPPORTING INFORMATION

Consultation and Engagement

Apart from consultation with legal advisers no other consultation has been undertaken.

Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations.

Financial implications

If the staff advice is not accepted there may be costs associated with meetings.

Policy and legislative implications

These are outlined in the report.

Risks / legal

These are outlined in the report.

Climate Change impact and considerations

There are no implications for climate change.

Communications Plan

Depending on the outcome, information may need to be circulated to prospective recipients of the WEID fund.

Sample page of report for signing

City Growth Fund Panel Recommendations – City Gallery, Cindy Sherman Exhibition.

Agreed / Not Agreed

Mayor Wade-Brown

Councillor Lester

Councillor Coughlan

Kevin Lavery
Chief Executive Officer

SAMPLE

Item 2.3 Attachment 1

2016-17 ELECTED MEMBER REMUNERATION AND 2016-19 EXPENSES AND ALLOWANCES

Purpose

1. This report is to respond to the request by the Remuneration Authority (the Authority):
 - a. to submit the Council's proposal for additional remuneration for additional duties to take effect from 1 July 2016 to 30 June 2017 by 16 May 2016; and
 - b. to amend the Council's Elected Member Expenses and Allowances Policy (the Policy) and submit it to the Authority for approval by 10 June 2016.

Summary

2. The Authority has informed all Councils of the new base salaries for elected members for the financial year beginning 1 July 2016 through to 30 June 2017. An increase of approximately 1.5 percent has been applied. A pool has been established to cover Councillors' additional responsibilities.
3. This pool is calculated at 200 percent of a councillor's salary which is an increase of 50 percent over the previous calculation. The Council is being asked to provide submissions by 16 May 2016. The Council is not required to allocate the total amount of funds available.
4. The recommendations in the report reflect the current governance arrangements based on the previous calculation. Following the election in October 2016, once the Council decides upon its new governance structure, it will then make further representations to the Authority to take any new structure into account.
5. There will be pro-rata provisions for members who are not in position for the full 12 months of the determination (i.e. those elected for the first time in October).
6. Officers are also recommending a minor change to the Policy to provide for an option of either supplying communications equipment or an allowance to Councillors based on figures provided by the Authority.

Recommendation/s

That the Council:

1. Receive the information.
2. Note that the Authority has set the annual base salary for Wellington City Council elected members as follows:
 - a) Mayor \$170,317;
 - b) Councillor \$82,418 (base salary);
 - c) Chair Makara-Ohariu Community Board \$9,135;
 - d) Member Makara-Ohariu Community Board \$4,568;
 - e) Chair Tawa Community Board \$17,864;
 - f) Member Tawa Community Board \$8,932;
3. Note that the Authority has set a pool of \$164,836 (i.e. 200%, twice a councillor's base

salary) to cover councillors additional responsibilities.

4. Agree to make a submission to the Remuneration Authority recommending the following salaries for positions of additional payments for additional responsibility for the year commencing 1 July 2016:
 - a) Deputy Mayor, \$107,143;
 - b) Chairs, Subject Matter Committees, \$95,869;
 - c) Chair, Regulatory Processes Committee and Deputy Chair, Economic Growth and Arts, \$90,322;
 - d) Chair, Audit and Risk Subcommittee and Portfolio Leaders, \$86,605.
5. Note that following the Election in October when the Council decides on its governance structure for the 2016-19 term a further submission will be made to the Remuneration Authority to reflect additional roles.
6. Agree to make a submission to the Remuneration Authority recommending the updated attached Expenses and Allowances policy for the 2016-19 term which come into effect post-election.
7. Note changes to the communication and technology part of the policy.

Background

Remuneration

7. The Authority has the responsibility for setting the remuneration and determining what expenses and allowances can be paid to elected members. The Authority has issued its information on base salaries for Councils.
8. In 2012 the Authority made a number of significant changes to how the remuneration and expenses and allowances were calculated for elected members in the document *Remuneration setting proposal for local authorities: 2013 and beyond*. This included:
 - Fixing a base salary for Mayor, Councillor and Community board members and chairpersons
 - Fixing a pool for additional responsibilities
 - Fixing elected member remuneration ahead of the elections so as to give some certainty to candidates
 - Requiring submissions on additional remuneration for additional responsibilities from the pool
 - Developing principles when considering the setting of the vehicle mileage allowance including that the Authority does not intend to meet the costs of an elected member getting to and from work when they live within normal commuting distance of the nearest office; and any mileage allowance should meet the reasonable additional costs incurred by the elected member in using their own vehicle over and above the normal commuting distance.
 - Making changes to the calculation for technology and communications allowances.
9. The Authority has advised that it is yet to fully implement the decisions from the 2012 report. It will conduct a new review of the remuneration framework and will engage further with local government.

Discussion

10. The Authority has decided to implement increases of 1.5 percent for Wellington City. The base remuneration has increased as follows:

Position	2015/16	2016/17
• Mayor	\$167,800	\$170,317
• Councillor	\$81,200	\$82,418

Community Boards

11. The Authority has also set remuneration for the two boards as follows: for the 2016/17 year:

Position	2015/16	2016/17
• Makara-Ohariu Chair	\$9,000	\$9,135
• Makara-Ohariu Member	\$4,500	\$4,568
• Tawa Chair	\$17,600	\$17,864
• Tawa Member	\$8,800	\$8,932

12. The boards will be advised of the payments and their feedback sought. The Community Boards can make submissions directly to the Authority.
13. The Authority usually instructs Councils to set aside a figure of 1.5 times a councillor's base salary for additional remuneration of councillors in respect of additional responsibilities including the appointments of Deputy Mayor, Committee Chairs and Portfolio leaders.
14. For the 2016/17 financial year the Authority has advised that it has decided to increase the amount available to twice that of a councillor's base salary. The maximum amount available is \$164,836. The Council is not obliged to allocate the total amount available. Officers are proposing allocating at the same proportion at the 2015/16 level of 1.5 times the new base salary for councillors.
15. Following the Election, if the Council's governance structure changes it will have to reapply to the Authority for the additional responsibilities. No additional payment is made to the Mayor for additional duties.
16. Note Wellington City Council elected members appointed to external appointments do not receive any additional remuneration.

Option

17. Officers have developed the following proposal designed to give effect to the current governance structure based on the same percentages previously agreed for additional responsibility for the 16/17 year.

Position	New Base salary	Additional responsibility weighting	Proposed new total salary 16/17	Current determination 15/16
Mayor	\$170,317		\$170,317	167,800
Deputy Mayor	\$82,418	30% \$24,725	\$107,143	105,560

Chair 4 subject matter committees	\$82,418	16.3% \$13,451	\$95,869	94,450
Chair Regulatory Processes and Dep Chair EGA	\$82,418	9.6% \$7,904	\$90,322	88,985
Portfolio leaders and Chair A & R	\$82,418	5.1% \$4,187	\$86,605	85,325
Total additional allowed by Authority	\$164,836			
Recommended total allocation	\$123,646			

Expenses and allowances policy 2016/17

18. In addition to the remuneration determination, the Authority is asking the Council by 10 June to either reconfirm or amend its policy on elected members allowances and expenses.
19. Officers are not recommending any changes to the mileage allowance provisions of the Policy.

Communications and technology

20. A minor change is proposed in the policy regarding communications and technology.
21. It proposes two options:
 - a) that either the Council supplies equipment to elected members,
 - b) or if members provide their own an allowance is payable as determined by the Authority for the technology of up to \$650 annually.
22. There is also an allowance payable for council-related phone charges.
23. This part of the policy will come into effect following the 2016 local authority elections. The wording of policy is set out as required by the Authority

Next Actions

24. The advice and decisions from this meeting will be provided to the Authority.

Attachments

Attachment 1. Expenses and Allowances Policy

Page 32

Author	Clare Sullivan, Principal Governance Advisor
Authoriser	Jeremy Baker, Director Strategy and Communications

SUPPORTING INFORMATION

Consultation and Engagement

No additional consultation was undertaken. The Authority consults with the Council.

Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations.

Financial implications

Provision is made in the 2016/17 Annual Plan for elected member remuneration

Policy and legislative implications

This policy and determination meet the requirements of the relevant legislation.

Risks / legal

The Authority sets the determination for the Council based on legislation and the decision is gazetted.

Climate Change impact and considerations

There is no impact.

Communications Plan

The salary of elected members is public information.

WELLINGTON CITY COUNCIL

**POLICY ON ELECTED MEMBERS’
ALLOWANCES AND RECOVERY OF EXPENSES**

**for the determination commencing
1 July 2016**

INTRODUCTION

This policy sets out rules on the claiming of expenses by elected members and the resources that will be available to them during their term of office.

Contact person for queries: Clare Sullivan, Principal Governance Advisor and Deputy Electoral Officer

Email: clare.sullivan@wcc.govt.nz
Phone: (04) 803-8706 (DDI)

DOCUMENTATION OF POLICIES

In addition to this document, the following documents set out the policies, rules and procedures relating to the expenses and allowances payable to elected members:

Document name	Reference no. (if any)	Date
Policy on Payment of Elected Members’ Allowances		October 2013
Elected Member Technology Policy		October 2013
Wellington City Council Travel and Accommodation Standard		October 2010
Elected Members’ Remuneration and Expenses Standard		August 2011

AUTHENTICATION OF EXPENSE REIMBURSEMENTS AND ALLOWANCES

From time to time elected members incur expenses on the Council's behalf, which need to be reimbursed. This reimbursement and the use of council supplied resources apply only to elected members personally, and only while they are acting in their official capacity as elected members.

Costs for expenses must have a justifiable business purpose, be moderate and conservative having regard to the circumstances, and be appropriate in all respects. Transparency is achieved through the monthly publication on the Council's website of all expenses for elected members over the past month.

The process for reimbursement of claims includes the following principles:

- any expenses to be reimbursed must be on an actual and reasonable basis and in line with Council policy
- expense claims are approved by the Manager, Democratic Services, and full original receipts are required
- cost reimbursements will be made via the payroll system.

In the case of one-off expenditure such as travel to conferences, the process and prior approvals required are detailed in this policy.

In the case of vehicle mileage, travel time and communications, all limits set in this document do not exceed the Remuneration Authority's Determination.

The Council's internal audit work programme includes sampling expense claims and allowances paid to elected members and staff.

No allowances are paid without deduction of withholding tax.

All expenditure that falls under this policy is approved on the condition that it can be met within relevant budget provisions.

DEFINITIONS

"Actual" means as evidenced by the original receipt attached to the claim form.

"Reasonable" means that it is within the amount specified by this policy or as deemed reasonable by the Mayor and/or Chief Executive.

"Council business" includes: formal council and community board meetings, committee meetings, workshops, seminars, statutory hearings, training courses, site visits, meetings with staff, meetings with community groups, meetings with members of the public. It does not include events where the primary focus is on social activity.

"Remuneration Authority" is an independent body established by the Remuneration Authority Act 1977, with responsibilities under the Local Government Act 2002 to determine remuneration and expense/allowance rules for local authority members.

ALLOWANCES AND EXPENSES

<p>1. VEHICLE PROVIDED</p> <p>Are any elected members provided with use of a vehicle, other than a vehicle provided to the Mayor or Chair and disclosed in the remuneration information provided to the Remuneration Authority?</p>	No
<p>2. MILEAGE ALLOWANCES</p> <p>No Mileage allowances are payable. Elected members are required to claim the costs of using their private vehicles on Council related business as part of their individual taxation arrangements.</p>	No
<p>3. TRAVEL AND ACCOMMODATION</p> <p><i>Taxis and other transport</i> Are the costs of taxis or other transport reimbursed or an allowance paid?</p> <ul style="list-style-type: none"> • No allowances are paid. • Costs of travelling by public transport to and from Council-approved external meetings and functions and for attendance at conferences or seminars approved by the Council are reimbursed (on production of receipts). • Taxi chits are provided when required for official Council purposes. The Council has an approved taxi service provider for local usage. <p><i>Car Parks</i> Are car parks provided?</p> <ul style="list-style-type: none"> • Car parks are provided as and when required to enable elected members to carry out their governance and representation responsibilities. • Car licence plates must be registered with Democratic Services and security staff. <p><i>Use of Rental Cars</i> Are rental cars ever provided?</p> <ul style="list-style-type: none"> • If travel to a conference out of Wellington has been approved by Council and the cost of a rental car is cheaper than paying a mileage allowance or air/bus/train fare. <p><i>Air Travel Domestic</i> Summary of the rules for domestic air travel.</p> <ul style="list-style-type: none"> • For travel to conferences/seminars etc approved by Council (in advance) where travel by air is the most cost effective travel option. • All travel except Mayoral travel must be booked through the Democratic Services Unit. • Mayoral travel will be booked by the Mayor's Office. • Compliance in all respects with the Council's Travel and Accommodation Standard. (See Section 2). 	Yes
	Yes
	Yes

<p><i>Air Travel International</i> Summary of the rules for international air travel (including economy class, business class, stopovers)</p> <ul style="list-style-type: none"> • All travel must be approved in advance by the Council. • All conference travel except Mayoral travel must be booked through the Democratic Services Unit. • Mayoral conference travel will be booked through the Mayor's Office. • All other international travel will be booked through Council's International Relations Unit. • Economy class for flights up to 8 hours. • Business class travel approved for flights over 8 hours. • Compliance in all respects with the Council's Travel and Accommodation Standard. (See Section 2). 	
<p><i>Airline Clubs/Airpoints/Airdollars</i> Are subscriptions to airline clubs (such as the Koru Club) paid or reimbursed?</p>	No
<p>Are airpoints or airdollars earned on travel, accommodation etc., paid for by the local authority available for the private use of members</p>	No
<p><i>Accommodation costs whilst away at conferences, seminars</i> Summary of the rules on accommodation costs.</p> <ul style="list-style-type: none"> • Actual and reasonable costs reimbursed. • Designated hotels to be used where possible. • All accommodation booked through Democratic Services. • Compliance in all respects with the Council's Travel and Accommodation Standard. (See Section 2). 	
<p><i>Meals and sustenance, incidental expenses</i> Summary of the rules on meals, sustenance and incidental expenses incurred when travelling. (If allowances are payable instead of actual and reasonable reimbursements, state amounts and basis of calculation.)</p> <ul style="list-style-type: none"> • Reimbursement of meal costs, either payment of the agreed meal allowance or reimbursement based on actual and reasonable costs. • No reimbursements for purchases from hotel mini-bars and charges for in-room video or cable movies. • No reimbursement for meals provided by others. • No incidental allowances are paid for travel within New Zealand. • Compliance in all respects with the Council's Travel and Accommodation Standard. (See Section 2). 	
<p><i>Private accommodation paid for by local authority</i> Is private accommodation (for example an apartment) provided to any member by the local authority?</p>	No
<p><i>Private accommodation provided by friends/relatives</i> Are any allowances payable in respect of accommodation provided by friends/relatives when travelling on local authority business?</p> <ul style="list-style-type: none"> • Elected members travelling on Council business who choose to stay privately are paid an allowance of \$60 per night, 	Yes

<p>which includes the cost of accommodation, breakfast and dinner.</p>	
<p>4. RESOURCE CONSENT HEARING FEES</p> <ul style="list-style-type: none"> • A Member who acts as the chairperson of a resource consent hearing is entitled to be paid a fee of \$100 per hour of hearing time and preparation time. • A member who is not the chairperson of a resource consent hearing is entitled to be paid a fee of \$80 per hour of the hearing time and preparation time. • For any period of hearing time and preparation time that is less than 1 hour, the fee must be apportioned accordingly. 	
<p>5. ENTERTAINMENT AND HOSPITALITY</p> <p>Are any hospitality or entertainment allowances payable or any expenses reimbursed? No</p>	
<p>6. COMMUNICATIONS AND TECHNOLOGY</p> <p><i>Equipment and technology provided to elected member</i></p> <p>Is equipment and technology provided to elected members for use at home on council business? Yes The Councillors are currently provided with a cell phone and a computer for Council related work. If councillors do not receive equipment provided by the Council they are entitled to claim for the following equipment if they have purchased it:</p> <p>Use of a personal computer \$150 Use of an electronic tablet \$150 Use of a printer \$40 Use of a mobile phone \$60 Internet connection \$250</p> <p>Allowances paid in relation to communication Yes Are any allowances paid in relation to communication?</p> <p>Councillors can also receive \$400 annually for council-related toll and mobile phone charges The total amount payable to a member must not exceed \$1050 annually.</p> <p>** Note This does not apply to community board members</p> <p>Are any restrictions placed on private use of any of the above? Yes</p> <ul style="list-style-type: none"> • Equipment is not to be used for electioneering purposes and some restrictions on using Council supplied computer equipment (for security and cost reasons) • The Mayor has a landline and a mobile phone provided and paid for by the Council. The costs of any personal calls are No 	

	reimbursed to the Council.	Yes
7.	PROFESSIONAL DEVELOPMENT, CLUBS AND ASSOCIATIONS	
	Are any expenses reimbursed or allowances paid in respect of members' attendance at professional development courses, conferences and seminars?	Yes
	<ul style="list-style-type: none"> • No allowances are paid. • Course registration fees are paid subject to the approval of the Manager, Democratic Services. 	
	Are any expenses reimbursed or allowances paid in respect of subscriptions to clubs or associations?	No
8.	OTHER EXPENSE REIMBURSEMENTS AND ALLOWANCES	
	Are any other expense reimbursements made or allowances paid?	Yes
	<ul style="list-style-type: none"> • A home-based technology allowance of \$45 per month is paid to the chairs of the Tawa and Makara/Ohariu community boards to reimburse the incumbents of those positions a portion of the communication costs (i.e. business related telephone calls, internet connection, fax machines etc) incurred by them in carrying out their duties. 	
9.	TAXATION OF ALLOWANCES	
	Are any allowances (as distinct from reimbursements of actual business expenses) paid without deduction of withholding tax?	No

DECISION ON DISTRICT PLAN CHANGE 81 - REZONING OF 320 THE TERRACE AND DELISTING OF THE GORDON WILSON FLATS

Purpose

1. To report to Council the recommendations of the Hearing Panel on Proposed Plan Change 81 of the Wellington City District Plan

Summary

2. The Hearing Panel has considered all written and oral submissions on private Plan Change 81 and made its recommendations. Several changes have been recommended for clarity and to improve implementation of the proposed provisions. The fundamental approach adopted in the notified plan change remains intact. That is, the rezoning of 320 The Terrace from Inner Residential Area to Institutional Precinct, and the heritage delisting of the Gordon Wilson Flats. This plan change would facilitate the demolition of this building and the development of the site by Victoria University of Wellington (VUW) for university purposes.
3. If Council adopts the recommendations of the Panel, then their report will become the Council decision on the proposal. If the Council rejects one or more of the proposed recommendations, the hearing process would need to be re-commenced and determined by the whole of Council.

Recommendation/s

That the Council:

1. Receive the information.
2. Approve the recommendations of the District Plan Hearing Panel in respect of District Plan Change 81 (Rezoning of 320 The Terrace and de-listing of Gordon Wilson Flats) as outlined in the attached recommendation report.
3. Note the range of non-statutory suggestions made by the Hearing Panel and that Officers are to consider these as part of their ongoing work programme.

Background

4. Proposed Plan Change 81 is a privately initiated plan change by VUW. The notified plan change proposed a number of amendments to the District Plan, which can be summarised as follows:
 - rezoning of the site from Inner Residential to Institutional Precinct;
 - site-specific amendments to the Institutional Precinct Zone rules relating to the demolition of existing buildings and development of new buildings, structures, open space and landscaping;

- amendments to the Victoria University Design Guide to facilitate well-designed development of the site in the future; and
 - removal of the existing building on the site – Gordon Wilson Flats – from the District Plan list of heritage buildings.
5. The plan change was publically notified on 27 August 2015. A total of 33 submissions and 6 further submissions were received on the proposed plan change. The hearing commenced on 15 December 2015, and nine submitters attended over three sitting days.
6. The Hearing Panel comprised Councillors Andy Foster (Chair) and Mark Peck, and independent commissioner David McMahon. The Panel held several formal deliberation sessions between December 2015 and March 2016, having sought additional information from the Council and University in the interim. The Panel formally closed the hearing on 17 March 2016.
7. Council has the ultimate decision-making power in respect of District Plan Changes, and the Panel's role is limited to that of a 'recommender'. The conclusions and recommendations contained in the recommendation report are those of the Panel and are not binding upon the Council. If Council adopts the recommendations of the Panel, then their report will become the Council decision. If, however, the Council rejects one or more of the proposed changes and recommendations, the hearing process would need to be re-commenced and determined by the whole of Council.

Discussion

8. A range of submissions were received in both support and opposition to the Plan Change. Submitters appearing at the hearing largely fell into one of two groups:
- local residents concerned about increased anti-social behaviour and nuisance effects arising from an expansion of the University campus, and in particular through new student accommodation facilities in the area; and
 - those who value the heritage and architectural values of the Gordon Wilson Flats and are opposed to the building's demolition.
9. All expert witnesses attending the hearing (including Council Officers) were of the view that the site is suitable for the proposed rezoning and that the building's de-listing is appropriate. There was, however, some disagreement at the expert level about the most appropriate methods the plan change should adopt to manage effects associated with future development of the site. These matters of expert disagreement were almost entirely resolved by the time the hearing was closed on the 17 March 2016.
10. The Panel identified 7 broad issue topics to be addressed in its consideration of the proposal. These issues are discussed in more detail below, and include:
- positive effects;
 - historic heritage;
 - activity effects on local amenity;
 - built form – streetscape, townscape and effects on neighbours;
 - demolition management;

- access and connectivity; and
- other miscellaneous matters.

Positive effects

11. The Panel accepted the uncontested evidence from the VUW that the University is a significant economic, cultural and social asset to the City and the wider region, and that the expansion of the campus to the application site will be of benefit to the University in that capacity.
12. The Panel also agreed the design-led discretionary assessment approach for redevelopment of the site will have benefits to the local environment. New development will be assessed against a revamped design guide to ensure a high-quality outcome. Unlike the current operative plan provisions in the Institutional Precinct the proposal enables future applications to be subject to conditions or declined where design is substandard or neighbouring amenity is not protected.

Historic Heritage

13. The Panel accepted the evidence from the University and Council's heritage experts that the heritage significance of the Gordon Wilson Flats is moderate.
14. It was also found that the University had undertaken a comprehensive assessment of alternatives to demolition, and that the assessment found that no reasonable alternatives exist. Even if adaptive re-use was deemed to be viable, the expert evidence before the Panel was that such works would have significant effects on the building's heritage value.
15. In the absence of any expert evidence confirming that the heritage values of the building were more than moderate, or that there are any reasonable alternatives to demolition, the Panel agreed with the University and Council's experts that de-listing of the Gordon Wilson Flats is appropriate.

Activity effects on local amenity

16. The Panel heard concerns from several parties who live in the vicinity of the plan change site that the proposal would amplify existing nuisance effects associated with student behaviour.
17. From the presentations of these parties, the Panel agreed that there is clearly a nuisance effect on local residents that is unacceptable at times, and that it is predominantly students that are to blame.
18. The Panel found it appropriate to urge the University to be a better neighbour; however, it did not agree with submitters that the proposed rezoning itself would exacerbate the existing effect. Accordingly the Panel recommended the retention of the proposed rezoning as notified.

Built Form – Streetscape, townscape and effects on neighbours

19. The view shared between the Council and University's urban design experts was that the notified provisions should be amended to improve clarity and implementation of the proposed rules and design guide. The Panel agreed with that shared view, and has recommended several changes to the notified provisions as a result, including:
 - amendments to the bulk and location rules for new buildings to afford greater certainty that views of the escarpment to the west of the site will be preserved

from the Terrace and from the wider CBD, and to ensure amenity effects on neighbours are managed;

- amendments to the design guide to ensure future applications are assessed against the appropriate design criteria, having regard to the recommendations of the Council and University's urban design witnesses; and
- consequential changes to the rule 'mechanics' to improve clarity.

Demolition management

20. The plan change proposed a new controlled activity rule to manage demolition through the resource consent process. During the hearing, the University's demolition expert stated that a demolition management plan would be critical to the management of adverse effects on the environment and people's health, safety and amenity arising from the proposed demolition of Gordon Wilson Flats. Moreover, the demolition expert stressed the importance of consultation with neighbours on the preparation and implementation of the demolition management plan.
21. The Panel observed that the notified version of the controlled activity rule for demolition did not sufficiently address the demolition expert's recommendations in the above respects. Amendments to the rule are therefore proposed to require a demolition management plan be prepared and submitted at the time a resource consent is lodged. Among other matters, the management plan must provide a record of consultation undertaken prior to demolition, and provide for a complaints procedure.

Access, parking and connectivity

22. The Panel agreed with planning and urban design experts for the Council and University that the site will provide a new 'front door' for the University campus from the Terrace and CBD. As such, providing for safe pedestrian access and community was seen by all parties as an important outcome to be delivered by the plan change provisions.
23. The Panel found that the proposed rules and design guide amendments will ensure that connections and associated open space on the site will be developed safely and effectively. Some minor wording changes were agreed between the urban design experts at the hearing, and the Panel has adopted those in the annotated version of the proposed design guide provisions.

Other miscellaneous matters

24. Several other matters were raised by parties in their written submissions and supporting presentations. Some parties raised concern about the impact that proposed demolition and rezoning would have on housing supply. The Panel relied upon the expert views of the Council and University that the proposed changes would have a negligible effect on the City's overall land resource for housing. The Panel also noted that the Institutional Precinct provisions enable student housing to be developed in the future.
25. Other submitters raised concern about a 'precedent' effect that could arise from de-listing the Gordon Wilson Flats. The Panel found that there was no compelling evidence to support those submitters' concerns, and noted that its recommendation is based upon a comprehensive suite of expert evidence, including site specific considerations about the current zoning and associated uses, the proposed zoning and associated uses, and the costs and benefits that stem from each. It will not, in the

Panel's view, be a foregone conclusion that any future delisting proposals would be successful if the Gordon Wilson Flats are delisted.

26. Some submitters claimed that any demolition of the Flats should be done by a resource consent process and not via a plan change. The Panel found that there is no imperative under the RMA one way or another to suggest a plan change is inappropriate.
27. Having considered the requirements of the RMA and the issues raised in submissions, the Hearing Panel considered that the plan change was appropriate and would allow for the sustainable management of resources at 320 The Terrace for institutional purposes.

Next Actions

28. The Hearing Panel has considered all submissions on Plan Change 81 and, where appropriate, has modified the notified provisions of the plan change in response to some submissions and based on the expert evidence given at the hearing.
29. If Council is of a mind to approve Plan Change 81 as recommended, the decisions will be notified and submitters will have the right to appeal the decision to the Environment Court. If no appeals are made, the Plan Change will become operative.

Attachments

Attachment 1.	Recommendation report of Hearing Panel	Page 45
Attachment 2.	Hearing Panel Recommendations by Submission	Page 120
Attachment 3.	Minute 1 of Hearing Panel	Page 215
Attachment 4.	Minute 2 of Hearing Panel	Page 221
Attachment 5.	Minute 3 of Hearing Panel	Page 226
Attachment 6.	Victoria University Private Plan Change Request	Page 227
Attachment 7.	Recommended Changes to District Plan Provisions	Page 229
Attachment 8.	Recommended Design Guide Changes	Page 259
Attachment 9.	Explanation of proposed changes made by Hearing Panel	Page 271

Author	John McSweeney, District Plan Manager
Authoriser	Anthony Wilson, Chief Asset Officer

SUPPORTING INFORMATION

Consultation and Engagement

Victoria University consulted potentially affected neighbours prior to lodging this private plan change request. It was then publically notified in accordance with Schedule 1 of the Resource Management Act 1991. All submitters had the opportunity to attend the hearing in December 2015, and all submitters will be formally notified of the decision. If they are not satisfied with the decision of Council it can be appealed to the Environment Court.

Treaty of Waitangi considerations

The Hearing Panel has not identified any Treaty of Waitangi issues.

Financial implications

There are no financial implications if the Council approves the Hearing Panels recommendation report.

Policy and legislative implications

The report summarises the recommendation of the hearing panel. The private plan change has been assessed on its merits and will no have further policy implications beyond this site.

Risks / legal

The Hearing Panels recommendation has been undertaken in accordance with Resource Management Act 1991 legal processes and statutory tests.

Climate Change impact and considerations

There are no known climate change impacts or considerations.

Communications Plan

A media release has been prepared and will be released once a decision is issued.

Hearing Panel Recommendation

PLAN CHANGE 81

Rezoning of 320 The Terrace & de-listing of the Gordon Wilson Flats



**Report and Recommendation of the Hearing Panel appointed by
the Wellington City Council pursuant to Section 34 of the Resource
Management Act 1991**

19 April 2016

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SCHEDULE OF APPENDICES

- **APPENDIX 1:** Panel recommendations on relief sought by submission;
- **APPENDIX 2:** Panel minutes
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Wellington City Council
Report of the Hearing Panel

Proposal Description:

Proposed (Private) Change 81 to the Wellington District Plan:
Rezoning 320 The Terrace and de-listing the Gordon Wilson Flats

Panel Members:

Andy Foster (Councillor, Chair),
Mark Peck (Councillor),
David McMahon (Commissioner)

Date of Hearing:

15, 16 & 21 December 2015

1.0 INTRODUCTION

Report purpose

- 1.1 This report sets out our recommendation to the Wellington City Council ("WCC" or "the Council") on Proposed Plan Change 81 ("PC81" or "the Plan Change") to the operative Wellington District Plan.
- 1.2 We were appointed by the Council to hear submissions made on the Plan Change and to consider and make a recommendation to the Council as to whether PC81 should be declined, approved or approved with amendments¹.
- 1.3 The Plan Change was privately-initiated by Victoria University of Wellington ("the Requestor" or "VUW"). It seeks to rezone 320 The Terrace in Central Wellington from Inner Residential Area to Institutional Precinct, and to make amendments to the District Plan provisions that apply to the Institutional Precinct. The proposal also seeks the de-listing of the existing Gordon Wilson Flats from the District Plan schedule of heritage buildings.
- 1.4 The Plan Change has an extensive background, which we will canvas in due course. It has been the subject of a "section 32" report², consultation with stakeholders, and of course the public notification and hearing, culminating in this report.
- 1.5 Before setting out the details of PC81, the submissions to it and our substantive evaluation, there are some procedural matters that we will address, beginning with our role as a Hearing Panel.

¹ pursuant to Schedule 1, Part 2, Clause 29(4)(a), RMA

² Section 32 of the RMA sets out the requirements for preparing and publishing reports that evaluate the appropriateness of a plan change.

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Role of Hearing Panel and report outline

1.6 As noted above, our role is to make a recommendation to the Council about the approval (or otherwise) of the Plan Change. The final decision-making power rests with the Council; and in the event that the Council adopts our recommendations, then this report will become the Council Decision.

1.7 Having familiarised ourselves with PC81 and its associated background material, read all submissions, conducted the hearing, and having visited the site and locality on several separate occasions, we hereby record our recommendations.

1.8 In this respect, our report is generally organised into the following parts:

(a) Factual context for the Plan Change:

This non-evaluative section (comprising report Section 2) is largely factual and contains an overview of the site and locality subject to the Plan Change and an outline of the background to the Plan Change, including the sequence of events leading to this report. It also outlines the main components of the Plan Change as notified. This background section provides relevant context for considering the issues raised in submissions to the Plan Change. Here, we also describe the submissions received to the Plan Change, and provide a brief account of the hearing process itself and our subsequent deliberations.

(b) Evaluation of Key Issues:

The second part of our report (comprising Sections 3-5) contains an assessment of the main issues raised in submissions to PC81, and where relevant, amplification of the evidence/statements presented at the hearing (in Section 3). We conclude with a summary of our recommendations (in Section 5), having had regard to the necessary statutory considerations that underpin our considerations (in Section 4). These parts of the report are evaluative, and record the results of our deliberations on substantive matters.

Comments on the parties' assistance to us

1.9 In advance of setting out the plan change context, we would like to record our appreciation at the manner in which the hearing was conducted by all the parties taking part. In particular, we would like to acknowledge the following endeavours:

- the constructive input provided by all submitters appearing before us;
- the helpful role of Council's Business Support Administrator, Ms Leslie Guerin in dispatching our various Minutes, coordinating the scheduling of parties and general administrative assistance;
- the reporting and planning input from the Council's Planner, Mr Daniel Batley;

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- the additional advice provided by other experts appearing for the Council, including Ms Lucie Desrosiers, Ms Viv Rickard and Mr Ryan Cameron;
 - the expert evidence presented on behalf of the Requestor and the assistance provided by VUW's legal counsel, Mr Morgan Slyfield; and
 - the support of our Hearing Advisor, Mr Jason Jones of Resource Management Group Ltd.
- 1.10 The above actions promoted a focused hearing process that greatly assisted us in assessing and determining the issues, and in delivering our recommendation.
- 1.11 These initial thoughts established, we now set out the factual background to the Plan Change.

2.0 PLAN CHANGE CONTEXT

Site and local environment

2.1 As shown in **Figure 1** below, the site is located at 320 The Terrace.



Figure 1: Plan Change site & environs. (base image source: <http://eplan.wellington.govt.nz>³)

2.2 The site presently has a unique residential character, defined primarily by the large Gordon Wilson Flats. The flats themselves are setback generously from The Terrace, with screening provided along the road frontage by mature vegetation (**Figure 2**).



Figure 2: The Terrace Frontage, looking west (image source: [google maps](#)⁴)

2.3 The wider environment is transitional in character. The immediate area along the Terrace is characteristic of Wellington's Inner Residential area, with a mixture of standalone and multi-unit housing ranging from single storey houses to 4 or 5 storey flats. To the east, the Wellington Urban Motorway runs between the residential area and the 'low city'⁵ of the Wellington Central Area.

³ retrieved 15 February 2016

⁴ retrieved 16 February 2016

⁵ Section 12.1.5 of the District Plan describes the 'high city' and 'low city'. It reads: "The 'high city' relates to the downtown area where most of the city's high rise buildings are clustered. The Low City is effectively the balance of the Central Area where the lower buildings spread out north and south."

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- 2.4 The University's main Kelburn campus lies immediately to the west of the site, and the extent of built form between the site and campus is punctuated by a vegetated escarpment that straddles the shared property boundary between.
- 2.5 Further afield, Boyd Wilson Field and Kelburn Park are two major recreational facilities located to the southwest and the north of the site (respectively).
- 2.6 The site itself is topographically varied, rising from the Terrace frontage to the flat platform on which Gordon Wilson Flats is founded, and rising steeply again toward the western boundary with the campus. The overall fall of the land from west to east continues east of the site to the motorway and Central Area.

Heritage Inventory: Description of Gordon Wilson Flats

- 2.7 A Council-initiated review of the inventory of Wellington's listed heritage buildings in 2012, included an assessment of the Gordon Wilson Flats. It provided the following useful architectural description of the building:

The Gordon Wilson Flats are a multi-storey block of social housing that varies in height from 7-10 storeys depending on topography. The building was designed with bedsitting rooms on the ground floor level(s) along with a caretaker's office, and storage for baggage and prams.

There were 75 maisonette flats above ground floor and laundry washing and drying facilities on the roof. Each 64m² maisonette consisted of a lounge and kitchen at entry level, with a stair to two bedrooms and a bathroom on the upper level.

Exterior of the building is dominated by the expressed structural grid pattern. A primary grid denotes the individual two-storey, two bay maisonette tenancies, and this is further divided by a secondary grid that divides the elevation of the maisonettes at bedroom floor level, and vertically through the bedroom and living room windows. Most of the visible structural elements are concrete, particularly the wall and floor slabs, the precast spandrel panels and window (mullion) posts. The balcony fronts were vitreous enamelled metal and were once decorated in an alternating pattern of red & blue, although this appears to have been over-painted at a later date.

The concrete structure was designed as a fair-faced finish, although the internal walls of the apartments were generally papered or painted. The internal floors within the maisonettes were constructed in timber.

The building was partly built into a site that sloped steeply and the hillside was stabilised with a series of crib walls that step back into the hillside and retain up to 20m vertically. The building's piling system was a new technology for its time and consisted of pre-drilling the holes, filling them with reinforcement and aggregate, and pumping them full of a wet mix of sand and cement.⁶

- 2.8 Additional description of the Flats is provided in section 3 of the report below.

⁶ "Council Assessment of the Gordon Wilson Flats (May 2012)" appended as Attachment H to the s42A report. Section 2.1. Page 7.

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Pre-Plan Change Initiatives and Sequence

- 2.9 The plan change request⁷ notes that VUW acquired the site in 2014, after being originally approached by the previous owner – Housing New Zealand – in 2012 in relation to potential purchase.
- 2.10 We were advised⁸ this acquisition was consistent with VUW's campus development strategy to expand the main Kelburn Campus wherever possible. Driven by strategic Regional economic guidance⁹, the University's own Strategic Plan¹⁰ aims to double the current roll to approximately 30,000 students over the next 20 years.
- 2.11 While the site was identified as a strategic match for VUW's growth aspirations, due diligence undertaken by the University prior to acquisition of the site identified various aspects of the Gordon Wilson Flats as a significant disincentive to acquisition. In summary¹¹, the University was aware at that early stage that the Flats:
- a. were an identified listed heritage building;
 - b. were uninhabited since 2012 due to safety concerns with the building's structural integrity; and
 - c. presented a number of challenges, risks and limitations with respect to redevelopment options, including:
 - i. practical obstacles and inefficiencies associated with trying to reconfigure the building for student accommodation, research, tuition or office space;
 - ii. significant cost required to strengthen the building to meet earthquake safety requirements;
 - iii. uncertainties around the consent process for the level of modification required to strengthen and/or modernise the building.
- 2.12 Notwithstanding the above factors and because of the long-term importance to the University of securing expansion opportunities for the Kelburn Campus and a physical link to The Terrace and the Central Area, the University ultimately proceeded with the purchase¹².
- 2.13 Following the acquisition of the site, VUW commissioned the following detailed expert reports in support of a private plan change request (in summary):
- a. redevelopment feasibility study;
 - b. heritage assessment;
 - c. structural engineering and building services reports;
 - d. asbestos survey;

⁷ Plan Change Request, Section 1.3, p.2

⁸ Evidence of Jenny Bentley (1 December 2015), pp.3-4, paras 11-13

⁹ Including the *Wellington Regional Strategy 2012*

¹⁰ *Victoria University of Wellington Strategic Plan: Capital thinking. Globally minded.* (2014)

¹¹ Plan Change Request, Sections 1.5-1.7, pp. 3-7

¹² Evidence of Jenny Bentley (1 December 2015), p.5, para 20

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- e. quantity survey;
- f. architectural review and building adaptation studies;
- g. review of existing building against WCC Urban Design Guide;
- h. demolition management plan;
- i. acoustic assessment;
- j. landscape plans; and
- k. various urban planning studies, reports and application documents.

2.14 We draw on the substance of these reports in section 3 below.

2.15 VUW also carried out consultation with local residents and stakeholders as part of its plan change preparations. A summary of the consultation is set out in section 1.6 of the plan change request, and additional detail on consultation feedback is provided elsewhere in the proposal¹³. We will not repeat that, but simply reflect the proposal's summary that:

- a. feedback was received from 12 local neighbours, all of which support demolition of the flats, though some also expressed concern about demolition management, and/or site stability;
- b. Housing NZ expressed support for demolition of the flats in its capacity as owner of the adjoining land at 320A The Terrace, and noted its unwillingness to rehabilitate the flats in its former ownership capacity;
- c. Heritage NZ noted that the flats are not identified on the New Zealand Heritage List/Rārangī Kōrero, and did not express any concern with the building's possible demolition;
- d. Wellington Electricity Ltd raised concern about potential reverse sensitivity issues in relation to its existing substation adjoining 320 The Terrace; and
- e. Wellington City Planning and Transport staff were engaged with prior to lodgement for various administrative and substantive reasons.

2.16 The formal Plan Change Request was eventually lodged with the Council in June 2015. At its meeting on 5 August 2015, the Council's Transport and Urban Development Committee accepted¹⁴ the Plan Change for the purposes of notification. The Plan Change was then publicly notified later that month.

¹³ including at Section 4, Appendix 4 and Appendix 5 of the plan change request

¹⁴ pursuant to Clause 25(2)(b) of Schedule 1

Plan Change purpose and reasons

2.17 Unlike a Council-initiated plan change, a private plan change request must explain the purpose of, and reasons for, the proposal¹⁵. The **purpose** of PC81 is set out in Section 2.3 of the Plan Change Request as follows:

The purpose of the [plan change] ...is to:

- *Remove Gordon Wilson Flats from the District Plan heritage building list.*
- *Provide for the sustainable management of the site for university purposes.*
- *Avoid, remedy or mitigate adverse effects.*

2.18 This purpose statement is an important consideration for our statutory evaluation of the proposal against the purpose of the Act, as discussed in section 4 of our report below.

2.19 The **reasons** for the request follow¹⁶ the purpose, and include:

- *Gordon Wilson Flats is uninhabitable because its facades are structurally unsafe and failing. The building requires total refurbishment. There are significant uncertainties associated with the structural integrity of the piles and other fundamental aspects of the building. The building is non-complying under the District Plan and has lost its existing use rights under the RMA for residential use. The units do not comply with the District Plan standards and the District Plan's Residential Design Guide. The heritage listing of the building's exterior significantly increases the constraint, complexity, uncertainty, risk and thus cost associated with potentially refurbishing and re-using the building. Consenting risks are high.*
- *The risks and thus costs to attempt to rehabilitate the building are prohibitive.*
- *Removal of Gordon Wilson Flats from the District Plan list of heritage buildings will enable its demolition. This is a necessary pre-requisite for the site to be redeveloped and sustainably used by Victoria University in a way that integrates the site into the Kelburn Campus.*
- *The existing Kelburn Campus is zoned "Institutional Precinct". It makes good sense from an integrated resource management perspective that this additional site acquired by Victoria University for expansion purposes should have the same zoning as its Kelburn Campus.*
- *The site specific provisions proposed by Victoria University are necessary to enable the construction of new buildings that are efficient, that make good use of the site, and that are fit for university purposes.*
- *Site specific provisions are also necessary to avoid, remedy, or mitigate potential adverse effects.*

2.20 There is no requirement for us to evaluate these reasons; they are cited here simply for completeness.

¹⁵ pursuant to Schedule 1, Part 2, Clause 22(1), RMA

¹⁶ at section 2.4 of the plan change request

Summary of proposed amendments

- 2.21 The details of the amendments to the Plan proposed by PC81 (as notified) are canvassed in the Plan Change Request¹⁷ and the Council s42A Report¹⁸. Broadly, the Plan Change proposes to rezone the majority of the site, and to include new provisions within the Plan to manage the future use and development of the site.
- 2.22 More specifically, the notified proposal sought to:
- a. re-zone the land at 320 The Terrace from Inner Residential Area to Institutional Precinct;
 - b. amend the provisions of the Institutional Precinct as they relate to the site by:
 - i. introducing five building standards that control height, site coverage, massing, building recession planes and side yards;
 - ii. introducing a controlled activity rule for demolition;
 - iii. including a new restricted discretionary activity rule for any building development;
 - iv. amending the Victoria University Design Guide to include site-specific guidance;
 - v. amending Planning Maps 12, 16 and 17.
 - c. remove the Gordon Wilson Flats from the District Plan's heritage list.
- 2.23 Expanding upon matter 'i.' above, the detail of the proposed building bulk and location provisions (as notified) include:
- a. retention of Inner Residential Zone building bulk and location standards, including site coverage (50%) and building recession planes¹⁹;
 - b. additional 5m yard setback and building height/massing requirements from adjoining residential properties to manage built dominance²⁰;
- 2.24 All of the proposed amendments were assessed in terms of their appropriateness in the Requestor's s32 Evaluation at Section 3 of the request. That assessment found that:

The provisions proposed by Victoria University's [proposed plan change] have been evaluated under s32 of the RMA.

This evaluation supports the conclusion that the proposed provisions are appropriate and that they will be effective and efficient.

This conclusion will be tested through the public notification process.²¹

¹⁷ Plan Change Request, Sections 2.1-2.2, pp. 9-10

¹⁸ s42A Report, Section 3.1, p.7

¹⁹ The operative Institutional Precinct contains no site coverage or recession plan controls for new or altered buildings.

²⁰ The proposal notes that these provisions do not apply to the site boundary with the existing substation.

²¹ Plan Change Request, Section 3.6, p.14

Notification and submissions

- 2.25 As noted above, the Plan Change was publicly notified on 27 August 2015. Thirty-three submissions were received, and a summary of those submissions was prepared and subsequently notified for further submissions on 15 October 2015 with the closing date for receiving further submissions being 30 October 2015. Six further submissions were received²².
- 2.26 We provide a full summary of the submissions received in **Appendix 1**, including our recommendations on the relief sought by each submitter.
- 2.27 For completeness, we note²³ that two of the original submissions were received after the deadline stated in the public notice. We were not advised by the parties at the hearing whether our delegation includes the power to grant a waiver or extension of time for the late submission²⁴. As an administrative exercise, we have subsequently confirmed that the delegation for granting waivers rests with the Council Chief Executive, and that he duly granted a waiver for Submissions 22 and 33 by internal memo²⁵. We simply record this for the record.
- 2.28 Overall, the submissions ranged from support to opposition, with many submitters seeking specific amendments to the content of the provisions within the Plan Change.
- 2.29 Briefly, the key themes emerging from the submissions received include (among other matters):
- a. opposition to the de-listing and demolition of the Gordon Wilson Flats;
 - b. support for the de-listing and demolition of the Gordon Wilson Flats;
 - c. opposition of the rezoning, including in particular the associated enabling of student accommodation to be provided on site;
 - d. related to the previous point, concerns about public safety, increased anti-social behaviour and other adverse effects on residential amenity anticipated by activities permitted under the Institutional Precinct Zone;
 - e. concerns about new built development and associated effects on outlook and residential amenity;
 - f. opposition to proposed non-notification clauses to be adopted for future resource consent applications;
 - g. a desire to see improved and safe pedestrian access to and through the site;
 - h. opposition to the potential loss of housing resource; and
 - i. concerns about physical effects of demolition on neighbouring properties.
- 2.30 We discuss the submissions and associated issues in greater detail under our evaluation in section 3 below.

²² All further submissions were lodged by one of the original submitters (Submitter #5)

²³ this was recorded on the public notice calling for further submissions

²⁴ under s37 of the RMA

²⁵ a copy of this memo is available on the Council file

Pre-hearing directions from the Panel

- 2.31 In readiness of the hearing, we issued a memorandum ('Minute 1') to the parties on 2 November 2015. A copy of the minute (and all other minutes we subsequently issued) is attached at **Appendix 2**, but in summary, Minute 1:
- a. confirmed the dates for the hearing;
 - b. set out a timetable for the exchange of Officer reports and expert evidence prior to the commencement of formal proceedings;
 - c. outlined the procedures for parties to follow in presenting evidence or submissions to us;
 - d. called for parties to indicate any particular sites we should visit to inform our understanding of the proposal and the local environment; and
 - e. encouraged the parties to engage in pre-hearing meetings and expert witness conferencing;
- 2.32 Generally, the timetable and other directions we set out were followed by the parties, and we record our gratitude for that. There were, however, a couple of procedural matters arising from the pre-hearing exchanges that we are compelled to note for the record below.

Pre-hearing procedural matters

- 2.33 We firstly record that the s42A report was circulated a day late. This did not present any material concern for us, and we were satisfied that no party was prejudiced by its lateness.
- 2.34 Of greater moment, we had to attend to matters surrounding the conferencing and evidence exchange of heritage experts. In summary, while heritage expert conferencing was undertaken, and an associated joint witness statement produced, this did not involve all of the heritage witnesses who eventually provided expert evidence to us.
- 2.35 The conferencing session involved Viv Rickard for the Council, Adam Wild for VUW and Mr Ken Davis (Submitter 21). One matter which was not clarified in that session was whether Mr Davis was appearing in his capacity as an expert, as a submitter or both.
- 2.36 Under 'normal' circumstances, that ambiguity would present some challenges to us in terms of the weight we could apply to Mr Davis' involvement in the conferencing – and indeed the distinction between the role of an expert and of a submitter was not unique to Mr Davis (as we discuss below). However, as it transpired, Mr Davis did not sign the joint witness statement produced and signed by Ms Rickard and Mr Wild – and accordingly, the statement is only of use to us to the extent that it records the shared views of Ms Rickard and Mr Wild.
- 2.37 We understand that Mr Davis' reluctance to sign the statement stemmed from his view that the statement did not accurately reflect all of the matters discussed. He is certainly entitled to that position; however, we must record that as a result, we can give no substantive consideration to his role in conferencing.

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- 2.38 We record our disappointment that we were not presented with a more fulsome joint witness statement that involved the views of all those who provided us with expert evidence - including Mr Jeremy Salmond and Ms Linda Tyler, who were eventually commissioned to present expert evidence on behalf of several submitters. It is also disappointing that Mr Salmond and Ms Tyler were not able to appear at the hearing. As we discuss further below, this directly determines the weight we can ultimately afford to their expert views.
- 2.39 We also record that Mr Salmond's evidence was received late. In the interests of fairness, we signalled to the Requestor that we were of a mind to allow that late evidence, whilst also providing the Requestor the opportunity to comment in the event of potential prejudice.
- 2.40 For the record, the process that was followed in respect of this matter is summarised as follows:
- a. Mr Davis indicated to Ms Guerin on 4 December 2015 that he would be providing expert heritage evidence on behalf of himself, DOCOMOMO and Messrs Schrader, Kelly and Cochran by the 8 December deadline;
 - b. Mr Davis advised Ms Guerin at 5:26pm on 8 December that he was not yet in possession of the expert evidence (from Ms Tyler and Mr Salmond), seeking an extension to table the material – he sent additional correspondence the following afternoon, seeking the expert evidence to be received on the evening of the 9th;
 - c. Mr Slyfield expressed to Ms Guerin on the morning of 9 December that VUW could not accept the late filing of the submitters' evidence for reasons of potential prejudice;
 - d. Ms Guerin appraised us of this issue, and we duly convened a pre-hearing meeting on Thursday 10 December for the express purpose of considering the matter;
 - e. that same day, we invited Mr Davis (through Ms Guerin) to respond to Mr Slyfield's concerns on the submitters' behalf, which Mr Davis promptly did – Mr Davis' response was shared with Mr Slyfield for his comment;
 - f. on the evening of the 10th, Ms Guerin dispatched an email to Mr Davis and Mr Slyfield to respond to specific questions arising from our pre-hearing meeting;
 - g. both provided a response the following morning per our directions, with:
 - i. Mr Davis explaining the reasons for the lateness of his experts' evidence and non-attendance, and clarifying his own role in the proceedings as a submitter (with expertise), but not as an expert witness;
 - ii. Mr Slyfield confirming VUW's willingness to accept the lateness of the evidence, provided that the Requestor would have the opportunity to address the evidence adequately at the hearing and/or in closing;
 - h. we convened again on the 11th of December, having read all the information provided by the parties, and ruled to accept the late evidence; and

- i. Ms Guerin conveyed the following messages to Mr Davis and Mr Slyfield on our behalf:

Firstly, the Panel is disappointed it had to make such a decision [on this matter] in the first instance. There were clear directions given in the Minute regarding pre-circulation of evidence and expert conferencing; and notwithstanding the reasons advanced by Mr Davis and Mr Salmond for lateness (which the Panel does not dispute), the Panel are concerned to hear that the experts representing the Submitter at the [expert conferencing] are different to the experts that will be providing evidence on behalf of the submitter at the hearing. Whilst the Panel acknowledges that this is completely the prerogative of the submitter, it does cast some uncertainty over how much weight the Panel can place on the PHC statement which has recently been filed – and particularly if there is any substantive difference between the submitter's expert views at the [expert conferencing] versus the view expressed in Mr Salmond's evidence.

Secondly, the Panel will, as they indicated in the email last night, use the variety of options available to them to accommodate the Applicant's request to comment on Mr Salmond's evidence. This can either be during the opening submissions for the Applicant, in an addendum to the EIC of the Applicant's heritage expert, as rebuttal evidence by that expert, or as part of the right of reply (either at the hearing or in writing should that occur post-adjournment). A combination of these opportunities may be appropriate. The Panel do not see the need to lock in this point at this stage but would appreciate the Applicant canvassing this matter in its opening on Day 1.

- 2.41 This concluded the pre-hearing sequence, and our attention turned to the formal proceedings which we describe now.

The Hearing

- 2.42 The hearing was convened at 9:15am on Tuesday 15 December 2015 in Committee Room Two at Wellington City Council's main offices.
- 2.43 There were no procedural issues raised by any party and the hearing was generally focussed on the presentation of evidence and submissions from the various parties present. Over the course of the proceedings, we heard from the following people:

Plan Change Requestor

- Mr Morgan Slyfield, Barrister and legal counsel for VUW
- Ms Jenny Bentley, Director of Campus Services at VUW
- Mr Maurice Clark, engineering advisor to VUW
- Mr David Wood, engineering advisor to VUW and Director of Structural Engineering at BECA consultants
- Mr Bob Hall, demolition management advisor to VUW and independent Construction Industry Consultant with RJHA Ltd
- Mr Adam Wild, historic heritage advisor to VUW and Director of Archifact – Architecture and Conservation Ltd
- Mr Andrew Burns, urban design advisor to VUW and Director of McIndoe Urban Ltd

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- Mr Andrew Croskery, development advisor to VUW and property consultant with Wareham Cameron + Co
- Mr Peter Coop, VUW planning expert and resource management consultant at Urban Perspectives Ltd

Council Advisors²⁶

- Mr Daniel Batley, Council Reporting Officer and Senior Advisor – District Plan at WCC
- Ms Lucie Desrosiers, Urban Design Advisor at WCC
- Ms Viv Rickard, Principal Heritage Advisor, District Plan
- Mr Ryan Cameron, Environmental Noise Officer at WCC

Submitters

- Ms Ellen Blake and Ms Paula Warren on behalf of Living Streets Aotearoa (“Living Streets”)
- Mr John Blincoe and Ms Wendy Walker, residents in the local neighbourhood
- Mr Kenneth Bowater, resident in the local neighbourhood (speaking to the joint submission of his wife, Lynda, and himself)
- Ms Nicola Koptisch, resident in the local neighbourhood (speaking to the joint submission of her husband, Norbert, and herself)
- Dr Christine McCarthy on behalf of the Architectural Centre Incorporated (“the ArchCentre”)
- Mr Kenneth Davis, resident of Auckland
- Ms Anna Ronberg, resident in the local neighbourhood
- Ms Debra Cranko on behalf of DOCOMOMO New Zealand (“DOCOMOMO”)
- Dr Ben Schrader, Mr Michael Kelly and Mr Chris Cochran residents of Wellington

2.44 Messrs Schrader, Kelly and Cochran presented together. We acknowledge that they are all qualified and respected experts in the fields of historic heritage and/or conservation architecture. Similarly, Dr McCarthy and Ms Cranko have relevant qualifications in the field of architecture. However, all of these parties appeared before us as submitters, and not in their respective expert capacity.

2.45 As per our discussion above in relation to Mr Davis’ involvement in the hearing, it is important for us to record here that we have been unable to treat the submissions or presentations from the above parties as expert evidence. These are matters we return to in our evaluation of heritage issues in section 3 below.

2.46 For all parties who presented to us, we took the opportunity to ask questions at the proceedings. In most instances, our questions were promptly and readily addressed ‘on the spot’. However, there were a number of other matters we raised with the Requestor and the Council in particular which clearly would require additional time to be addressed to the extent we required.

2.47 Accordingly, we resolved to leave the hearing open at the adjournment on the final sitting day. Given the pending holiday period and the signal from several

²⁶ We note that the s42A report included additional Council Officer input, including from Mr Mathew Borich in respect of environmental noise, and Mr Soon Teck Kong in respect of transport matters. The report also attached engineering advice from Mr John Devine, Director of Spencer Holmes Limited, which we discuss below. For the record, these advisors were not in attendance at the hearing.

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representatives for the Council and Requestor of limited availability during January and early February 2016, we did not set a firm deadline for the parties to circulate the additional material requested though it was expected by mid to late February.

Post-adjudgment information received

- 2.48 Mr Batley verbally offered to update his closing statement presented at the hearing with responses to questions we raised during that presentation. Having taken Mr Batley up on his offer, we formally received his updated statement in writing on 19 January 2016.
- 2.49 On 22 February 2016, we received the following additional material from Mr Slyfield²⁷:
- a. supplementary legal submissions;
 - b. final Design Guide amendments agreed by WCC and VUW urban design advisors, with annotated changes;
 - c. visual materials that the urban design advisers relied upon in relation to the assessment of potential 'viewshafts' to (and across) the site;
 - d. a revised version of the Appendix 4 map;
 - e. a more formal/legible version of the map tabled by Mr Coop at the hearing, depicting the extent and nature of consultation he undertook;
 - f. a formal record of VUW's policy in relation to %NBS [footnote];
 - g. a joint conferencing statement from Mr Coop and Mr Batley dated 9 February 2016 relating to RPS policies on heritage and their relevance to PC81; and
 - h. A s32AA assessment prepared by Mr Coop and Mr Batley in relation to the proposed refinements to the PC81 provisions since notification.
- 2.50 Having reviewed the material, we were satisfied the responses were complete. Our deliberations subsequently gave rise to an additional information request, which we discuss in the section that follows.

Deliberations and Hearing Closure

- 2.51 We commenced our deliberations on Tuesday 22 December 2015. This session was limited to preliminary and administrative matters, owing to the hearing remaining open for the receipt of further information from the parties.
- 2.52 Our deliberations continued in late February after receiving the aforementioned information from Mr Slyfield. During that time, we identified an omission to the information we were anticipating – namely, evidence from Mr Coop and Mr Batley in relation to comments made by Mr Coop at the hearing that the proposed demolition rule could be improved in light of Mr Hall's evidence.

²⁷ through our Hearing Advisor, Mr Jones

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- 2.53 We were initially inclined not to raise this with the parties as we considered the evidence before us on this matter was sufficient for us to make a ruling and associated amendments to the provisions as necessary. However, in reviewing the proposed rule, we also identified some drafting issues which we thought best would benefit from input from the parties.

Minute 2

- 2.54 Accordingly, we issued **Minute 2** on Tuesday 1 March 2016. The minute described the technical drafting issue as follows:

- a. the structure of the proposed demolition rule is different to other controlled activities in the Institutional Precinct Zone Chapter in that it does not contain any *standards and terms* which must be met in order for the controlled activity status to apply - however, the rule itself is drafted in such a way that it (essentially) contains a standard;
- b. as drafted, the rule presents a potential future compliance issue if consent for demolition is granted on the basis that works will be in accordance with an approved management plan, but is subsequently deemed to not be in accordance with that plan;
- c. relatedly, the drafting led us to question how any future revisions to the management plan made after consent is granted under Rule 9.2.3 – for example to accommodate preferred construction practice by the nominated contractor – might also frustrate the intent of the rule to enable demolition to proceed as a controlled activity;
- d. we were also unclear about the use of the word ‘approved’ in the rule, and specifically who the “approver” would be, what is required in order to obtain approval, and whether (or not) the approval must precede any resource consent application made under Rule 9.2.3.

- 2.55 In the interests of expediency, we asked our Hearing Advisor, Mr Jones, to draft amendments to the rule that both reflected the evidence of Mr Hall and overcame the ambiguities highlighted immediately above. This revised rule was then distributed to all parties, and we sought feedback from the Council and VUW to ensure that the revised provision was technically accurate and consistent with the format otherwise adopted in the District Plan.

- 2.56 Council and the Requestor responded via email dated Friday 4 March 2016, noting their agreement with the proposed amendment with one minor wording change. We discuss this more substantively under our evaluation of Issue 5 below (in report section 3).

Hearing Closure and Minute 3

- 2.57 Having received all further information requested, we completed our deliberations on Friday 11 March 2016.
- 2.58 This was accordingly signalled to all parties in **Minute 3** on 17 March 2016 along with confirmation of the formal closure of the hearing.

3.0 EVALUATION OF ISSUES

Overview

- 3.1 As in the s42A report, we have grouped our discussion of the submissions and the reasons for accepting, rejecting, or accepting them in part by the *matters*²⁸ to which they relate – rather than assessing each issue on a submitter by submitter basis.
- 3.2 This approach is not to downplay the importance of the input from submitters; to the contrary, such input has been invaluable in shaping the grouping of issues and our collective consideration of those matters. However, we consider it will be to everyone's benefit for our recommendation to be as tightly focused on the key issues as possible.
- 3.3 For those parties who are only interested in a particular matter as it pertains to their submission(s), reference can be made to the submitter-by-submitter summary of decisions requested in **Appendix 1**, which includes our recommendation on each relief point sought. Those specific decisions have been derived from our issues assessment below.
- 3.4 We have organised our discussion of issues as follows:
- **ISSUE 1:** Positive effects
 - **ISSUE 2:** Historic Heritage and Building Condition
 - **ISSUE 3:** Activity effects on local amenity
 - **ISSUE 4:** Built form – streetscape, townscape & effects on neighbours
 - **ISSUE 5:** Demolition management
 - **ISSUE 6:** Access & connectivity
 - **ISSUE 7:** Other matters

Evaluation Preamble – Statutory Framework

- 3.5 Before formally recording our consideration of the above issues, we summarise here the relevant statutory matters that frame our evaluation.
- 3.6 We note the assistance provided to us by Mr Slyfield in this respect. He was most helpful in ensuring we follow the correct decision-making pathway, and in helping us both identify and untangle some of the statutory elements potentially in tension. We received no guidance from other counsel, so have adopted Mr Slyfield's submissions unconditionally on these matters.
- 3.7 Mr Slyfield²⁹ firstly advised that the Council's decision-making power for this proposal is set out in clause 29(4) of Schedule 1 of the Act. Under this clause, the Council may decline the proposal, approve it, or approve it with modifications.

²⁸ Clause 10(2)(a) of Schedule 1, RMA sets out that a plan change decision may address submissions by grouping them according to either the provisions of the plan change to which they relate, or to the matters to which they relate.

²⁹ Opening legal submissions for the Requestor (15 December 2015), p.3, para 4

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- The Council must give reasons for the decision it reaches. In arriving at its decision, the Council must undertake the further evaluation required under s32AA and have regard to that evaluation.
- 3.8 While we are ‘recommenders’ and not decision-makers in this case, we have followed this structure so that our recommendation is valid, should it be adopted as the Council’s decision.
- 3.9 Mr Slyfield clarified that the further evaluation under s32AA is required only in respect of any changes arising since the plan change was notified³⁰. This evaluation must:
- a. examine the extent to which the objectives of PC81 are the most appropriate way to achieve the purpose of the Act;
 - b. examine whether the policies, rules, standards, zoning and other methods of PC81 are the most appropriate way to achieve the existing Plan objectives and the PC81 objectives;
 - c. in relation to ‘b.’ above:
 - i. identify any other reasonably practicable options for achieving the existing and proposed objectives; and
 - ii. assess the efficiency and effectiveness of the provisions in achieving the objectives; and
 - d. contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.
- 3.10 In relation to **matter ‘a’** above, Mr Slyfield explained that the plan change objectives that relate to our primary assessment against Part 2 are derived from the purpose of the plan change, which is cited in section 2 of our report above³¹. In this respect, the term ‘objective’ is synonymous with the plan change’s goals or aspirations and not the technical meaning of the term otherwise used in the Plan³².
- 3.11 For our evaluation of the provisions of the plan change against the objectives (**matter ‘b’** above), however, the term ‘objective’ assumes a dual meaning:
- a. those goals or aspirations set out in the plan change’s purpose; and
 - b. the relevant (and settled) objectives of the operative Plan³³.
- 3.12 This evaluation structure was confirmed by Mr Slyfield in both his closing submissions at the hearing, and subsequently in the written submissions³⁴ circulated after the close of proceedings.
- 3.13 Mr Slyfield also spent some time addressing us in closing about the relevance of s74 of the Act for our consideration of the proposal. In his submission, that section applies only to a plan change if it is initiated by a local authority³⁵, which is not the

³⁰ Opening legal submissions for the Requestor (15 December 2015), p.3, para 5

³¹ Closing legal submissions for the Requestor (21 December 2015), p.6, paras 25-26.

³² Closing legal submissions for the Requestor (21 December 2015), pp.6-7, para 26.

³³ Closing legal submissions for the Requestor (21 December 2015), p.7, para 27.

³⁴ Submissions to accompany further information (22 February 2016), pp.6-7, paras 24-25.

³⁵ Closing legal submissions for the Requestor (21 December 2015), p.6, para 21.

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case for this proposal. However, he also stressed that our assessment mirrors that required by s74 in all material respects given the wider considerations of the Act which are relevant to our broad authority³⁶.

- 3.14 Mr Slyfield's supplementary submissions also expanded upon his verbal advice to us that s75 of the Act is applicable. Specifically, he advised:

...s75 sets out a number of mandatory requirements that District Plans must achieve. However, a private plan change cannot be tasked with achieving all such requirements for a District Plan. It can only be tasked with achieving such requirements as are relevant to its subject matter.

The particular relevance of that to PC81 arises from the requirement in s75(3) that the District Plan must "give effect to" the Regional Policy Statement. Putting that into the context of PC81, it is not PC81's role to give effect to the Regional Policy Statement 'across the board'. Rather, PC81 must not alter the Plan in a way that means the Plan will no longer give effect to, or cannot give effect to, the Regional Policy Statement as it relates to heritage matters.³⁷

- 3.15 Consistent with Mr Slyfield's advice, we have accordingly considered whether the proposed Plan Change:

- a. has been designed to accord with, and assist the Council to carry out its functions so as to achieve the purpose of the Act³⁸;
- b. gives effect to any relevant national policy statements ("NPS") and the New Zealand Coastal Policy Statement ("NZCPS")³⁹;
- c. gives effect to the regional policy statement ("RPS")⁴⁰; and
- d. is consistent with any regional plans⁴¹.

- 3.16 In considering these matters, we record that our decision is based on the notified Plan Change and s32 evaluation, the submissions and further submissions received, the Council s42A report, and the statements/presentations from all parties appearing before us.

- 3.17 It is not for us to introduce our own evidence, and we have not done so – rather, our role has been to:

- a. establish that all relevant evidence is before us (or where it isn't, consider whether we should commission additional reports or information⁴²); and
- b. test the evidence of others, and to determine the most appropriate outcome based on the views we consider best achieve sustainable management.

- 3.18 At a fundamental level, the agreed message we received from the relevant expert witnesses attending the hearing⁴³ was that the site is suitable for the proposed

³⁶ Closing legal submissions for the Requestor (21 December 2015), p.6, para 22.

³⁷ Submissions to accompany further information (22 February 2016), p.5, paras 17-18.

³⁸ Under s72.

³⁹ Under s75(3).

⁴⁰ Under s75(3).

⁴¹ Under s75(4).

⁴² Under s 41C(4) of the Act.

⁴³ This of course does not include the evidence of Ms Tyler or Mr Salmond (who did not attend the hearing), or of any of the submitters (including those who may otherwise have expertise in relevant fields).

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rezoning and the building's de-listing is appropriate. However, there was some disagreement at the expert level about the most appropriate methods the Plan Change should adopt to manage effects associated with future development. These matters of expert disagreement were largely resolved as at the close of proceedings.

- 3.19 The submitters we heard from during the hearing largely fell into one of two groups:
- a. local residents concerned about increased anti-social behaviour and nuisance effects arising from an expansion of the university campus, and in particular through new student accommodation facilities in the area; and
 - b. those who hold affinity for the heritage and architectural values of the Gordon Wilson Flats and are opposed to the building's demolition.
- 3.20 In highlighting these high-level positions expressed to us during the hearing, it is not our intention to undercut the more detailed findings we set out below. We do, however, consider it appropriate to record these generic themes here to provide a broad context within which our evaluation is framed.
- 3.21 In closing this preamble, we observe that s32AA(1)(d)(ii) enables our further evaluation reporting to be incorporated into this report as part of the decision-making record. To this end, our evaluation of issues has been structured to satisfy the evaluation report requirements of s32AA as outlined above. Essentially this means that in those instances where we have recommended an alteration to the as-notified plan change, we have explicitly assessed the appropriateness of that alteration in terms of s32AA.
- 3.22 With these contextual matters established, we now turn to our evaluation of issues, before providing our summary evaluation of the above statutory requirements.

Issue 1: Positive Effects

- 3.23 In discussing these matters here, we acknowledge that they relate to some of the other issue categories we discuss below. For example, streetscape is a matter we consider both here and under Issue 4 below. While this approach has resulted in some 'double handling,' we consider it is to the benefit of our evaluation to structure it as we have.

Issue identification

- 3.24 The plan change request identifies several positive effects arising from the proposal. Broadly, these relate either to the operation of the University and to the streetscape and relationship of built form to the public realm. More specifically, the **plan change request**⁴⁴ notes the following:

⁴⁴ at sections 4.3 and 4.4

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- a. enhanced amenity for the VUW community and local residents in the form of temporary recreation and open space areas following the demolition of the flats;
 - b. enhanced pedestrian connections between the city and the VUW;
 - c. long term protection of the site's future development for expansion of campus activities contiguous with the existing campus;
 - d. the proposed built form standards will result in future buildings that enable better views through the site relative to the existing Flats; and
 - e. the restricted discretionary rule approach for new buildings and landscaping is anticipated to deliver a better overall design outcome relative to the controlled activity approach otherwise applying in the Institutional Precinct Zone.
- 3.25 The request describes the above effects as "*positive and cumulatively significant*"⁴⁵ and that same terminology was utilised in the s42A report⁴⁶.
- 3.26 In her evidence, **Ms Bentley** described additional positive effects from the proposal. She noted that the University is a significant contributor to Wellington's social, educational, economic and cultural fabric. That includes more than \$1billion contribution to the regional economy each year⁴⁷.
- 3.27 Second only to the New Zealand Government, VUW is Wellington's largest employer with more than 23,000 staff and students presently⁴⁸. However, VUW's strategic aim is to nearly double its current roll to 30,000 over the next 20 years. Ms Bentley advised that, to achieve this level of growth, the University requires additional land than it currently occupies at its facilities in Kelburn, the Central City, Island Bay and Karori. In her view, the plan change will enable that demand to be met (at least in part), and moreover the immediate proximity of the site to the Kelburn Campus affords significant educational, research and economic synergies⁴⁹.
- 3.28 The evidence of **Mr Burns**⁵⁰ also touched on the positive effects to be realised from the proposal. As noted in the application, these relate to the potential for improved development interface with the street frontage along The Terrace, and to breaks in built form that allow for more views through the site and between the CBD and University generally. We note that, ultimately, these effects are to be realised through subsequent resource consent processes; however, the Plan Change plays a critical role in ensuring those positive design outcomes are achieved.
- 3.29 This finding was shared by **Ms Desrosiers**, who expressly supported the increased level of discretion afforded to the Council for future applications (relative to the operative Institutional Precinct Zone rule)⁵¹. The remainder of her addendum to the s42A report was focussed on analysing the extent to which the proposed provisions would successfully manage potential adverse effects of future development, which we canvas further under Issue 4 below.

⁴⁵ Plan change request, Section 4.3, p. 16

⁴⁶ S42A report, p.32, para 136

⁴⁷ Evidence of Jenny Bentley (1 December 2015), p.3, para 10

⁴⁸ Evidence of Jenny Bentley (1 December 2015), p.3, para 10

⁴⁹ Evidence of Jenny Bentley (1 December 2015), p.4, paras 14-15

⁵⁰ Evidence of Andrew Burns (1 December 2015), pp.6-9, paras 14-24

⁵¹ Attachment C, s42A report, p.7

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Discussion and findings

- 3.30 No submissions were received that called into question the positive effects anticipated by the proposal; and very little consideration was given to this suite of effects in the s42A report and at the hearing by all parties.
- 3.31 In this same respect, Ms Bentley's statements about the synergistic benefits to be harnessed from the immediate proximity of the site to the Kelburn Campus were unchallenged; however, they were not quantified either and so the level of significance ascribed to those synergies in anything other than anecdotal terms is not as straightforward as it might otherwise have been presented.
- 3.32 We accept that there are undoubtedly co-locational and connectivity benefits to be realised through the 'annexing' of the site for University purposes. Moreover, we recognise the proposal's fit with VUW's own Strategic Plan. Again, we have no evidence to the contrary.
- 3.33 However, we must record that we were not provided with information of any rigour to be able to conclude that the benefits overall are "significant" – either in an absolute sense or relative to other potential options for expansion of the Kelburn or other campus facilities.
- 3.34 While not fatal, we would have expected that level of rigour to be provided in the application and/or in evidence given the steer provided by s32(2) to assess the opportunities for economic growth and employment as part of a proposal's overall cost-benefit assessment (and to quantify those where possible).
- 3.35 Short of being provided with that detail, we have relied on Ms Bentley's evidence that the University is already a significant economic, cultural and social asset to the City and the wider Region and that the expansion of the campus to the application site will be of benefit to the University in that role.
- 3.36 We also accept the uncontested evidence that the design-led discretionary assessment approach for redevelopment of the site will have benefits to the local environment relative to the status quo Plan provisions. We note that the proposed bulk and location provisions and design guides were modified during the hearing, and those changes have a bearing on the realisation of these benefits through future applications.
- 3.37 We discuss the bulk and location provisions and design guides matters further under Issue 4 below, including the required 32AA assessment of the proposed amendments.

Issue 2: Historic Heritage and Building Condition

Issue identification

- 3.38 A key environmental outcome anticipated by the proposal is the eventual demolition of the Gordon Wilson Flats. Unsurprisingly, the overall impact of the plan change on historic heritage was a matter that received a great deal of attention in the plan change request, in submissions and during the hearing.
- 3.39 The **plan change request** considers the impact of the Flats' demolition through an array of assessment 'lenses.' In this respect, the plan change, and indeed our own assessment, canvasses a number of technical disciplines in order to form a view on heritage significance and the associated need (or otherwise) for protection, and (by association) the feasibility of protection and re-use of the building.
- 3.40 The request firstly notes that the Flats and their use for residential activity is a non-complying activity under the Plan as:
- a. the building height and recession planes significantly exceeds the maximum standards for the Inner Residential Zone;
 - b. the building and use fail to provide for anticipated car parking and on-site ground level open space by a substantial margin;
 - c. the building scale, design and external appearance are considered inconsistent with the Residential Design Guide in Volume 2 of the Plan⁵².
- 3.41 The request also notes that the building would normally be 'protected' by these non-compliances by s10 of the RMA, which allows for existing use rights. However, existing use rights are lost after 2 years of discontinued use, and the proposal rates the associated need to obtain a resource consent to recommence *any* use of the Flats as a 'major risk.'⁵³
- 3.42 The proposal draws on a number of technical investigations to further inform the appropriateness (or otherwise) of the Flats' continued heritage listing, including:
- a. an assessment by Wareham Cameron + Co Ltd of the condition of the Flats and the options for its adaptive reuse;
 - b. an assessment of effects on historic heritage by Archifact Architecture and Conservation Ltd;
 - c. assessments by Beca Ltd of the Flats' structural condition and seismic performance and of the condition of building services;
 - d. a redevelopment feasibility assessment by Mr Maurice Clark of Cheops Holdings Ltd and McKee Fehl Construction;
 - e. a concept estimate by Rider Levett Bucknall; and
 - f. an architectural review of redevelopment options for student accommodation and teaching/office function by Athfield Architects Ltd.

⁵² Plan change request, Section 1.4, pp.3-4

⁵³ Plan change request, Section 1.4, p.4

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- 3.43 Those documents are now all held on the WCC files. Collectively, these investigations provided a range of conclusions that have informed the plan change request; namely VUW's recommended delisting of the Flats from the District Plan Heritage list.
- 3.44 Of particular note, the conclusions reached in those investigations include:
- a. the building is earthquake prone and uninhabitable due to its unsafe conditions, in particular there is significant spooling of the concrete façade with parts of the concrete increasingly detaching from the building ('concrete cancer');
 - b. there is a potential structural risk and associated cost with the building piles;
 - c. rehabilitating the failing external façade of the building whilst maintaining the integrity of its design and appearance is a significant risk and cost;
 - d. related to the above, options that would significantly modify the exterior to make it safe would undermine the building's heritage value and listing;
 - e. the building is unsuitable for conversion to student accommodation or for university offices, teaching space and the like due to a number of factors and constraints;
 - f. the risks and costs to VUW associated with refurbishing the building and façade are prohibitive. Achieving any refurbishment in a manner that retains its exterior heritage values is considered impractical;
 - g. the building could be strengthened and refurbished for public housing, but the likely providers of such housing are unlikely to do so given the associated costs;
 - h. the building is unattractive for conversion to private apartments with significant complications of achieving the required standard for amenity, car parking and open space;
 - i. the assessment of heritage value found that the Flats have:
 - i. no exceptional heritage significance;
 - ii. considerable historical and social significance;
 - iii. moderate aesthetic, architectural and townscape significance;
 - iv. minor scientific and technological significance and
 - v. (therefore) moderate heritage significance overall.
- 3.45 The authors of VUW's various technical reports also prepared briefs of evidence and presented them at the hearing. Each of these witnesses provided a summary of their previous investigations and spoke to matters raised in submissions. In most cases, the experts took the opportunity to amplify or clarify matters covered in previous assessments.
- 3.46 For example, the Requestor's engineer, **Mr Wood**, explained the Flats' status as earthquake prone was attributed to the façade which was assessed as achieving less than 34% NBS⁵⁴. The 'spine wall' responsible for seismic loading of the long direction of the building (roughly north-south) was assessed by Mr Wood as

⁵⁴ NBS = New Building Standard, or the seismic design standard that would apply for a new building on the site.

achieving approximately 50% NBS, while the transverse (east-west) bracing walls were assessed at an 80% NBS level.⁵⁵

- 3.47 Mr Wood also noted that he undertook an inspection of the building's piles following the lodgement of the plan change request. That inspection uncovered that the octagonal piles indicated on the building's architectural drawings were not in place, and rather that the piles appeared to be bored concrete. The inspection was unable to include a reliable test of the piles' integrity, but the level of information gathered did not lead Mr Wood to revisit any of his findings from the original seismic assessment accompanying the plan change request.⁵⁶
- 3.48 **Mr Clark** briefly spoke to his evidence, which reinforced his opinion that the Wareham + Cameron assessment was thorough and comprehensive. His evidence also reiterated his view that the building is beyond economic use for any purpose or occupier. Mr Clark confirmed that the further understanding of the building's piles summarised by Mr Wood had no material bearing on his overall view.⁵⁷
- 3.49 We heard from VUW's heritage expert, **Mr Wild**, who amplified the findings in his original assessment. He further considered the possibility of replacing the building's facade, and in particular commented on the suggestion by submitters that a 'curtain wall' could be used for that purpose. In this respect, Mr Wild gave the view that such works could undermine the heritage values of the building, noting:

I am aware of options being explored by Beca on behalf of VUW which considers two primary options for recladding the building. We have discussed effects arising on heritage values from either of these options and my concerns recognise that a fundamental architectural element contributing to the building's heritage values is represented by the relief in the elevational rhythms established by the expressed horizontal and vertical structural elements typical of the most essential modernist idiom in combination with the relief afforded those elevations by the balconies to the east and west elevations. A curtain wall would effectively reduce the elevations to a two-dimensional and enclosed flat skin. My concerns with such an intervention is that this is the language of a very different type of building.⁵⁸

- 3.50 Mr Wild clarified at several instances⁵⁹ in his evidence that his assessment of the Flats' heritage values was based on best conservation practice in that it assessed the building 'as found.' He advised that such an approach "avoids predeterminations as to value and recognises that values are dynamic and can go up and down over time."⁶⁰
- 3.51 VUW's property consultant, **Mr Croskery**, also spoke to his evidence at the hearing. He noted that his original assessment had considered 5 potential redevelopment options, being student accommodation (under two distinct configurations), university or academic use, private residential or social housing.

⁵⁵ Evidence of David Wood (1 December 2016), pp.3-5, paras 10-19.

⁵⁶ Evidence of David Wood (1 December 2016), p.4, paras 15-16.

⁵⁷ Evidence of Maurice Clark (1 December 2016), p.3, paras 9-10

⁵⁸ Evidence of Adam Wild (1 December 2016), p.10, para 32

⁵⁹ For example, at paras 41, 44 and 47

⁶⁰ Evidence of Adam Wild (1 December 2016), p.12, para 41

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- 3.52 Mr Croskery emphasised a number of his previous findings which we canvassed previously, and also added the view that:
- a. the building does not meet modern design requirements for student accommodation, private residential or social housing, nor can it be converted for University academic or office use;
 - b. changing, or intensifying the use of the building for university purposes, social housing or residential letting is not practically or economically feasible;
 - c. refurbishment costs are significantly higher than replacement costs, with the cost estimate to refurbish ranging between \$32.50m and \$40.50m (\$4,550/m² to \$5,680/m²), plus an additional \$2.0m to \$3.0m if converted to private residential use.⁶¹
- 3.53 Moreover, during our questioning of Mr Croskery and Mr Wood⁶², it was ascertained that roughly double the estimated sum should be allowed for the repair of the parts of the façade where concrete is visibly failing to address the rest of the façade, where water damage could be reasonably expected to be occurring. We were told this would add a further \$6-7.2 million to the above cost estimates.
- 3.54 It also became apparent during questioning of the above witnesses that:
- a. the façade of the Gordon Wilson Flats was constructed with a lesser thickness of concrete than other appears to be the case with other buildings of this social housing genre; and
 - b. there was an estimated negative value of a minimum of \$17 million in any of the five different development options considered by VUW.
- 3.55 Furthermore, in response to issues raised by submitters that the maintenance of the building had been deliberately neglected, it was noted by Mr Slyfield⁶³ that Housing New Zealand had recently spent approximately \$1.5 million in maintenance immediately before discovery of the 'concrete cancer' caused it to immediately evacuate its tenants and subsequently approach VUW to purchase the site.
- 3.56 Similar to Mr Wood and Mr Clark, Mr Croskery updated his findings to consider the additional information made available since his original assessment. Of note, he advised:
- a. the further work undertaken by Beca post lodgement indicates that the façade can be removed and replaced to make it safe, and this work would fall within the refurbishment cost range described immediately above;
 - b. a new curtain wall façade would, however, add an additional \$5.5m to that estimate; and
 - c. the further information from Beca about the nature of the building's piles does not change any of Mr Croskery's substantive conclusions.

⁶¹ Evidence of Andrew Croskery (1 December 2016), p.12, para 41

⁶² with some supporting quantity survey information provided by Mr Tony Sutherland of Rider Levett Bucknall

⁶³ Closing submissions (21 December 2015), p.18, para 77

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- 3.57 The **s42A Report** reached similar conclusions to the plan change request, and the Requestor's experts.
- 3.58 For example, **Ms Rickard's** review of the heritage assessment concluded that the building has a moderate level of heritage significance and is not the most important example of its genre⁶⁴. Her own finding was based on the assessment of Mr Wild and on an assessment of the Flats undertaken by the WCC Heritage Team in 2012.
- 3.59 With respect to the latter, Ms Rickard advised that the Council assessment was part of a wider research, assessment and re-evaluation project undertaken in the period 2012-2015. That project evaluated all buildings on the District Plan Heritage list to a consistent standard.⁶⁵
- 3.60 In the discussion section of her report, Ms Rickard noted the following:
- a. the WCC 2012 assessment of the Flats confirmed the building comes within the range of buildings that qualify for inclusion on the Heritage List, though that assessment has had no regard to economic, structural or other extrinsic factors;
 - b. there are two other examples of heritage buildings of a similar style/genre in Wellington, being the Dixon Street Flats and the Centennial Flats in Berhampore; and
 - c. Dixon Street Flats and Centennial Flats are afforded the highest significance (Category 1) on the New Zealand Heritage List administered by Heritage New Zealand, whereas the Gordon Wilson Flats are not on the list at all.⁶⁶
- 3.61 Ms Rickard's concluding comments included the following observations:
- Options for future uses of the building have also been considered and assessed. The reports provided by the applicant come to the conclusion that it will be difficult to adapt the building for a new use within reasonable economic limits. For a building to survive into the future it must be able to be reused and adapted to new uses and also stand comparison to the cost of a new purpose built structure. From the information and professional reports provided by the applicant, it appears that these objectives will be difficult to meet.⁶⁷*
- 3.62 Drawing on the expertise of Ms Rickard and on the findings in the plan change request, **Mr Batley** also provided the view that the proposed de-listing is appropriate. The reasons he cited for this conclusion include (in summary):
- a. the heritage assessment of VUW and CCC's experts are that the building is of moderate significance (including when assessed across a variety of evaluation criteria);
 - b. removal of the building from the heritage list will not result in the loss of an exceptional example of a building of this type or era;
 - c. other examples of this type of building remain;

⁶⁴ Attachment E to s42A report, Section 8

⁶⁵ Attachment E to s42A report, Section 3

⁶⁶ Attachment E to s42A report, Section 7

⁶⁷ Attachment E to s42A report, Section 8

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- d. the building is not on the HNZ list, nor have HNZ raised any concerns with the building's proposed de-listing;
- e. prior to demolition, the building will be accurately recorded to ensure its heritage values are not entirely lost;
- f. demolition of heritage buildings is provided for in the District Plan albeit that the discretionary activity (restricted) assessment criteria are reasonably narrow and prescriptive meaning that wider positive effects cannot be taken into account;
- g. alternatives to demolition have been assessed, with no alternatives being considered reasonable or viable;
- h. de-listing does not undermine the integrity of the District Plan heritage inventory, nor does it set a precedent; and
- i. the plan change promotes a development opportunity for VUW which will result in social and economic benefits for the locality, city and wider region⁶⁸.
- 3.63 As discussed previously, several submitters commissioned expert evidence from Ms Linda Tyler and Mr Jeremy Salmond.
- 3.64 **Ms Tyler's** written evidence was that the Flats are vitally important in NZ's architectural, social and political history⁶⁹. Her statement of evidence contained an assessment of the building's historic heritage value using the criteria from s66 of the Heritage New Zealand Pouhere Taonga Act 2014. In contrast to Mr Wild and Ms Rickard, Ms Tyler's view was that the building has:
- a. considerable aesthetic and townscape significance;
- b. considerable to exceptional architectural significance and functional significance;
- c. moderate scientific and technological significance; and
- d. exceptional social significance.
- 3.65 Among other points of note, Ms Tyler gave the view that the Flats are unique and both nationally and internationally significant as part of a group of high rise social housing buildings - along with the Dixon St and McLean flats - located in close proximity. Ms Tyler noted the buildings are linked stylistically, functionally and aesthetically both to each other and to the international modern movement of which they are part. She described the Gordon Wilson Flats as the 'apogee' of that social housing development programme.
- 3.66 Ms Tyler's rating of exceptional social significance for the Flats drew upon the building's association with the reforming first Labour Government and its social and economic policies, which sought to eradicate slum housing and improve social and economic equality.
- 3.67 **Mr Salmond** adopted the same assessment approach as Ms Tyler, using the Heritage New Zealand criteria. In his evaluation, the building has
- a. considerable aesthetic, functional and townscape significance;

⁶⁸ s42A report, p. 28, para 114

⁶⁹ Evidence of Linda Tyler (7 December 2015), first page. Note - Ms Tyler's findings below are not cited as they found throughout her evidence, which contains no page or paragraph numbers.

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- b. exceptional architectural and historical significance and;
- c. minor or no scientific significance;
- d. moderate technological significance; and
- e. exceptional social significance.⁷⁰

3.68 Mr Salmond shared Ms Tyler's view that the Flats' exceptional significance stems from it being part of a group⁷¹ of buildings of similar style and from the association with the first Labour Government⁷².

3.69 In Mr Salmond's opinion, the only grounds or justification for de-listing of the building under a plan change request would be if the request demonstrates that the building should not have been listed. His view was that the heritage evidence before us does not support that finding.⁷³

3.70 Mr Salmond also commented on the appropriateness of the Requestor seeking demolition of the Flats though a plan change request, as opposed to a resource consent. In his view, the recent Environment Court and High Court cases in relation to the Harcourts Building⁷⁴ showed that economic considerations are not a justification for giving consent, and cannot therefore be a justification for a plan change.⁷⁵

3.71 For the reasons described in our previous report section, we afforded **Mr Wild** the opportunity to present additional evidence in response to the statements of Ms Tyler and Mr Salmond. He presented this 'rebuttal' statement at the hearing, adopting the same assessment criteria used by the submitters' experts.

3.72 Mr Wild's additional evidence did not change any of his substantive findings, but merely expanded upon his rationale for reaching his own conclusions about the respective assessment categories, as distinct from the justification of Ms Tyler and Mr Salmond. We do not repeat that additional assessment here, but will draw on some of Mr Wild's comments subsequently.

Submissions

3.73 The s42A report identified twenty-one submissions that take issue with the conclusion that the Flats' heritage significance is moderate. As we noted above, several of these submitters appeared at the hearing to speak to their submissions.

3.74 For example, Dr McCarthy presented an extensive written statement in support of the **Architecture Centre** submission. Her presentation included a summary of the Centre's submission and provided a description of the Architecture Centre and its interests.

⁷⁰ Evidence of Jeremy Salmond (undated), paras 15-23

⁷¹ Evidence of Jeremy Salmond (undated), para 15

⁷² Evidence of Jeremy Salmond (undated), para 21

⁷³ Evidence of Jeremy Salmond (undated), para 26

⁷⁴ *Lambton Quay Properties Nominee Ltd v Wellington City Council [2013] NZRMA 39; Lambton Quay Properties Nominee Ltd v Wellington City Council [2014] NZRMA 257 (HC); and Lambton Quay Properties Nominee Ltd v Wellington City Council [2014] NZEnvC 229.*

⁷⁵ Evidence of Jeremy Salmond (undated), para 26

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- 3.75 It was the Centre's express view that the requirement under RMA s75(3)(c) for the District Plan to give effect to the RPS is the "decisive matter" for the proposal⁷⁶. Furthermore, Dr McCarthy, provided a detailed assessment to underpin the Centre's view that the proposal fails to implement Policy 21 of the RPS, which directs District Plans to identify places of significant historic heritage value⁷⁷. We address the proposal's policy implications in section 4 below, but note here that Dr. McCarthy's illumination of this issue was useful for us.
- 3.76 The joint presentation from **Dr Schrader, Mr Kelly and Mr Cochran** was also extensive. Among other matters, they expressed the following:
- a. the Flats meet 8 of the 12 criteria for listing of heritage buildings in the District Plan;
 - b. the building is significant architecturally as it was the second example of maisonette design used in New Zealand;
 - c. it has significant townscape value, given its visibility and context;
 - d. the building is one of a group of three significant state housing buildings in close proximity;
 - e. the building's linkage to Gordon Wilson and to the policies of the first Labour Government give it historical significance;
 - f. the building's piles and seismic movement measuring equipment give it considerable scientific significance;
 - g. the building has considerable social significance and is able to be adapted for student accommodation without detriment to its heritage value;
 - h. the building's heritage value is of national significance; and
 - i. the building can be seen as Wilson's swansong.⁷⁸
- 3.77 **Ms Cranko** made a brief presentation on behalf of DOCOMOMO NZ. She generally spoke to the group's submission, emphasising their view that the building's heritage values are considerable to exceptional. Ms Cranko also questioned whether the most appropriate assessment criteria had been used to determine the building's heritage significance.
- 3.78 **Mr Davis** outlined his experience with upgrade and adaptive reuse of heritage buildings, and his specific expertise on Gordon Wilson dating back to Mr Davis' University education. He made similar observations to the other submitters appearing in opposition to the de-listing of the building, including:
- a. the building is a very important piece of modernist architecture;
 - b. it is one of two buildings in New Zealand with two level maisonette planning; and
 - c. it is likely that the Flats' heritage value will increase over time with greater societal recognition of architectural modernism's importance.⁷⁹

⁷⁶ Outline of oral submissions, Architectural Centre Incorporated (15 December 2015), p. 8, para 34

⁷⁷ Outline of oral submissions, Architectural Centre Incorporated (15 December 2015), pp. 8-16, paras 36-53

⁷⁸ Oral submission by Dr Ben Schrader, Michael Kelly and Chris Cochran (16 December 2016), pp. 2-4, paras 11-24

⁷⁹ Statement of Ken Davis (16 December 2015), paras 3.2-3.6

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- 3.79 Mr Davis acknowledged that different experts ascribed different levels of significance to the building's values; however, he also highlighted that all experts have ascribed at least some heritage significance to the building.⁸⁰
- 3.80 Mr Davis described the manner in which he considered the building could be adapted to accommodate 5-bedroom student flat arrangements, and noted the potential for further site development to occur around the building on the balance of the site as part of the University gateway.⁸¹

Discussion and findings

- 3.81 Before turning to our substantive evaluation of this matter, we firstly need to clarify our position on the **weighting of expert and submitter views** before us.
- 3.82 Mr Slyfield provided us with the view that the only two experts we can rely on with respect to historic heritage expertise are Mr Wild and Ms Rickard⁸². He said:

53. *The other information before you is of two sorts. First is information tendered in the form of submissions or advocacy. In this category is the information of Mr Kelly, Dr Schrader, Mr Cochran, Ms McCarthy, Mr Davis and Ms Cranko. While each of them has some qualifications relevant to assessing heritage matters (some perhaps less qualified than others) they all chose to provide their views in the form of submissions/advocacy. You cannot place the same weight on opinions offered in that way, as you can on opinions offered in the form of independent expert advice.*

54. *The second sort of information before you is in the form of documents prepared by experts, who did not present at the hearing. In this category are the statements of Ms Tyler and Mr Salmond. While their material is arguably more 'independent' than the views offered by the submitters themselves, the failure to have them attend the hearing, listen to the evidence offered by the applicant, confirm the opinions expressed in their written documents, and answer questions in relation to that material, means that you can place no reliance upon it.*

- 3.83 No party appearing before us provided a view contrary to Mr Slyfield's and we accordingly adopt his position, which we consider accurately represents the procedural requirements of the Act.
- 3.84 All of the submitters falling into the first 'sort' highlighted by Mr Slyfield made clear that they were not appearing as experts. In some instances – for example in Mr Davis' statement – the submitters clarified they had a 'special interest' or personal affinity for the building, which directly speaks to an inability to demonstrate independent expertise on the matter.
- 3.85 The inability for us to test the evidence of Ms Tyler and Mr Salmond (the second sort of information described by Mr Slyfield) also presents an insurmountable hurdle to our reliance on their views as independent experts. Were these witnesses able to attend the hearing to confirm their views and address any

⁸⁰ Statement of Ken Davis (16 December 2015), para 3.5

⁸¹ Statement of Ken Davis (16 December 2015), sections 4 and 5

⁸² Closing submissions (21 December 2015), p.12, para 52

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questions arising from us, our evaluation of heritage significance may well be tasked with balancing the differing views of four experts. As it transpired, the expertise we are able to draw upon is indeed limited to the shared views of Mr Wild and Ms Rickard.

- 3.86 This is not to denigrate from the useful information provided by the submitters or their experts to assist our own evaluation. Indeed much of that information greatly enhanced our understanding of the building's significance and its historical context. However, that information and the significance attributed to the building by submitters simply does not qualify as expert evidence.
- 3.87 Before, evaluating the evidence of Mr Wild and Ms Rickard, we wish to briefly comment on the role of the District Plan provisions in our evaluation. That comment is simply to note that the Council's District Plan is itself of little assistance in coming to a view as to the relative heritage significance of listed buildings, as the Plan deems all listed buildings as being of equal merit; however, that clearly is not the case. It therefore falls to us to weigh up the evidence before it and come to a conclusion on this matter.
- 3.88 Against the above backdrop, the shared view of Mr Wild and Ms Rickard is that **the overall significance of the building is moderate**, and we accept that evidence.
- 3.89 As noted above, there was some **contention from submitters about the validity of the assessment criteria used** by Mr Wild and Ms Rickard. Some parties favoured the District Plan criteria for listing; others the Heritage New Zealand criteria, and others still the provisions in the RPS. We accept that these mediums differ slightly in their approach, but this is not materially troubling having compared the various criteria. In that respect, we agree with Mr Slyfield that there is sufficient overlap between the different assessment approaches and sufficient rigour in the assessments themselves such that we need not pick one set of criteria over the others.⁸³
- 3.90 We do return to this particular point in section 4, however, as it relates to the proposal's strategic fit with the RPS and the policy outcomes Dr McCarthy focussed on. We are also compelled to note that the 2012 WCC assessment that Ms Rickard drew upon (which also found the building to be of moderate value) was subject to internal peer review and also independent review from Mr Kelly.
- 3.91 Related to this, Mr Batley tabled a copy of the District Plan heritage inventory with annotations from Mr Kelly in his independent advisor capacity during the 2012-2014 WCC review process. The table included notations for 80 listed buildings labelled as "very significant," with the remainder of buildings coming under the label "significant or remove".
- 3.92 We were not able to test with Mr Kelly or Ms Rickard the specific context surrounding the generation of this table, what (if anything) has been done with the information as part of the Council's work programme, or how the table might be of use to our own evaluation of the building's significance. As such, we are reluctant to afford any material weight to it, other than to note that the table does not directly conflict with the finding that the building's significance is moderate.

⁸³ Closing submissions (21 December 2015), p.15, para 60

- 3.93 Similarly, we are cautious not to artificially apply meaning to **the submission from Heritage New Zealand (HNZ)**, or its position of not opposing the building's de-listing and potential demolition. Several parties speculated about the submitter's position during the hearing, but we do not find merit in doing the same. In this respect we simply note the comments of Mr Slyfield who said:

*Victoria does not suggest that Heritage New Zealand's stance is a significant matter for (our) consideration, yet it is a matter to take into account. Heritage New Zealand's position is less compatible with the submitters' assertions of exceptional heritage value, than it is compatible with Mr Wild and Ms Rickard's expert assessments of moderate heritage value.*⁸⁴

- 3.94 The HNZ submission clarified that the neutral position was on the basis that the Gordon Wilson Flats building is not on the national list administered by Heritage New Zealand, though HNZ does list two other Wellington buildings (Centennial Flats and Dixon St Flats) of this social housing genre as Category One buildings. We simply acknowledge that latter point that the building's heritage value has not been identified as nationally significant or of such local or regional significance to warrant listing to date.
- 3.95 More significantly, we also found compelling the Requestor's evidence that reasonable alternatives to demolition have been considered in great depth, and that those investigations have ruled out any alternatives as viable. The scale of the financial gap between the cost of strengthening and refurbishment, and the resultant value, for any purpose, is of such a magnitude that we accept it makes retention of the building unviable.
- 3.96 Even if adaptive reuse of some sort was deemed to be viable, the expert evidence is also that the nature and scale of works required to sufficiently strengthen the building would have significant effects on the heritage values of the building. Moreover, these effects would be compounded by the additional modifications required to modernise the facilities and make them fit for their adapted purpose.
- 3.97 These findings, coupled with the potential positive effects to be derived from redevelopment of the site for University purposes and the finding of (overall) moderate heritage significance for the existing building, support the case for de-listing in our view.
- 3.98 We note our agreement with Mr Batley that neither de-listing nor demolition of heritage buildings are prohibited by the District Plan. In fact, the Plan contemplates the very scenario where no reasonable alternative exists as the *only* reason for considering demolition.⁸⁵
- 3.99 In reaching the finding that de-listing is appropriate, we record that our view may well have been different if the heritage value of the building was deemed to be exceptional. Similarly, if the Requestor had not successfully demonstrated that the assessment of reasonable alternatives was exhaustive and fruitless, we may have reached a different view on the appropriateness of the de-listing.
- 3.100 However, on the evidence we were presented, we find that de-listing the building is the most appropriate outcome.

⁸⁴ Closing legal submissions for the Requestor (21 December 2015), p.10, para 39

⁸⁵ Policy 20.2.1.2

Issue 3: Activity effects on local amenity

Issue identification

- 3.101 This section focusses on issues of local amenity arising from the proposal. For legibility purposes, this section does not address the impact of built form on amenity or on amenity effects attributed to potential demolition of the Gordon Wilson Flats – those matters are addressed subsequently.
- 3.102 Broadly, the matters canvassed here relate to nuisance effects associated with student behaviour – most notably noise and anti-social behaviour.
- 3.103 The **plan change request** notes that, to the extent that these effects are relevant to the plan change, these effects are proposed to be managed by the operative District Plan standards for noise. This includes the standards under Clause 9.1.1.2 in the District Plan, which comprise the following requirements of most relevance:
- a. noise emission limits of 60dB ($L_{A_{EQ}(15 \text{ min})}$) and 85dB ($L_{A_{Fmax}}$) measured within the boundary of any site or at the outside wall of any building on any site in the Institutional Precinct Zone other than the site in which noise is emitted;
 - b. when measured on any residential site in the Inner Residential Area noise limits must not exceed:
 - i. 55dB ($L_{A_{EQ}(15 \text{ min})}$) Monday to Saturday 7am to 7pm
 - ii. 50dB ($L_{A_{EQ}(15 \text{ min})}$) Monday to Saturday 7pm to 10pm
 - iii. 40dB ($L_{A_{EQ}(15 \text{ min})}$) all over times; and
 - iv. 70dB ($L_{A_{Fmax}}$) all days 10pm to 7pm
- 3.104 Council's Manager Compliance and Advice, **Mr Matthew Borich**, provided an addendum to the s42A report in relation to noise matters⁸⁶. Mr Borich's report noted that noise levels emanating from activities associated with a rezoned 320 The Terrace would be highest at immediately adjacent sites, with noise levels reducing with distance and potential screening at the other residential sites⁸⁷. Accordingly, and given the nature of the receiving environment, his report concentrated on the possible effects from the proposed rezoning at the immediately adjoining Inner Residential sites.
- 3.105 The noise report observes that, relative to the operative Inner Residential Zone noise standards applying to the site presently, the plan change will result in an increase in permitted daytime noise generation from 50 to 55dB ($L_{A_{EQ}(15 \text{ min})}$) for noise generated by general activities and from 45 to 55dB ($L_{A_{EQ}(15 \text{ min})}$) for noise emanating from mechanical plant. Notwithstanding this increase, Mr Borich's view was that:
- a. a noise limit of 55dBA is the upper recommended noise limit specified in the relevant New Zealand Standard (NZS 6802:2008) for the acceptable level of daytime noise received in residential areas;

⁸⁶ Attachment D to s42A report

⁸⁷ Attachment D to s42A report, first page

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- b. the ambient daytime noise environment was observed as being notably higher than the 55dBA standard; and
- c. accordingly, the overall effect of the increase in permitted daytime noise limits proposed by the plan change will be negligible.⁸⁸
- 3.106 In addition, Mr Borich's report advised that day to day activities that may cause a nuisance such as parties or loud stereos are subject to the excessive noise provisions in s326 of the RMA⁸⁹. We have interpreted Mr Borich's meaning that the provisions of s327 and 328 are also applicable – these sections grant enforcement powers to Council and set out compliance obligations to generators of excessive noise (respectively).
- 3.107 We also acknowledge the input of **Mr Cameron**, who appeared at the hearing on Mr Borich's behalf, having adopted his report. Mr Cameron provided additional information about the Council complaints process for excessive noise and subsequently tabled a sample noise complaint inventory for our consideration.
- 3.108 He noted that – contrary to the statement of Mr Bowater – *all* complaint calls get logged, irrespective of whether the same caller made a previous call on the same day or in respect of the same incident. He clarified that call logs record the name of the caller, the time and date, and a description of the nature and severity of the noise.
- 3.109 He also explained that callers are instructed to call back after 20 minutes if the noise persists, and during that 20 minute 'stand down' period, enforcement officers are not deployed to investigate. However, given the complaints history for Kelburn Park, Mr Cameron advised that the 20 minute stand down does not apply where complaints are received in relation to the Park, and officers are dispatched immediately.
- 3.110 Of particular note, Mr Cameron advised that compliant records for Kelburn Park for the previous two years had been reviewed in readiness for the hearing. While many attendances were made by enforcement officers to the Park over that time, noise generated there was not once deemed to be 'excessive' by the attending staff.
- 3.111 **Ms Bentley's evidence** spoke to the concerns raised by submitters about poor student behaviour and associated nuisance. She gave the view that the submissions give an 'erroneous' impression that the bad behaviour is widespread or constant⁹⁰. She also described the frequency of nuisance complaints received as 'occasional' and 'extremely small considering the number of students [accommodated] across [VUW's] halls of residence.'⁹¹
- 3.112 Ms Bentley added:

While the University provides accommodation for students, they are responsible for their own behaviour. We would all like students to behave in socially acceptable ways and almost all of them do. However, we are not guardians of the very small minority who occasionally do not. They are adults and members of the community, and the occasional disturbance that affects some of our

⁸⁸ Attachment D to s42A report, fourth page

⁸⁹ Attachment D to s42A report, fourth page. RMA section 326 sets out the meaning of excessive noise.

⁹⁰ Evidence of Jenny Bentley (1 December 2015), p.8, para 31

⁹¹ Evidence of Jenny Bentley (1 December 2015), p.8, paras 32-33

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*neighbours tends to occur from public places. That creates some difficulties for the University that we are working hard to address.*⁹²

- 3.113 Ms Bentley noted that to date the University has implemented a number of measures to mitigate poor student behaviour, including:
- a. official guidelines and briefings to students about appropriate behaviour;
 - b. provision of vans to transport students to and from the CBD;
 - c. health and well-being support and safe alcohol consumption education;
 - d. implementation of alcohol management strategies including alcohol free areas and floors in halls of residence;
 - e. penalties for breaches of behaviour regulations including community service, suspension or eviction;
 - f. regular security patrols; and
 - g. regular clean-up of Kelburn Park.⁹³
- 3.114 Notwithstanding these measures, Ms Bentley acknowledged that VUW's attempts to mitigate poor student behaviour were unsatisfactory to some of the University's neighbours, and that improvements could be made⁹⁴.
- 3.115 She closed her discussion on the matter by reminding us that student accommodation is a permitted activity in the existing Inner Residential Zone (i.e. the current zoning over the site), subject to meeting activity standards. Further, Ms Bentley cautioned us against the prohibition (or non-permission) of student accommodation for reasons of precedent. In her view, it is not justified to deny such a housing resource on the basis that it is not considered acceptable by some residents.⁹⁵

Submissions

- 3.116 As foreshadowed above, this was one of the key matters addressed by submitters who appeared at the hearing proceedings.
- 3.117 We heard from several local residents in the vicinity of VUW that there are current problems with excessive noise and anti-social behaviour by students in the vicinity. A theme that emerged from the presentations of these submitters was that there were particular 'trouble spots' for excessive noise and nuisance effects – namely around Kelburn Park and around the Terrace.
- 3.118 **Mr Blincoe and Ms Walker** added that they have communicated their disquiet about student behaviour with VUW since 2011. In their view, the adverse effects of student behaviour are significant and systemic. Likewise, they disputed that the frequency of anti-social student behaviour is occasional or representative of a small minority.⁹⁶

⁹² Evidence of Jenny Bentley (1 December 2015), p.8, para 34

⁹³ Evidence of Jenny Bentley (1 December 2015), pp.8-9, para 35

⁹⁴ Evidence of Jenny Bentley (1 December 2015), p.9, para 36

⁹⁵ Evidence of Jenny Bentley (1 December 2015), p.9, para 37

⁹⁶ Tabled Hearing Statement of John Blincoe and Wendy Walker (15 December 2015)

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- 3.119 **Mr Bowater** signalled clearly that he is not concerned about the demolition of the Gordon Wilson Flats or by the building(s) that would replace them. His primary concern is about the potential future *use* of the site, and the decision he sought is that the building not be used for student accommodation, student union events or as a public thoroughfare after normal business working hours.⁹⁷
- 3.120 Mr Bowater advised that his family is commonly woken several times on weekend evenings by small groups talking loudly or yelling. He reported also observing littering, vandalism, and other anti-social behaviour at times.⁹⁸
- 3.121 Mr Bowater noted that he has made several complaints with the Council. He expressed concern that the manner in which complaints are lodged does not paint a comprehensive picture of the scale of the problem with poor student behaviour.⁹⁹
- 3.122 He also commented on his frustrations with the apparent lack of effective action from the University in mitigating the poor behaviour of its students. In his view, the problems would only be exacerbated by the proposed rezoning and enabling of student accommodation activities in particular.¹⁰⁰
- 3.123 **Ms Koptisch** also signalled her opposition to the rezoning and the potential enabling of student accommodation on the site. She identified anxiety, stress and sleep deprivation for her and her family as consequences of poor student behaviour.¹⁰¹
- 3.124 Ms Koptisch expressed a desire for the Council and VUW to take accountability of the existing nuisance problem and to remedy it.
- 3.125 Like the other local submitters, we heard from, **Ms Ronberg** reported a notable increase in anti-social behaviour by students in recent years. She ascribed that increase to a change in alcohol policy at VUW, which included the introduction of a liquor curfew in residence halls from 10pm. She sought the plan change to be put on hold until such time as VUW could improve its management of student behaviour.

Discussion and findings

- 3.126 We found the presentations of the submitters to be compelling, and accordingly have difficulty accepting Ms Bentley's description of the student behaviour problem as 'occasional.' Not only does that description seem out of step with the submitters' views, it also fails to take any account of the nature or severity of the actual nuisance to local residents.
- 3.127 It is evident to us that there is indeed a nuisance that is unacceptable at times, and there is no dispute from VUW that it is predominantly its students that are to blame for that effect. For Ms Bentley to claim that student behaviour is not the

⁹⁷ Tabled Hearing Statement of Ken Bowater (15 December 2015), first page

⁹⁸ Tabled Hearing Statement of Ken Bowater (15 December 2015), first page

⁹⁹ Tabled Hearing Statement of Ken Bowater (15 December 2015), second page

¹⁰⁰ Tabled Hearing Statement of Ken Bowater (15 December 2015), third and fourth page

¹⁰¹ Tabled Hearing Statement of Nicola and Norbert Koptisch (undated), p.2

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University's responsibility is unfortunate, and frankly, we expect better from an organisation of its social and cultural importance and reputation. The change in alcohol policy at VUW without any obvious review of its effectiveness (or otherwise) is but one example of this.

- 3.128 Related to the above, and whilst we acknowledge that the University has implemented a number of measures to mitigate poor student behaviour, the evidence would suggest that these are not working and that it is time to review their effectiveness as consider alternatives. In this respect, we urge VUW to improve its management of student behaviour to reduce nuisance effects to a more acceptable level including through collaboration with neighbours and the Council.
- 3.129 That said, we do not agree with the submitters that the existing nuisance effects will be exacerbated by the rezoning of the site itself. As Ms Bentley and Mr Coop illustrated, residential activities – including student accommodation – are permitted activities in the existing Inner Residential Zone. In other words, provided relevant bulk and location standards are complied with, halls of residence could be established as of right under the current zoning. In this respect, there is a net nil effect in the rezoning itself as it relates to amenity effects arising from permitted activities in the proposed and operative zones.
- 3.130 While we certainly have sympathy for the neighbours given their presentations, we agree with Ms Bentley that it is not appropriate for us to discriminate against a particular type of housing, or more specifically type of resident, particularly when there is no evidence that that housing *itself* is creating an adverse effect. Discriminating against a type of resident is, in our view, clearly inconsistent with the Resource Management Act and the District Plan provisions. In fact, the common theme from the submitters was that the nuisance was concentrated predominantly in Kelburn Park, or in the array of public and private spaces between the CBD and the halls of residence - not within, or immediately outside of, the halls themselves.
- 3.131 Again, we find this speaks more to the need for a greater custodial role of the University, the Council and (in limited circumstances) the Police than it does to the limitation of otherwise appropriate student activities on the plan change site.
- 3.132 To this end, we do not recommend the acceptance of the submissions seeking that student accommodation be prohibited and/or that such activities proposed on the site be publicly notified as a matter of course.
- 3.133 We also accept the evidence presented by the Council that the proposed permitted activity rules for noise generation are appropriate, and are generally consistent with the approach already adopted in the District Plan for similar sites. In satisfying ourselves that this is the case, we note also that sufficient regard has been given to the ambient noise environment and to Council's complaint procedure and compliance and enforcement functions.
- 3.134 Overall, we find that the rezoning itself and the associated activity controls in the Operative District Plan and plan change package are appropriate to manage effects of future land use activities on the surrounding residential environment. We have not been presented with any evidence to unequivocally link the rezoning of the site or the associated permitted activities enabled by the Institutional Precinct Zone to an increase in nuisance effect.

- 3.135 In concluding this issue discussion, we acknowledge the University's aspirations to grow its roll, and to focus growth to the greatest extent in and around the Kelburn campus. It is not unreasonable, in our view, for local residents to be wary of an associated increase in nuisance effect with a greater student population. Accordingly, we again urge VUW to take greater accountability of its students' behaviour and better ensure the existing nuisance on the surrounding community is sufficiently mitigated.

Issue 4: Built form – streetscape, townscape & effects on neighbours

Issue identification

- 3.136 This section of our report considers the impact of future development enabled by the plan change request.
- 3.137 **The plan change request** addresses this issue at multiple junctures. It describes bespoke provisions adopted by the proposal to manage the impact of future development on the immediate environment, as well as on broader townscape values.
- 3.138 For example, the adoption of the Inner Residential Zone sunlight recession plane standards will ensure immediate neighbours retain the level of daylight amenity currently provided by the operative plan rules. Retention of the Inner Residential Zone site coverage standard and a new proposed 5m maximum wall length for buildings are similarly proposed to manage building dominance on neighbours and the streetscape.
- 3.139 The proposal also elevates the 'entry' activity status for new buildings relative to the existing provisions in the Institutional Precinct from controlled to restricted discretionary. This approach aligns with the expectation for multi-unit housing in the Inner Residential Zone which requires restricted discretionary activity consent for building design and appearance.
- 3.140 New building proposals will be assessed against the Victoria University Design Guide, which has in turn been updated to include site-specific design objectives and guidelines for 320 the Terrace.
- 3.141 The design guide amendments and proposed building and landscaping provisions were informed by an urban design assessment from Mr Andrew Burns and **McIndoe Urban at Appendix 8 to the request**. The assessment focused on ten key principles for site redevelopment, including (in summary):
- a. establish a new gateway;
 - b. manage the residential to institutional character transition;
 - c. work with natural contours;
 - d. enhance connections between the Terrace and University campus;
 - e. manage built form, massing and height;
 - f. achieving a mix of open spaces;
 - g. manage built form to respect short, medium and long range views;
 - h. create legible, visible entrances to the site;

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- i. explore elevated secondary spaces with connections to buildings and views out from the site; and
- j. activate building edges.
- 3.142 The **s42A report** also addressed this issue from several perspectives. Of most note, **Ms Desrosiers** provided an urban design review of the proposal at Attachment C to the report, which presented the following opinions:
- a. the permitted building height 'zones' in the proposed provisions are appropriate as they maintain amenity to neighbours, provide a suitable transition in scale and enable an appropriate scale of building to be established along the Terrace;
- b. the proposed site coverage standard is appropriate as it maintains partial views of the vegetated escarpment;
- c. the retention of the Inner Residential sunlight access plane standard is appropriate to further ensure amenity for neighbours;
- d. notwithstanding her general support for the majority of the building bulk and location standards and the Design Guide, Ms Desrosiers proposed three amendments, being:
- i. amend the proposed building standards such that no façade of any building exceeds 30m in length (rather than just facades within 10m of residential neighbours);
- ii. amend the massing guideline in the Design Guide to align with the above recommendation about building length; and
- iii. add a new guideline read, "*Minimise encroachment by buildings into the area of vegetated escarpment visible from Ghuznee Street*".¹⁰²
- 3.143 Ms Desrosiers proposed the third amendment above in recognition of her opinion that the view corridor between Ghuznee Street and the vegetated escarpment warrants specific consideration as part of future development proposals.¹⁰³
- 3.144 **Mr Batley** largely adopted Ms Desrosiers' assessment and signalled his general agreement with the assessment of this issue in the plan change request. However, Mr Batley did signal a difference of opinion from Mr Coop in relation to one matter, being the non-notification clause for proposed Rule 9.3.2. In Mr Batley's view, the Council's ability for limited notification should be reserved and assessed on a merits basis for any future application.¹⁰⁴
- 3.145 **Mr Coop** addressed this matter in his evidence. He gave the view that adoption of Mr Batley's preference would have significant implications for investment confidence. He added that retaining the option for limited notification would have a 'destabilising effect' and could 'erode support for Council control of building aesthetics.'¹⁰⁵
- 3.146 Mr Coop presented a table of the various rules in the District Plan that control building design and appearance, including in the Institutional Precinct Zone,

¹⁰² Attachment C to s42A report, pp. 1-7

¹⁰³ Attachment C to s42A report, p. 6

¹⁰⁴ s42A report, pp. 35-36, para 156

¹⁰⁵ Evidence of Peter Coop (1 December 2015), p.16, para 59

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Residential Zones, Business Areas and Central Area. The table demonstrated that the prevailing approach in the Plan for *all* of these areas is for such proposals to be considered on a non-notified basis with matters of design and appearance resolved by discussion between urban design experts for applicants and Council. He gave the view that there is no persuasive reason for 320 the Terrace to change this typical approach in the Plan.¹⁰⁶

- 3.147 Both **Mr Coop and Mr Burns** disagreed with Ms Desrosiers' recommendation for a new guideline to preserve views of the escarpment from Ghuznee Street. Mr Coop's concern was based on the lack of clarity in the proposed guideline about the exact location along Ghuznee for the guideline to be assessed from. He feared the guideline would ultimately be overly restrictive following demolition of the Flats and associated opening up of broad views of the escarpment.¹⁰⁷
- 3.148 Mr Burns' concern about the proposed guideline related to a large portion of the vegetated escarpment being located outside of the plan change site. His opinion was that the proposed combination of building standards and guidelines seeking visibility of the escarpment generally would ensure sufficient views of the escarpment are retained.¹⁰⁸
- 3.149 Mr Burns also attached proposed amendments to the design guide arising from pre-hearing discussions held between the Requestor and Council. In summary, these amendments included new objectives and guidelines relating specifically to view retention of the escarpment, breaking down the mass of built form to 'step' up and across the site, and modulation of building length.¹⁰⁹
- 3.150 We discuss these and other proposed changes to the provisions arising over the course of the hearing subsequently.

Submissions

- 3.151 A number of submissions¹¹⁰ opposed the proposed rezoning, owing to a preference for the Residential Zone development rules to prevail.
- 3.152 **Mr and Mrs Sage's** submission highlighted their general concern about the impact of new development on the value of their property, including as a result of effects on views.
- 3.153 **Living Streets Aotearoa's** submission sought that full notification be enabled under proposed Rule 9.3.2, given the prominence of the site and its location. This outcome was shared by **Roland Sapsford**, who also considered the importance of the site warrants consideration of future development as a fully discretionary activity.
- 3.154 The submission from **MANA Newtown** considered that the site's current residential character should be retained, and that the Institutional Precinct provisions would not be appropriate.

¹⁰⁶ Evidence of Peter Coop (1 December 2015), pp.15-16, paras 57- 62

¹⁰⁷ Evidence of Peter Coop (1 December 2015), p.14, para 52

¹⁰⁸ Evidence of Andrew Burns (1 December 2015), pp.17-18, paras 40-42

¹⁰⁹ Evidence of Andrew Burns (1 December 2015), pp.13-14, paras 29-30

¹¹⁰ For example, Submission 4

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- 3.155 **Fernhill Body Corporate** sought a 15m yard setback for new development adjoining its shared boundary with the plan change site. The submission also sought direct notification of the body corporate for any future development proposal.

Discussion and findings

- 3.156 Overall, we signal our agreement with the Council and Requestor's planning and urban design experts that the approach to managing building design and appearance is appropriate. That said, the provisions evolved over the course of the pre-hearing, hearing, and post-hearing stages. Accordingly, we consider it necessary to record the process and reasons for the changes in approach from notification to this point.
- 3.157 Before we do that, however, we want to record our view on some of the high-level points in contention for this issue. Turning firstly to the issue of **notification for future proposals under Rule 9.3.2**, we signal our agreement with Mr Coop that the design and appearance assessment matters are most appropriately considered through a non-notified process, provided that the building standards set out in proposed Appendix 4 are adhered to.
- 3.158 Where those standards for height, site coverage, recession planes, yards or building length are not met, we understand from the evidence of Mr Batley and Mr Coop that the presumption for non-notification will be lost. Such proposals are to be considered as a fully discretionary activity under Rule 9.4.1 which encapsulates any activity not specifically provided for as a permitted or controlled activity.
- 3.159 We agree with Mr Coop that there is no credible justification before us to warrant a departure from the typical notification approach adopted in the District Plan for design and appearance-led development controls. In this same respect, we do not share the view Mr Batley gave in response to our questioning that this site and its context warrant a more 'conservative approach' to notification where technical design considerations are at issue.
- 3.160 The Council retains the ability to notify neighbours where breaches of the proposed bulk and location standards may affect neighbouring amenity, and we ultimately consider that is the appropriate arena for potential third party involvement – not through resolution of technical design matters.
- 3.161 We note that by the close of the hearing, there was full agreement between the planning and urban design experts for the Council and Requestor about the specific amendments to the notified provisions that should be adopted. In summary, these include:
- a. the following amendments to proposed Appendix 4 to Institutional Precinct Rules:
 - i. clarification about permitted height levels for improved legibility;
 - ii. enhancement of provisions to manage effects of built development on the visibility of the escarpment, including identification of a 'sub-area' overlay over the escarpment with a reduced 35% site coverage for that area;

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- iii. increase of the 5m yard standard along the site's southern boundary with 324 The Terrace to 10m to ensure views of the escarpment from Ghuznee Street;
 - iv. adoption of Ms Desrosiers suggested 30m façade length provision; and
 - b. revisions to the Design Guide to improve clarity, and better implement the 10 key principles underpinning Mr Burns' original assessment and Ms Desrosiers suggested amendments described above.
- 3.162 We have adopted these proposed amendments in our copy of the annotated plan change provisions at **Appendix 3**. We have also included at **Appendix 4** to our report a copy of the information provided by the planning and urban design witnesses justifying and explaining the various amendments. For the record, we adopt that assessment as our own.
- 3.163 Finally, we have taken the opportunity to refine the 'mechanics' of the plan change amendments to Chapter 9, and to make some consequential changes to the more informative elements of the chapter (as opposed to the statutory elements) to assist with integration of the provisions into the Operative Plan. In summary, these amendments include:
- a. consequential addition of Rules 9.2.3 and 9.3.2 into the 'Guide to Rules' at the start of Chapter 9;
 - b. consequential addition of proposed Appendix 4 to the 'Schedule of Appendices' at the start of Chapter 9;
 - c. relocation of the notified permitted activity standard for buildings (9.1.1.1.3) to a new (rephrased) standard and term under Rule 9.3.2, and inclusion of a margin note under Rule 9.1.1 to clarify that Rule 9.3.2 prevails for buildings and structures at 320 The Terrace;
 - d. a new exception under the Controlled Activity Rule for new buildings and structures (Rule 9.2.1) to clarify that the rule does not apply to buildings or structures at 320 The Terrace;
 - e. consequential reference to new rule 9.3.2 in the introductory statement to section 9.3; and
 - f. an addition to Discretionary Activity (Unrestricted) Rule 9.4.1 to more explicitly signal that non-conformity with the proposed standards in Appendix 4 defaults to Rule 9.4.1.
- 3.164 These amendments are 'cosmetic' only. In our view, they are clearer than the notified provisions, and achieve the same outcome, being that new buildings and structures:
- a. will be assessed as a discretionary activity (restricted) and non-notified where they comply with the standards in Appendix 4; and
 - b. will be assessed as a discretionary activity (unrestricted) where the Appendix 4 standards are not met, with no presumption for non-notification.
- 3.165 With these amendments made we find that the proposed approach to the management of future built development is appropriate. The restricted discretionary consent pathway, in conjunction with the provisions of the Design Guide will ensure a high-quality design outcome that manages effects on

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neighbours, the streetscape, and short, medium and long range views of the escarpment. Neighbouring amenity and views of the escarpment will be further managed and enhanced through the building bulk and location provisions in Appendix 4 to Chapter 9.

S32AA summary

- 3.166 For the reasons set out immediately above and in **Appendix 4** to this report, we consider the annotated provisions in **Appendix 3** are more effective at achieving the settled and proposed objectives of the Plan than the notified provisions. Greater clarification and certainty of design outcomes anticipated have been incorporated into the rules and design guide provisions to ensure the future consent process for development is as efficient as possible.
- 3.167 Accordingly, we consider the provisions as amended in Appendix 3 are the most appropriate to achieve the objectives and policies of the Plan.

Issue 5: Demolition management

Issue identification

- 3.168 Section 4.7 of the **plan change request** identifies the effect issues associated with the potential demolition of Gordon Wilson Flats. While the physical effects of demolition are largely temporary, they are potentially wide ranging and include:
- a. health and safety, security and protection of life and property;
 - b. management of hazardous materials;
 - c. management of dust and noise effects; and
 - d. traffic management.
- 3.169 In addition, the request notes an important aspect of demolition management in established urban areas is the procedures for receiving and resolving complaints.
- 3.170 The primary means proposed to be adopted to manage these physical effects is through a demolition management plan ('DMP'). The plan change also proposes a new controlled activity rule (Rule 9.2.3) specifically to manage the effects of the Flats' demolition. The matters of control specified under the proposed rule include:
- a. noise effects assessed against the relevant NZ construction noise standard¹¹¹;
 - b. the demolition method, duration, timing and hours of operation;
 - c. effects on amenity; and
 - d. a physical record of the building prior to demolition.
- 3.171 Appendix 9 of the plan change request contains a draft DMP prepared by **Mr Bob Hall**, a highly experienced and respected practitioner in demolition management and construction practice.
- 3.172 Mr Hall also presented a brief of evidence to us and responded to a number of questions we raised. He noted his support for the proposed controlled activity approach, which enables Council to have an oversight role in the demolition process.
- 3.173 He also strongly supported the use of a DMP, which has two main purposes in his view:
- a. the primary purpose is to provide information on how the physical activity of demolition is proposed to proceed, who is likely to be affected, and how any concerns relating to environmental effects, well-being, and health & safety of neighbours and the general public have been considered and addressed; and
 - b. it also sets the operational basis for future contractors to work within, including the requirement for a complaints procedure to be followed.¹¹²

¹¹¹ NZS6803:1999 Acoustics – Construction Noise

¹¹² Evidence of Bob Hall (1 December 2015), pp.3-4, paras 11-12

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- 3.174 Mr Hall also highlighted the independent acoustic review of the draft DMP by Marshall Day Acoustics (also contained in Appendix 9 to the plan change request). The acoustic review underscored the need for community liaison and complaints procedures given the nature of the demolition required and the characteristics of the receiving environment.¹¹³
- 3.175 Mr Hall's evidence also commented on submissions relating to demolition effects¹¹⁴. He firstly responded to concerns raised about asbestos which would be encountered during deconstruction of the Flats. Mr Hall noted that the DMP would include specific procedures which must be followed, including (among others):
- a. removal would be overseen by a recognised asbestos expert who must be accredited for the work by Work Safe NZ;
 - b. specific removal, temporary protection and decontamination measures;
 - c. appropriate containment and removal procedures;
- 3.176 In his view, sufficient measures would be in place to manage adverse health impacts from asbestos exposure associated with the proposed demolition.
- 3.177 Mr Hall also responded to submitter concerns relating to the extent of consultation that would be undertaken by VUW and its contractors before and during demolition¹¹⁵. Mr Hall noted in evidence that the consultation and communication would be undertaken within an appropriately broad catchment of potentially affected parties.¹¹⁶
- 3.178 **Mr Borich's** addendum to the s42A report addressed the proposed approach to demolition management. His overall conclusion was that, provided "*the demolition is undertaken in accordance with an approved DMP that is in general accordance with draft DMP, the noise effects from the demolition of the Gordon Wilson Flats at 320 The Terrace will be reasonable.*"¹¹⁷
- 3.179 Another addendum¹¹⁸ was attached to the s42A report from **Mr Soon Teck Kong**, Council's Manager, Transport Network. Mr Kong's view that the proposed controlled activity rule will give Council sufficient ability to assess the DMP and to impose conditions to avoid, remedy or mitigate the temporary adverse effects of demolition on the transport network was uncontested.

Submissions

- 3.180 As alluded to above, **Submission 22** from Mr Ken Mitchell raised concerns about asbestos exposure during proposed demolition activities. The submission sought that a specific plan be prepared and made publically available for that purpose,

¹¹³ Appendix 9 of the plan change request, Letter of 18 June 2015 from Marshall Day Acoustics to Peter Coop entitled *GORDON WILSON FLATS - DEMOLITION PLAN NOISE REVIEW*. Page 2

¹¹⁴ In particular, Submission 22 (Mr Ken Mitchell)

¹¹⁵ In particular, Submission 33 (Fernhill Body Corporate)

¹¹⁶ Evidence of Bob Hall (1 December 2015), pp.6-7, paras 22-24

¹¹⁷ Attachment D to s42A report, sixth page

¹¹⁸ Attachment B to s42A report

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and that the plan includes specific measures to minimise any adverse effects of asbestos on the public.

- 3.181 **Submission 28** (Ms Patricia Gruschow) sought that local residents be notified of all demolition and construction plans.
- 3.182 Finally, **Submission 33** (Fernhill Body Corporate) raised the issue discussed above about the extent to which future communication and consultation with neighbours should be carried out. Specifically, the submission noted that Housing NZ and Wellington Electricity Ltd would be expressly consulted with, whilst other parties were not expressly identified.
- 3.183 None of the above submitters presented to us at the hearing.

Discussion and findings

- 3.184 Generally, we accept the uncontested evidence of Mr Hall that the proposed controlled activity rule and DMP-led management approach will be appropriate to manage the effects of the proposed demolition of the Gordon Wilson Flats. However, as indicated previously we consider that the evidence strongly points to a need for some minor refinements to the rule as notified.
- 3.185 Given the recommendations of the Marshall Day Report and Mr Borich's review, a number of our questions to Mr Hall focussed on the consultation and communication aspects of the DMP. We took comfort when he expressed he would be "horrified" if the DMP was developed and/or implemented without VUW and its contractors first initiating a comprehensive communication plan with the wider community.
- 3.186 We also appreciate the emphasis Mr Hall stressed to us about the complaints procedure as an ongoing mechanism to maintain that line of communication. In his view, the plan change provisions make it clear that these matters will be sufficiently addressed, and the Council's role in administering the controlled activity consent for the demolition would provide further quality assurance.
- 3.187 However, in our questioning of both Mr Hall and Mr Coop, it was accepted that the proposed controlled activity rule is silent on the need for pre-demolition communication with neighbours or a complaints procedure. This, in our view, is the shortcoming of the rule, particularly given the importance of those elements stressed in the University and Council's evidence.
- 3.188 Accordingly, we are compelled to 'plug the gap' in the controlled activity rule as it relates to communication with neighbours.
- 3.189 For the record, we note that we tested with Mr Hall and Mr Coop whether the controlled activity approach might even be redundant given that the demolition will also require a building consent. They both noted that the building consent process will provide for some duplication of assessment with the proposed controlled activity rule and the latter provides an additional level of certainty that appropriate management practices will be followed, including the requirement for a DMP and a photographic record of the building.

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- 3.190 We also observed with the witnesses that demolition is otherwise a permitted activity¹¹⁹ in both the Inner Residential Institutional Precinct Zones. In this respect, it is not a typical expectation of the District Plan to require resource consent for demolition, let alone require a DMP or any consultation of any kind with neighbours. Nevertheless, Mr Coop and Mr Batley were in full agreement that the proposed controlled activity rule approach is appropriate. We have no reason to disagree.
- 3.191 Finally, we record our understanding of the plan change ‘mechanics’ that any future application for demolition that is not ‘undertaken in accordance with an approved DMP’ will be a fully discretionary activity under Rule 9.4.1. This is a ‘catch all’ rule for activities that are not expressly permitted, controlled or discretionary.
- 3.192 Overall, and based on the evidence presented, we consider this is an appropriate default status where proposals for demolition do not meet the standard and term in the rule as amended. For completeness, we provide our evaluation of the amended rule immediately below.

S32AA summary

- 3.193 Overall, we consider the proposed amendments to the Controlled Activity Rule 9.3.2 proposed to manage future demolition of the Gordon Wilson Flats in **Appendix 3** are more appropriate than the notified provisions as:
- a. the amendments are specifically to implement the unchallenged expert evidence before us that consultation with neighbours before and during demolition is necessary to manage adverse effect;
 - b. the changes better align with the format otherwise used in the District Plan for controlled activities; and
 - c. the minor rule ambiguities inherent in the notified clause have been removed.
- 3.194 We note that the revised provision adopts the additional refinement proposed by Council and VUW in the joint response to Minute 2, being the amendment of our proposed matter of control “Demolition Management Plan” to “demolition management.” Again, we consider this adjustment better aligns with the format and content of the Plan generally.
- 3.195 These proposed provisions will more effectively implement the operative objectives and policies in the Plan, which we discuss in more detail in section 4 below. The amendments will also enable a more efficient administration of the resource consent process proposed for the demolition of the Flats, owing to reduced likelihood of unintended compliance issues arising from the notified drafting of the clause.

¹¹⁹ For the purposes of this discussion, we mean demolition of non-heritage buildings.

Issue 6: Access, parking and connectivity

Issue identification

3.196 The **plan change request** outlines the approach for addressing transportation issues at sections 4.3 and 4.5. Generally, these include:

- a. consideration of options for a pedestrian path to be constructed through the site, connecting the Terrace to the Kelburn campus; and
- b. recognition that the proposed restricted discretionary rule for new buildings, which includes vehicle parking, servicing and site access as matters of discretion, affords a greater level of control than the operative Institutional Precinct Zone provisions.¹²⁰

3.197 The plan change request justifies the higher level of control described in 'b.' above on the grounds that:

- a. this part of The Terrace carries heavy traffic flows;
- b. it is important that future University buildings are provided with appropriate loading and unloading facilities; and
- c. the amount of any car parking that is proposed or required should be subject to assessment through the resource consent process.¹²¹

3.198 The **urban design review from McIndoe Urban** attached to the plan change request set out 10 key development principles for future development of the site. Of particular relevance to this issue discussion, was Principle 4 (connections and access) which is as follows:

Establish new physical links from The Terrace to Wai-te-Ata Road and to connect further up to the main campus. Links to work with the contours to create a unique experience of the hill side and creating new views to the city. Links to interconnect with the ground and with future buildings. Potential for multi-modal connections exist but require further investigation. Access to utilise the existing entry point onto the Site but could consider a basement vehicular access towards the southern end of the street front.¹²²

3.199 In response to submissions, **Mr Burns'** evidence recommended some revisions to the Design Guide to better implement Key Principle 4 from his original assessment. These amendments included:

- a. revision to the heading 'Circulation' under the Objectives (section 4.0) and Guidelines (section 5.0) of the Design Guide to be "Circulation and Connections;"
- b. a new guideline under the new Circulation and Connections heading to 'Promote connections between the Kelburn Campus and The Terrace by facilitating a new university "front door" and link to the city through 320 The Terrace.'¹²³

¹²⁰ Plan change request, pp. 16-17

¹²¹ Plan change request, Section 4.5, p.17

¹²² Plan change request, Appendix 8 - Urban Design Report. Appendix A - Ten Key Development Principles for 320 The Terrace, p.8

¹²³ Evidence of Andrew Burns (1 December 2015), Appendix 3

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3.200 **Ms Desrosiers** recorded her agreement with the above amendments in her addendum to the s42A report.¹²⁴

3.201 **Mr Kong's** addendum to the s42A report commented on both the pedestrian access and on the proposed restricted discretionary rule. In summary, his view was that the proposed rules are appropriate from a transport network management perspective.¹²⁵

Submissions

3.202 **Mr Davis** noted in his submission that the rezoning affords a great opportunity to open a connection or gateway between the Terrace and the University.

3.203 This same sentiment was shared by **Living Streets Aotearoa**, who sought 24-hour pedestrian access through the site to be ensured by the plan change provisions. The submitter also sought a pedestrian crossing to be provided along The Terrace.

3.204 **Ms Warren** presented a written statement on behalf of Living Streets Aotearoa at the hearing. Her statement touched on the importance of walking and walkability to public health, on the economic benefits to society that can be derived from walkability and on the importance of safety and good design creating successful pedestrian links¹²⁶.

3.205 A matter that Ms Warren placed particular emphasis on was the need to ensure future linkages through the site by way of legal instrument.¹²⁷ In her view, without an appropriate mechanism in place, the aspirations of the plan change to deliver a safe 24-hour pedestrian linkage through the site may not be realised. Ms Warren cited examples of that sub-optimal outcome in other parts of Wellington where legal instruments were not in place prior to developments proceeding.

3.206 For completeness, we note the evidence of Mr Coop who indicated that VUW extended an invitation to Living Streets Aotearoa to collaborate with the University on the design of a future pedestrian linkage. Mr Coop advised that the invitation was accepted by the submitter.¹²⁸

3.207 **Mr Paul Lee** also raised concerns about pedestrian access, vehicle parking and loading and pressure on the local road network. He sought that pedestrian and traffic management designs are incorporated into the proposal.

Discussion and findings

3.208 Overall, we find that the proposed provisions (as amended in Appendix 3) are appropriate to manage access, parking and connectivity issues. We agree with the

¹²⁴ Attachment C to s42A report, p.6

¹²⁵ Attachment B to s42A report

¹²⁶ Statement of Paula Warren (11 December 2015), paras 9-32

¹²⁷ Statement of Paula Warren (11 December 2015), paras 33-42 and 49-52

¹²⁸ Evidence of Peter Coop (1 December 2015), p.10, para 36

- planners that this will largely be delivered through the design-led restricted discretionary rule for new development on the site.
- 3.209 The rule in turn cross references the Victoria University Design Guide, which includes operative *and* proposed provisions¹²⁹ to deliver safe and well-designed connections through the site, including:
- a. operative Objective 18, which seeks to make the circulation routes for pedestrians (the main group of users of campus facilities) as safe, convenient and pleasant as possible;
 - b. addition of the word 'safe' to operative Guideline G23 (in the notified plan change) such that it reads "*Existing through-routes should be enhanced. Future development of the campus circulation structure should allow for safe cross-site pedestrian links with connection to city streets and pedestrian pathways*"; and
 - c. operative Guideline G24 which seeks to minimise the impact of vehicles on pedestrian amenity and to deploy specific design responses to give pedestrians precedence at vehicle entrances and on internal circulation routes.
- 3.210 These provisions are in turn supported by the proposed amendments (as notified) to the supporting narrative in the analysis section of the Design Guide¹³⁰, including the express desire to establish a safe pedestrian connection from the Terrace to the campus.
- 3.211 We also find that the additional guideline proposed by Mr Burns and Ms Desrosiers during the hearing adjournment¹³¹ provides an appropriate steer regarding the desire for the linkage through the site.
- 3.212 No evidence was presented to suggest any additional rules or methods are required to manage effects of development on the local transport network. We therefore accept Mr Kong's unchallenged evidence that the proposed rule framework is appropriate and further note that, as a restricted discretionary activity, future proposals may be subject to conditions or declined if effects are not sufficiently managed.

S32AA summary

- 3.213 The amendments arising since the proposal was notified have been described above, and are captured on the annotated version of the provisions at Appendix 3 to this report. These include minor drafting amendments to existing Design Guide provisions and to the inclusion of new Design Guide provisions to improve the effective administration of the District Plan as anticipated by the assessments underpinning the plan change request.
- 3.214 The amendments reduce ambiguity present in the notified provisions and will accordingly enhance the efficient application of the design guide through future consent processes.

¹²⁹ Note – the numbering referred to here is as per the provisions attached to this report. Numbers may be different to the references in the operative plan or other iterations of the plan change provisions.

¹³⁰ See Design Guide Section 3.0

¹³¹ see discussion above and Guideline G25 at our Appendix 3

Issue 7: Other Matters

Issue identification

- 3.215 Unlike the preceding sections, this final topic area traverses a variety of issues. The reason we have organised the matters into this section is that they do not necessarily fit tidily into the issues above and/or they are relatively significant issues in their own right.
- 3.216 For clarity, we have departed somewhat from the format adopted in the preceding sections. In this respect, we take a more singular approach to issue identification and resolution for each of the following sub-issues:
- a. Housing supply;
 - b. Precedent effect;
 - c. Resource consent versus plan change; and
 - d. Interim and long term use of the site under the proposed provisions.
- 3.217 These sub-issues are addressed in turn below, and we include a brief s32AA wrap-up at the conclusion of this report section for all amendments arising.

Housing Supply

- 3.218 Several submitters expressed the view that the proposed demolition of Gordon Wilson Flats would have an adverse effect on housing supply.
- 3.219 For example, the **Architectural Centre** submitted that there is currently a nationwide shortage of housing and associated need to increase the amount of social and affordable housing particularly. The submission expressed that the demolition would undermine the Council's strategies and policies for increasing the density of inner city housing in Wellington, and is a missed opportunity to meet the current demand for 1-2 bedroom accommodation.
- 3.220 Dr McCarthy expanded upon the Centre's submission in her hearing statement. She cited recent reports by the New Zealand Productivity Commission, which identify Wellington as an area with a high growth rate and note the need for more land for housing as a means of addressing current housing problems¹³².
- 3.221 Dr McCarthy also cited the *Housing Accords and Special Housing Area (Wellington) Order 2014*. Her statement provided the view that the rezoning of residential land explicitly undermines the government's intent with this legislation to facilitate increased land and housing supply in areas with housing supply and affordability issues¹³³.
- 3.222 **Mr Davis's** submission echoed the Architectural Centre's position regarding 1-2 bedroom accommodation, and further considered that that proposed demolition equates to an unsustainable waste of existing building resources.

¹³² Architectural Centre Inc., Outline of oral submissions (15 December 2015), p. 19, para 64

¹³³ Architectural Centre Inc., Outline of oral submissions (15 December 2015), p. 19, para 65

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- 3.223 The submission from **MANA Newtown** highlighted a need for housing in Wellington generally, and considered that the loss of the Flats would lead to a worsening of the existing housing crisis.
- 3.224 **Mr Batley** provided a response to these submissions in section 8.2 of his s42A report. In his view, the submissions should not be accepted as:
- a. the purpose of the plan change is to facilitate re-development of the site, and there is potential for that development to generate any number of positive effects;
 - b. the existing building was vacated in 2012 due to safety concerns, has since been assessed as earthquake prone and has been the subject of an expert assessment that no practical or reasonable options exist for reuse of the building (including for residential use);
 - c. the size of the site is insignificant as a proportion of the overall area in the city zoned to provide for new housing supply (including the Inner and Outer Residential Zones and Central Area Zone); and
 - d. it is unreasonable to require the refurbishment of the building for the reasons expressed in the plan change request.¹³⁴
- 3.225 **Mr Coop** shared a similar view to Mr Batley. In particular, his evidence noted that the site area amounts to approximately 0.2% of the total land area in the Inner Residential Zone, and its rezoning is therefore negligible in resource management significance as it relates to housing supply.¹³⁵
- 3.226 Mr Coop also gave the view that *"the dominant influence in increased population density in inner city Wellington is not the Inner Residential land supply but the construction of residential accommodation within the Central Area...[and this] will be unaffected by Plan Change 81"*¹³⁶. He provided no references or information sources to quantify this finding or support his view in this respect.
- 3.227 Overall, we find there is no compelling evidence before us to conclude that the proposed demolition of the flats will have any material effect on housing supply in Wellington. Indeed, no party presented us with any expert evidence to confirm that there is an existing shortage in housing generally, or social housing specifically, nor was any shortage quantified in real terms. We consider from the evidence before us that the existing Gordon Wilson Flats have no future value for housing, if only because the cost of any strengthening and refurbishment project would far exceed the resultant value of housing delivered. Moreover, rezoning of the site as Institutional Precinct still allows for housing development. We further consider that while there is evident pressure for housing supply, there is also considerable value to the community in provision for other activities. In this light we note the University strategic growth objectives, which will obviously require more space to allow delivery.
- 3.228 We accept the shared view of Mr Batley and Mr Coop that the site area is not significant in terms of the District's overall land resource for housing. Furthermore, we observe that residential activities are expressly enabled by the Institutional Precinct Zone provisions in the form of student accommodation.

¹³⁴ s42A report, p.32, paras 138-142

¹³⁵ Evidence of Peter Coop (1 December 2015), p. 8, para 32.

¹³⁶ Evidence of Peter Coop (1 December 2015), p. 8, para 32.

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Precedent effect

- 3.229 Some submitters considered that a decision to approve the de-listing of the Gordon Wilson Flats would set a precedent effect for future similar proposals.
- 3.230 The **Architectural Centre's** submission described the precedent as a scenario where a business could knowingly purchase a building on the District Plan Heritage list in a state of disrepair and have it removed from the list because of repair costs and a mismatch with its preferred development plans. The submission continued that the effect is exacerbated by the fact that there is a general under appreciation for modernist architecture in New Zealand.
- 3.231 **DOCOMOMO NZ** held similar concerns that the plan change could encourage heritage building owners to de-list buildings in order to expedite demolition.
- 3.232 The joint submission of Messrs **Schrader, Kelly and Cochran** also raised the same concern.
- 3.233 Mr Batley briefly commented on the issue of precedent in the s42A report. In summary, he advised:
- a. a site or building that contains heritage significance contains other unique aspects, and a test of the appropriateness of de-listing needs to be considered on a case by case basis; and
 - b. this conclusion and approach is also reinforced by the second decision of the Environment Court in the Harcourts Case, which declined a consent application to demolish a heritage building due to insufficient consideration of alternatives – which, in turn, supports the interpretation that there may be instances where the consideration of alternatives supports demolition.
- 3.234 Mr Slyfield gave us useful submissions on the matter. He amplified Mr Batley's view about the need for a case-by-case assessment by noting it is virtually inconceivable that there could be another situation, or combination of factors, materially similar to this proposal.¹³⁷
- 3.235 Mr Slyfield added:

Importantly, your decision is not to set a 'bright line' for determining the level of heritage value that a building must have in order to be listed. Victoria's case has never been that the building should be delisted because of its heritage value (or lack of heritage value) but rather, the listing is no longer warranted when the actual heritage value of the building (which is moderate) is assessed against the opportunities of using the site for University purposes

De-listing the building is necessary to enable those opportunities to be realised; so it is important to recognise that one of the costs of retaining the listing is the lost opportunity for a substantial campus expansion, and all the benefits that entails, at local and regional level.¹³⁸

- 3.236 On balance, we agree with Mr Batley and Mr Slyfield that our recommendation will not set any precedent, or challenge the integrity of the District Plan. We have

¹³⁷ Closing submissions (21 December 2015), p.17, paras 71-72.

¹³⁸ Closing submissions (21 December 2015), p.17, paras 74-75

based our decision on the evidence before use, including site-specific considerations about the current zoning and associated uses, the proposed zoning and anticipated uses, and the costs and benefits that stem from each.

- 3.237 It will not be a foregone conclusion that any future proposals to delist heritage buildings from this or any other District Plan will be successful because of this Plan Change. Rather, those future proposals will be tested on the evidence compiled, and against the relevant statutory considerations. In the specific case of the Gordon Wilson Flats, we have concluded from the evidence presented that the heritage value is moderate, it is unlisted by Heritage New Zealand, and critically the financial costs of strengthening and restoration are prohibitive.

Resource consent versus plan change

- 3.238 Another matter raised by submitters was the contention that a plan change process is inappropriate for enabling the demolition of a listed heritage building, and that the resource consent process is more appropriate.
- 3.239 In particular, the joint submission from **Messrs Schrader, Kelly and Cochran** considered that the use of a plan change to demolish a listed heritage building is inappropriate, and any demolition of a listed heritage item should be assessed through the normal resource consent process. The submitters state that demolition is a fully discretionary activity under the operative Plan, and the merits of the proposal can be decided via such an application.
- 3.240 The written statement presented by these submitters in support of their submission at the Hearing reinforced this position. Therein, the submitters expressed the view that the only relevant considerations for an application to demolish the Flats are the criteria for listing in the District Plan¹³⁹. We clarified in questioning that the criteria referred to by the submitters is a reference to the Heritage inventory maintained by Council's Heritage Team, rather than in the District Plan objectives, policies, rules or other methods.
- 3.241 In his closing comments to us, **Mr Batley** gave the view that the RMA provides both plan change and resource consent avenues and does not favour one over the other in terms of preference in this situation. That said, Mr Batley noted his professional opinion the plan change process is preferred for the current proposal, as it amounts to a significant policy decision under the Plan.¹⁴⁰
- 3.242 Mr Batley also highlighted the District Plan's express contemplation that de-listing *might* occur via the very process that PC81 has followed. Namely, under section 20.1.1, the Plan reads "[i]tems may only be added to or removed from these lists by way of a Plan Change."
- 3.243 **Mr Slyfield** provided submissions on this matter, and again his position mirrored that of Mr Batley. Specifically, he noted that the RMA does not in any way direct that the plan change or resource consent is more appropriate than the other – it simply provides for both processes.¹⁴¹

¹³⁹ Oral submission by Ben Schrader, Michael Kelly and Chris Cochran (16 December 2016), p.2, para 8

¹⁴⁰ Summary Statement: Daniel Batley (undated), third page, para 15

¹⁴¹ Opening legal submissions (15 December 2015), p.6, para 16.

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- 3.244 More materially, Mr Slyfield submitted that these two processes provide two different frameworks for assessment as follows:
- a. a resource consent to demolish the building would be a restricted discretionary activity under the Plan, allowing consideration of only the matters listed under the relevant rule (and we note this is in contrast to the interpretation of the submitters that demolition is *fully* discretionary); and
 - b. conversely, a plan change adopts a broader context, and its starting point is not to assume the existing Plan provisions are the most appropriate for achieving the purpose of the Act.¹⁴²
- 3.245 In this latter respect, Mr Slyfield's submissions were that a key difference enabled by the plan change assessment framework is that the benefits of enabling University activity on the site can be given far greater account than under the restricted discretionary assessment framework.¹⁴³
- 3.246 Broadly, **the s32 evaluation in the plan change request** adopts a similar rationale for favouring the plan change process over the consent pathway¹⁴⁴, and **Mr Coop** clarified in evidence that this ~~was~~ also reflected his professional preference¹⁴⁵.
- 3.247 In evaluating this issue, we agree with the planning experts and Mr Slyfield that there is no imperative under the Act one way or the other to suggest a plan change process is (in of itself) inappropriate in a procedural sense. The RMA provides for a private plan change request, and the Requestor has met the procedural and information requirements necessary for the proposal to be notified and tested at formal hearing proceedings.
- 3.248 In short, we have no compelling evidence before us to conclude that the plan change should be abandoned in favour of a consent process.

Interim and long term use

- 3.249 The final sub-issue we address here relates to the interim use of the site between demolition and redevelopment. In particular, this matter stems from the submissions of **Living Streets Aotearoa** and **Mr Ken Mitchell**.
- 3.250 As we understand it, the primary concern of the submitters is to ensure the site is made safe for people to move through it in the period following demolition of Gordon Wilson Flats and prior to construction of any new buildings.
- 3.251 By and large, we have already addressed this as it relates to pedestrian amenity under Issue 6 above; however, we note that there is a potential for people to linger on the site in informal open spaces created by the site's clearance.
- 3.252 We were not presented with any detailed evidence as to the likelihood for safety issues to arise for this site specifically, or indeed to quantify the severity or frequency of those potential effects. Accordingly, we are not convinced that any

¹⁴² Opening legal submissions (15 December 2015), p.6, para 17.

¹⁴³ Opening legal submissions (15 December 2015), p.6, para 18.

¹⁴⁴ Plan change request, section 3.2, p. 11

¹⁴⁵ Evidence of Peter Coop (1 December 2015), p. 6, para 23.

specific provisions need to be included in the plan change provisions to address the issue over and above the guidelines in the 'Circulation and Connections' section of the design guide. Moreover, we note our expectation that the University will not let the site devolve into an unsafe or unpleasant space for students, faculty and indeed the general public to use.

4.0 STATUTORY CONSIDERATIONS

Assessment

- 4.1 Drawing on consideration of the plan change material, the submissions and further submissions, and the evidence presented, this part of our report addresses the statutory requirements we outlined at the start section 3 above.
- 4.2 We have adopted a thematic approach to presenting our findings in this respect, using the roadmap provided by Mr Slyfield to organise our evaluation.

Are the proposed objectives the most appropriate way to achieve the purpose of the Act?

- 4.3 As noted at the outset of section 3 above, the 'objectives' to be assessed against Part 2 of the Act in this case are the goals of the plan change to:
- a. remove Gordon Wilson Flats from the District Plan heritage building list;
 - b. provide for the sustainable management of the site for university purposes; and
 - c. avoid, remedy or mitigate adverse effects.
- 4.4 In our view, the objectives are the most appropriate means to achieve the Act's sustainable management purpose in respect of future development of 320 The Terrace.
- 4.5 In particular, the objectives facilitate the use, development, and protection of natural and physical resources of the site in a way that enables enhanced social, economic, and cultural well-being associated with VUW's campus development and related institutional prosperity. The objectives are also designed to sustain - if not enhance - the potential of those resources to meet the needs of future generations, while avoiding or mitigating any adverse environmental effects.
- 4.6 In reaching these findings, we are cognisant that sustainable management entails the need to recognise and provide for the protection of areas of historic heritage from inappropriate subdivision, use and development.¹⁴⁶ Our conclusion is that the proposal will have adverse effects on identified heritage values; however, these effects *do not* amount to inappropriate subdivision, use and development owing to the combination of factors that are distinct to this proposal, including:

¹⁴⁶ s6(f), RMA

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- a. the building's heritage significance has been assessed as moderate;
 - b. a robust assessment of reasonable alternatives has found that there are no viable alternatives to demolition; and
 - c. even if the alternatives assessed were viable, the expert heritage evidence before us is that the modifications to the building required to achieve that outcome would have significant effects on the building's heritage value.
- 4.7 We are also satisfied that the proposal and its aims have had regard to the maintenance and enhancement of amenity values¹⁴⁷ and the quality of the environment¹⁴⁸.

Are the provisions the most appropriate way to implement the "objectives," having regard to their efficiency and effectiveness, actual and potential environmental effects and reasonable alternatives?

- 4.8 As set out under our preamble in section 3 of this report, there are two suites of 'objectives' that we consider here, being:
- a. the goals set out in the plan change's purpose; and
 - b. the settled, relevant objectives of the operative Plan
- 4.9 Assessing the former first, the proposed provisions have been explicitly designed to be effective and efficient at implementing the plan change's purpose. Moreover, the amendments to the provisions arising since notification have been made for the purposes of improving clarity and/or effective implementation.
- 4.10 Removal of the Flats from the heritage list is self-evident, and implementation of this aim is achieved simply by the deletion of the listing in the table of listed buildings in Chapter 21 as proposed.
- 4.11 Sustainable management of the site for university purposes is appropriately delivered by the rezoning to Institutional Precinct and through the associated amendments to the zone provisions and design guide. Likewise, the proposed suite of provisions relating to demolition and redevelopment will effectively and efficiently avoid, remedy or mitigate adverse effects on the site and local environment.
- 4.12 Turning to the settled objectives of the Intuition Precinct, we note that **Objective 8.2.1** is largely similar to the second aim of the plan change purpose in that it seeks to 'promote the efficient use and development of natural and physical resources within Institutional Precincts.' The objective is implemented firstly by three policies which collectively:
- a. provide for effective and efficient operation and development of the institution;
 - b. permit development relating to the institution's primary purposes, and allow associated development and activities where effects can be managed;

¹⁴⁷ s7(c), RMA
¹⁴⁸ s7(f), RMA

- c. encourage energy efficiency and use of renewable energy.¹⁴⁹
- 4.13 The explanation to these policies anticipates campus expansion by way of plan change, which is consistent with the approach underpinning PC81. The explanation also notes Council's aim to ensure activities do not adversely affect neighbouring properties.
- 4.14 We consider that the nature and scale of development enabled by the provisions is appropriate, and the building bulk and location provisions coupled with the design-led consent process will effectively implement this overarching aim. As discussed previously, we find that a non-notified consent pathway will ensure the aims are implemented efficiently.
- 4.15 **Objective 8.2.2** seeks to maintain and enhance the amenity values of the precinct and nearby Residential Areas. Four policies implement this objective by collectively:
- a. ensuring effects of activities are managed, including noise and signage in particular; and
 - b. requiring site specific conditions for built form that is sympathetic to its context, including neighbours.¹⁵⁰
- 4.16 We have found the building standards and design guide amendments to be appropriate, and consider they will likewise achieve the above aims to ensure development contributes positively to amenity values within the precinct and on adjoining areas.
- 4.17 The maintenance and enhancement of precincts and their adjacent streets is the aim of **Objective 8.2.3**. Two policies implement the objective by controlling the design, appearance and location of new buildings.¹⁵¹ We consider the restricted discretionary and non-notified approach proposed by the plan change is appropriate given the nature of the site and its context, and given the scale of development anticipated.
- 4.18 **Objectives 8.2.4, 8.2.6 and 8.2.9** relate to management of subdivision, storage and use of hazardous substances and matters of significance to Maori (respectively). We received no evidence in relation to these matters, but note that the plan change does not contemplate any amendments to the provisions in the Plan that implement these objectives. Accordingly, the provisions are settled and we do not consider there is any need for us to assess them to any extent.
- 4.19 **Objective 8.2.5** relates to the management of the effects of natural and technological hazards on people, property and the environment. Policy 8.5.2.1 implements the objective through the identification of hazards and the avoidance of the effects of those hazards on vulnerable uses or activities.
- 4.20 The risks of hazards have been well identified in the plan change request, and most notably, the recognition of the Flats as earthquake prone. The proposal to de-list the Flats will enable their demolition, thereby avoiding hazard risk on

¹⁴⁹ Policies 8.2.1.1-8.2.1.3

¹⁵⁰ Policies 8.2.2.1-8.2.1.4

¹⁵¹ Policies 8.2.3.1-8.2.3.2

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- people and property. If strengthening and adaptive reuse of the building were shown to be viable, it too would implement the Objective; however, the evidence presented to us was that enabling demolition is the most appropriate method.
- 4.21 **Objectives 8.2.7 and 8.2.8** and their supporting policies aim to enable efficient, convenient and safe development and access of people and goods within precincts.
- 4.22 We consider the proposed objectives and guidelines in the Design Guide, accompanied by the design-led consent process for redevelopment will ensure access is safe and effective. A positive effect of the proposal is the anticipated conversion of the site as a gateway to the University from the CBD. This will enable improved physical access between the Terrace and VUW campus.
- 4.23 The Demolition Management Plan will also be an appropriate vehicle for health and safety considerations as it relates to the Flats' future removal.
- 4.24 We also have considered the settled **objectives and supporting policies relating to Historic Heritage**. There are only two objectives in Chapter 20 of the Plan, being:
- a. 20.2.1 - To recognise the City's historic heritage and protect it from inappropriate subdivision use and development; and
 - b. 20.2.2 - To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.
- 4.25 The first of these objectives - which is the more relevant for the current proposal - is implemented by eleven policies. Of particular note to our assessment here are Policies 20.2.1.1 through 20.2.1.3.
- 4.26 **Policy 20.2.1.1** implements Objective 20.2.1 through the identification, recording and listing of the City's significant Historic Heritage, and **Policy 20.2.1.2** discourages demolition except for cases where the Council is satisfied that there are no reasonable alternatives to demolition.
- 4.27 We have adopted the expert evidence of Mr Wild and Ms Rickard that the Flats have moderate heritage significance. For the reasons we stated in section 3 above, we also consider there are no reasonable alternatives to demolition.
- 4.28 We also find that the proposal has had sufficient regard to Policy 20.2.1.3, which seeks to ensure the effects of modifications on heritage values of listed items are avoided remedied or mitigated. In particular, we again acknowledge Mr Wild's view that the amendments required to make the building safe and fit for purpose would have substantial consequences for the building's heritage value.
- 4.29 We have found that the proposed rezoning of the site is more appropriate than the status quo. For the record, this finding has been informed by an assessment of the provisions against the settled **objectives and policies of the Inner Residential Zone**. We do not consider the need to provide an exhaustive recording of our assessment of those provisions, but note the following points for completeness:
- a. The design guide and proposed building bulk and location provisions will ensure that **Objective 4.2.3** and **4.2.4** and their supporting policies are

implemented – these higher order provisions seek to ensure development in residential areas is of an appropriate character and scale for the neighbourhood, and that reasonable levels of amenity are maintained;

- b. The proposal is consistent with the related aims of **Policy 4.2.3.7, Objective 4.2.8, Policy 4.2.8.1** and **Policy 4.2.8.3** which seek to manage effects on prominent escarpments and retain mature, visually prominent vegetation in association with site redevelopment; and
- c. The proposed provisions are also consistent with **Objective 4.2.7** and its supporting policies seeking to enable a range of activities in a manner that manages adverse effects – we also note for the parties concerned about student accommodation that student accommodation would be equally anticipated under either the Inner Residential or Institutional Precinct Zones.

- 4.30 In light of the above and our findings in Section 3, we consider the provisions as amended in Appendix 3 will be the most appropriate to achieve the purpose of the plan change and the settled objectives of the District Plan.

Is the plan change designed to accord with, and assist the Council to carry out its functions so as to achieve the purpose of the Act?

- 4.31 PC81 involves the establishment of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of Wellington City. Further, the plan change aims to control the actual or potential effects of the use, development, or protection of land.

- 4.32 Accordingly, we find that the plan change is designed to accord with and assist the Council to carry out its s31 functions.

Does the plan change give effect to any national policy statement (NPS) or New Zealand Coastal Policy Statement (NZCPS)?

- 4.33 No NPS, nor the NZCPS, is relevant to the Plan Change.

Does the plan change give effect to the Regional Policy Statement?

- 4.34 As foreshadowed above, this consideration was given a great deal of attention during the course of the hearing. For the record, we provide a summary of the different views expressed below; however, before we do so, we consider it appropriate to briefly summarise the main policies from the RPS that were ‘in contention. These policies relate to the management of historic heritage resources.

- 4.35 **RPS Policies 21** and **22** form a pair, and are the primary implementation measures for the RPS’s sole heritage objective¹⁵² to identify historic heritage and protect it from inappropriate modification, use and development. Policy 21 directs the District Plan to identify places with significant historic values. It

¹⁵² Objective 15

utilises a criteria-based approach to describe the values of particular relevance when going through the identification process, including historic, physical, social and tangata whenua values, rarity, representativeness and local context. The explanation to the Policy reads:

Policy 21 provides criteria to ensure significant historic heritage resources are identified in district and regional plans in a consistent way. The criteria are based on the Resource Management Act definition of historic heritage and commonly used assessment methodologies. They provide the basis for describing and evaluating historic heritage, including the physical, historic, social and other values that people attach to historic heritage. Wellington Regional Council, district and city councils are required to assess a place, site or area against all the criteria, but may use additional criteria. A place, site or area identified must, however, fit one or more of the listed criteria in terms of contributing to an understanding and appreciation of history and culture in a district in order to have significant historic heritage values.

- 4.36 Policy 22 directs the District Plan to include policies, rules and methods that protect the significant heritage values of places identified in accordance with Policy 21. Importantly, the explanation notes that the policy:

...is not intended to prevent change to historic heritage, but rather to ensure that change is carefully considered. The places, sites or areas with significant historic heritage values identified in policy 21, and the degree of significance of those values, will influence what activities would be deemed to be appropriate or inappropriate.

- 4.37 The explanation also notes that 'Policy 46 will need to be considered alongside policy 22 when changing, varying or reviewing a district or regional plan.'

- 4.38 **Policy 46** provides an assessment framework specifically for decision-makers considering plan changes¹⁵³ that affect historic heritage values. It sets out nine criteria to have particular regard to where making a determination on whether a proposal is inappropriate. These criteria include:

- (a) *the degree to which historic heritage values will be lost, damaged or destroyed;*
- (b) *the irreversibility of adverse effects on heritage values;*
- (c) *the opportunities to remedy or mitigate any previous damage to heritage values;*
- (d) *the degree to which previous changes that have heritage value in their own right are respected and retained;*
- (e) *the probability of damage to immediate or adjacent heritage values;*
- (f) *the magnitude or scale of any effect on heritage values;*
- (g) *the degree to which unique or special materials and/or craftsmanship are retained;*
- (h) *whether the activity will lead to cumulative adverse effects on historic heritage; and*
- (i) *whether the relationships between distinct elements of an historic place, site or area will be maintained.*

- 4.39 The explanation to Policy 46 notes that the assessment framework is an interim solution, until such time as RPS Policies 21 and 22 have been given effect to by the District Plan. There was some uncertainty expressed by the parties at the hearing

¹⁵³ As well as resource consents or notices of requirement

as to whether Policies 21 and 22 have been given effect to by the Plan already, with some observing that the Plan provisions predate the RPS. As Mr Slyfield noted in his closing¹⁵⁴, however, Policy 46 provides an assessment framework for any subsequent plan change even if Policies 21 and 22 are presently implemented by the Plan, and accordingly Policy 46 applies to PC81 irrespectively. We agree, and do not consider there is any need for us to make a finding on whether or not Policies 21 and 22 have been implemented.

4.40 To summarise the different views provided by the parties on the relevance of the above RPS provisions, we note the following:

- a. The **Architectural Centre** gave the view that the plan change does not give effect to the RPS, based largely on the proposal's inconsistency with RPS Policy 21;
- b. **Mr Batley** provided an assessment of the plan change against RPS Policies 21, 22 and 46 in his closing statement, finding:
 - i. PC81 is consistent with the policies;
 - ii. the requirement for identification under Policy 21 does not correspond to a requirement to list in the Plan;
 - iii. Policy 22 explicitly states in its explanation that further change is not prevented to historic heritage, provided that the change is not 'inappropriate' and is 'carefully considered'; and
 - iv. Policy 46 does not create an obligation higher than 'particular regard' for decision-makers, and it makes allowances for activities that affect heritage values, provided they are deemed 'appropriate'¹⁵⁵.
- c. In the joint statement provided by Mr Batley and Mr Coop after the hearing adjournment, **Mr Batley altered his view**, noting:
 - i. Policy 21 does not apply to the plan change, owing to the fact that Gordon Wilson Flats is already listed in the Plan to the highest order possible and as it is not the role of this plan change request to perform a full review of the heritage list;
 - ii. Policy 22 is not relevant to the plan change either, as it is not the role of PC81 to perform a full review of the Plan's heritage provisions;
 - iii. Policies 21 and 22 are centred around Plan making and Plan reviewing, there is no expectation that these policies will be implemented by a private plan change request; and
 - iv. the level of information provided to us in the plan change request, submissions, and at the hearing addresses all of the matters under Policy 46.¹⁵⁶
- d. **Mr Coop** signalled his agreement with Mr Batley's views outlined above, also adding his opinion that:
 - i. Policies 21 and 22 have already been implemented by the Plan's heritage provisions;

¹⁵⁴ Closing legal submissions for the Requestor (21 December 2015), p.11, para 46

¹⁵⁵ Summary Statement (undated), para 16

¹⁵⁶ Conferencing Statement (9 February 2016), p.3, para 4.

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- ii. the 'change' to historic heritage anticipated by Policy 22 includes consideration of which buildings should be added to or removed from the Plan's heritage list; and
- iii. GWRC has accepted PC81 is consistent with the RPS or would have otherwise contested the proposal.¹⁵⁷
- 4.41 As it transpired, it was Mr Slyfield's submissions that were of most use to us on this matter. Contrary to the shared view of Mr Coop and Mr Batley that Policies 21 and 22 are irrelevant because a private plan change cannot be expected to be responsible for a full review of the District Plan provisions, Mr Slyfield helpfully clarified that PC81 "*can only be tasked with achieving such requirements as are relevant to its subject matter.*"¹⁵⁸
- 4.42 Mr Slyfield added (our emphasis):
- The particular relevance of that to PC81 arises from the requirement in s 75(3) that the District Plan must "give effect to" the Regional Policy Statement. Putting that into the context of PC81, it is not PC81's role to give effect to the Regional Policy Statement 'across the board'. Rather, PC81 must not alter the Plan in a way that means the Plan will no longer give effect to, or cannot give effect to, the Regional Policy Statement as it relates to heritage matters.*¹⁵⁹
- 4.43 We find Mr Slyfield's interpretation to be the correct one, and consider Policies 21, 22 and 46 to be relevant to this plan change. Similarly, we disagree with Mr Batley and Mr Coop that we can simply ignore Policy 21 and Policy 22 given PC81 is a private plan change.
- 4.44 We also agree with Mr Slyfield's interpretation¹⁶⁰ of the manner and extent to which the plan change should consider the framework established by Policies 21 and 22. Specifically, we agree that:
- the policies anticipate a detailed assessment of the Flats' heritage significance will be undertaken applying specific consideration of the criteria provided;
 - the results of that assessment can then be applied to determine if a listing or de-listing is appropriate;
 - the policies accordingly do not require the Flats to remain listed and de-listing does not amount to failure to give effect to the RPS where the evaluation finds that de-listing is not inappropriate.
- 4.45 We again record that Mr Wild and Ms Rickard's heritage assessments are commensurate with the rigour anticipated by these policies, as are the collective assessments of Mr Croskery, Mr Wood, Mr Clark and Mr Sutherland in respect of the viability of strengthening and refurbishment of the building. In addition, for the reasons stated previously, we have found that de-listing does not amount to inappropriate use and development. Accordingly, we do not consider that PC81 fails to give effect to Policies 21 and 22 as suggested by the Architectural Centre.

¹⁵⁷ Conferencing Statement (9 February 2016), p.4-5, para 5.

¹⁵⁸ Submissions to accompany further information (22 February 2016), p.5, para 17

¹⁵⁹ Submissions to accompany further information (22 February 2016), p.5, para 18

¹⁶⁰ Closing legal submissions for the Requestor (21 December 2015), p.11, para 45

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4.46 As for Policy 46, the evidence we have relied upon in reaching our overall recommendation leads us to the following interpretation of the policy's assessment criteria:

Criteria	Assessment
<i>(a) the degree to which historic heritage values will be lost, damaged or destroyed</i>	The historic heritage values will be lost entirely, save any detail recorded by photographic record and other reference means prior to demolition, and any further detail published subsequently.
<i>(b) the irreversibility of adverse effects on heritage values</i>	Loss of heritage value will be irreversible apart from any formal historic records produced and maintained.
<i>(c) the opportunities to remedy or mitigate any previous damage to heritage values</i>	Opportunities to remedy or mitigate damage to heritage values have been explored in depth. Alternatives to demolition are considered to be unreasonable, unviable, and at risk of undermining the building's observed moderate heritage value.
<i>(d) the degree to which previous changes that have heritage value in their own right are respected and retained</i>	N/A
<i>(e) the probability of damage to immediate or adjacent heritage values</i>	The unchallenged evidence is that the Flats are earthquake prone, and failure of the building façade could be expected from significant seismic activity. Furthermore, the building is suffering from progressive 'concrete cancer'. Options for making the building safe and fit-for-purposes have been investigated and discarded for various reasons.
<i>(f) the magnitude or scale of any effect on heritage values</i>	The expert evidence before us is that the scale of effect in this instance will be moderate at most.
<i>(g) the degree to which unique or special materials and/or craftsmanship are retained</i>	The evidence before us is that there are additional buildings of this type, era and style in Wellington and further afield in New Zealand, many of which have greater overall heritage significance. Detailed engineering investigations undertaken following notification of PC81 indicate that the building's pile system was not the novel technological system indicated on the original architectural drawings, instead adopting a more commonly used technology for the time.
<i>(h) whether the activity will lead to cumulative adverse effects on historic heritage</i>	As noted above, we do not consider that this proposal will have any precedent effect such that cumulative effects on

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Criteria	Assessment
	historic heritage would arise. This plan change is based on site-specific circumstances and expert evidence that will not be universal for other proposals.
(i) <i>whether the relationships between distinct elements of an historic place, site or area will be maintained</i>	N/A

4.47 In responding to these criteria in the round, we remain of the view that the proposed de-listing does not amount to inappropriate use and development on heritage values for the reasons specified in the table and previously in this report.

4.48 Given the above findings in relation to Policies 21, 22 and 46, we record our overall view that the proposal will not amend the District Plan in such a way that it ceases to give effect to the RPS.

Is the plan change consistent with any regional plans or proposed regional plans?

4.49 We were not presented with any evidence to suggest the proposal is inconsistent with any operative Regional Plan or the Proposed Natural Resources Regional Plan.

What (if any) regard should be given to relevant management plans and strategies under other Acts, including any relevant entry in the Historic Places Register?

4.50 As per our discussion under Issue 2 in section 3 above, the Flats are not contained in the Heritage New Zealand list. We have had regard to this to extent that it does not contradict the expert evidence before us that the overall heritage significance of the Flats is moderate.

Summary

4.51 In summary, we conclude that when assessed against the relevant statutory framework and the individual elements produced under that framework, PC81 as amended in Appendix 3 is the most appropriate outcome for the site.

Concluding comment regarding anti-social behaviour

4.52 As noted in section 3 above, we heard concerns from several submitters who live in the vicinity of the plan change site who are very concerned about current (and potentially additional future) anti-social behaviour and nuisance effects associated with VUW students residing in the area, predominantly in the halls of residence. Those submitters considered that the plan change proposal, particularly any new student accommodation facilities in the area, would amplify existing nuisance effects associated with student behaviour.

4.53 From the presentations of those submitters we found that:

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- a. there is clearly a nuisance effect on local residents that is unacceptable at times, and that it is predominantly students that are to blame.
 - b. the nuisance is concentrated predominantly in Kelburn Park, or in the array of public and private spaces between the CBD and the halls of residence - not within, or immediately outside of, the halls themselves.
- 4.54 For the above reasons, we found it appropriate in Section 3 of this report to urge the University to be a better neighbour; however, we did not agree with submitters that the proposed rezoning itself would exacerbate the existing effect. Accordingly, we have recommended the adoption of the proposed rezoning largely as notified. Furthermore, we have not recommended the acceptance of the submissions seeking that student accommodation be prohibited and/or that such activities proposed on the site be publicly notified as a matter of course.
- 4.55 Notwithstanding the above, we believe the concerns raised by the submitters speak more to the need for a greater custodial role of the University, the Council and (in limited circumstances) the Police than it does to the limitation of otherwise appropriate student activities on the plan change site.
- 4.56 To this end we have proffered some non-statutory recommendations in the final section of this report that we would like to see the Council consider and adopt where practicable. We acknowledge that these recommendations have no RMA weight but such was the concern of the submitters that it would be remiss of us not to address this issue to the Council and VUW and to suggest some means of addressing what are clearly very real concerns of local residents.

5.0 OVERALL RECOMMENDATION

5.1 Based on our consideration of all the material before us, including the section 42A report from the council advisors, submissions, further submissions, evidence presented at the hearing and following consideration of the requirements of Section 32 and other relevant statutory matters, we make the following **statutory recommendations** to the Council:

(a) that The plan change be accepted as amended in **Appendix 3** and that all submissions on the plan change be accepted or rejected to the extent set out above (and summarised in **Appendix 1**); and

(b) that pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, Council give notice of its decision on submissions to Plan Change 81.

5.2 We also encourage the Council to consider the wider and non-statutory recommendations made below by us in reflection of the evidence we heard from VUW (notably Ms Bentley), various submitters (in the Kelburn locality) and Council officers (notably Mr Ryan Cameron) in respect to previous and ongoing anti-social activities in the area. These matters are all beyond the scope of the Plan Change as they are not matters which the District Plan is able to control.

5.3 Our **non-statutory recommendations** are:

(a) That the **Council** form and convene a Working Committee (or similar) comprised of representatives of Council Officers (particularly Council's Compliance and Parks/Reserves Units), the ward councillor(s), VUW, the Kelburn Resident's Association, the VUW Student's Association, and NZ Police to:

(i) gain a full understanding of the nature and reasons for the nuisance issues being raised by Kelburn residents;

(ii) identify and (where possible) implement, inter-agency measures to address the nuisance issues; and

(iii) regularly monitor and report back to Council on the success of the measures adopted by the Committee.

(b) That **VUW** adopt an active programme of education, communication and enforcement measures to both identify and address issues of anti-social behaviour of students in the Kelburn locality.

DATED AT WELLINGTON THIS 19th DAY of April 2016



Andy Foster
City Councillor (Chair)



Mark Peck
City Councillor



David McMahon
Independent Commissioner

APPENDIX 1

Panel recommendations on relief sought by submission

APPENDIX 2
Panel Minutes

Proposed Change 81

Hearing Panel Report & Recommendation

APPENDIX 3

Annotated version of Plan Change provisions

Item 2.5 Attachment 1

APPENDIX 4

Explanation for proposed amendments arising since notification

PROPOSED DISTRICT PLAN CHANGE 81: *Rezoning 320 The Terrace and de-listing the Gordon Wilson Flats*

Panel Recommendations on relief sought in submissions

Guide to reader:

This document has adapted the summary of submissions received on Plan Change 81. Black Text within the tables below is as per the notified summary of submissions. Annotations made by the Hearing Panel are shown in **orange text**.

This document should be read in conjunction with the Panel's recommendation report.

Submission No.	Name	Address for Service	Wishes to be heard
1	Anka Kuepper	107 Elizabeth Street, Mount Victoria, Wellington 6011	Yes
Submission			

Submission No.	Name	Address for Service	Wishes to be heard
<p>The submitter supports the proposed rezoning aspect of the plan change request because:</p> <ul style="list-style-type: none"> It aligns with her 'Architectural Master's Research' in that a campus expansion down the hillside would open up a direct gateway and new main entrance between the City and the University. It supports her thesis work. It would encourage architectural thought across the School of Architecture knowing that the Council does look at and think about design ideas coming out of the education system. <p>Decision requested</p> <p>That the Council approve the plan change request in regards to the proposed rezoning.</p> <p>Panel Recommendation</p> <p>Accept</p>			
2	Anna Ronberg	346 The Terrace, Te Aro, Wellington 6011	Yes
<p>Submission</p> <p>The submitter's submission is as follows:</p>			

Submission No.	Name	Address for Service	Wishes to be heard
			<ul style="list-style-type: none">• Supports the demolition of the Gordon Wilson Flats• Supports the proposed rezoning in part if the amendments in the decision requested are made.

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none">• Due to recent experience with the University, the submitter has concerns about relying on its goodwill not to construct student accommodation on the site. If student accommodation was constructed on the site, the submitter would be concerned about the University being able to design it to an acceptable standard or even attempt to make it acceptable for local residents.• The plan change request states that the reason for demolishing the Gordon Wilson Flats is that ‘the District Plan does not anticipate or provide for a building of this height, bulk, location, design and intensity of residential use’. This reason to demolish a building could just as easily apply to Te Puni Village. Although Te Puni is not in contention here it has set a precedent and with that is a concern for local residents to not allow the University free reign in design and construction when it comes to the proposed rezoning.• From previous experience with the Te Puni Village, the submitter has learnt that the University is more than willing to disregard the concerns of local residents. The University relied on the Institutional Precinct zoning to design an exceptionally tall building that is aesthetically pedestrian and creates noise effects on the neighbouring properties.• The submitter also learnt that the University and its subcontractors do not have sufficient practices and resources to enforce effective management of students living in densely populated buildings.• As a neighbouring property owner, the submitter cannot afford any further devaluation of her property by allowing the University to design buildings without regard for its neighbours concerns.• The submitter has already suffered a loss of quality of life over the last 5 years due to the poorly controlled and densely populated student accommodation at Te Puni Village and as such, cannot risk this to be exacerbated by the plan change request. <p>Decision requested</p> <p>Amend proposed Rule 9.3.2 to exclude student accommodation as a restricted discretionary activity.</p> <p>Add a new rule to prohibit the construction of student accommodation on the site.</p>			

Submission No.	Name	Address for Service	Wishes to be heard
That the Council inform and advise all affected persons of the full potential impact of the plan change request.			

Submission No.	Name	Address for Service	Wishes to be heard
<p>Panel Recommendation</p>			
<p>Reject</p>			
3	The Architectural Centre	C/- Christine McCarthy, PO Box 24178, Wellington 6011	-
<p>Submission</p> <p>The submitter opposes the plan change request for the following reasons:</p> <p>Rezoning 320 The Terrace from Inner Residential to Institutional Precinct</p> <ul style="list-style-type: none"> There is currently a nationwide shortage of housing and a need to increase social and affordable housing. A reduction in land available for housing would undermine the Councils strategies and policies for increasing the density of inner city housing in Wellington. There is a need for 1-2 bedroom accommodation and an oversupply of 3-4 bedroom dwellings in the city. The Gordon Wilson Flats provides 1-2 bedroom accommodation. The Gordon Wilson Flat can accommodate 300 people and housed 130 people in 2012. It has significant potential to positively contribute to the housing supply. <p>De-listing the Gordon Wilson Flats from the Councils District Plan Heritage List</p> <ul style="list-style-type: none"> The removal of a building from the District Plan's heritage list must be an extremely rare event and due to exceptional circumstances not for the convenience of businesses. 			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none">It could set a precedent in that a business could knowingly purchase a building on the District Plans Heritage list in a state of disrepair and get it removed from the list because of repair costs and a mismatch with its preferred development plans. This is exacerbated by the fact that there is a general under appreciation for modernist architecture in New Zealand. Protecting buildings from this era (including getting them listed in District Plans)			

Submission No.	Name	Address for Service	Wishes to be heard
<p>is also difficult.</p> <ul style="list-style-type: none"> • The Gordon Wilson Flats are important in the history of the development of modern architecture in New Zealand and social housing in particular. • The Council recently updated its heritage inventory justifying why the Gordon Wilson Flats has been included on the District Plans Heritage list. This suggests that the Council still considers the building’s heritage value to be current. • The removal of the Gordon Wilson Flats from the District Plans Heritage list would appear to reward the inadequate maintenance of a heritage building, creating health and safety risks, and undermining the very reasons for having a list. • The economic arguments are not relevant and could have been foreseen at the time the site was purchased. As such, the University either made the decision to buy the building knowing that it was not an economic proposition or did not carry out its due diligence. It is assumed that the University has the resources to make an informed purchase. • The building had not been used for 2 years prior to the University purchasing the building. The University cannot argue that this was unforeseen. Buying into a situation which inherits the problems of deferred maintenance or the consequences of discontinued use is not a valid reason for de-listing a heritage building. • The University’s strategic plan is not a planning document relevant for considering resource consent applications. • The grounds for stating that a curtain wall would ‘materially affect the heritage significance of the building’ are not apparent. This would depend on the design of the curtain wall (no details for a proposal are given) but also needs to be argued in relation to the values identified in the heritage assessment. • The building is a monolithic block aesthetically capable of accommodating a curtain wall façade. The current curtain wall is timber and it is anticipated that an aluminium curtain wall could be made ‘with the same profile sizes’. An engineered timber solution might be ‘chunkier’ than the current design. 			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none">Retention of the existing module proportions (including thickness of elements) is more important than the retention of the original physical fabric, especially given modernist interest in progressive building materials and technologies.The heritage assessment identified the buildings historical and social significance as considerable and that these values are not affected by minor			

Submission No.	Name	Address for Service	Wishes to be heard
<p>aesthetic changes to the building nor the replacement of the original building fabric. Identification of the aesthetic and formal qualities of the building elements which have heritage significance is needed to inform the design of a new exterior.</p> <p>Heritage values of the building</p> <ul style="list-style-type: none"> The building is a rare typology in New Zealand (monolithic high rise tower block state housing) and is one of the largest public housing projects undertaken in the country. The internal planning (e.g. maisonette) is a rare apartment form in New Zealand social/state housing. This planning is associated with innovative modernist design in Europe such as Le Corbusier’s Unite d’Habitation. As such, it documents international influences in New Zealand social housing. The building is closely connected to important social innovations in New Zealand’s history and is representative of the then Labour Governments last attempt to adopt high rise residential buildings to address housing shortages. The building has a close association with a prominent New Zealander (Gordon Wilson) given that he is the designer of the building and that the building was named after him. The building has important spatial relationships to the McClean Flats (1943-44), is part of a high rise social housing precinct and has landmark values. It has also been recognised as ‘creating a new urban scale’. Due to the buildings high historic and social heritage values, the retention of the buildings residential function has higher heritage worth than the retention of the physical fabric of the façade. <p>Archifact Heritage Assessment</p> <ul style="list-style-type: none"> The heritage assessment is not aligned with the RMA definition of historic heritage. It excludes an evaluation of cultural qualities and includes separate assessments for aesthetic, functional, social and townscape categories. The effect of this is to reduce the overall assessment of heritage because the overall evaluation appears to be an averaging of individual ratings. This means that more categories will dilute the overall rating. The submitter believes that aesthetic, functional and townscape qualities should be included in the evaluation of architectural qualities not as separate 			

Submission No.	Name	Address for Service	Wishes to be heard
<p>categories to be consistent with the RMA definition.</p> <ul style="list-style-type: none">• Little or no weight has been given to the rarity of the building type in New Zealand under architectural significance.			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none"> • The evaluation of 'no significance' for functional significance appears to be incorrect. The heritage significance of the building function relates to its role as part of a significant national housing strategy at a time of high housing need. Similar issues are currently being faced and as such, make its functional significance particularly relevant. The viability of that function is related to an irresponsible attitude to maintenance by Housing New Zealand and is not relevant for an assessment of heritage values. Instead this relates to the economic viability of repairs. • Little or no weight appears to be given to the buildings national significance in relation to social housing under social significance. • Agree that the heritage of the building is at least 'considerable' in terms of historical significance. • The assessment bases its evaluation of the significance of scientific and technical heritage values on insufficient information and appears to confuse the heritage significance of the buildings technological heritage with current engineering performance. Steps to finding out relevant information do not appear to have been taken. • The assessment is mostly descriptive rather than identifying and arguing the reasons for specific heritage values. <p>Heritage New Zealand's Email</p> <ul style="list-style-type: none"> • This email is strangely worded and appears to be insufficient as it does not actually give an opinion on the de-listing or demolition but rather states that Heritage New Zealand's position is to raise no matters. • There is no comment regarding the relevance or value of the Councils Heritage listing. <p>Proposed demolition of the Gordon Wilson Flats</p> <ul style="list-style-type: none"> • The building has significant heritage values. • There is a shortage of inner city affordable housing. 			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none">• The building is in a state of disrepair due to neglect.• The structural report is not fatal but rather notes incomplete information. It does not appear that archival research has been conducted to ascertain pile type or discussions been had with those who used to work at the Ministry of Works. This could be an important step in understanding the			

Submission No.	Name	Address for Service	Wishes to be heard
<p>foundation construction.</p> <ul style="list-style-type: none">• The argument regarding internal planning appears to be flawed given that the building is in close proximity to the CBD and car use is declining in favour other transport methods.• The submitter finds it difficult to believe the existing plan is inappropriate for staff offices and teaching spaces. The building could be used for staff offices, postgraduate and other research clusters, tutorial teaching and study spaces. Areas of accommodation could also be included.• The building has a beautiful aspect, great roof terrace and real development potential.• It is acknowledged that there are some issues pertaining to circulation and the internal environment but consider that these could be addressed by competent design professionals.• Buying into situation which inherits economic and non-compliance issues is not a reason for de-listing a heritage building. <p>Maurice Clark letter</p> <ul style="list-style-type: none">• This letter focuses exclusively on the weaknesses of the Gordon Wilson Flats and as such, does not provide a balanced evaluation.• This letter is to inform a purchase decision and is not relevant to the heritage value of the building. This advice should have been sought when the building was purchased by the University. <p>Decision requested</p> <p>That the Council decline the plan change request in full.</p> <p>Panel Recommendation</p>			

Submission No.	Name	Address for Service	Wishes to be heard
Reject			

Submission No.	Name	Address for Service	Wishes to be heard
4	Avril Miles	344A The Terrace, Te Aro, Wellington 6011	No

Submission

The submitter's submission is as follows:

- Opposes the de-listing of the Gordon Wilson Flats from the District Plans Heritage list.
- Opposes the rezoning of 320 The Terrace from Inner Residential Area to Institutional Precinct.
- Under the current zoning the public are notified as to any demolition and construction of new buildings. If the land is rezoned to Institutional Precinct the public will lose this right.
- Victoria University does not have a good track record. An example is the student accommodation above the Boyd Wilson Field, which is an 'eyesore', including the deforestation that went with it.
- The Gordon Wilson Flats should be upgraded to accommodate people.

Decision requested

That the Council decline the plan change request.

Panel Recommendation

Reject

Submission No.	Name	Address for Service	Wishes to be heard
5	Cara Francesco	3/25 Brentwood Avenue, Mount Eden, Auckland 1024	Yes
Submission			

Submission No.	Name	Address for Service	Wishes to be heard
<p>The submitter opposes the plan change request because:</p> <ul style="list-style-type: none"> The submitter does not agree that the Gordon Wilson Flats only has moderate heritage significance. The submitter does not agree that the building should be removed from the Heritage list on the basis of heritage values. <p>Decision requested</p> <p>That the Council decline the plan change request in full.</p> <p>Panel Recommendation</p> <p>Reject</p>			
6	Craig Relph	152 Taranaki Street, Te Aro, Wellington 6011	Yes
FS6	Cara Francesco (support)		
<p>Submission</p> <p>The submitter opposes the plan change request for the following reasons:</p> <ul style="list-style-type: none"> The Gordon Wilson Flats should not be taken off the Historic Places Trust list. The building should be left as is and not be redeveloped. 			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none">• The building and the building fabric are beautiful and of cultural, heritage and architectural significance.• The submitter does not want the development of another noisy house for students.			

Submission No.	Name	Address for Service	Wishes to be heard
<p>Decision requested</p> <p>That the Council decline the plan change request.</p> <p>Keep the Gordon Wilson Flats as is.</p> <p>Prevent student accommodation.</p> <p>Panel Recommendation</p> <p>Reject</p>			
7	Dorothea and Yves-Louis Sage	13 Waiteata Road, Kelburn, Wellington 6012	-
<p>Submission</p> <p>The submitter's support the proposed rezoning aspect of the plan change request depending on:</p> <ul style="list-style-type: none"> The development of the site as there could be impacts on the value of their property including their view. <p>Decision requested</p> <p>That any development is mindful of the interests of the long established local residents.</p>			

Submission No.	Name	Address for Service	Wishes to be heard
Panel Recommendation			

Submission No.	Name	Address for Service	Wishes to be heard
Accept in part			
8	Dan Stenton	192C The Terrace, Te Aro, Wellington 6011	No
<p>Submission</p> <p>The submitter opposes the plan change request for the following reasons in full:</p> <ul style="list-style-type: none"> • Students already create a lot of noise on the Terrace and the proposed rezoning and de-listing will only exacerbate this. • The University is only interested in generating revenue and does not care about local residents. • Rule 9.3.2 states that all applications shall be publicly notified. This rule should be upheld. <p>Decision requested</p> <p>That the Council decline the plan change request.</p> <p>Keep the current zoning.</p> <p>Retain the public notification provision.</p> <p>Panel Recommendation</p>			

Submission No.	Name	Address for Service	Wishes to be heard
Reject			

Submission No.	Name	Address for Service	Wishes to be heard
9	Dartrey and Ann Marie Lamb	36 Buller Street, Te Aro, Wellington 6011	Yes
<p>Submission</p> <p>The submitter's support the proposed rezoning aspect of the plan change request because:</p> <ul style="list-style-type: none">• They do not want any more student accommodation on the Terrace or in the Te Aro residential areas.• The Te Puni student accommodation already generates a lot of noise and antisocial behaviour. The proposed rezoning will only exacerbate this as it will allow student accommodation to be built on the site.• They do not have any confidence in the University's ability or desire to control/manage its students' behaviour because it has not done so in the past.• They do not want to lose the ability to be publicly notified of all resource consent applications.• They do not want any more 'night time' noise.• They do not want an increase in litter, discarded bottles and graffiti as it not only downgrades the suburb but increases costs to the Council as it has to clean up and remove it. <p>Decision requested</p> <p>Keep the current zoning.</p> <p>Retain Rule 9.3.2 whereby all applications are publicly notified.</p> <p>No student accommodation to be built on 320 The Terrace.</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<p>No public access after normal business hours.</p> <p>The Council to encourage other uses for the abovementioned land.</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<p>Panel Recommendation</p> <p>Reject</p>			
10	Denise Stephens	1/326 The Terrace, Te Aro, Wellington 6011	No
FS5	Cara Francesco (oppose)		

Submission

The submitter supports the de-listing of the Gordon Wilson Flats and opposes the proposed rezoning for the following reasons:

Remove the Gordon Wilson Flats from the District Plans Heritage list

- No objection to the de-listing of the Gordon Wilson Flats from the Council's Heritage list. The building is clearly in a state of disrepair and this seems a logical step to enable demolition provided it is well managed.

Rezoning 320 The Terrace from Inner Residential Area to Institutional Precinct

- Opposes the proposed rezoning.
- The submitter's property is in close proximity to 320 The Terrace, has the ability to notice any out of the ordinary activity from the site and is visible from the upper floors of the Gordon Wilson Flats.
- Since the evacuation of the Gordon Wilson Flats there are fewer people in the area at night. As someone who often walks, the submitter feels less

Submission No.	Name	Address for Service	Wishes to be heard
<p>safe as a result of the empty site.</p> <ul style="list-style-type: none">The advice from the University's planning consultant regarding the future use of the site is not reassuring as there will be no way of knowing what activities will take place there and what the effects of these activities will be on the surrounding environment (long timeframe but long term resident).			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none">• The plan change request discusses the economic benefits of the proposal but does not consider its social impact on a residential neighbourhood and the people who live in it.• There is value in providing residential accommodation close to the city centre as it will reduce the load on the public transport systems and create a more vibrant central area which is attractive to the wider region and visitors alike.• Given that the University has no short term plans for the site there is not a pressing need for the proposed rezoning and de-listing. As such, it could be delayed until there is a more concrete proposal. In doing so, the University could consult with all affected persons to better address their concerns. <p>Amend the Institutional Precinct provisions of the Wellington City District Plan</p> <ul style="list-style-type: none">• Opposes the amendments to the Institutional provisions as they do not address concerns regarding the proposal. <p>Decision requested</p> <p>That the Council decline the proposed rezoning aspect of the plan change request.</p> <p>Panel Recommendation</p> <p>Reject</p>			

Submission No.	Name	Address for Service	Wishes to be heard
11	Dennis Walton	1 Rawhiti Terrace, Kelburn, Wellington 6011	No
Submission			

Submission No.	Name	Address for Service	Wishes to be heard
<p>The submitter opposes the proposed rezoning aspect of the plan change request for the following reasons:</p> <ul style="list-style-type: none"> • It will enable Victoria University to build student accommodation without notification. • The University has been unable to manage the noise and nuisance from its existing student accommodation. Any expansion of these facilities will be a further 'blight' on the neighbourhood. • The District Plan states the Institutional Precinct Objectives and Policies as being: <ul style="list-style-type: none"> 8.2.1.2 'Permit the development of Institutional Precincts for their primary purposes and allow the establishment of appropriate related activities where the effects of those activities can be avoided, remedied or mitigated'. 8.2.2 of the district plan states "to achieve this objective the Council will: <ul style="list-style-type: none"> 8.2.2.1 Ensure the effects of activities are managed to avoid, remedy or mitigate the adverse effects on other activities within the Institutional Precinct or on properties in nearby residential areas'. <p>The objective goes on to say "the environmental result will be the continuing operation of activities and development within the Institutional Precincts which do not cause any nuisance and be in harmony with adjacent residential areas' it continues with 'other mechanisms (Abatement Notices, Enforcement Orders)' and 'peace and quiet are particularly important for people's wellbeing and the District Plan contains specific rules to control noise. Council is particularly concerned to protect residents from the effects of noise. As well as these rules enforcement orders and abatement procedures will be used to control any excessive noise'.</p> <ul style="list-style-type: none"> • The Council and Victoria University have failed to protect existing residents from excessive noise effects caused by students in residential halls. • The University denies that it has responsibilities for student misbehaviour off campus but at the same time creates rules and regulations that encourage exactly that. • Otago University fines its students for bad behaviour off campus. Victoria University will not even contemplate this suggestion. • The Council has been complicit in letting the University get away with its obligations to neighbouring properties by doing nothing to uphold its 			

Submission No.	Name	Address for Service	Wishes to be heard
<p>own bylaws.</p> <ul style="list-style-type: none">Given that the University has failed to meet the Council's District Plan objectives in its existing Institutional Precinct the plan change request should not be approved.			

Submission No.	Name	Address for Service	Wishes to be heard
<p>• Ever since the Council disestablished the live in caretaker at Kelburn Park, Weir House students have claimed the park as their own to do as they wish. The lack of action by the University to the problem has shown it is 'unfit' to run any further student halls in residential areas.</p> <p>Decision requested</p> <p>Keep the current zoning.</p> <p>No student accommodation to be built at 320 The Terrace.</p> <p>Panel Recommendation</p> <p>Reject</p>			
12	Heritage New Zealand	C/- Jillian Kennemore, PO Box 2629, Wellington 6140	Yes
FS3	Cara Francesco (oppose)		
<p>Submission</p> <p>The submitter's submission is neutral as follows:</p> <p>• The Gordon Wilson Flats are not on the New Zealand Heritage List/Rarangi Korero. However the building does have historic heritage values as concluded in the Archifact report and as demonstrated by its inclusion in the District Plan in the first place.</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none">• While the Archifact report has refined the submitter's understanding of the buildings heritage values, the submitter does not consider that these values have changed significantly.• A key question to be considered through the plan change process is whether it is appropriate to seek protection of the buildings heritage values			

Submission No.	Name	Address for Service	Wishes to be heard
<p>through the provisions of the District Plan, taking into account all relevant matters of the Resource Management Act 1991. It is noted that the plan change process enables the local community to provide input on these matters including the significance of the building heritage values.</p> <ul style="list-style-type: none"> The submitter does not oppose the plan change request and has arrived at this conclusion on the basis that the building is not a national heritage listing. <p>Decision requested</p> <p>That the Council use Heritage New Zealand’s submission to inform its decision on the plan change request.</p> <p>Panel Recommendation</p> <p>Accept</p>			
13	Iain Southall	71 Todman Street, Brooklyn 6021	No
<p>Submission</p> <p>The submitter supports the plan change request.</p> <p>Decision requested</p> <p>That the Council approve the plan change request.</p>			

Submission No.	Name	Address for Service	Wishes to be heard
Panel Recommendation			

Submission No.	Name	Address for Service	Wishes to be heard
<p>Accept</p>			
14	Anonymous		No
<p>Submission</p> <p>The submitter opposes the plan change request because:</p> <ul style="list-style-type: none"> It will increase antisocial behaviour in a residential area. The University is already having trouble controlling this behaviour in the existing halls of residence. <p>Decision requested</p> <p>That no student halls or flats be allowed on the site only teaching units or lecture halls.</p> <p>Panel Recommendation</p> <p>Reject</p>			
15	Terry and Jenny Cosgrove	145 Dixon Street, Te Aro, Wellington 6011	No
<p>Submission</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<p>The submitter opposes the specific provisions of the plan change request for the following reasons:</p> <ul style="list-style-type: none">• It will increase antisocial behaviour at night. This can lead to stress and permanently affect people's health.			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none"> • The quiet night time noise environment is at risk of being further diminished by noisy students who go down to the City after 11pm. • It will devalue surrounding residences properties as a result of continued drunken behaviour, broken bottles and urination as well as damage to properties and vehicles. • Student accommodation on 320 The Terrace would not be a wise use of this land. • Wellington is well known for good homes near the city boundaries which gives it a lot of character. <p>Decision requested</p> <p>320 The Terrace should be offered for sale as a development for an international hotel or selected up market housing.</p> <p>The University should be allowed to develop student accommodation at the northern end of the Terrace (city end) using empty office building space.</p> <p>Panel Recommendation</p> <p>Reject</p>			
16	John Blincoe and Wendy Walker	76B Salamanca Road, Kelburn, Wellington 6012	Yes
<p>Submission</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<p>The submitter's oppose the proposed rezoning aspect of plan change request because:</p> <ul style="list-style-type: none"><li data-bbox="136 1353 2139 1391">• It could potentially allow new student halls to be erected as of right (or nearly as of right) without public notification, subject to only a building			

Submission No.	Name	Address for Service	Wishes to be heard
<p>consent.</p> <ul style="list-style-type: none"> • The University has a bad track record with students living in its existing student halls causing unacceptable alcohol fuelled disruption to their local communities. • The University has failed to demonstrate that it is capable or willing to run these establishments harmoniously with its communities. As such, the University cannot be trusted to set up anymore student halls. • The submitter’s have a reasonable expectation of peace and quiet at night however Weir House does not allow this. • A practice has arisen of students drinking around the Kelburn Park fountain. This can attract a large number of students which is well above the 30 allowed by the Council for a gathering at the park without a permit. • These gatherings are associated with loud noise and littering in and around the fountain as well as vandalism from time to time which will have cost the Council and its ratepayers thousands of dollars to repair. • The University should accept responsibility for its students. It is simply unacceptable for Weir House to avoid alcohol fuelled disruption within the house after 10pm by shifting the problem to the community by way of curfew. The University must deal with the problems in its own halls. • The University seems to be reluctant to take effective action – at least action that has sufficiently lasting effect in that local residents can proceed with their lives without being continually distracted by a problem not of their making. • Licenced 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 onto the streets. The Council takes a very dim view of licensed premises that are deficient in this regard. However the University gets away with operating its student halls as BYO bars where students binge drink before being discharged into the community at 10pm. • The University refers to students responsibilities about noise in its Weir House handbook but does not extend this responsibility to include noise made outside of the student halls that affect the neighbourhood. The University also does not appear to take seriously its own Student Conduct Statute 			

Submission No.	Name	Address for Service	Wishes to be heard
<p>Prohibition on 'student behaviour that is detrimental to the reputation of the University'.</p> <ul style="list-style-type: none">An informal group of affected neighbours (by Weir House) has been meeting periodically with the University, the Council and Police representatives since 2013. Such meetings are appreciated however concerns have been understated by the responses from the University.			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none"> • The University is embedding an ugly culture of the 10 o'clock student swill. This culture is incompatible with the University claiming 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 the University and local residents but that has been eroded by the student binge drinking culture. • The University and the Council appear to be more interested in the income generated by an increasing residential population than encouraging a neighbourhood that includes considerate, law abiding families and young professionals. • The Council used to have a resident caretaker at Kelburn Park. While he was there students did not hang around the Park but tended to walk straight along Salamanca Road towards the CBD. Since he has left, there has been a marked deterioration in student behaviour. Thus reinstating the caretaker would lead to an improvement in this behaviour. • Local residents have lodged complaints with the Police, the Council and the University over the years. The number of complaints has risen overtime as shown by the number of complaints lodged with various parties since 2011. • The University needs to focus on ensuring a safe and healthy community for local residents who host its student residential activities. The submitter is not sure how the University can credibly claim to be providing 'pastoral care excellence' for its resident student community when in respect of alcohol consumption it so clearly fails to provide such care. • Rather than contributing to the City, the University 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, driving residents out of the inner city residential areas and undermining both heritage and property values. • The Council should be taking a lead on alcohol issues facing New Zealand, especially in light of increased knowledge regarding alcohols long term health impacts as well as other associated effects. • The Council should take action to have parliament return the criteria for liquor ban areas to what they were before 2013. The current criteria requires that there be a 'high level of crime or disorder' associated with alcohol consumption which seems so onerous that even the Councils existing 			

Submission No.	Name	Address for Service	Wishes to be heard
<p>liquor ban areas might be in doubt when the relevant bylaws are reviewed.</p> <ul style="list-style-type: none">The University has demonstrated by its performance that it is not a sufficiently responsible corporate citizen as to be trusted with the powers it is requesting. Therefore the plan change request should be rejected or modified in the way suggested.			

Submission No.	Name	Address for Service	Wishes to be heard
<p>Decision requested</p> <p>That the Council decline the plan change request in respect of the proposed rezoning.</p> <p>That alternatively, proposed Rule 9.3.2 be amended to make it clear that it does not apply to student accommodation</p> <p>That a new rule should be added prohibiting student accommodation on 320 The Terrace.</p> <p>Panel Recommendation</p> <p>Reject</p>			
17	John Jenner	5/227 The Terrace, Te Aro, Wellington 6011	No
<p>Submission</p> <p>The submitter opposes the proposed rezoning aspect of the plan change request because:</p> <ul style="list-style-type: none"> Additional student accommodation in the surrounding area would adversely impact existing residents. This is because it would add to the already unsavoury environment which results from inebriated young people such as noise, rubbish, vomit and graffiti. <p>Decision requested</p> <p>That the Council decline the plan change request in regards to the proposed rezoning.</p>			

Submission No.	Name	Address for Service	Wishes to be heard
Panel Recommendation			

Submission No.	Name	Address for Service	Wishes to be heard
Reject			
18	John Miller	101 Salamanca Rod, Kelburn, Wellington 6012	No
<p>Submission</p> <p>The submitter opposes the proposed rezoning aspect of plan request for the following reasons:</p> <ul style="list-style-type: none"> It will allow increased anti-social behaviour by university students. The University is already struggling to control this behaviour with the existing student halls. <p>Decision requested</p> <p>That the Council decline the plan change request in terms of the proposed rezoning or approve it on the condition that it does not allow student halls or flats to be built on the site.</p> <p>Panel Recommendation</p> <p>Reject</p>			

Submission No.	Name	Address for Service	Wishes to be heard
19	DOCOMOMO New Zealand	C/O Julia Gatley, 27A Rutland Road, Stanley Bay, Auckland 0624	Yes

Submission No.	Name	Address for Service	Wishes to be heard
FS4	Cara Francesco (support)		
<p>Submission</p> <p>The submitter opposes the de-listing aspect of the plan change request for the following reasons:</p> <ul style="list-style-type: none"> • The Gordon Wilson Flats are a significant historic heritage resource. The Council recognises this by having the building on the District Plans Heritage list. • The intent of the District Plan and the Wellington Heritage Policy is to recognise, protect and conserve the City’s historic heritage so that the Council can meet its obligations under the RMA and provide for the present and future well-being of its community. • The de-listing of the Gordon Wilson Flats will set a precedent whereby other owners feel encouraged to de-list their heritage listed property in order to expedite its demolition. • The heritage assessment in the plan change request has not used the Councils criteria and methodology for assessing heritage significance and thus cannot be said to have formed an opinion as to the significance of the building in regards to its heritage listing. • The building has high architectural and architectural significance and makes a notable contribution to the urban streetscape of the inner-city. • The building has retained a high level of authenticity and is a local landmark. • The Gordon Wilson Flats have a significant contextual relationship to other multi-storey apartment buildings as they were built to meet social housing needs by both the Housing New Zealand Corporation and the Council in the latter half of the 20th century. • The Gordon Wilson Flats are particularly notable for their maisonette style planning and commemorative value as their name memorializes the architect who 			

Submission No.	Name	Address for Service	Wishes to be heard
			<p>designed them.</p> <ul style="list-style-type: none"><li data-bbox="136 1300 2139 1414">• The heritage assessment notes the Gordon Wilson Flats have 'not been attributed Earthquake Prone Status by the Council' however other technical reports contradict this assertion. This contradiction raises questions as to the information available to the Council from which a robust and defensible decision

Submission No.	Name	Address for Service	Wishes to be heard
<p>can be made.</p> <ul style="list-style-type: none"> The submitter has provided the Council with the Expression of Interest document for the Civic Administration Building in Auckland (1951-66) which was, until recently, under threat of demolition but is now being described as 'an exceptional renewal and adaptive re-use opportunity'. <p>Decision requested</p> <p>That the Council decline the plan change request to de-list the Gordon Wilson Flats on the grounds that the building fully merits its inclusion in the District Plan as a listed heritage building.</p> <p>That any proposals for the redevelopment of the site proceed on this basis and explore refurbishment and/or adaptive reuse options.</p> <p>Panel Recommendation</p> <p>Reject</p>			
20	Kenneth and Lynda Bowater	19A Everton Terrace, Kelburn, Wellington 6012	Yes
<p>Submission</p> <p>The submitter's submission is as follows:</p> <ul style="list-style-type: none"> Do not object to the Gordon Wilson Flats being removed from the District Plans Heritage list. Do not object to teaching and research spaces being developed to replace the building. The antisocial behaviour of university students at Weir House has worsened over the last 5 years with students spilling out of the accommodation 			

Submission No.	Name	Address for Service	Wishes to be heard
<p>at 10pm. This practice has become common on Wednesday, Friday and Saturday nights as well during the day on weekends when the weather allows. A number of complaints have been lodged with the Council about this.</p> <ul style="list-style-type: none">• The Kelburn Park group has formally met with the University, Weir House, the Council and the Police on multiple occasions and often exchanged emails around concerning events. However the group are dissatisfied with the University's and the Councils responses to its concerns.			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none"> The University and the Council appear to be more concerned with the income generated by an increasing student population than encouraging an attractive and vibrant neighbourhood that includes considerate, law abiding families and young professionals. Want to raise awareness of their own experience in order to prevent the future use of the site been used for student residential or student union event purposes. Were surprised that the Kelburn Park group members were not notified by the Council of the plan change request. 			
<p>Why the site should never be used for student residential purposes</p>			
<ul style="list-style-type: none"> The submitter's do not have any confidence in the University to manage student behaviour and as such, the site should never be used for student residential purposes. Recent experience with the University has shown that it has consistently failed to pay due attention to the impact of their operations on local residents. Once students leave the University's property it transfers the responsibility for monitoring students' antisocial behaviour to the long suffering residents. Jenny Bentley (Director of Campus Services) has repeatedly stated that the University holds no responsibility for its students once they leave the premises. As such, local residents are expected to call the Councils Noise Control or the Police to log incidents of antisocial behaviour and hopefully get some resolution. Many of our neighbours will not log complaints because the noise nuisance between each group of students is transient and phoning Noise Control elicits no response. The Council applies a stand down period of 15 minutes before considering sending someone out to investigate which is another inconvenience after being rudely awakened. However it is understood that the 15 minute stand down period for sending out someone to investigate has now been waived. Experience with landlords (not the University) has been much better. If the landlords are based in New Zealand they generally take steps to ensure their tenants are respectful to the neighbours if a complaint is lodged. 			
<p>More student halls of residence means more fear for our neighbourhood</p>			
<ul style="list-style-type: none"> The University's response to local residents concerns and the escalating antisocial student behaviour has caused local residents stress and anxiety. 			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none">• Local residents are fearful of confronting students who are behaving badly outside their properties.• Filming or photographing the students has also been unsuccessful as the University suggests that the culprits cannot be proved to be residents of their halls. The submitter's have been advised for their own safety not to intervene or take photos.• Screaming female students have also caused great stress as there have been a number of sexual assaults in the area. The submitter's feel they			

Submission No.	Name	Address for Service	Wishes to be heard
<p>have to put themselves at risk to investigate such incidents in order to make sure these are not such attacks.</p> <p>More student halls of residence means more hazardous littering</p> <ul style="list-style-type: none"> • The mornings following student drinking sessions, residents are faced with cleaning up the alcohol related and takeaway litter left in our streets and walkways or putting up with a degenerated environment. • Weir House and Everton Hall have not responded to resident requests to clean up litter. As a result, school children are required to walk past broken glass and partially consumed bottles of alcohol to get to Clifton Terrace School. <p>More students halls of residence mean Kelburn and Te Aro have become ‘Student Party Central’</p> <ul style="list-style-type: none"> • Three nights a week of drinking is unacceptable. The proposed rezoning would escalate this problem if the Gordon Wilson Flats are replaced by student accommodation. • In the past the submitter’s loved living in this location but are considering selling our property as both the University and the Council appear to have an agenda of turning our neighbourhood into a student ghetto or ‘Student Party Central’. • Concerned how the deteriorating behaviour of students is impacting on their academic performance. Students may fare better academically if they are not in a university run hall of residence environment. • Concerned about what tourists think of the alcohol related litter which is clearly in view of the Cable Car route to Kelburn. <p>Why public access via the site after normal business working hour is unacceptable:</p> <ul style="list-style-type: none"> • Kelburn neighbourhood has extensive experience of the unacceptable noise level of intoxicated students making their way to the CBD at 10pm and then returning in the early hours of the morning. • This would be exacerbated if the proposed rezoning was approved. • The University is not a responsible host, and the submitter does not expect complaints to be dealt with in a way that meets residents’ expectations. • Surrounding properties will likely be devalued as a result of the proposed rezoning. No one will want to buy a house in an area where there are 			

Submission No.	Name	Address for Service	Wishes to be heard
<p>intoxicated and noisy students who keep them regularly awake at night. The Council and the University have remedies available to them to deal with these issues but choose not to invoke them.</p> <p>Other considerations strongly supported concerning the use of the University's halls of residence and potentially Council Bylaws</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none"> • Reconfigure the current stock of halls of residence. The number of university halls of residence is already substantial. The submitter's don't want to see anymore built. The submitter's recommend the University house first year students in the CBD area and more mature students in residential areas like Salamanca Road. • Desist cheap Wednesday drinks. It is recommended that the Council and the University work together to discourage local businesses promoting cheap student drinks on Wednesday nights in the CBD. • Manage the transport of alcohol to the halls of residence. The new supermarket to be built in Cable Car Lane in Lambton Quay will facilitate the purchase and transport of alcohol for students who use the Cable Car to get to the student halls in the area. The Council and the University must give some consideration to how the transport of alcohol in the halls can be better managed. • Liquor bans or managed events on university property. The Kelburn Park Group support a liquor ban in the park but to date has had no support from the Council. The University passes any responsibility onto the Council. Thus the onus for getting any action when needed is yet again pushed onto local residents. If a liquor ban is not possible the University should encourage students to drink moderately in its own indoor areas under responsible supervision with effective noise controls in place. • Remove alcohol related litter discarded in residential areas. To date no effective effort has been made by the University or the Council to remove such litter in the surrounding area. In the absence of a liquor ban, local residents must not have to manage this problem or have to live in a degenerated environment. <p>Decision requested</p> <p>That the Council decline the plan change request in respect of the proposed rezoning.</p> <p>That alternatively, all applications under Rule 9.3.2 be publicly notified.</p> <p>That the site never be used for student accommodation, student union event purposes or to facilitate public access after normal business working hours.</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<p>Panel Recommendation</p> <p>Reject</p>			

Submission No.	Name	Address for Service	Wishes to be heard
21	Kenneth Davis	Suite B, Alison Building, 3 Devon Lane, Devonport, Auckland 0624	Yes
FS1	Cara Francesco (support)		

Submission

The submitter supports the plan change request in part and opposes the plan change request in part as follows:

- Does not support the removal of the Gordon Wilson Flats, they are a very important piece of modern architecture and are significant to New Zealand's mid-20th century social and political history. Consequently the submitter believes there is no reason or justification to de-list the heritage status of the building particularly as nothing has changed to affect the buildings original heritage status.
- Supports the proposed rezoning and proposed provisions provided the Gordon Wilson Flats are retained, adaptively reused and creatively integrated into the University campus through the innovative redevelopment of the building and its adjacent land including Housing New Zealand's Mclean Flats site.
- Undertook the original research on F. Gordon Wilson through my Bachelor of Architecture sub thesis/research report '*A Liberal State of Mind – The Architectural Work of F Gordon Wilson 1936-1959 – A Cultural Analysis*'. This sub thesis/research report has formed much of the basis of subsequent research and writing on F. Gordon Wilson and his contribution to architectural modernism and the development of State Housing in New Zealand. As such, I have a special interest in the building.
- F. Gordon Wilson was the first Principal Architect of the Department of Housing Construction from 1936 until his death in 1959 as Government

Submission No.	Name	Address for Service	Wishes to be heard
<p>Architect. The Gordon Wilson Flats building were named after him.</p> <p>Heritage Status of the Gordon Wilson Flats</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none"> • The Gordon Wilson Flats is one of only 7 high rise multi-unit state funded social housing developments which was a social and building programme initiated by the first Labour Government from the mid 1930's. • The building is also important as it is only one of two post WW2 social housing blocks in New Zealand with two level maisonette planning, rectilinear form and articulated facades influenced by Le Corbusier's Unite d'Habitation innovative 1950's apartment buildings in Marseilles. • The Gordon Wilson Flats are an important example of modernist social housing and represents an important part of New Zealand's social and political history. The building was also designed by F. Gordon Wilson, a significant New Zealand architect, and was named after him. • These points of significance are all acknowledged by various heritage assessments of the building including Archifacts report for Victoria University on the building and Wellington City Councils <i>'Heritage Inventory – 1995: 'Gordon Wilson Flats'</i>. • While a heritage buildings value can vary between experts, all regard the building as being of heritage importance and the Council has valued the heritage of the building to be significant enough to merit listing on the Heritage register of the District Plan. • It is likely that over time the buildings heritage value will increase as society comes to recognise the importance of this example of architectural modernism. • Society undervalues the cultural products of its immediate preceding generation. It often prematurely destroys recent built culture before it can come to understand its cultural value or its place in history. • Our society will ensure resources are made available to protect those things deemed to be important such as contemporary buildings and heritage structures. An example is the historic value of New Zealand's colonial, Victorian and Edwardian architecture which only became recognised from the 1970's. In certain suburbs, the workers cottages and Victorian villas are now strictly protected and also provide some of the highest residential property values in the country. • It is only in the last 20 years that the heritage importance of mid-century architectural modernism as exemplified by the Gordon Wilson Flats started to be recognised and embraced by mainstream culture. As such, New Zealand modernist social housing may become a major cultural tourism 			

Submission No.	Name	Address for Service	Wishes to be heard
<p>attraction both internationally and nationally in the next 20 years as the value of this style of architecture becomes fully acknowledged.</p> <ul style="list-style-type: none"><li data-bbox="136 1329 2139 1407">• The destruction of important cultural product such as the Gordon Wilson Flats is ‘cultural vandalism’. To allow the demolition of this building would be short sighted and fool hardy from not only a heritage point of view but also in relation to economics and sustainability especially as I believe			

Submission No.	Name	Address for Service	Wishes to be heard
<p>the building could be adaptively reused as student housing.</p> <p>Adaptive Reuse</p> <ul style="list-style-type: none"> The building could be adaptively reused for student accommodation in the form of large 5 bedroom flats. The building could be converted relatively easily that would increase total bed numbers by 15% from 162 to 187 beds in typically a 5 building student flat arrangement. These changes provide 25 additional beds and the extra commercial value could be undertaken without changing the footprint of the building and only require 900mm wide penetrations through the short transverse north/south structural concrete shear walls at each floor level. These changes are structurally feasible and would likely be undertaken during any wider seismic upgrade of the building. <p>Site and Building Potential</p> <ul style="list-style-type: none"> The proposed rezoning is potentially a great opportunity as it opens up a new gateway from the Terrace to the Kelburn campus and provides more land for development. Currently there is no direct access from the Terrace directly to the campus. The balance of the site could be developed as university teaching or student residential accommodation. <p>Victoria University Wellington Heritage and Green Building Advocacy</p> <ul style="list-style-type: none"> The University has a very strong record as a heritage and green building advocate. It has shown commitment to heritage retention and adaptive reuse in retaining and seismically upgrading its heritage and non-heritage building stock. The University has been successful in retaining and reusing heritage and other older buildings in creative and positive ways with resultant high quality architectural and urban design outcomes. I believe that an equally high quality architectural and urban design outcome is possible with the Gordon Wilson Flats and the integrated development of adjacent land. At a sustainability level the demolition of the building presents a negative outcome as it is a waste of existing building resources and the buildings inherent embodied energy. It is also a waste of viable and valuable housing resource especially as there is demand for 2 bedroom inner city housing stock. 			

Submission No.	Name	Address for Service	Wishes to be heard
Decision requested That the Council decline the plan change request in regards to the de-listing of the Gordon Wilson Flats.			

Submission No.	Name	Address for Service	Wishes to be heard
<p>That the plan change request be approved on the condition that the Gordon Wilson Flats are retained, adaptively reused and creatively integrated into the University Campus through the innovative redevelopment of the building and its adjacent land including Housing New Zealand’s Mclean Flats site.</p> <p>Panel Recommendation</p> <p>Reject</p>			
22	Ken Mitchell	9/324 The Terrace, Te Aro, Wellington 6011	No
<p>Submission</p> <p>The submitter’s submission is as follows:</p> <ul style="list-style-type: none"> • Supports the removal of the Gordon Wilson Flats from the District Plans Heritage list. • Does not object to the proposed rezoning on the condition that the University’s existing design height parameter of 10m for buildings and facilities on the Terrace is adhered to. • Does not object to the demolition of the Gordon Wilson Flats but insists that a plan for the removal of the asbestos interior is made publicly available to local residents and the Council for approval. The plan should include current best practice mitigation techniques for its safe removal and that the actual removal should be monitored by an independent external agency who reports to the local residents and the Council. The plan must also include procedures for demolition and asbestos removal relating to wind strength and it should only occur in the winter months to minimise any adverse effects and asbestos threats on local residents. 			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none">• Does not object to the University's plans for landscaping the site once the Gordon Wilson Flats are removed on the condition that the Council ensures the University implement the following measures:<ul style="list-style-type: none">- Constructs a permanent fence/wall between 320 The Terrace and the back of Units 9, 10, 11 and 12 at 324 The Terrace. This is to ensure the			

Submission No.	Name	Address for Service	Wishes to be heard
<p>safety and security of existing residential properties and to ensure property value retention.</p> <ul style="list-style-type: none"> - That Victoria University provides a 24/7 security monitoring presence (such as currently provided in other parts of the campus). <p>Decision requested</p> <p>That the Council approve the plan change request subject to the above comments.</p> <p>Panel Recommendation</p> <p>Accept in part</p>			
23	Kevin Melville	139 Waterloo Road, Hutt Central, Lower Hutt 5010	No
<p>Submission</p> <p>The submitter supports the plan change request.</p> <p>Decision requested</p> <p>That the Council approve the plan change request.</p> <p>Panel Recommendation</p>			

Submission No.	Name	Address for Service	Wishes to be heard
Accept			

Submission No.	Name	Address for Service	Wishes to be heard
24	Living Streets Aotearoa	C/- Paula Warren, PO Box 25/424 Panama Street, Wellington 6146	Yes
<p>Submission</p> <p>The submitter's submission is as follows:</p> <ul style="list-style-type: none"> • Would like to see a formal 24 hour pedestrian accessway included in the District Plan that connects the Terrace to the University along Waiteata Road. Currently there is limited pedestrian access to the Kelburn campus. • Would like to see the bush area at the rear of the Gordon Wilson Flats preserved as far as possible to maintain the amenity of this area. • Would like to see a pedestrian crossing included in the District Plan from Dixon Street across the Terrace to the bush area. • Proposed Rule 9.3.2 should allow public notification given that 320 The Terrace is a significant inner city site and is visible from many parts of the central city. • Building heights should not exceed the current limits. <p>Decision requested</p> <p>Does not state, seeks amendments as above.</p> <p>Panel Recommendation</p>			

Submission No.	Name	Address for Service	Wishes to be heard
Accept in part			

Submission No.	Name	Address for Service	Wishes to be heard
25	MANA Newtown	C/- Josh Hutcheson, 2/5 10 Adelaide Road, Berhampmore, Wellington 6021	Yes
<p>Submission</p> <p>The submitter opposes the plan change request for the following reasons:</p> <ul style="list-style-type: none"> • There is a need for housing in Wellington. • The Gordon Wilson Flats accommodated over 150 people. Housing New Zealand has not added to its stock to replace these flats so the housing crisis in Wellington must be worsening. The declaration of Special Housing Areas by the Council must support this. • The site has residential character and given that the Council wishes to have people living close to the city centre it would be wrong to change the District Plan to convert this area of inner city land into university use. • If the University does not want to fix the building to accommodate students it should sell it to someone who will. Rental income from the flats will pay for the cost of repairing the building in a few years. • If the University wishes to expand it should use commercial buildings. <p>Decision requested</p> <p>Keep the current zoning.</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<p>Panel Recommendation</p> <p>Reject</p>			

Submission No.	Name	Address for Service	Wishes to be heard
26	Dr Ben Schrader Michael Kelly Chris Cochran	C/- Dr Ben Schrader, 41 Northland Road, Northland, Wellington 6012	Yes
FS2	Cara Francesco (support)		
<p>Submission</p> <p>The submitter's oppose the plan change request because:</p> <ul style="list-style-type: none"> The Gordon Wilson Flats are on the District Plans Heritage list for very good reasons. The building has great historic and architectural significance. As such, its protection and conservation should be strongly supported by the Council. The use of a plan change to demolish a listed heritage building is completely inappropriate. Demolition of a listed heritage item is a full discretionary activity and should be assessed through the normal resource consent process. The merits of the proposal can be decided via such an application. A precedent may be set in that an institution other than the Council can successfully pursue a private plan change of this nature. The Council should determine what is on the District Plans Heritage list via its usual public processes and manage plan changes when appropriate as it has always done. The Gordon Wilson Flats do not need to be demolished and the zoning does not need to be changed. The building can be repaired and restored and used as student accommodation. The University should be setting a better example in its use and care of heritage buildings, even ones that it takes over or inherits. 			

Submission No.	Name	Address for Service	Wishes to be heard
<p>The Heritage Significance of the Gordon Wilson Flats</p> <ul style="list-style-type: none">The building was designed in the head office of the Ministry of Works and construction supervised by the Wellington District Office.			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none"> • The original plans were at least in part the work of Ernst Plischke, the Austrian-born émigré who worked for the Ministry of Works under chief architect Gordon Wilson. Plischke was, together with Wilson and a handful of others, one of the most important Modernist architects in New Zealand history. A design by Plischke, dated to 1942, shows a building that in idiom and scale was very like the one eventually designed. It confirms how the design ideas he was promoting had already been absorbed by the Government’s own architects. • These plans, signed by Gordon Wilson, were not completed until August 1954, and the building itself was not finished until 1959, but the flats still broke new ground. They were uncompromisingly Modernist in style and closely followed the kind of apartment construction that was becoming common in Western European countries. • The structure introduced maisonette-style flats to New Zealand, a type that Le Corbusier’s famous Habité d’Habitation in Marseilles (1947-55) pioneered. This building and the related Upper Grey Street Flats are the only examples of maisonette social housing flats in New Zealand. Although the building was one of the biggest in the city, its impact on the environment was cleverly reduced by its construction against - and beneath - Kelburn hill. • In 1961, in a review of the building, the Journal of the NZIA noted that the system of piling was not known to have been used before in New Zealand. It involved ‘placing reinforcement and dry concrete aggregate’ in a pre-bored cavity, and then ‘grouting with a fluid mixture of cement and sand.’ The system proved to be not only economic, but also ‘ensured a better key with the sloping rock beds’. • The building’s technological value is enhanced by the fact that it included equipment to measure seismic movements, not a common practice at the time. • The extent of the government’s commitment to mass social housing was fully evident in this building which was large, low-cost apartments in inner-city areas. The building was intended to provide accommodation for pensioners, single people, childless couples and others who wanted to live close to city workplaces and amenities. The accommodation provided was generous and comprised 75 maisonette style apartments, most with two double bedrooms, and 12 bedsitting-room flats. • The high-rise slab block of flats is a significant townscape feature and dominates the southern end of The Terrace. It also maintains high authenticity in its design, materials and setting. 			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none">• Together with the adjacent McLean State Flats, and the nearby Dixon Street Flats, the building is part of an important collection of buildings of a similar design and purpose located in the same part of central Wellington.• Wellington is the home of some of the most important buildings in the history of the provision of mass social housing in New Zealand, including			

Submission No.	Name	Address for Service	Wishes to be heard
<p>the Centennial Flats on Adelaide Road (1940). There is no comparable collection of state-built flats like it in the Country.</p> <ul style="list-style-type: none"> The Gordon Wilson Flats was the last large multi-storey state housing complex built in Wellington. It foreshadowed the embrace of city-based social housing provision in the 1960s by the Council, which went on to build many more large apartment buildings. (The recent excellent renovation of Newtown Park Flats surely shows the redevelopment potential of this structure.) The building has historic significance for its association with one of New Zealand’s most celebrated Modernist architects, Gordon Wilson, who died while it was being constructed. The building was fittingly named after him. The connection with the Ministry of Works, the government’s builders for over 110 years, is also historically significant. <p>Decision requested</p> <p>That the Council decline the plan change request.</p> <p>Panel Recommendation</p> <p>Reject</p>			
27	Nicola and Norbert Koptisch	236 The Terrace, Te Aro, Wellington 6011	Yes
<p>Submission</p> <p>The submitter’s oppose the proposed rezoning and amendments to the Institutional Precinct provisions for the following reasons:</p> <p>No more student accommodation</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none">• The University will be allowed to build more student accommodation without any public notification. This will only increase the current widespread antisocial student behaviour that residents have to put up with.• The antisocial behaviour has worsened over the last 10 years and now ear plugs have to be worn every Friday and Saturday night to block out the			

Submission No.	Name	Address for Service	Wishes to be heard
<p>noise from students (e.g. screaming and yelling, fights and damage to private property).</p> <ul style="list-style-type: none"> • The submitter's have recently joined the Kelburn residents group to obtain support from other residents experiencing similar problems. <p>Noise nuisance from the Student Union building</p> <ul style="list-style-type: none"> • Resource consent was granted in 2005 to allow external parties to hire the Student Union building for their own events. • The Council only monitors some student and public events at this building before leaving it up to local residents to contact the noise control officers when the noise is very loud. • Often the buildings resource consent is breached as some events go beyond midnight and the noise is over and above the allowed decibel limit. • Many calls have been logged only to find the noise control officers not turn up or turned up after the shut down time has been breached. <p>Pre-loading in the Student Accommodation halls</p> <ul style="list-style-type: none"> • The student halls have a 10pm curfew for alcohol consumption leaving the residents to face the consequences of drunken students walking to and from bars in the CBD. <p>Infringement of the quiet residential zones</p> <ul style="list-style-type: none"> • The University is free to commit a nuisance and impinge on the rights of the Kelburn and Terrace residents. Many of the houses in these areas were in existence long before the student union and student accommodation halls were built. • The submitter's currently have a permanent loss of 'quality of life' as a result of anti-social activities. The submitter's have a right to a quiet noise environment given that they are living in a residential zoned area. Anxiety, stress and sleep deprivation are the consequences suffered from these activities. 			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none">• If the residents move out of the Kelburn and Terrace neighbourhood these areas could turn into a student ghetto and a 'no-go zone'. As such, many of the houses could be at risk of deterioration and devaluation. Tourism may also be affected.			

Submission No.	Name	Address for Service	Wishes to be heard
<p>Accountability for the nuisance caused</p> <p>For Victoria University to be fully accountable they need to:</p> <ul style="list-style-type: none"> • Acknowledge reality as to the widespread problems. Residents are now turning to radio talkback shows and newspapers to voice their concerns • Take responsibility for its problems. If the University denies its students are causing anti-social behaviour it needs to prove the students are not from the University. • Find solutions. Solutions are difficult to find and implement if you do not accept the problem. • Make it happen. If the problem is left to fester, the University risks resident/s taking legal action. • Look at the University's contribution to the community. Its profit is being made at the expense of the problems caused to the Kelburn and Terrace neighbourhood. • Look at the residents' contributions to the wider community. Local residents use their own time and resources to beautify the area through house renovations and continual maintenance of gardens and paths. <p>Develop a framework for Nuisance Responsibility</p> <ul style="list-style-type: none"> • Apply a nuisance framework to the Institutional Precinct Zone • The Council is ultimately responsible for the anti-social behaviour and has to ensure the residents have a quiet night environment. • The Council will need to prove to the residents how the quiet night environment will be achieved and how the anti-social activities will be prevented. 			

Submission No.	Name	Address for Service	Wishes to be heard
			<ul style="list-style-type: none">• Provide data to resident groups that are being collected by Wellington Hospital in relation to emergency admissions for intoxicated students.• Use available smart technology in monitoring anti-social behaviour.

Submission No.	Name	Address for Service	Wishes to be heard
<p>Student Union Events</p> <ul style="list-style-type: none">• All planned events at the Student Union building are monitored to comply with resource consent.• Provide adequate communication to the residents for all events at the building such as a schedule of the planned events with a management plan sent to nearby residents. <p>Host Responsibility to prevent anti-social behaviour</p> <ul style="list-style-type: none">• Supervise all the drinking in the student accommodation halls to prevent 'pre-loading' and leaving the halls disorderly and intoxicated.• Provide food with any alcoholic beverages being consumed.• Instant payment fines to be issued to students caught 'pre-loading'.• Arrange transport to and from bars.• Students caught 'pre-loading' are banned from leaving the halls.• Consider a complete alcohol ban and eviction for continual non-compliance. <p>Decision requested</p> <p>Keep the current zoning.</p> <p>That all applications are publicly notified.</p> <p>No student accommodation to be built on the site.</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<p>No public access after normal business working hours.</p> <p>That the Council and the University consider other uses of the land such as infill residential housing.</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<p>That the site be subdivided and sold on the market for new residential houses to be built.</p> <p>Panel Recommendation</p> <p>Reject</p>			
28	Patricia Gruschow	321A The Terrace, Te Aro, Wellington 6011	No
<p>Submission</p> <p>The submitter opposes the plan change request in its entirety.</p> <p>Decision requested</p> <p>Keep the current zoning.</p> <p>Notify local residents of all demolition and construction plans.</p> <p>Panel Recommendation</p>			

Submission No.	Name	Address for Service	Wishes to be heard
Reject			

Submission No.	Name	Address for Service	Wishes to be heard
29	Paul Lee	53 Mulgrave Street, Thorndon, Wellington 6011	No
<p>Submission</p> <p>The submitter's submission is as follows:</p> <ul style="list-style-type: none"> Concerned as to how the plan change request will deal with site access, parking and loading in terms of provisions on the new university site. Concerned about how pedestrian access and the increasing vehicular pressure on surrounding Mount Street, McKenzie Terrace and Waiteata Road will be dealt with. <p>Decision requested</p> <p>That pedestrian and traffic management designs/plans are incorporated into the proposal and that these designs/plans include the wider accessibility issues that are increasing as the university expands into the surrounding neighbourhood.</p> <p>Panel Recommendation</p> <p>Accept in part</p>			
30	Roland Sapsford	23 Eponi Street, Aro Valley, Wellington 6021	Yes
<p>Submission</p> <p>The submitter supports the plan change request in part and opposes the plan change request in part for the following reasons:</p>			

Submission No.	Name	Address for Service	Wishes to be heard
De-listing the Gordon Wilson Flats <ul style="list-style-type: none">Given that the proposal is about demolishing the Gordon Wilson Flats it should be dealt with under the heritage provisions of the District Plan.			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none"> • Delisting the building implies it lacks heritage merit when in fact the building has considerable heritage merit. • The building is capable of restoration and redevelopment in a manner consistent with its heritage values. <p>Rezoning 320 The Terrace</p> <ul style="list-style-type: none"> • The proposed rezoning will reduce the ability for the public to participate in the resource consent process and the Councils ability to control the use of the land. This is inappropriate for such a large significant site especially when there are no defined plans for its use. • The proposed rezoning provides the University with the ability to do almost anything it wants. This is at odds with the importance of the site to the city and the potential impacts on local residents. • The proposed rezoning is premature. Specific proposals for landscaping in the interim could be dealt with under the existing District Plan provisions. A more considered review may lead to some aspects of the site being classed as open space or reserve land for example. <p>Amendments to the Institutional Precinct provisions</p> <ul style="list-style-type: none"> • The importance of the site suggests that Councils discretion should remain unrestricted or at least be extended to encompass more possible effects of development. • A more appropriate course of action would be to seek public input and when there was a reasonable degree of support for a proposal then present it to Council for consideration. <p>Decision requested</p> <p>That the Council decline the plan change request in respect of de-listing the Gordon Wilson Flats and the proposed rezoning. However if the plan change request is approved in these respects, amendments should be made to the Institutional Precinct provisions to provide for more comprehensive</p>			

Submission No.	Name	Address for Service	Wishes to be heard
control on development and a higher degree of public input.			

Submission No.	Name	Address for Service	Wishes to be heard
<p>Panel Recommendation</p> <p>Accept in part</p>			
31	Sarah Wilcox	15 St Michaels Crescent, Kelburn, Wellington 6021	No
<p>Submission</p> <p>The submitter opposes the plan change request due to the:</p> <ul style="list-style-type: none"> Growing number of drunk and noisy students around the city. More student accommodation in the area would only add to this problem. <p>Decision requested</p> <p>That the Council decline the plan change request.</p> <p>Panel Recommendation</p> <p>Reject</p>			

Submission No.	Name	Address for Service	Wishes to be heard
32	William Aitken	PO Box 36, Paekakariki 5381	No
Submission			

Submission No.	Name	Address for Service	Wishes to be heard
<p>The submitter opposes the plan change request because:</p> <ul style="list-style-type: none"> • It would adversely affect his property. • There is already regular damage to the submitter's property by students going up and down the Dixon Street steps intoxicated on Wednesday and Thursday nights. • The noise disturbs the submitter's sleep and that of the submitter's tenants. <p>Decision requested</p> <p>That new student accommodation be established at the CBD end of the Terrace so that students do not disturb residents at night.</p> <p>Panel Recommendation</p> <p>Reject</p>			
33	Fernhill Body Corporate	C/- Geraldine Ryan, 3/324 The Terrace, Te Aro, Wellington 6011	-
<p>Submission</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<p>The submitter's submission is as follows:</p> <ul style="list-style-type: none"><li data-bbox="136 1353 1227 1398">• Do not oppose the removal of the Gordon Wilson Flats from the Heritage list.			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none">• Do note that measures arising from the draft demolition management plan include consultation with Housing New Zealand and Wellington Electricity but none with the neighbours on the southern boundary of the site.• Under Clause 3.4 of Appendix 2, the submitter's object to the insertion of clause 9.3.2 which states that applications will not be publicly notified or limited notified. As affected persons the submitter's require that applications will be publicly notified and that 324 the Terrace will be fully consulted on any proposed designs.• Under Appendix 4, Item 1, the submitter's object to the proposed permitted height of buildings and structures however the submitter's would agree to building heights beyond a 15m yard space to the southern boundary adjoining 324 the Terrace being limited to 30AMSL.• Under Appendix 4, Item 4, Yard – Section 2.2.1, proposed permitted activity condition 9.1.1.1.3, the submitter's seek to ensure that a 15m yard be the accepted distance along the boundaries to the adjoining residential areas to the south side of the site to protect our residents sunlight plane.• The submitter's request that noise levels applicable to the site be the same as that for the Inner Residential Area. <p>Decision requested</p> <p>Does not state, seeks amendments as above.</p> <p>Panel Recommendation</p> <p>Accept in part</p>			

WELLINGTON CITY COUNCIL
PROPOSED (PRIVATE) PLAN CHANGE 81
MINUTE 1 OF HEARING COMMITTEE

Introduction

1. Pursuant to section 34A of the Resource Management Act 1991 (RMA) Councillor Andy Foster (Chair), Councillor Mark Peck, and Independent Commissioner David McMahon have been jointly appointed by the Wellington City Council ("WCC") to hear and determine Proposed (Private) Plan Change 81 ("PC81") – Rezoning 320 The Terrace from "Inner Residential" to "Institutional Precinct" and de-listing the Gordon Wilson Flats – to the Wellington District Plan by Victoria University of Wellington ("the proponent").
2. The general function of this Minute is to set out some preliminary matters in preparation for the hearing, which is set down for Tuesday 15 and Wednesday 16 December 2015. Formal notice of this hearing date will be provided separately. In the meantime, our objective is to provide for a smooth and easily navigable hearing process for all parties. This requires some actions from all the parties in readiness for the formal proceedings, which we will now outline in detail.
3. In this respect, this minute covers the following matters:
 - (a) Evidence Preparation and Circulation
 - (b) Hearing Process and Presentations
 - (c) Site and Locality Visits
 - (d) Pre-hearing discussions/conferencing
4. It is possible that there will be further instructions issued by way of Committee Minute before and/or after the hearing.

Evidence Preparation and Circulation

5. The Committee has considered whether any orders are appropriate under section 41B of the RMA. That section provides that an authority controlling a hearing may direct that briefs of expert evidence be provided to the authority prior to the hearing. It is apparent that there are a number of issues which are likely to be addressed by experts¹. The purpose of the pre-circulation of expert evidence is to allow the evidence to be read and assimilated by all parties to the hearing. In the interests of efficiency and transparency, the Committee considers such orders are necessary, and as such the following directions are made:
 - (a) Pursuant to section 42A(3)(a) of the RMA, the Committee directs that the **WCC section 42A report/s** be provided to all the parties, by way of email, directing the parties to the WCC website no later than 5pm on Tuesday 24 November 2015.
 - (b) Pursuant to section 41B(1) and (2) of the RMA, the Committee directs that the **plan change proponent** provide written briefs of their expert evidence to the Council's Business Support Administrator (Leslie Almario at the WCC (Leslie.Almario@wcc.govt.nz)) no later than 12 noon on Tuesday 1 December 2015.

¹ An expert is a person who holds professional qualifications in the field relevant to the evidence produced.

- (c) Pursuant to section 41B(3) and (4) of the RMA, the Committee directs that if any person who has made a submission intends to present expert evidence at the hearing, including expert planning evidence, then that party is to provide a written brief of that evidence to Ms Almario at the WCC (Leslie.Almario@wcc.govt.nz) no later than 12 noon on Tuesday 8 December 2015.
- (d) Where submitters intend to present non-expert evidence or legal submissions, a list of names of those appearing for the submitter should be provided to Ms Almario at the WCC (Leslie.Almario@wcc.govt.nz) no later than 12 noon on Tuesday 8 December 2015. This instruction applies even if a submitter is representing his/herself without any additional representation. This will assist in scheduling the proceedings – both in terms of indicating the likely duration of the hearing, and in terms of understanding roughly how long each party will require.
- (e) The Committee request that as soon as practicable following receipt of any such evidence received pursuant to section 41B, WCC provides a copy to all other parties to these proceedings by way of email, directing the parties to the WCC website, no later than 5pm on Tuesday 1 December and 8 December 2015 respectively.
6. In terms of the directions above, the reports and evidence should be provided by WCC electronically by email or be made available for downloading from the WCC website www.wcc.govt.nz. Hard copies of the reports or evidence should only be provided on request.
7. Non-expert evidence, including any lay evidence or legal submissions should be tabled and read aloud on the day that the relevant party appears at the hearing.
8. For clarity the timetable for proceedings is as follows:

Date (2015)	Action
Tuesday 24 November	WCC – s42A report to be circulated to the parties
Tuesday 1 December	Proponent's evidence – to lodge with WCC all written evidence in support of the application (or later by agreement)
Tuesday 8 December	Submitter's expert evidence – to lodge with WCC all written evidence in support of the application (or later by agreement) Submitters attending the hearing – to provide a list of evidence authors / witnesses to be called in support of their submission(s) to the WCC (plus any site and localities that they wish us to visit prior to the hearing).
From Tuesday 15 December (2 Days)	Hearing commences

9. We understand that Council will collate all pre-circulated evidence and make it available on the Council website. Further instructions about accessing this information (including where hard copies of the evidence may be viewed) will be conveyed by the Council following receipt of all materials.

Hearing Process/Presentations

10. As the proponent's evidence is being distributed to all parties prior to the hearing, and will be read by us prior to the hearing commencing, it will not be necessary for a verbatim oral presentation of the proponents' written evidence at the proceedings. We are happy for the proponent's witnesses to speak to a summary of their evidence, which could either be:
 - (a) a separate tabled statement that condenses the key points from evidence (i.e. a couple of pages); or
 - (b) via highlighting particular points within their evidence during their presentation.
11. We are happy for the above approach to extend to submitters and Council reporting officers also.
12. With this approach in place, we envisage presentations will be in the ballpark of 15 minutes per speaker, though this is not a fixed time requirement. Our intent in signalling this is less a stipulation that speakers rigidly adhere to an imposed time limit, and more a guide for those wondering how long their presentation is likely to last.
13. We want to be clear that all parties (proponent, submitters and officers) will be given the time they require to adequately present their views. The main reason in favour of pre-circulation of the proponent's evidence is to minimise the time required for all parties to be present at the hearing itself. This expedited process will not, however, be at the expense of any party's ability to fully participate in the process.

Site and Locality Visits

14. We recognise that a site and locality visit will be necessary during the process of the hearing. Apart from our general visit to the site and locality prior to the hearing commencement, if any party has a desire for us to visit particular sites/localities associated with PC81 then they should advise Ms Almario of that as soon as practicable. We would suggest that this could be done at the same time that they respond to the Council regarding the list of evidence authors/ witnesses to be called in support of their submission(s) (i.e. by 8 December 2015).

Pre-hearing meetings and conferencing

15. We do not propose to formally direct the undertaking of, or participation in, formal pre-hearing meetings, discussions or expert conferencing.
16. However as a first principle, we encourage the parties to meet and hold discussions prior to the commencement of the Hearing. This includes general meetings amongst the parties to discuss any procedural or substantive matters; for submitters to gain a better understanding of what the proposal entails and what the effects and implications may be; for Victoria University of Wellington and the Council to better understand what the submitter's concerns are and how they might be accommodated; as well as conferencing between any technical experts engaged by any party.
17. Without wanting to prejudge the issues prior to the hearing, it is apparent to us from our preliminary review of submissions that have been lodged, that a number of matters are

worthy of discussion between the parties prior to the hearing being held. We have reviewed the submissions to PC81 and consider that the primary matters can be grouped into the following:

- (a) Heritage de-listing;
- (b) Noise and residential amenity effects; and
- (c) Pedestrian amenity and safety.

18. The removal of the **heritage listing** has been raised by a number of submitters. We strongly encourage the relevant experts for both the proponent and the Council, as well as submitter experts, to engage before the hearing. Where a mutually amicable resolution to the issue cannot be reached, we seek that these expert clearly identify the areas of agreement and disagreement between the parties.
19. **Noise and residential amenity** associated with the potential for student residences to be developed on the site is a primary issue to be discussed between the Council, the proponent and submitters. We strongly encourage further discussion on a first-hand (without prejudice) basis between these parties to determine an agreed solution, if possible, to this matter prior to the hearing commencing.
20. **Pedestrian amenity and safety** matters raised in submissions are considered to relate to the following:
 - (a) access and connectivity;
 - (b) amenity, including the retention of existing vegetation; and
 - (c) pedestrian safety.
21. Again, pre-hearing discussions on these pedestrian amenity and safety matters between the proponent, the Council and submitters is encouraged in an endeavour to explore whether a mutually agreeable conclusion is possible prior to the hearing commencing.
22. For completeness, we note that discussions/conferencing is not mandatory in this instance. However, if any parties are able to constructively discuss matters with a view of facilitating a smooth hearing process, we would welcome this.
23. To be clear, the reasons for conferencing are:
 - (a) To clarify and aspects of the plan change that are unclear
 - (b) To clearly identify the areas of agreement and disagreement between the parties;
 - (c) To enable a more focused and concise hearing process on technical matters
24. The output of any conferencing process shall be the production of a report and/or joint witness statements to be circulated to all interested parties prior to the commencement of the hearing. It would be prudent for the proponent to organise this on behalf of all parties (including the Council). The reporting back date to the Council Business Administrator is 20 November 2015 (or earlier if possible including interim reporting if preferable). This does not preclude conferencing continuing right up to, and during, the hearing should that be appropriate.

Next Steps

25. As indicated by the proposed timetable above, we now invite all parties to indicate their intention or otherwise of participating in pre-hearing discussions. This can be done by contacting Ms Almario who will advise the proponent. Should parties be amenable to this we imagine, meetings could commence the week beginning 2 November 2015 or even earlier by agreement. This will enable up to 3 weeks discussion between the parties before the council's s42A report is due. If such discussions are undertaken – either formally or informally - it would be desirable if the proponent took the lead on these in terms of organising and reporting back. However if any other party wishes to undertake that role we see no impediment to that happening.

If any party wishes to seek further clarification around the hearing process or the proposed timetable, please contact Me Almario (ph. 04 801 4298 or email leslie.almario@wcc.govt.nz) in the first instance.

DATED this 2nd day of November 2015



Councillor Andy Foster (Chair)

On behalf of the Hearing Committee

WELLINGTON CITY COUNCIL
PROPOSED (PRIVATE) PLAN CHANGE 81
MINUTE 2 OF HEARING COMMITTEE

Introduction

1. Following the hearing adjournment in December 2015, we have now received the further information we requested from the Council and Victoria University over the course of the hearing proceedings. This information will be provided on the Council website in due course.
2. We have commenced our deliberations, and in doing so have identified an issue that we require further assistance from the parties on.
3. The **purpose of this minute** is to explain the issue we require additional input on and the process we propose to obtain that information.
4. We will issue a further minute to confirm the hearing closure once we have received the additional information we require and have completed our deliberations.

Issue identification

5. We wish to make it very clear at the outset that the information we seek is purely to resolve a **technical drafting matter** relating to the proposed controlled activity rule for building demolition that arose during the course of the hearing. In particular the focus is on the role and content of the Demolition Management plan (DMP). We require input on the resolution of this matter in order for our deliberations to be informed by a suite of proposed provisions that are both clear and functional.
6. This exercise should **not** be interpreted by any party as an indication that we have reached a determinative view on the proposal, including the appropriateness (or otherwise) of the proposed demolition of the Gordon Wilson Flats. We stress again that the hearing remains open and our deliberations on substantive matters are yet to be completed.
7. With that clarification made, we note that the evidence of the University's demolition expert, Mr Hall, emphasised the critical importance of community communication and complaints procedures as a method for managing the effects of any future demolition of the Gordon Wilson Flats. We note that his comments were in direct reference to issues raised in submission about the potential effects of demolition.
8. At the hearing, we tested with Victoria's planner, Mr Coop, whether - in light of Mr Hall's evidence - the demolition rule should be revised to ensure the critical issue of communication was encapsulated by the rule. Mr Coop's response at that time was that such an amendment could well be sensible, and he signalled that he would confer with Mr Batley to present us with some proposed drafting.
9. While Mr Coop and Mr Batley have helpfully attended to a number of our further information requests, it appears to us that this drafting advice has been inadvertently omitted. This is not fatal to us; however, in examining the rule more closely during our

deliberations, we also identified the following issues with the ‘mechanics’ of the rule (as notified).

10. Firstly, **the structure of the rule is different to other controlled activities** in the Institutional Precinct Zone Chapter (and, we observe, other chapters). Namely, the rule does not contain any *standards and terms* which must be met in order for the controlled activity status to apply; however, the rule itself is drafted in such a way that it (essentially) contains a standard. It reads:

9.2.3 The demolition of Gordon Wilson Flats at 320 The Terrace shall be undertaken in accordance with an approved Demolition Management Plan and will be assessed as a Controlled Activity in respect of:

[our emphasis]

11. This drafting presents a potential future compliance issue if consent for demolition is granted on the basis that works will be in accordance with a management plan, but is subsequently deemed to *not* be in accordance with the plan. This made us question whether a consequence would be that works must stop at that stage and a discretionary activity resource consent must be applied for and obtained for failure to ‘comply’ with this controlled activity rule.
12. In a related sense, it led us to question how any future revisions to the management plan made after consent is granted under Rule 9.2.3 – for example to accommodate preferred construction practice by the nominated contractor – might also frustrate the intent of the rule to enable demolition to proceed as a controlled activity.
13. We also are **unclear about the reference to the word “approved”** in the rule. For example, it is unclear who the “approver” is, what is required in order to obtain approval, and whether (or not) the approval must precede any resource consent application made under Rule 9.2.3¹.
14. In light of these ambiguities and to address the point we made above in relation to Mr Hall’s evidence, we consider it is appropriate to canvas some potential edits to the provisions at this stage in the process.
15. To resolve this matter in the most time-efficient manner, we have asked our Hearing Advisor, Mr Jones, to draft amendments to the rule to reflect the evidence that we have been presented with and to match the structure and drafting approach of the operative District Plan where practicable.
16. Mr Jones’ proposed drafting amendments are attached as **Appendix 1** to this minute. In summary the changes:
- (a) relocate the ‘undertaken in accordance with’ pre-condition to demolition from the body of Rule 9.2.3 to a new *standard and term*;
 - (b) alter the approach of the pre-condition to be more of an information requirement for applications lodged under this rule, rather than a compliance matter (as reflected in the first *standard and term*);

¹ as opposed to any approval under say the Building Act

- (c) replace the matters of control in clause 9.2.3.2 with a simple reference to the Demolition Management Plan (these matters are in turn captured by the new management plan requirements described in point '(d)' immediately below);
 - (d) add a further *standard and term* that codifies the key elements in Mr Hall's draft demolition management plan² as information requirements to be addressed in any future demolition management plan submitted with a consent application made under Rule 9.2.3; and
 - (e) delete the reference to '*approved*' in relation to the management plan.
17. We note that the amendment described under matter '(b)' above stems from our understanding that compliance with any approved DMP can be ensured by conditions of consent (which are enabled by the controlled activity rule). We also accept that there may be scenarios arising that make review and future amendment to the management plan desirable (for example new measures adopted in response to complaints made).
18. For these reasons, we have asked Mr Jones to draft the rule in such a manner that future improvements to the DMP are not precluded by the precondition of the notified rule requiring works to be in accordance with the DMP.

Review Process

19. While we consider it is important for all parties to be appraised of the information request outlined above, **we are only seeking feedback** on the proposed revisions at Appendix 1 **from the University** (as Plan Change Requestor) **and the Council** (as administrator of the District Plan).
20. By way of process, we seek feedback from these parties no later than **5pm on Monday 7 March 2016**. Our strong preference is that the feedback be provided by way of a single piece of correspondence and, as much as practicable, reflects a joint position on the matter. For the sake of clarity, a memo or email will suffice and should record:
- (a) amendments (if any) required to the proposed drafting changes in Appendix 1 to address any technical issues, refine the information requirements for the DMP or to better align with typical format/approach in the District Plan and the reasons for those amendments;
 - (b) differences of opinion (if any) on amendments required and the reasons for the respective views; and
 - (c) the name and position of the parties responsible for producing the correspondence.
21. We request that the feedback be provided to Ms Guerin in the first instance.
22. To be clear, we are not seeking any substantive professional opinion or organisational preference about the merits of the overall approach in Appendix 1 versus the notified provisions (or any alternatives). In that respect, the response from the parties will be

² See Appendix 9 of the Plan Change Request

treated on a 'without-prejudice' basis for the purposes of technical drafting assistance only.

Next Steps

23. As indicated by the discussion above, we now invite the Council and Requestor to provide technical feedback on the amended provisions at Attachment 1 by 5pm on 7 March 2016.
24. If any party wishes to seek further clarification around the further information process or the proposed timetable, please contact Ms Guerin (ph. 04 801 4298 or email leslie.guerin@wcc.govt.nz) in the first instance.
25. In due course, we will also advise all parties (through Ms Guerin) when all information received by us since the adjournment is available on the Council website.

DATED this 1th day of March 2016



Commissioner DJ McMahon for
Councillor Andy Foster (Chair)

On behalf of the Hearing Panel

APPENDIX 1 – Draft Amendments to Proposed Rule 9.2.3

- 9.2.3 The demolition of Gordon Wilson Flats at 320 The Terrace ~~shall be undertaken in accordance with an approved Demolition Management Plan and will be assessed as is~~ a Controlled Activity in respect of:
- 9.2.3.1 noise effects as assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise
- 9.2.3.2 ~~method, duration, timing, and hours of operation of demolition~~ Demolition Management Plan
- 9.2.3.3 amenity effects
- 9.2.3.4 recording of the building prior to demolition.

Non-notification/no affected persons

In respect of rule 9.2.3 applications will not be publicly notified (unless special circumstances exist) or limited notified.

Note: Council is seeking to ensure that the demolition of the building is undertaken efficiently and in accordance with a Demolition Management Plan containing measures to avoid, remedy or mitigate the temporary adverse effects of the activity. It is also seeking to ensure that an appropriate record of the building is prepared prior to demolition.

Standards and Terms

Any application made under Rule 9.2.3 shall be accompanied by a Demolition Management Plan.

The Demolition Management Plan shall contain the following information as a minimum:

- a. purpose of the Demolition Management Plan;
- b. site and locality description, including existing buildings;
- c. proposed demolition methodology, including sequence and timing;
- d. duration of works and hours of operation;
- e. measures to manage environmental effects, including (but not limited to) dust, construction noise, effects on the local transport network, and site remediation;
- f. communication plan, including:
 - i. any communication undertaken with neighbours in advance of demolition commencing;
 - ii. procedures for receiving and resolving complaints during demolition and site remediation; and
- g. Demolition Management Plan review procedures

Note: additional information may be appropriate for inclusion in the Demolition Management Plan, including references to other relevant Acts and associated regulations.

WELLINGTON CITY COUNCIL
PROPOSED (PRIVATE) PLAN CHANGE 81
MINUTE 3 OF HEARING COMMITTEE

Hearing Closure

1. Further to our previous minute, we now have received the further information we requested of the Council and the Plan Change Requestor (VUW) after the hearing adjournment. The full extent of this information is now available on the Council website.
2. We have since conducted our deliberations and can now confirm that the hearing is formally closed.

Next Steps

3. We are presently in the process of drafting our recommendation on the plan change request, and will deliver it to the Council in due course.
4. Once again, we wish to thank all parties for their constructive input into the hearing process and for their assistance to us.

DATED this 17th day of March 2016



Councillor Andy Foster (Chair)

On behalf of the Hearing Panel

PROPOSED DISTRICT PLAN CHANGE

320 THE TERRACE¹

WELLINGTON

1 REMOVE “GORDON WILSON FLATS” AT 320 THE TERRACE FROM THE HERITAGE LIST

- 1.1 REMOVE “GORDON WILSON FLATS” FROM THE HERITAGE LIST IN CHAPTER 21 AND ALSO REMOVE HERITAGE NOTATION “299” FROM DISTRICT PLAN MAP 16.

2 CHANGE THE ZONING OF 320 THE TERRACE TO INSTITUTIONAL PRECINCT

- 2.1 CHANGE THE ZONING OF 320 THE TERRACE FROM “INNER RESIDENTIAL” TO “INSTITUTIONAL PRECINCT” WITH CORRESPONDING CHANGE TO DISTRICT PLAN MAPS 12 AND 16.

3 CHANGES TO THE INSTITUTIONAL PRECINCT PROVISIONS

- 3.1 CHANGE 9.1.1.1 TO “BUILDING HEIGHT AND STANDARDS”.

- 3.2 INSERT UNDER RULE 9.1.1 THE FOLLOWING ADDITIONAL PERMITTED ACTIVITY CONDITION

9.1.1.1.3 *Building standards for 320 The Terrace are specified in Appendix 4.*

- 3.3 INSERT INTO 9.2 CONTROLLED ACTIVITIES THE FOLLOWING RULE

9.2.3 *The demolition of Gordon Wilson Flats at 320 The Terrace shall be undertaken in accordance with an approved Demolition Management Plan and will be assessed as a Controlled Activity in respect of:*

9.2.3.1 *noise effects as assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise*

9.2.3.2 *method, duration, timing, and hours of operation of demolition*

9.2.3.3 *amenity effects*

9.2.3.4 *recording of the building prior to demolition.*

¹ For the purposes of this DPC, the address 320 The Terrace is used to identify all the land in WN256859 being Lot 1 DP 363050 (7139m²). A copy of WN256859 is in Appendix 1 of the DPC Document.

Non-notification/no affected persons

In respect of rule 9.2.3 applications will not be publicly notified (unless special circumstances exist) or limited notified.

Note: Council is seeking to ensure that the demolition of the building is undertaken efficiently and in accordance with a Demolition Management Plan containing measures to avoid, remedy or mitigate the temporary adverse effects of the activity. It is also seeking to ensure that an appropriate record of the building is prepared prior to demolition.

3.4 INSERT INTO 9.3 DISCRETIONARY ACTIVITIES (RESTRICTED) THE FOLLOWING RULE:

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 *site landscaping*

9.3.2.3 *vehicle parking, servicing and site access*

Non-notification/no affected persons

In respect of rule 9.3.2 applications will not be publicly notified (unless special circumstances exist) or limited notified.

Relevant policies for preparing resource consent applications

See 8.2.3.1, 8.2.7.2 and the Victoria University Design Guide.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

3.5 INSERT INTO THE SCHEDULE OF APPENDICES “APPENDIX 4: BUILDING STANDARDS FOR 320 THE TERRACE”.

3.6 AMEND THE VICTORIA UNIVERSITY DESIGN GUIDE TO INCLUDE DESIGN GUIDANCE FOR 320 THE TERRACE.

ATTACHMENTS

1. Building Heritage List With Strikethrough of 320 The Terrace
2. Appendix 4: Building Standards for 320 The Terrace
3. Amended Victoria University Design Guide

Chapter 9: Institutional Precinct Rules

Guide to Rules

NOTE: The following table is intended as a guide only and does not form part of the District Plan. Refer to specified rules for detailed requirements.

P refers to Permitted Activities, C to Controlled Activities, DR to Discretionary Activities (Restricted) and DU to Discretionary Activities (Unrestricted).

Uses/Activities	Rule	P	C	DR	DU
Activities related to the primary function of the Precinct subject to conditions	9.1.1	●			
Activities related to the primary function of the Precinct not complying with conditions for Permitted Activities	9.3.1			●	
Helicopter landing areas (Clinical Services Block Wellington Hospital)	9.1.3	●			
Upgrade and maintenance of existing formed roads and accessways	9.1.4	●			
Activities not provided for as Permitted or Controlled Activities	9.4.1				●
Buildings	Rule	P	C	DR	DU
Construction, or alteration of, and addition to buildings and structures	9.2.1		●		
<u>Demolition of Gordon Wilson Flats at 320 The Terrace</u>	<u>9.2.3</u>		●		
<u>Construction, or alteration of, and addition to buildings and structures at 320 The Terrace</u>	<u>9.3.2</u>			●	
Pedestrian bridges and other structures/buildings above or over roads	9.4.2				●
Subdivision	Rule	P	C	DR	DU
Subdivision except company lease, cross lease and unit title subdivision, subject to conditions	9.1.2	●			
Company lease, cross lease and unit title subdivision	9.2.2		●		
Subdivision not being a Permitted or Controlled Activity	9.4.4				●
Heritage	Rule	P	C	DR	DU
Activities affecting heritage items	21.0	●	●		●
Utilities	Rule	P	C	DR	DU
Utilities	23.0	●	●	●	●
[Contaminated and Potentially Contaminated Land	Rule	P	C	DR	DU
Investigations on any contaminated land or potentially contaminated land to determine whether the land is contaminated, and the nature and extent of that contamination	32.1.1	●			
The removal of underground petroleum storage systems is a Permitted Activity	32.1.2	●			
The use, development or subdivision of any potentially contaminated land that has been confirmed as not being contaminated through site investigation	32.1.3	●			
The remediation, use, development and subdivision of any contaminated or potentially contaminated land.	32.2.1			● ^{PC69}	

Schedule of Appendices

Number	Appendix
1	Noise

2	Vehicle Parking Standards
3	Site Access for Vehicles
4	Building Standards for 320 The Terrace

9. INSTITUTIONAL PRECINCT RULES

[The following rules apply in the Institutional Precincts. Rules for Earthworks (Chapter 30), Contaminated Land (Chapter 32) and Heritage (Chapter 21) may also apply.

- The sign rules in Chapter 21D apply for all signs on sites where a listed heritage building or object is located (except for individual sites on which listed heritage buildings or objects are located that are also separate heritage areas).
- The subdivision rules in Chapter 21A apply for any subdivision of a site on which a listed heritage building or object is located.
- The subdivision rules in Chapter 21B apply for any subdivision of a site in a listed Heritage Area.]^{PC43}

9.1 Permitted Activities

The following activities are permitted in Institutional Precincts provided that they comply with any specified conditions.

9.1.1 Activities related to the primary functions of the Precinct, and activities ancillary to these primary functions, are Permitted Activities provided they comply with the following conditions:

9.1.1.1 Building Height ~~and Standards~~

4. 9.1.1.1.1 For building height in the Institutional Precincts refer to the relevant design guide.
5. 9.1.1.1.2 On the King Street site in the Mount Cook Precinct the maximum building height within the area identified for taller buildings shall be 21m measured from street level at the boundary with King Street.
6. ~~9.1.1.1.3 Building standards for 320 The Terrace are specified in Appendix 4.~~

For buildings and associated standards in relation to 320 The Terrace, refer to Rule 9.3.2.

9.1.1.2 Noise

7. 9.1.1.2.1 Noise emission levels when measured at or within the boundary of any site or at the outside wall of any building on any site, other than the site from which the noise is emitted, shall not exceed the following:

At all times	60dBA (L10)
At all times	85dBA (Lmax)

8. 9.1.1.2.2 Where it is impractical to measure outside the building, measurements shall be made inside (with exterior windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dB.
9. 9.1.1.2.3 In relation to rule 9.1.1.2.2 where activities have been noise-proofed in the vicinity of the site to protect noise-sensitive uses (including residential use), then this shall not allow activities to increase noise emission levels above those that would apply if the noise-proofing had not been undertaken.
10. 9.1.1.2.4 Any activity occurring within the Institutional Precinct when measured from any land or premises outside that area shall comply with the noise levels stated in Appendix 1.

9.1.1.3 Discharge of Contaminants

The discharge of contaminants to land, air or water is a Regional Council responsibility and activities causing discharges may need to obtain a relevant consent from the Regional Council. However, every person has a general duty under Section 17 of the Act to avoid, remedy or mitigate the adverse effects of activities. Where adverse effects are generated the Council will use its enforcement powers as appropriate to protect the environment.

9.1.1.4 Dust

Activities must not create a dust nuisance. A dust nuisance will occur if:

- • there is visible evidence of suspended solids in the air beyond the site boundary; or
- • there is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site, or water.

A rule relating to the generation of dust is included to avoid, remedy or mitigate problems from this source.

9.1.1.5 Lighting

11. 9.1.1.5.1 Any activity which requires outdoor areas to be lit shall ensure that direct or indirect illumination does not exceed 8 lux at the windows of residential buildings in any nearby Residential Area.
12. 9.1.1.5.2 Subject to rule 9.1.1.5.1 any development which includes pedestrian routes and carparks available for public use during hours of darkness shall be lit at a minimum of 10 lux, measured in accordance with NZS CP22:1962 and amendments.

The lighting rules are designed to ensure that places available for public use are safely illuminated, and that where sites on the periphery of Institutional Precincts are illuminated, the amenities of residents in nearby Residential Areas are reasonably protected. In all cases the Council will seek to ensure that the adverse effects of glare from lighting sources are avoided, remedied or mitigated.

9.1.1.6 Electromagnetic Radiation

13. Activities must be conducted to comply with the New Zealand Standard NZS 6609:1990 (Radio Frequency Radiation) and any subsequent amendment.

A rule relating to the generation of electromagnetic radiation has been included to avoid, remedy or mitigate problems from this source. The Utilities chapters contain rules regarding safety from utility structure from where the highest levels of energy will be created. Council wishes to take a precautionary approach with adverse effects from other electromagnetic sources and acknowledges the provisions of s17 of the Act regarding the duty to avoid, remedy or mitigate adverse effects.

9.1.1.7 Signs

14. 9.1.1.7.1 For any sign:
- • the maximum area of any one sign is 5m²
 - • signs must serve only to denote the name, character or purpose of any Permitted Activity on the site
 - • any illuminated sign visible from a Residential Area must not flash.
15. 9.1.1.7.2 Temporary signs:
- • the maximum area is 5m²
 - • the maximum height is 4 metres
 - • signs shall be removed within 7 days of the completion of the purpose or event for which the sign was erected.

The limitations on signs will help maintain the visual amenities of Residential Areas by ensuring that signs do not become too dominating or too cluttered. Temporary signs are permitted because they fulfil a useful information function and have no lasting environmental effects.

9.1.1.8 Use, Storage or Handling of Hazardous Substances

16. 9.1.1.8.1 For those activities which are not specifically exempted (see Section 3.5.2.2) the cumulative Effect Ratio calculated using the HFSP will be used to determine whether or not those other activities should be Permitted Activities according to the table below.

• *See Exemptions to the Hazardous Facilities Screening Procedure contained in section 3.5.2*

• ation	Loc	• azard Area	• ot Hazard Area	• ot Hazard Area
• ect Ratio	Eff	• .002 < ER _{PC35} ≤ 0.05	• 0.002 < ER _{PC35} ≤ 0.1	• ≤ 0.002
• ditions applying	Con	• .1.1.8.2 to 9.1.1.8.11	• 9.1.1.8.2 to 9.1.1.8.11	• 9.1.1.8.8, 9.1.1.8.10 and 9.1.1.8.11 only

Activities that do not meet the above Effect Ratio criteria or do not otherwise comply with the applicable conditions will be Discretionary (Restricted) Activities.

17. 9.1.1.8.2 Except for the storage, use or handling of Liquid Petroleum gas (LPG), any area where hazardous substances are used, stored or handled in any manner on-site shall have secondary containment (via bunding or otherwise) using materials that are resistant to the hazardous substances handled on-site. [Secondary containment systems also need to comply with any relevant provisions under the Hazardous Substances and New Organisms Act 1996.]^{PC35}
18. [9.1.1.8.2A Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any secondary containment system shall be maintained to ensure that it will perform the functions for which it was designed and contain any spill or accidental release.]^{PC35}
19. 9.1.1.8.3 Except for the storage, use or handling of Liquid Petroleum gas (LPG), any area(s) where hazardous substances are loaded, unloaded, packaged, mixed, manufactured or otherwise handled shall have a spill
20. containment system [that is compliant with relevant provisions under the Hazardous Substances and New Organisms Act 1996.]^{PC35}
21. 9.1.1.8.4 Except for the storage, use or handling of Liquid Petroleum gas (LPG), secondary containment systems shall be designed to contain any spill or accidental release of hazardous substance, and any storm water and/or fire water that has become contaminated, and prevent any contaminant from entering the sewerage or stormwater drainage system unless expressly permitted under a resource consent or trade waste permit.
22. 9.1.1.8.5 All stormwater grates, collection structures and inspection chamber covers on the site shall be clearly marked as such.
23. 9.1.1.8.6 Any area where vehicles, equipment or containers that are or may have been contaminated with hazardous substances are washed down shall be designed, constructed and managed to prevent the effluent from the washdown area from discharge into or onto land, entry or discharge into the sewerage or stormwater drainage system unless expressly permitted by a rule in a regional plan, trade waste permit or resource consent.
24. 9.1.1.8.7 Underground tanks for the storage of petroleum products shall be designed, constructed, installed, maintained, operated, managed and at the end of their life removed to prevent leakage and spills. Compliance with [any relevant provisions under the Hazardous Substances and New Organisms Act 1996 and]^{PC35} the Code of Practice for the “Design, Installation and Operation of Underground Petroleum Storage Systems” (1992) is a minimum [requirement].^{PC35}
- **Signage**
25. 9.1.1.8.8 [All facilities must display signage to indicate the nature of the hazardous substances present (compliance with the provisions of the Hazardous Substances and New Organisms Act 1996 and the requirements of the Building Code (F8) or the Code of Practice “Signage for Premises Storing Hazardous Substances and Dangerous Goods” of the New Zealand Chemical Industry Council (Nov 2004) is a minimum requirement).]^{PC35}

- *Waste Management*
26. 9.1.1.8.9 Any process waste or waste containing hazardous substances shall be stored in a manner which complies with 9.1.1.8.1 to 9.1.1.8.8 above.

9.1.1.8.10 Any hazardous facility generating wastes containing hazardous substances shall dispose of these wastes to facilities which, or waste disposal contractors who, meet all the requirements of regional and district rules for discharges to the environment [and also the provisions of the Hazardous Substances and New Organisms Act 1996.]^{PC35}

• **Other**

27. 9.1.1.8.11 Council must be informed of the activity’s location, the nature of the activity and when the activity commences and ceases.

[In addition to the provisions of the Plan, all activities which involve the use, storage, handling or transportation of hazardous substances are regulated for on-site and off-site effects by a range of other legislation and regulations, and associated standards and codes of practice which should be complied with. Key pieces of legislation include:

- *the Hazardous Substance and New Organisms Act 1996*
- *legislation, rules and standards relating to the transportation of hazardous substances (Land Transport Act 1993, Land Transport Rule: Dangerous Goods 1999 and New Zealand Standard 5433:1999)*
- *Building Act 1991*
- *Health Act 1956*
- *Fire Service Act 1975*
- *Health and Safety in Employment Act 1992*
- *Radiation Protection Act 1965*
- *Agricultural Compounds and Veterinary Medicines Act 1997]*^{PC35}

• *[The on-site disposal of hazardous substances will be controlled through Council’s Waste Management Strategy, through obtaining the appropriate discharge consents from the Regional Council or trade waste permits, and through relevant controls on disposal of hazardous substances by the Hazardous Substances and New Organisms Act 1996.]*^{PC35}

9.1.2 Subdivision except company lease, cross lease and unit title subdivision is a Permitted Activity provided that it complies with the following conditions:

- 28. 9.1.2.1 Every allotment must have services in compliance with the City Bylaws or if applicable the Council’s Code of Practice for Land Development.
- 29. 9.1.2.2 The allotment must have practical, physical and legal access directly to a legal road.
- 30. 9.1.2.3 Every allotment must have drive-on vehicle access and parking constructed in accordance with Appendices 2 and 3.
- 31. 9.1.2.4 All earthworks needed to complete the subdivision are completed.
- 32. 9.1.2.5 No subdivision may occur within a heritage area or on a site associated with a heritage item unless in the latter case the subdivision involves land that is not occupied by the heritage items and is not specifically identified for preservation in the Plan as important to the setting of the item.
- 33. 9.1.2.6 A Certificate of Compliance must be obtained for the subdivision to allow Council to assess survey plans for approval.

An applicant must supply the following:

- • information to allow Council to assess compliance with conditions 9.1.2.1 to 9.1.2.5
-
-

- • a certificate stating that all existing services have been located so that they are all contained entirely within the boundaries of the site being serviced or within such right of way or easement relating to the site and are in accordance with the City Bylaws and if applicable the Council's Code of Practice for Land Development
- • current copies of titles for all affected properties
- • accurately drawn A4 plans at a scale of 1:500 or at a larger scale as appropriate and copies or reduced copies submitted to be of A4 or A3 size
- • a certificate stating that the land is not likely to be subject to material damage by erosion, subsidence, slippage or inundation from any source

34. All certificates, plans and information supplied must be signed by a registered surveyor or other suitably qualified person certifying their accuracy.

Most forms of subdivision are Permitted Activities, subject to specified conditions. This will facilitate efficient use of the Institutional Precincts with other rules of the Plan controlling building and other land use effects.

9.1.3 Helicopter landing areas related to the primary function of the Precinct from the roof of the Clinical Services Block at Wellington Hospital are Permitted Activities.

•

9.1.4 Any activity relating to the upgrade and maintenance of existing formed roads and [public]^{PC70} accessways [including associated earthworks]^{PC70}, except the construction of new legal road, is a Permitted Activity.

[Archaeological sites associated with human activity that occurred before 1900 are protected by the Historic Places Act 1993. An archaeological authority will be required from the New Zealand Historic Places Trust to destroy damage or modify these sites.]^{PC70}

9.2 Controlled Activities

Section 9.2 describes which activities are Controlled Activities in Institutional Precincts. A resource consent will be required but consent cannot be refused. Conditions may be imposed relating to the matters specified in 9.2.1 and 9.2.2. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

9.2.1 The construction, or alteration of, and addition to buildings and structures except:

- alterations and additions that do not alter the external appearance of the buildings or that are not visible from public spaces
- any building with a gross floor area of less than 100m²

- any building or structure on 320 The Terrace

are Controlled Activities in respect of:

9.2.1.1 design, external appearance, siting and verandahs

9.2.1.2 vehicle parking and site access.

- *Non-notification*

35. The written approval of affected persons will not be necessary in respect of items 9.2.1.1 and 9.2.1.2. [Notice of applications need not be served on affected persons]^{PC28} and applications need not be notified.

- *Standards and Terms*

36. All parking must be provided and maintained in accordance with the standards set out in Appendix 2.

37. New vehicular access from roads to which the Precinct has frontage must be provided and maintained in accordance with the standards set out in Appendix 3.

38. No vehicular access, as shown on Appendix 3.1, shall be situated closer to an intersection than the following:

- Arterial and principal streets
20m
- Collector streets 15m
- Other streets 10m.

39. Site layout must enable all vehicles to enter [and]^{PC34} leave the site in a forward direction.

- *Assessment Criteria*

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

-

9.2.1.3 Design, external appearance, siting and verandahs

40. The extent to which the proposal meets the provisions of the relevant Design Guide for the area. These Guides are:

- Victoria University Design Guide
- Wellington Hospital Design Guide
- Mount Cook Precinct Design Guide.
- [• Te Aro Corridor Design Guide

Developments located on sites within both the Mt Cook Precinct and Te Aro Corridor Design Guide Area, shall be considered against the content of both design guides. In the event of conflicting design guidance the Te Aro Corridor Design Guide shall be the predominant document.]^{PC48}

The Design Guides were prepared following a detailed urban design analysis of the Precincts and their surrounding areas. They do not aim to control the design details of building or site layout, but to establish the broad parameters within which new building development can be undertaken. They aim particularly to encourage an appropriate relationship between Precinct development and housing in surrounding Residential Areas.

[The Te Aro Corridor Design Guide particularly seeks to ensure that buildings continue to provide a strongly defined street edge on the corner of Buckle and Taranaki Streets.]^{PC48}

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9.2.1.4 Vehicle Parking

41. 9.2.1.4.1 Whether parking should be provided for the proposal under consideration. Individual developments may not have a specific parking provision but Council seeks to ensure that the following parking requirements for the precinct will eventually be met:

- Victoria University 780 spaces
- Hospital 1135 spaces
- Mt Cook Precinct
- Massey University 1:14 full time equivalent
- (staff and students)
- Wellington High School 100 spaces

42. 9.2.1.4.2 The extent to which the standards for parking can be varied without endangering traffic or people.

9.2.1.5 Site Access

43. 9.2.1.5.1 Whether the proposed vehicular access will improve access to and within the Precinct by replacing less suitable or unsafe access points and will achieve better internal vehicular access network.

44. 9.2.1.5.2 The extent to which new site access can be created without endangering traffic or people.

The Institutional Precincts involve intensive activities which attract more vehicles than can be accommodated on the site. The overflow of vehicles into surrounding residential streets detracts from the amenities of these Residential Areas.

Council aims to ensure that over the period of this Plan, an adequate level of on-site parking is attained within the Precincts.

As the Precincts also adjoin heavily trafficked arterial or principal streets and quieter local residential streets, all new vehicle crossings will be assessed to ensure that they are located and formed with safety in mind.

9.2.2 Company lease, cross lease and unit title subdivision is a Controlled Activity in respect of:

9.2.2.1 stormwater, sewerage and water supply

9.2.2.2 allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with servicing rules, and to ensure practical physical access to every household unit.

• ***Non-notification***

45. The written approval of affected persons will not be necessary in respect of items 9.2.2.1 and 9.2.2.2. [Notice of applications need not be served on affected persons]^{PC28} and applications need not be notified.

• ***Standards and Terms***

46. All buildings and structures must meet the conditions for Permitted Activities, the terms of any relevant resource consent, or must have existing use rights.

• ***Assessment Criteria***

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

47. 9.2.2.3 The requirements of Section 106 of the Act.
48. 9.2.2.4 The extent of compliance with the relevant parts of the City Bylaws.
49. 9.2.2.5 The need to ensure permanent site access and continued provision for on site loading and unloading facilities.
50. 9.2.2.6 The current and future allocation of subdivisional areas to achieve the efficient use of land and buildings.

Council is seeking to retain in a permanent manner appropriate site arrangements that are established at the time of subdivision. In particular, continued access to off street loading facilities is to be safeguarded together with efficient arrangement of units.

9.2.3 The demolition of Gordon Wilson Flats at 320 The Terrace shall be undertaken in accordance with an approved Demolition Management Plan and will be assessed as is a Controlled Activity in respect of:

9.2.3.1 noise effects as assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise

9.2.3.2 method, duration, timing, and hours of operation of demolition management

9.2.3.3 amenity effects

9.2.3.4 recording of the building prior to demolition

- Non-notification

51. In respect of rule 9.2.3 applications will not be publicly notified (unless special circumstances exist) or limited notified.

52. Note: Council is seeking to ensure that the demolition of the building is undertaken efficiently and in accordance with a Demolition Management Plan containing measures to avoid, remedy or mitigate the temporary adverse effects of the activity. It is also seeking to ensure that an appropriate record of the building is prepared prior to demolition.

- Standards and Terms

53. Any application made under Rule 9.2.3 shall be accompanied by a Demolition Management Plan.

54. The Demolition Management Plan shall contain the following information as a minimum:

a. purpose of the Demolition Management Plan;

b. site and locality description, including existing buildings;

c. proposed demolition methodology, including sequence and timing;

d. duration of works and hours of operation;

e. measures to manage environmental effects, including (but not limited to) dust, construction noise, effects on the local transport network, and site remediation;

f. communication plan, including:

i. any communication undertaken with neighbours in advance of demolition commencing;

ii. procedures for receiving and resolving complaints during demolition and site remediation; and

g. Demolition Management Plan review procedures.

55. Note: additional information may be appropriate for inclusion in the Demolition Management Plan, including references to other relevant Acts and associated regulations.

56.

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9.3 Discretionary Activities (Restricted)

Section 9.3 describes which activities are Discretionary Activities (Restricted) in Institutional Precincts. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rules 9.3.1 and 9.3.2. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

9.3.1 Activities related to the primary functions of the Precinct and activities ancillary to these primary functions that do not comply with one or more of the following conditions for Permitted Activities in Rule 9.1.1:

9.3.1.1 noise

9.3.1.2 dust

9.3.1.3 lighting

9.3.1.4 signs

9.3.1.5 use, storage, handling or disposal of hazardous substances

are Discretionary Activities (Restricted) in respect of the conditions not met.

- ***Non-notification***

57. The written approval of affected persons will not be necessary in respect of item 9.3.1.4. [Notice of applications need not be served on affected persons]^{PC28} and applications need not be notified.

- ***Standards and Terms***

58. Noise emission levels under Rules 9.1.1.2.1 and 9.1.1.2.4 shall not be exceeded by more than 5 decibels.

59. For hazardous substances, the cumulative Effect Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is less than or equal to 2 but does not meet the conditions in rules 9.1.1.8, unless the site is located in a Hazard Area.

60. For hazardous substances, where the hazardous facility is located in a Hazard Area, the cumulative Effect Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is less than or equal to 0.5 but does not meet the conditions in rules 9.1.1.8.

61. Rule 9.1.1.5, maximum lighting levels, must not be exceeded by more than 20 percent.

-

62. Rule 9.1.1.7, conditions relating to any sign dimension, must not be exceeded by more than 50 percent.

• **Assessment Criteria**

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

9.3.1.6 Noise

63. The extent to which noise emissions will be intrusive. Council will seek to ensure that the best practicable option is used to mitigate noise and that adverse effects are minor.

9.3.1.7 Dust

64. The extent to which amenities are protected. Council will seek to ensure that dust nuisances are mitigated as far as practical.

There may be instances where it may be impractical to prevent dust nuisance, particularly in relation to the variable weather conditions experienced by Wellington. Such proposals will be carefully considered to ensure that any dust nuisance is minor.

9.3.1.8 Lighting

65. 9.3.1.8.1 Applications to provide more intensive lighting near to Residential Areas will take into account the nature of existing and likely future development in the Residential Area, the degree to which topography or other site features may avoid, remedy or mitigate lighting effects and the extent to which planting, screening or the orientation of the light will mitigate lighting effects.
66. 9.3.1.8.2 The consideration of applications to provide less intensive lighting on site areas open to the public use will take into account the nature of the activities on the site, the extent of public use and whether other measures will be taken to maintain public safety.

Development and the nature of landforms on the edge of Institutional Precincts is so diverse that there will be instances where extra illumination can be added without affecting the residents. Applications to exceed the permitted levels will therefore be considered. Similarly, there may also be circumstances where the lighting of publicly used areas may not need to comply with the specified standards.

9.3.1.9 Signs

67. 9.3.1.9.1 Whether signs are obtrusively visible from any residential or public space.
68. 9.3.1.9.2 Whether the area of the sign is in scale with associated activities or building development and compatible with the visual character of the area in which it is situated.
69. 9.3.1.9.3 Whether additional signs will result in clutter.
70. 9.3.1.9.4 Whether the size, number or method of illumination of a sign or signs will compromise traffic or pedestrian safety.

In some circumstances larger or more numerous signs may be needed to identify activities. Signs will be carefully assessed to ensure that visual amenities are maintained.

9.3.1.10 Hazardous Substances

- 9.3.1.10.1 Site design and management to avoid, remedy or mitigate any adverse effects of the activity.
- 71. 9.3.1.10.2 The adequacy of the design, construction and management of any part of a hazardous facility site where hazardous substances are used for their intended function, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled such that:
 - • any significant adverse effects of the intended use from occurring outside the intended use, handling or storage area is prevented
 - • the contamination of any land in the event of a spill or other unintentional release of hazardous substances is prevented
 - • the entry or discharge of the hazardous substances into surface or groundwater, the stormwater drainage system or into the sewerage system (unless permitted under a regional plan, resource consent or trade waste permit) is prevented.
- 72. 9.3.1.10.3 Location of the facility in relation to the nearest waterbody or the coastal marine area.
- 73. 9.3.1.10.4 Location of hazardous facility in relation to residential activities.
- 74. 9.3.1.10.5 Location of hazardous facility in relation to critical facilities and lifelines.
- 75. 9.3.1.10.6 Access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density.
- 76. 9.3.1.10.7 Existing and proposed (if any currently under consideration by Council) neighbouring uses.
- 77. 9.3.1.10.8 Potential cumulative hazards presented in conjunction with nearby facilities.
- 78. 9.3.1.10.9 Transport of hazardous substances to and from the site.
- 79. 9.3.1.10.10 Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.
- 80. 9.3.1.10.11 Whether the site has adequate signage to indicate the presence of hazardous substances.
- 81. 9.3.1.10.12 Whether adequate arrangement has been made for the environmentally safe disposal of any hazardous substance or hazardous wastes generated.
- 82. 9.3.1.10.13 Whether the site design has been subject to risk analysis, such as Hazop (Hazard and Operabilities Studies), to identify the potential hazards, failure modes and exposure pathways.

• See
*Exemptions to the
Hazardous Facilities
Screening Procedure
contained in section
3.5.2*

83. 9.3.1.10.14 Where the hazardous facility is located within a Hazard Area, any additional requirements to mitigate the potential effect of a natural hazard event.
84. 9.3.1.10.15 Type and nature of the existing facility.
85. [9.3.1.10.16 Whether appropriate contingency measures and emergency plans are in place.]^{PC35}
86. [9.3.1.10.17 Whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.]^{PC35}

To reduce the potential adverse effects, Council will require the production of a Site Management Plan or Environmental Management System when a resource consent application is made, this will be before hazardous substances are brought onto the hazardous facility. In addition, Council will require the design of the site to include measures which will prevent the accidental releases of any hazardous substances into the environment. Through this process, Council seeks to protect the surrounding environment from any adverse effects of the hazardous facility.

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 site landscaping

9.3.2.3 vehicle parking, servicing and site access

- **Non-notification**
87. In respect of rule 9.3.2 applications will not be publicly notified (unless special circumstances exist) or limited notified.

- **Standards and Terms**
88. Any construction, alteration of, or addition to any building or structure must be in accordance with the standards set out in Appendix 4.

- **Relevant policies for preparing resource consent applications**
- See 8.2.3.1, 8.2.7.2 and the Victoria University Design Guide.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

9.4 Discretionary Activities (Unrestricted)

Section 9.4 describes which activities are Discretionary Activities (Unrestricted) in Institutional Precincts. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

9.4.1 Activities not specifically provided for as Permitted or Controlled Activities or as a Discretionary Activity (Restricted) under Rule 9.3.2 are Discretionary Activities (Unrestricted).

- *Assessment Criteria*

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

89. 9.4.1.1 Whether the future use or development of the Institutional Precinct for its intended purpose, as described in 8.1.1, will be significantly diminished.
90. 9.4.1.2 Whether the existing amenities of adjacent or nearby Residential or Open Space Areas will be lessened to any significant extent. Particular consideration will be given to maintaining a quiet night time environment.
91. 9.4.1.3 Whether vehicular traffic generated by any activity can be accommodated without a loss of amenity, safety or without causing congestion.
92. 9.4.1.4 In respect of helicopter landing areas the extent of compliance with the provisions of NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas and the extent of compliance with relevant Civil Aviation rules.

In some cases activities not related to the primary function of the Precincts may be considered. The Council's aim is to maintain the Precincts for their intended purpose but allowing more mixed activity may help to achieve more efficiency of resource use.

Council will take particular care to ensure that any Non-Precinct activity is in keeping with its surroundings and will have particular regard to the nature of adjacent areas. It is considered important that the amenities of Residential Areas be protected.

Council is concerned that helicopter operations do not cause adverse noise effects and are conducted safely. Helicopters in flight are not subject to control but Council has made landing areas (with the exception of the roof of the Clinical Services Block at Wellington Hospital) a Discretionary Activity (Unrestricted) to ensure that adverse noise effects and public safety issues can be addressed.

For the above reasons Non-Precinct activities have been included as Discretionary Activities (Unrestricted). This enables the full effects of a proposal to be evaluated and where necessary, protective measures imposed.

9.4.2 Buildings and structures, including pedestrian bridges, located above or over the street that exceed 25 percent of the width of the road at any point are Discretionary Activities (Unrestricted).

• *Assessment Criteria*

In determining whether to grant consent and what conditions, if any, to impose Council will have regard to the following criteria:

93. 9.4.2.1 Any relevant provisions of a Precinct Design Guide.
94. 9.4.2.2 The impact of the structure on the visual qualities of the streetscape, including its impact on views.
95. 9.4.2.3 The effect of the structure on neighbouring properties.
96. 9.4.2.4 The effect of the structure on the wind environment of the street and the extent to which sunlight levels in the street will be reduced.
97. 9.4.2.5 The potential of the structure to restrict access in the event of a natural hazard. Council will consider the design, placement and construction materials to avoid or mitigate any potential hazard.

Bridges and similar structures over a road can have both visual and physical impacts. Council is particularly concerned about effects of such structures on the visual qualities of the streetscape. Such structures have the potential to block roads or access links in the event of a natural hazard occurring. Developments of this type are Discretionary Activities so their impacts can be assessed.

Rule 9.4.3 has been deleted as a result of District Plan Change 69.

9.4.4 Any subdivision which is not a Permitted Activity or Controlled Activity, is a Discretionary Activity (Unrestricted).

• *Assessment Criteria*

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

98. 9.4.4.1 The requirements of section 106 of the Act.
99. 9.4.4.2 Whether proposed allotments are capable of accommodating Permitted Activities in compliance with the Institutional Precinct rules.
100. 9.4.4.3 The extent of compliance with the relevant parts of the Council's Code of Practice for Land Development.

Subdivision which is not a Permitted or Controlled Activity will be assessed as a Discretionary Activity. This will enable the full effects of a subdivision to be considered with public involvement where appropriate. The resource consent process will be used to determine the extent of land considered suitable for

subdivision and the most appropriate design, having regard to the intended future use.

9.5 Non-Complying Activities

Activities that contravene a rule in the Plan, and which have not been provided for as Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted) are Non-Complying Activities. Resource consents will be assessed in terms of section 105(2A)(b) of the Resource Management Act.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

Appendix 1. Noise

Activities must comply with the following noise limits.

Residential (Inner)

Noise emission levels when measured on any residential site in the Inner Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>55dBA(L10)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>50dBA(L10)</i>
<i>At all other times</i>	<i>40dBA(L10)</i>
<i>All days 10pm to 7am</i>	<i>70dBA(Lmax)</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Residential (Outer)

Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>50dBA(L10)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>45dBA(L10)</i>
<i>At all other times</i>	<i>40dBA(L10)</i>
<i>All days 10pm to 7am</i>	<i>65dBA(Lmax)</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Rural Area

Noise emission levels when measured at or within the boundary of any site (other than the site from which the noise is generated) in the Rural Area must not exceed:

At all times 55dBA (L10)

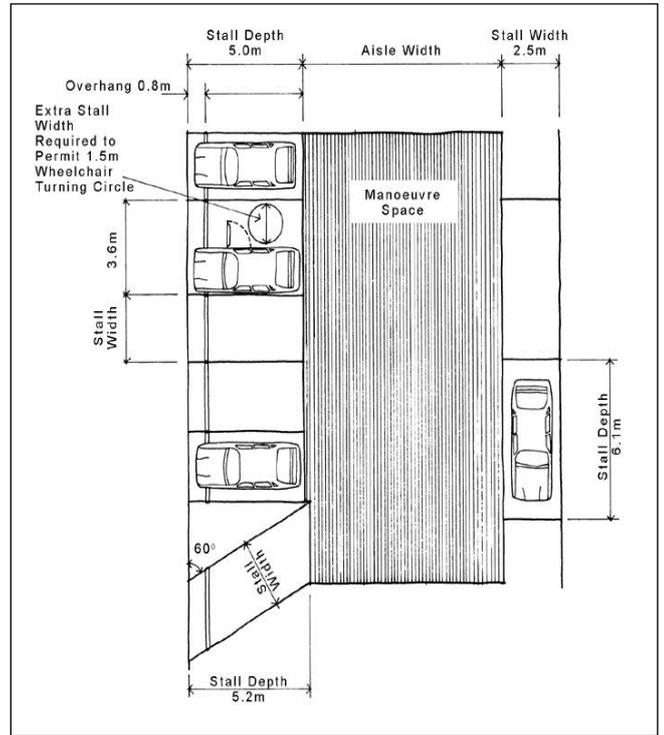
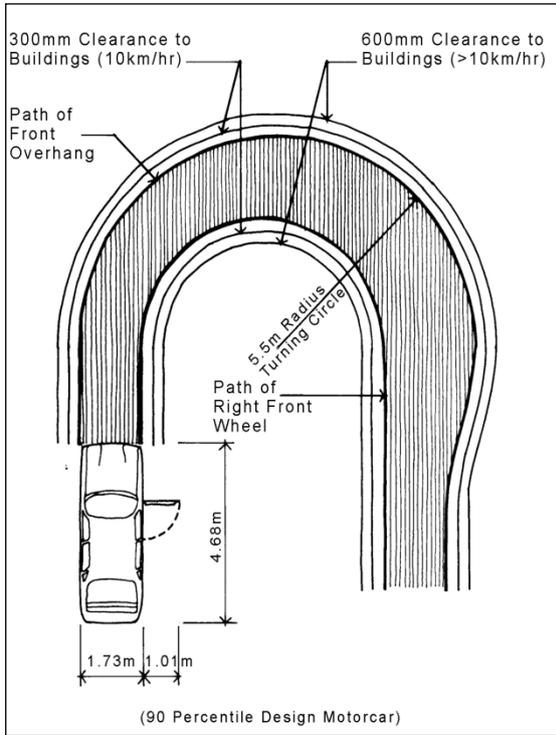
and

Noise emission levels when measured on any Conceptual Boundary of a residential building must not exceed:

<i>Monday to Saturday 7am to 8pm</i>	<i>45dBA (L10)</i>
<i>At all other times</i>	<i>35dBA (L10)</i>
<i>All days 8pm to 7am</i>	<i>60dBA (Lmax)</i>

Appendix 2. Vehicle Parking Standards

• *Notes:*

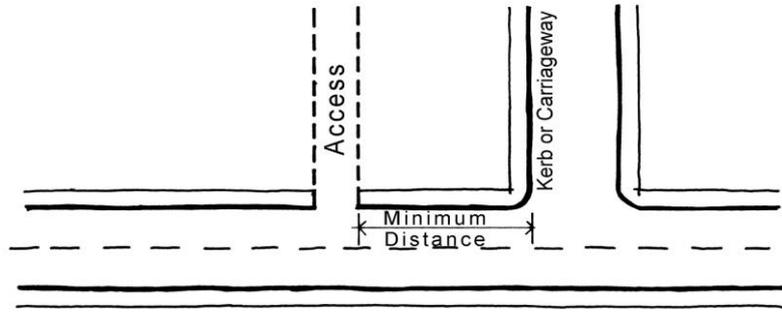


Type of User	Parking angle	Stall Width (metres)	Aisle Width (metres)	Stall Depth (metres)	Parking angle	Stall Width (metres)	Aisle Width (metres)	Stall Depth (metres)
Regular	90°	2.4	7.0	5.0	60°	2.4	4.5	5.2
		2.5	6.6	5.0		2.5	4.1	5.2
		2.6	6.2	5.0		2.6	3.5	5.2
Casual	90°	2.5	8.0	5.0	60°	2.5	4.8	5.2
		2.6	7.0	5.0		2.6	4.4	5.2
		2.7	6.6	5.0		2.7	3.3	5.2
People with Disabilities	90°	3.6	8.0	5.0				
All	0° (Parallel)	2.5	3.5 (one-way) 5.5 (two-way)	6.1				

- Regular users are people whose regular use gives them a familiarity with the carpark that permits smaller but safe clearances.
- Casual users are people (usually short-term visitors) who would not be familiar with the parking layout.
- Stall widths shall be increased 300mm where they abut obstructions such as columns or walls.
- All parking and manoeuvring dimensions assume the use of a 90 percentile design motor car. Compliance with the above requirements will be assessed using this standard of vehicle.

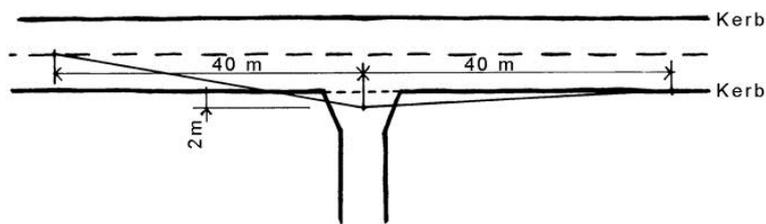
Appendix 3. Site Access for Vehicles

1. Vehicular access near intersections.



2. Access sight lines.

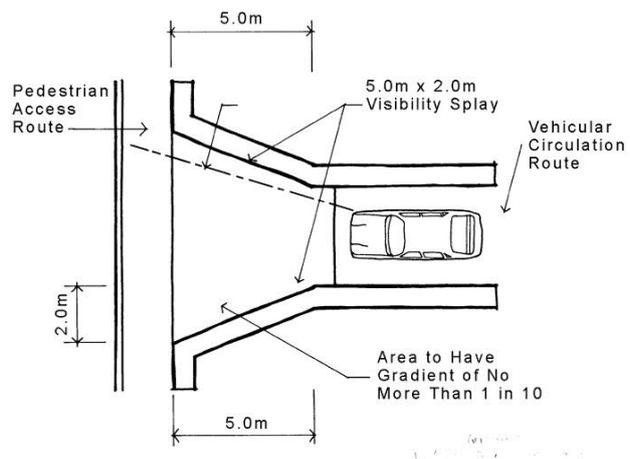
2.1



Within the area represented by the visibility splay, full visibility is required above a level of one metre above the level of the adjacent carriageway.

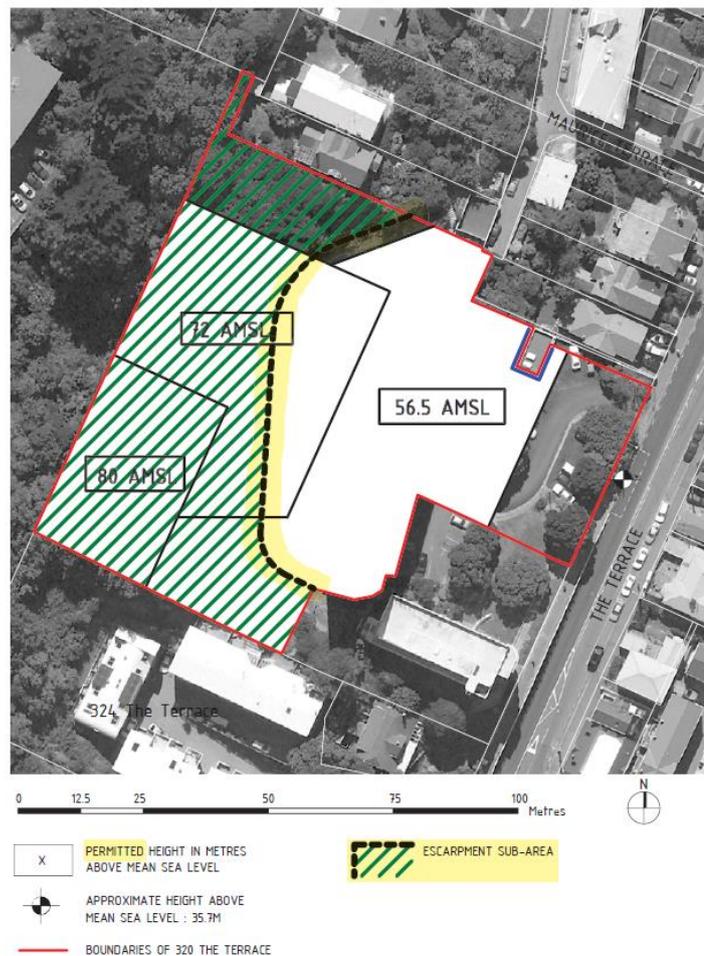
For one-way streets and dual carriageway visibility will only be required in the direction of approaching traffic.

2.2 Access sight lines for access drives which cross a pedestrian access route.



Appendix 4. Permitted Building Standards for 320 The Terrace

1. Permitted height of buildings and structures is 10m above ground level (AGL) except as where a permitted height above mean sea level (AMSL) is specified on the plan below.
2. Permitted site coverage is 50%. However, coverage within the escarpment sub-area shown hatched on the plan below shall not exceed 35% of this sub-area.
3. The recession planes standards for the Inner Residential Area under 5.6.2.8 shall apply to the boundaries with the Inner Residential Area except for the boundaries indicated in blue on the plan below.
4. A 5m yard shall apply to the boundaries with the Inner Residential Area except for:
 - i. the boundaries indicated in blue on the plan below where a 1m yard shall apply; and
 - ii. the boundary adjoining 324 The Terrace where a 10m yard shall apply.
5. No building within 10m of an Inner Residential Area boundary façade along a single building plane shall exceed 30m in length measured along the Inner Residential Area boundary without a minimum building setback of 10m from the boundary for a length of 10m.



VICTORIA UNIVERSITY DESIGN GUIDE – TABLE OF CONTENTS

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NOTE: CONSEQUENTIAL UPDATING TO TABLE OF CONTENTS WILL BE REQUIRED

1.0 Introduction

The Place of the University

Victoria University occupies a prominent place in both the social and physical fabric of Wellington city. Not only is it the region's premier institution of tertiary education and the centre of activity for over ~~12,000~~23,000 students and staff, but it is also a striking physical presence on its site overlooking the central city and harbour.

Since its incorporation nearly one hundred years ago as a college of the University of New Zealand, Victoria has grown with vigour and now almost fully occupies the original site. This growth is placing great demands on the resources of the university today as it responds to an increasing public demand for tertiary education.

The Future of the University

The university plans to develop its important public role of research and educational service, and its future success depends on being able to expand its services and facilities to meet the public and political demand for an increase in the number of students and for educational excellence.

Much of this increased demand will be accommodated by intensifying facilities on the main campus site. Because of extreme pressure on space, however, steps have already been taken to extend the university into other parts of the city and allow some students to be taught part of their course at other tertiary institutions.

The university has acquired a presence ~~on The Terrace in the Aro Valley~~ through the purchase of the HNZC Mitchelltown School site at 320 The Terrace to provide for long term growth and a connection to the central city. The residential properties are used for student accommodation. The Mitchelltown School site, now used for storage, will be adapted to also provide small-scale propagation facilities for the University Grounds Section and the School of Biological Sciences.

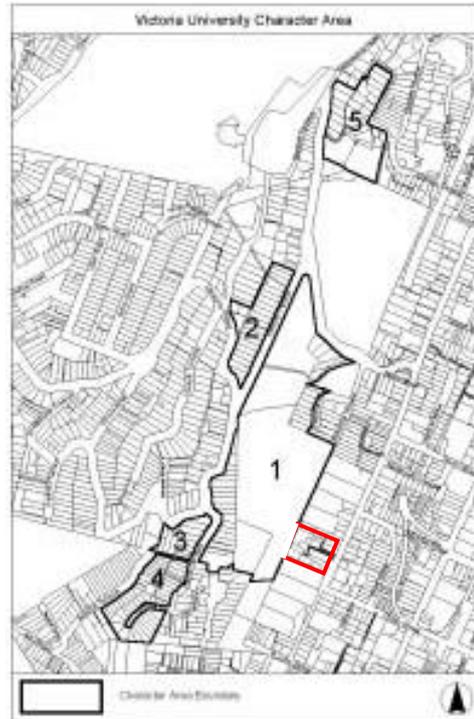
Intensification of the development within the main campus will

continue to take into account not only its position at the edge of the central city, but also its location within existing residential areas. The character of those residential areas that are already being used for student accommodation will be maintained.

The Campus

The Kelburn campus area can be logically divided into two areas, each of a different character and serving different uses. These are:

- the main teaching areas to the east of Kelburn Parade, to the west of Kelburn Parade adjoining Glasgow Street, and to the west of Fairlie Terrace (areas 1, 2 and 3)
- the residential areas to the north of Kelburn Park and the Cable Car, comprising Weir House and Trinity Newman Hall of Residence, and to the south of Kelburn Parade and east of Fairlie Terrace ~~the old School of Architecture site~~, accessed from Fairlie Terrace and Landcross Street (areas 4 and 5).



2.0 Intention of the Design Guide

As specified in the District Plan rules, all new building development within the precinct is a Controlled Activity in terms of the design and appearance, siting and height of buildings. This Design Guide provides the standards or criteria against which controlled elements will be assessed.

The general intention of this Design Guide is to allow the essential development of the university to occur in a planned and controlled manner, recognising and respecting the environmental qualities that give this area its unique character.

This Design Guide starts from the premise that both design guidelines and good design are site specific. No single rule or ideal provides a solution for every situation. For this reason suggestions and guidelines have been developed for each part of the site in order to respond to the unique conditions of each area and achieve site-specific development objectives.

The guidelines establish a three-dimensional framework within which development can take place, with the intention of imposing the minimum amount of control necessary to achieve the set objectives and promote a development responsive to the needs of both the university and the wider community.

The intention is to set out the general principles for development of the campus, not to arbitrarily restrict the development potential of the university. The guidelines are intended to give both a degree of certainty as to the form of appropriate development and the freedom of interpretation to allow an alternative design response if it can be shown to meet the area specific objectives of this guide. Variations from certain guidelines will be considered if it can be demonstrated that the variation offers an alternative means of satisfactorily achieving the Guide's urban design objectives.

The illustrations in the Guide are intended to support the text by explaining principles. They are not intended to represent actual design solutions.

3.0 Analysis: Main Campus

Area 1: Kelburn Parade East

The heart of the university, this comprises the main bulk of teaching, administration, library, recreation and student facilities.

The view from the central city of Kelburn and the university is dominated by the horizontal mass of the Cotton and Rankine Brown buildings. These important skyline elements, arguably built to the limit of appropriate scale, signal the existence of the university to the city below.

Characterised by high and medium-rise development, the campus comprises buildings significantly larger in scale than those in adjacent residential areas, which are primarily one or two storey dwellings.

Although of greater height and larger scale than most nearby buildings, the university development (like adjacent residential development) tends to follow the contours, with most facilities built along the slope. The resulting spine along the top of this site is more or less parallel to the underlying ridge of the Central Terrace area above and behind the university.

Building forms and types around the 320 The Terrace site are mixed although with the exception of buildings adjacent to streets that are 'off the grid' (and aligned with curvilinear contours), there is general consistency of orthogonal alignment of buildings to the street grid. Existing local development is typically two storey detached dwellings and two and three storey multi-unit development. Victoria House presents a taller medium-rise building as does the vacant McLean flats to the south of the site. Kelburn campus buildings overlooking the site also sit within this medium height range of circa 5 storeys.

The view of the university from the north is focused on the Hunter building, which plays an important role in establishing the identity of the university. This is visually the most intricate and historically the most significant of all the large buildings on campus. Not only is the Hunter building an important local landmark with senior status within the university, it is furthermore significant because of its relationship to the only substantial sunny open lawn in a campus generally lacking such spaces. The green carpet of the lawn acts as a foil to the red brick of the Hunter building and, together with the adjoining massed trees above Salamanca Road, visually links the campus with Kelburn Park.

Although cross-site pedestrian accessways connect the university with the city via Mount Street, the campus is not well served by convenient pedestrian connections to the Te Aro flat area. The need for connection may become increasingly important with the potential for further expansion of the University into central city premises.

Current (and any future) development at the south end of the

campus is highly visible from the residential areas of Brooklyn and the Aro Valley. Unless steps are taken to mitigate such effects, future development in this area could visually dominate the view to the north from these areas.

The building edge along Kelburn Parade gives strong definition to an important arterial road through the university. This space, defined by long, often blank walls, acts primarily as a channel for traffic and, due to noise, wind effects, scale of building elements and lack of activity at edges, has a character that does not generally encourage use by pedestrians.

The site at 320 The Terrace extends Area 1 down to The Terrace. The key design opportunities here are to provide for significant expansion of the university contiguous with the Kelburn campus, and to develop a secondary “front door” and better connection between the campus and city centre and Te Aro. In doing so the landscaped escarpment which is prominent in views from Te Aro should be made more visible and enhanced, and a high quality entrance space should be developed at the edge of The Terrace.

The immediate context of 320 The Terrace is characterised by large scale university buildings above and to the west, and a mix of residential activity around including Victoria House hall of residence, multi-unit developments and a number of detached dwellings. Proximity of the site to dwellings necessitates careful consideration of residential amenity across the boundary and is reflected in carefully set permitted activity standards

This site is below the established part of the Kelburn campus and currently does not provide for pedestrian access up to that. In order to provide for reasonable connectivity through what is a very long urban block at the edge of the city centre, a safe pedestrian connection between The Terrace frontage of the site and the upper portion of the campus is desirable.

A local landscape feature is the vegetated escarpment at the rear of and above the site. This is part of the wider swathe of vegetation extending north and south which also includes a significant number of large detached dwellings. This pattern of buildings within heavily planted steeply sloping sites characterises most steeply sloping parts of the inner city suburbs. Building on and/or up part or parts of the vegetated escarpment is therefore appropriate but remaining vegetated areas should be appropriately managed to remove the existing high proportion of weed and weed species trees and provide for ongoing landscape management on the site.

Area 2: Kelburn Parade West

Linked by a pedestrian overbridge to the existing heart of the campus, this area includes high-rise faculty offices, lecture theatres, and a line of old dwellings converted to university use, one of which has associated open space and houses the university marae.

This area is characterised by a mix of types and scales of building. These range from the tower/podium design of Von

Zedlitz and Bernard Murphy buildings, to the two-storey formerly residential villas that occupy most of the Kelburn Parade frontage. Larger-scale buildings immediately to the north of the university include a six-storey slab block apartment building, and the four-storey apartment block "Chevening" on the intersection with Salamanca Road.

While the existing dwellings that have been converted to university use in this area are not individually of architectural distinction or historical interest, collectively they relate to the scale and character of the adjoining residential area.

The road frontage to Kelburn Parade is generally undeveloped, characterised by service areas, asphalt paving and parked cars.

The north end of the site has the potential for infill development without impeding the light and views of adjoining properties, as most residences are located considerably above the level of Kelburn Parade.

Area 3: Kelburn Parade South

This area is physically remote from the existing centre of the campus, with only a tenuous visual link to the elevated site at the corner of Fairlie Terrace and Kelburn Parade.

University facilities are generally located in buildings converted from existing large dwellings. None of the buildings are of any individual notable character, with the possible exception of the existing villa at number 89 Fairlie Terrace.

The area is considerably below the neighbouring residential development to the north, and generally slopes steeply to the south, with an open space at the centre formerly used as the School of Architecture car park. Some of the area at the southern boundary of this zone is below the level of the ridgetop in the university residential area immediately to the south. A considerable volume of development could be inserted there without impinging on nearby residential views or protruding above an extension of the Central Terrace ridgeline. The former Architectural Sciences Laboratory building, for example, although contrasting in scale and character with most of its neighbours, is generally unobtrusive, sited as it is in the bottom of a depression on the south boundary of this area.

The area is characterised by substantial open space between and behind buildings. As a result of generally steep contours, this space is generally undefined, unformed and undeveloped other than with informal landscaping.

4.0 Objectives: Main Campus

Future development should satisfy a number of broad urban design intentions drawing directly from the preceding site-specific analysis, and with reference to the District Plan's general objectives for institutional precincts. These intentions represent the "spirit" of the Design Guide.

Massing

- 01** To minimise the visual impact of any development as viewed from the city, and mitigate adverse visual effects on surrounding residential areas.
- 02** To avoid visually dominating nearby residential areas.
- 03** To allow adjoining residential properties to receive reasonable sun and light.
- 04** To maintain a visual connection from the residential area of Kelburn to the city below, notwithstanding any extension south of the horizontal mass of the existing University "wall" development.
- 05** To allow the visual expression of the university's "centre of gravity" with a vertical mass that may contrast with the horizontality of the existing development.
- 06** To promote a balanced relationship between buildings and open space on the escarpment on 320 The Terrace that avoids the predominance of built form over open space.

Scale and Alignment

- 071** To achieve a transition in scale between large institutional and smaller residential buildings at the interface with neighbouring residential areas.
- 082** To maintain the existing characteristic scale of street walls and degree of street enclosure.
- 09** To complement and enhance adjoining patterns of building alignment and landscape treatment along The Terrace.

Skyline

- 0104** To ensure that any extension to the presence of the university on the skyline when viewed from the city is articulated to reduce its visual mass and to contrast with the unbroken parapet line of the existing University "wall".

Views

O11 To substantially maintain important views of the city and harbour from residential areas.

O12 To maintain views of the Hunter building from the cable car, Rawhiti Terrace, Kelburn Park and the city in general.

O13 To avoid the total enclosure and restriction of views from nearby houses.

O14 To minimise any detrimental visual impact of large numbers of parked cars.

O15 To maintain visual connections from Te Aro to the vegetated escarpment on and beyond 320 The Terrace.

Circulation and Connections

O16 To improve public access to and within the University.

O172 To connect to the existing circulation structure of the city.

O183 To make the circulation routes for pedestrians (the main group of users of campus facilities) as safe, convenient and pleasant as possible.

Elevational Modelling

O19 To achieve development which is consistent with the visual character of the existing campus, and which relates to the level of intricacy of nearby residential buildings when it directly borders a residential area.

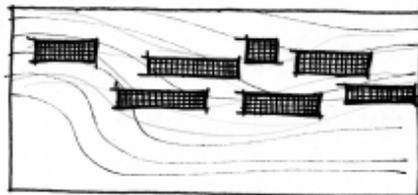
Open Space and Landscape on 320 The Terrace

O20 To develop a high quality landscape on 320 The Terrace, recognising the prominence of VUW's elevated position in the city-scape, including the visibility of the vegetated escarpment.

5.0 Guidelines: Main Campus

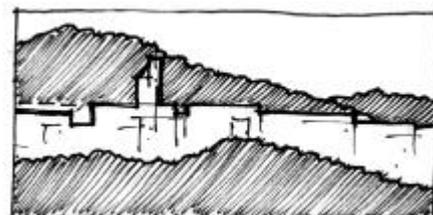
Massing

G1 The established precedent of developing with the major axis of slab-type building elements aligned with the overall contours of the site (parallel with the Kelburn ridge top) should be followed except for that part of 320 The Terrace on and below the escarpment and fronting to The Terrace. On that easternmost component of 320 The Terrace, although adjacent buildings along The Terrace generally have walls aligned to the street grid, there is greater variation in the alignment of building elements.



G2 The maximum extent of building mass is defined by the building envelope described on the Location and Height Control Plans. New building development will be expected to comply generally with the height and building envelope provisions. In assessing applications, Council seeks to ensure that the stated objectives of the Design Guide are satisfactorily achieved. This intends to avoid the simplistic and often crude massing of buildings that can result from absolute adherence to such controls, to facilitate a wide range of design options and to encourage the high quality of architecture expected of an important public institution.

G3 Apart from in the central area of the campus where a tower or point block may be located to express the potential "centre of gravity" of an extended campus and provide a slender vertical contrast to the horizontality of the adjacent building mass, development should be no higher than the existing University "wall" formed by the Laby, Cotton and Rankine Brown buildings.



G4 In the nominated zone at the centre of Area 1, a tower with floor areas generally not exceeding 800m² at any level above RL 130m may rise above the standard building envelope to an approximate height of RL 160m, subject to its siting, sculptural qualities and plan configuration being such that it makes a positive contribution to the overall form of the campus and ensures reasonable maintenance of views across the campus.

G5 Development to the south end of the existing University "wall" should generally be no higher than the existing University "wall" edge when viewed from the city, and should be articulated to reduce its apparent visual mass.

G6 Rooftop architectural features and service or plant rooms which protrude above the identified building envelope should be designed as an integral part of any building and should not compromise the objectives of this Design Guide.

G7 The maximum height above street level of the edge of buildings at street frontages, subject to the qualification of the next paragraph, should generally be:

- Kelburn Parade (both sides from Salamanca Rd to Glasgow St intersection): three storeys
- Kelburn Parade (from Glasgow St southwards): two storeys
- Fairlie Terrace: four storeys
- The Terrace: 10 metres

G8 The nominal height of a "storey" in any area relates to the type of building in the proposed development and the precedent set by existing buildings on immediately adjacent properties.

G9 The maximum height of development immediately fronting Kelburn Parade to the southwest of the Fairlie Terrace intersection is two storeys and to Fairlie Terrace is four storeys. Development may be considered to a height above adjacent street level of four and six storeys respectively by building elements with a width of between 7.5m and 10m over not more than 25 percent of the street frontage.

G10 Design buildings on 320 The Terrace and the spaces around them as an integrated whole to create positive open spaces that contribute to the quality and amenity of the campus.

G11 Articulate long building forms and facades on 320 The Terrace to integrate with the residential environment.

G12 Break down the mass of any buildings on 320 The Terrace by stepping forms down and across the site to achieve views of the escarpment between and over buildings and to relate to the topography.

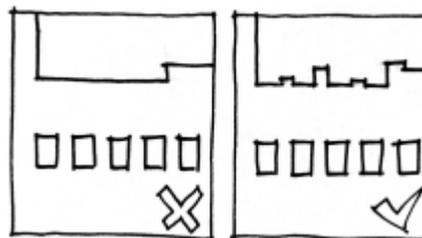
Scale and alignment

G13 The "module", or scale, of the articulation of building elevations should relate to both the scale of existing immediately adjacent development and the distance from which the new building will mainly be viewed.

G142 An interval of between 7.5m and 10m measured horizontally should be expressed in the elevational treatment of new development immediately adjacent to or fronting onto residential areas.

G153 The scale modulation of horizontal runs of façade will be achieved with significant articulation of form which may or may not be emphasised with surface treatment and minor elevational detail.

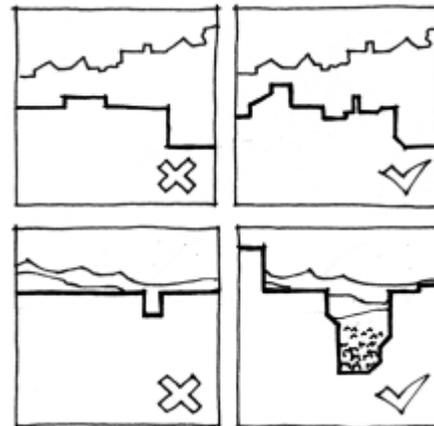
G16 Where practicable provide a setback between the building(s) at 320 The Terrace and the street boundary which:



- is at least as deep as the setback along the properties at 296 to 300 The Terrace;
- includes soft landscape to contribute to a quality open space along the street; and
- retains as many of the existing mature trees as possible within the setback.

Skyline

G17 The skyline of development at the interface with residential areas should be articulated so as to reduce its visual mass and relate it to the reduced scale, forms and character of these residences.



Views

G18 Most development on a site such as this will reduce some views from residential properties to a greater or lesser degree. The loss of panoramic long-distance view may be compensated for by the partial maintenance of important views over or between buildings, augmented by visual interest and high levels of architectural quality in new development.

G19 The view of the north west window of the Hunter building from the base of the flight of steps on the pedestrian accessway leading down from Rawhiti Terrace to Kelburn Parade (opposite the Hunter building) should be maintained.

G203 Any detrimental visual impact of large numbers of parked cars should be either reduced by partial screening or eliminated by careful planning.

G21 Provide for the visibility of the vegetated escarpment between The Terrace and the campus from the city by creating view shafts between and over buildings onto areas of open green space.

G22 Provide for views of the escarpment from Ghuznee Street, MacDonald Crescent and The Terrace by providing visual connections onto upper level vegetated areas of the site and beyond.

Circulation and Connections

G234 Existing through-routes should be enhanced. Future development of the campus circulation structure should allow for safe cross-site pedestrian links with connection to city streets and pedestrian pathways.

G24 The impact of vehicle circulation on pedestrian use should be minimised by using detailed design measures to reduce vehicle speeds, improve pedestrian amenity and allow pedestrians to take precedence at vehicle entrances and on internal circulation routes.

G25 Promote connections between the Kelburn Campus and

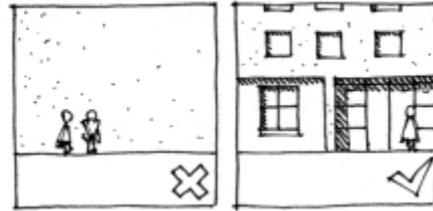
The Terrace by facilitating a new university 'front door' and link to the city through 320 The Terrace.

Elevational Modelling

G26 Large, unbroken flat expanses of wall that are out of scale with adjacent buildings or which form the edge of spaces inhabited by pedestrians should generally be avoided. Such walls are acceptable only where they make a positive contribution to the quality of user experience of the campus.

G27 The degree of elevational modelling should respond to the viewing distance (or range of potential viewing distances) of the observer. Areas primarily and consistently viewed from close range should exhibit a fine grain of detail, while the modelling of building elements in a facade viewed from a distance should be of a larger scale which recognises that viewing distance.

G28 Design building facades along The Terrace to positively address the street with doors and windows.



Open Space and Landscape on 320 The Terrace

G29 Progressively improve the landscape quality of the vegetated escarpment by removal of weeds and weed species trees and re-vegetate with appropriate native species.

THERE IS NO CHANGE TO ANY OF THE CONTENT OF THE OPERATIVE DESIGN GUIDE FROM THIS POINT.

AMENDMENT PROPOSED TO:	EXPLANATION	EVALUATION OF PLANNING EXPERTS
<p>Appendix 4. Permitted Building Standards for 320 The Terrace and associated plan/aerial.</p>	<ul style="list-style-type: none"> ▪ Permitted Height Standard: Amendments make clearer the permitted building heights for specified parts of the site. ▪ Coverage Standard: Amendment to identify the vegetated escarpment sub-area area of the site and include a limitation that the maximum permitted coverage of the escarpment sub-area with buildings is 35%. ▪ Yard Standard: Amendment to increase the yard standard along the boundary with 324 The Terrace from 5m to 10m. ▪ Building Length Standard: Amend the standard to make it easier to interpret. 	<p>Permitted Height Standard: The Hearing Panel expressed a preference that the Appendix 4 permitted height standard and the associated plan/aerial be amended to make it clearer what are the permitted building heights for specified parts of the site. The Applicant has therefore amended the building height standard and the associated plan/aerial to improve clarity and legibility.</p> <p>Coverage Standard: There was interest expressed by the Hearing Panel in increasing the level of certainty regarding the coverage of the existing vegetated escarpment area of the site in order to encourage the retention of existing vegetation in this sub-area. In response VUW has carefully investigated the implications for appropriate site development and has concluded that greater certainty can be accommodated. The amendment introduces a 35% coverage limit to the vegetated escarpment sub-area identified on the amended plan/aerial. The outcome will be that only 35% of the vegetated escarpment area will be permitted to be occupied by buildings and structures instead of 50%.</p> <p>Yard Standard: There was interest expressed by the Hearing Panel (following the advice of the Council's urban design adviser) as to whether the 5m yard standard proposed along the south boundary of the site (the boundary with 324 The Terrace) could be increased in order to enhance the public's view of the vegetated escarpment from Ghuznee Street. In response VUW has carefully investigated the implications for appropriate site development and has concluded that an increased yard can be accommodated to 10m. This will significantly enhance the public's view into the site from Ghuznee Street and provide a significantly enhanced level of amenity for 324 The Terrace.</p> <p>Building Length Standard: The standard has been amended to make it easier to interpret.</p> <p>Evaluation Summary: The amendments are efficient and effective in improving environmental outcomes and enhancing the future administration of the Plan provisions.</p>
<p>Victoria University Design Guide - General</p>	<p>Amendments to the Design Guide to improve the level of design guidance.</p>	<p>The amendments to the Design Guide have been discussed and agreed between the two urban design experts who gave evidence at the hearing (Andrew Burns for VUW and Lucie Desrosiers for WCC). The amendments refine and extend the level of guidance and therefore will enhance the future administration of the Plan provisions relating to the design and appearance of future buildings on the site. In this way, the amendments will be efficient and effective.</p>
		<p>Note: The above assessment of the efficiency and effectiveness of the proposed amendments is made at the level of detail that corresponds to the scale and significance of the proposed amendments. The proposed amendments are minor refinements that will enhance environmental outcomes and the administration of the District Plan.</p>

AMENDMENT PROPOSED TO:	PROVISION	EXPLANATION OF URBAN DESIGN EXPERTS (note: some minor clerical amendments made by Panel for legibility)
Victoria Urban Design Guide - Specific Provisions	Numbering	Objectives and Guidelines have been renumbered throughout the guide to provide sequential numbering. Each Objective and Guideline number is thus unique, reducing opportunities for confusion.
	O6	New Massing objective necessary to ensure a balanced pattern of buildings and spaces emerge for the 320 The Tce. O6 aims to avoid overly dominant clusters of buildings in an area that is a highly visible green backdrop to the city (ie seeks to ensure buildings will be distributed allowing green space to emerge between buildings).
	O6	Edits made following hearing to avoid duplication as the matter of gaps/views is addressed elsewhere at O15, G21 and G22.
	O9	Whilst 'massing' and 'scale' are addressed in the Guide the matter of 'alignment' was not covered and this is especially important for The Tce context. The most appropriate location for 'alignment' is to co-locate it with 'scale'. Alignment (the orientation of form and frontage position) helps to achieve integration with the character of buildings along The Tce. The proposed new objective focuses on complementing adjoining building alignments and also picks up any important landscape patterns (eg mature tree clusters/lines, size and type of open space).
	O15	A new objective here was necessary to define the important view conditions for 320 The Tce which are then more precisely defined as Guidelines G21 and G22.
	O16-O18	Addition of the word 'connections' to the sub-heading to ensure that it is understood that links between the Kelburn Campus and the City are to be achieved (incl on 320 The Tce). This is an important addition to reinforce O17 and to allow a new G25 to be inserted.
	O20	The addition of an entirely new objective category here was necessary as open space/landscape did not feature in the operative Guide. For 320 The Tce the landscape and escarpment is a very important consideration that needed to be addressed and supported by a specific Guideline G29.
	G11	<p>This guideline was initially proposed in the submitted evidence version of the Guide (1st Dec 2015) to address the issue of mitigating overly long / dominant or monotonous façades. That was important to ensure integration and avoid severe juxtaposition with neighbouring smaller residential forms.</p> <p>The guideline was subsequently transferred into a permitted standard in Appendix 4 and thus deleted at G11 and a simpler guideline introduced to support and achieve integration.</p>
	G12	<p>Given the high visibility of the site, its green escarpment character and the need to 'bridge' the smaller scale The Tce forms with the large campus buildings it was proposed that the steep topography of the site could facilitate this by stepping buildings down with the topography.</p> <p>This new guideline was expanded during the hearing to include reference to making visual connections to the escarpment between and over buildings, an outcome of creating stepped building forms.</p>

AMENDMENT PROPOSED TO:	PROVISION	EXPLANATION OF URBAN DESIGN EXPERTS (note: some minor clerical amendments made by Panel for legibility)
	G16	New guideline proposed and agreed with WCC (Lucie) that supports the new objective O9. G16 addresses the frontage position of any new building(s) and any open space along The Tce edge. Whilst the Permitted Standards establish a 0m setback to the street edge, this guideline recognises that a setback along The Terrace is desirable and if a setback is provided that it should take reference from adjoining property setbacks as a minimum depth (that is it could be larger to create a significant forecourt/piazza space) and that the quality of this space should be enhanced, retaining (where practicable) as many mature trees as possible.
	G21	New guideline to support O15. This defines the principle of creating public views onto the escarpment's green open space from the city. Various minor amendments to wording here during and after the hearing (eg removal of the word 'ridgeline' to broaden the potential scope of views towards the campus and tightening up of the creation of views by deleting 'encouraging glimpsed views' and replacing with 'creating view shafts').
	G22	New guideline to define key view corridors based on public street positions. This recognises the most significant streets where the site is clearly visible from. The guideline also defines the importance of the upper level vegetated areas as the most sensitive (visually) that supports the amended Permitted Standards (re 35% site coverage to upper slopes). Views are not only onto the site but some views (eg from the top of The Tce looking south) connect across the site onto areas beyond. The guideline now provides for such views.
	G25	A specific guideline to ensure the site delivers the wider connection between the city and the Kelburn campus (ie the site will not be an isolated / inaccessible block between The Tce and the Kelburn campus).
	G28	The operative DG did not specifically address the matter of creating buildings that address or 'front onto' streets with fenestration (doors/windows). This new guideline ensure that outcome will be addressed.
	G29	New guideline G29 to support new objective O20. This to recognise the generally poor quality planting (high proportion of weeds/weeds species trees) cross the site's upper levels and to address the need for quality landscape (re)planting with native species etc.

COUNCILLOR APPOINTMENT TO TE WHAREWAKA O PŌNEKE TRUST

Purpose

1. This report seeks approval for the appointment of a Councillor to the board of Te Wharewaka o Pōneke Trust.

Recommendations

That the Council:

1. Receive the information.
2. Agree to the appointment of an additional Councillor to the board of Te Wharewaka o Pōneke Trust.

Background

2. As a settlor of the Wharewaka o Pōneke Trust, under the terms of the Trust Deed the Wellington City Council can appoint up to two trustees.
3. In December 2015, Councillor Paul Eagle was appointed to fill one of the vacancies. One position is currently vacant.
4. The Appointments Group recommends the vacant position now be filled by a Councillor.
5. Under the Local Government Act (2002), the ability for the Council to appoint two of the seven trustees means the trust is classified as a Council Organisation.

Discussion

6. The Councillor appointment will further strengthen the Council's relationship with the Trust and develop the important civic contribution the Wharewaka makes to our waterfront and the city. The appointment will also add value to the organisation the board from an operational perspective.
7. The appointments process has been discussed with the Chair of Te Wharewaka o Pōneke Trust.

Attachments

Nil

Author	Richard Hardie, Portfolio Manager
Authoriser	Derek Fry, Director City Growth & Partnerships

SUPPORTING INFORMATION

Consultation and Engagement

Not applicable.

Treaty of Waitangi considerations

Not applicable.

Financial implications

Not applicable.

Policy and legislative implications

The appointments process that was undertaken was consistent with the Council's Appointments and Remuneration of Directors and Trustees for Council Organisations policy (2011).

Risks / legal

Not applicable.

Climate Change impact and considerations

Not applicable.

Communications Plan

Not applicable.

3. Committee Reports

REPORT OF THE REGULATORY PROCESSES COMMITTEE MEETING OF 28 APRIL 2016

Members: Mayor Wade-Brown, Councillor Ahipene-Mercer (Chair), Councillor Foster, Councillor Lee, Councillor Pannett, Councillor Sparrow.

PROPOSED ROAD STOPPING - LAND ADJOINING 21 WOBURN ROAD, NORTHLAND

Recommendation/s

That Council:

- 1 Declares that approximately 150m² of unformed legal road land in Woburn Road, Northland, shown bordered red on Attachment 1 (the Land), and adjoining 21 Woburn Road, Northland (being Lot 1 DP 6867, CFR WN407/96), is not required for a public work and is surplus to requirements.
- 2 Agrees to dispose of the Land.
- 3 Delegates to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, impose any reasonable covenants, and anything else necessary.

REPORT OF THE ENVIRONMENT COMMITTEE MEETING OF 28 APRIL 2016

Members: Mayor Wade-Brown, Councillor Ahipene-Mercer, Councillor Coughlan, Councillor Eagle, Councillor Foster, Councillor Free, Councillor Lee, Councillor Lester, Councillor Marsh, Councillor Pannett (Chair), Councillor Peck, Councillor Ritchie, Councillor Sparrow, Councillor Woolf, Councillor Young.

A. OUTER GREEN BELT MANAGEMENT PLAN REVIEW

Recommendation/s

That Council:

1. approve the review of the Outer Green Belt Management Plan for the reserves outlined in Attachment 1 in accordance with section 41 of the Reserves Act 1977.

B. TRADE WASTE BYLAW 2004 – REVIEW 2015-16

Recommendation/s

That Council:

1. adopt the amended Trade Waste Bylaw (Attachment 1).

4. Public Excluded

Resolution to Exclude the Public:

THAT the Council :

Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

General subject of the matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
4.1 Appointments to Council Controlled Organisations	7(2)(a) The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
4.2 Living Wage	7(2)(b)(ii) The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. 7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.