

Before Wellington City Council

Under the Resource Management Act 1991
In the matter of Plan Change 81: Rezoning 320 The
Terrace and de-listing the Gordon Wilson
Flats

**STATEMENT OF EVIDENCE OF PETER COOP
RESOURCE MANAGEMENT**

1 December 2015

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INTRODUCTION

1. My full name is Peter Alan Coop.
2. I am a resource management consultant employed by Urban Perspectives Ltd.
3. My qualifications are a BA (Canterbury University), Diploma of Town Planning (Auckland University) and a Master of Public Policy (Victoria University). I am a full member of the New Zealand Planning Institute. I am a certified Resource Management Act decision-maker with Chairing endorsed.
4. I have over 30 year's resource management work experience in both New Zealand and United Kingdom. From 1979 to 1995 I worked for the Wellington City Council, being Manager of Resource Consents (5 years) and then Manager of Strategic Planning and Policy (5 years). From 1996 to 2003 I was employed by Opus International Consultants Ltd and from 2004 to date by Urban Perspectives Ltd.
5. I provide resource management advice and assistance to a range of Government, local government and private sector clients. My assistance has included the preparation of applications for resource consent, Plan changes, designation and associated Assessment of Effects on the Environment (AEE) reports for a diverse range of projects.
6. Over the last 10 years I have provided resource management advice and assistance to the University. During the course of this work I have developed familiarity with the University's Campuses and the growth of the University over this time.
7. I confirm that I have read the Code of Conduct for expert witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this evidence. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SCOPE OF EVIDENCE

8. My evidence covers:
 - (a) My involvement in relation to Plan Change 81.
 - (b) Summary of the form and content of Plan Change 81.
 - (c) My assessment of matters raised in submissions.
 - (d) My assessment of matters raised in the Council officer's report.
 - (e) My overall assessment of Plan Change 81.
9. I am in general agreement with the Council officer's report and concur with the recommendations. Accordingly, my evidence is primarily focussed on matters that I wish to draw the Hearing Committee's particular attention to.

MY INVOLVEMENT IN RELATION TO PLAN CHANGE 81

10. My involvement in this matter commenced in 2014 when I was contacted by Victoria University of Wellington (the "University") regarding 320 The Terrace. At the time I was aware that the property was occupied by Gordon Wilson Flats and that it had needed to be urgently vacated because of structural risk.
11. The University advised me that they had been offered the property by Housing NZ because Housing NZ had undertaken its own assessment of Gordon Wilson Flats and was not prepared to strengthen and refurbish it for continued public housing. The University was aware that Gordon Wilson Flats is a heritage building under the Wellington City District Plan.
12. The University advised me that the building was unfit for university purposes and that they could not see any sustainable future for it for any use, be this public housing, private housing or university activities.
13. The University further advised me that they had proceeded to purchase the property because of its strategic importance in enabling the future expansion of the Kelburn Campus.

14. The University requested by advice on their objectives for the property.
15. I first reviewed the District Plan provisions applicable to 320 The Terrace and Gordon Wilson Flats. In summary I advised Victoria University that:
 - (i) Gordon Wilson Flats is a heritage building under the District Plan.
 - (ii) The District Plan anticipates and provides for the demolition of a heritage building either by way of a Plan Change to “de-list” a heritage building (Heritage provisions p20/2 of the District Plan) or by way of an application for resource consent to demolish a heritage building under Heritage Rule 21A.2.1 as a Discretionary Activity Restricted.
 - (iii) The site is in the “Residential Area” under the District Plan and specifically in the “Inner Residential Area”. It adjoins the Kelburn Campus which is zoned “Institutional Precinct”.
 - (iv) Upon Gordon Wilson Flats being de-listed, its demolition would be permitted by Residential Area Rule 5.1.12 without any conditions or standards.
 - (v) Once demolished, the creation of open land for recreation or amenity purposes would be a permitted activity under Residential Area Rule 5.1.6.
 - (vi) Residential activity, including student residence, is a permitted activity within the “Residential Area” under Rule 5.1.1.
 - (vii) Non-residential activities (such as tertiary education and research) are provided for by Residential Area Rule 5.4.1 as a Discretionary Activity Unrestricted. I advised the University however that the District Plan anticipates that expansion of the University onto Residential zoned sites such as 320 The Terrace “*will be dealt with under the plan change processes to enable a full assessment of environmental effects*” (p8/1 of the Institutional Precinct).

16. I advised the University that an appropriate method of achieving both their objectives (the demolition of Gordon Wilson Flats and the incorporation of 320 The Terrace into the Kelburn Campus "Institutional Precinct") was a District Plan Change. I provided advice on what information and assessments should be prepared to support a comprehensive and robust application for a Plan Change. I assisted the University and its team of advisers to then prepare its application for Plan Change.
17. During the course of preparing the Plan Change I consulted the Council District Plan officers on the form and content of the Plan Change to ensure that as far as possible, its form and content would have an acceptable "fit" with the District Plan. The advice and assistance of the officers was given on a without prejudice basis and assisted the University to prepare the Plan Change 81 provisions that are in Appendix 2 of the application.
18. I also advised and assisted the University to carry out consultation with property owners and occupiers in the near neighbourhood of 320 The Terrace. All the feedback received supported the proposed demolition of Gordon Wilson Flats, for a variety of reasons.
19. Consultation with the adjoining property owners and occupiers also assisted the University to identify and propose site specific changes to the Institutional Precinct provisions to respond to matters raised by the owners and occupiers. These site specific provisions are incorporated in Plan Change 81.
20. I then assisted the University to prepare its application for the Plan Change that was lodged in July 2015.

THE FORM AND CONTENT OF PLAN CHANGE 81

21. The scope of Plan Change 81 is limited to 320 The Terrace. It is therefore a site specific Plan Change.
22. In summary, Plan Change 81 seeks to:
 - (i) Remove (i.e. delist) Gordon Wilson Flats from the heritage list in Chapter 21 of the District Plan and to remove heritage notation "299" from District Plan Map 16.

- (ii) Change the zoning of 320 The Terrace from "Inner Residential" to "Institutional Precinct" so it is consistent with the zoning of the Kelburn Campus.
 - (iii) Include additional site specific rules and standards.
23. The RMA provides two methods by which buildings listed as heritage buildings in a District Plan may be demolished. One method is an application for Plan Change to "delist" the building. The other method is an application for resource consent. My evaluation of the two alternative methods is in section 3.2 of Plan Change 81, with the conclusion that a Plan Change would be efficient, effective and consistent with the statement in the District Plan heritage provisions that buildings on heritage lists may be "*removed from these lists by way of a Plan Change*" (p20/2 of the heritage provisions of the District Plan).
24. I also evaluated under section 32 of the RMA whether the zoning of 320 The Terrace should remain "Residential" or be changed to "Institutional Precinct". The table in Appendix 6 of Plan Change 81 presents this evaluation and is the basis upon which I consider that the zoning should be changed to "Institutional Precinct".
25. The proposed additional site specific rules and standards are:
- (i) Building standards contained in "Appendix 4. Permitted Building Standards for 320 The Terrace". A detailed explanation of these standards is contained in section 2.2.1 of Plan Change 81 and a detailed evaluation is contained in section 3.4.1 of Plan Change 81.
 - (ii) Rule 9.2.3 that will enable the Council to control the adverse effects of demolition of Gordon Wilson Flats. A detailed evaluation of proposed Rule 9.2.3 is contained in section 3.4.2 of Plan Change 81.
 - (iii) Rule 9.3.2 that will enable the Council to control the construction of buildings and structures on 320 The Terrace in respect of design, external appearance, siting, site landscaping, vehicle parking, servicing and site access. A detailed evaluation

of proposed Rule 9.3.2, including associated additions to the Victoria University Design Guide, is contained in section 3.4.3 of Plan Change 81.

26. I am satisfied that the form and content of Plan Change 81 is appropriate and will fit well into the framework of the existing District Plan.
27. I am also satisfied that:
 - (i) The RMA enables the University to apply for a Plan Change to “delist” Gordon Wilson Flats. Furthermore, the District Plan (on p20/2 of the heritage provisions) anticipates and provides for applications for Plan Change to remove buildings from the District Plan heritage lists.
 - (ii) The District Plan anticipates and provides that the extension of the Kelburn Campus onto Residential zoned sites such as 320 The Terrace should be the subject of an application for Plan Change as opposed to an application for resource consent (see p8/1 of the Institutional Precinct provisions).
 - (iii) The combination of the existing Institutional Precinct provisions (the objectives, policies, rules and standards) plus the proposed additional site specific rules and standards for 320 The Terrace proposed by Plan Change 81, provides a comprehensive and robust management regime for the future development and use of the site for university purposes.

MATTERS RAISED BY SUBMISSIONS

28. I have read all the submissions and further submissions and comment on them as follows.
29. Submission 1 is from Anka Kuepper, a qualified Architect studying for a Masters in Architecture. She supports Plan Change 81 because it will promote the expansion of the Kelburn Campus down the hillside and open up a direct gateway and a new main entrance between City and University. I agree with this submission.

30. There are submissions that oppose the possible development and use of the site for student accommodation on the basis that the collective provision of student accommodation in a hall of residence gives rise to behavioural effects that adversely affect the amenity of the residents to an unacceptable degree. The submissions seek that student accommodation ("halls of residence") is not permitted on the site. I disagree primarily because:
- (i) Student accommodation is a permitted activity on this site and throughout the Inner Residential Area. There is no resource management logic to singling out this site for a restriction on this activity.
 - (ii) The provision of student accommodation is important to the University's growth and development and therefore important to the City and Region.
 - (iii) The precedence effects for other sites, universities, and specific residential groups within the community would be contrary to the purpose and principles of the RMA.
 - (iv) Behavioural effects are more effectively responded to in any case by non-RMA initiatives.
31. The Architectural Centre (submission no 3) opposes the proposed change in zoning from "Residential" to "Institutional Precinct" partly because they consider a reduction in the area of the City's Residential zone by 7139m² (the site area of 320 The Terrace) will *"undermine the City Council's strategies and policies for increasing the density of inner city housing in Wellington"* because *"there is a shortage of affordable housing"*. The submission by MANA Newtown (submission 25) is in a similar vein.
32. I disagree because:
- (i) The site area involved (7139m²) is negligible in resource management significance compared to the remaining large land area zoned Inner Residential (approximately 304 hectares). In percentage terms, the reduction is 0.2%. This will have a negligible effect on population density in inner city Wellington

assuming that no residential accommodation for university purposes is developed on the site.

- (ii) In any event, 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. This will be unaffected by Plan Change 81.
33. The Architectural Centre's submission is that the "*University's Strategic Plan is not a relevant planning document for considering resource consent applications*". Victoria University's application is not for resource consent but a Plan Change. Irrespective of this, my understanding is that the RMA does not exclude non-statutory documents such as the University's Strategic Plan from being given weight by a Hearing Committee. I would also note that the Architectural Centre's own submission seeks to draw support from non-statutory documents, for example the Council's non-statutory "*infill housing review, and the housing choice and town centre planning project*" (p1 footnote 1 of the submission).
34. Mrs Sage (submitter 7) owns and resides at 13 Waiteata Road. This property is located on a higher level and to the north of 320 The Terrace. Her concern is the outlook/view from her property. I visited Mrs Sage at her house to assess this matter. I am confident that any future development enabled by Plan Change 81 will have no adverse effects on the outlook and view from 13 Waiteata Road. This is largely because of the elevation and orientation of her property, the screening effect of large existing trees along her south boundary, and the maintenance of the Inner Residential building standards for the north west corner of 320 The Terrace closest to her property.
35. Ms Stephens (submitter 10) owns and resides at 1/326 The Terrace. I met her to discuss her submission. In summary, she supports the demolition of Gordon Wilson Flats and redevelopment of the site with appropriately designed student accommodation in self contained units, not halls of residence. She seeks that the zoning not be changed until the University proposes specific university buildings and specific university uses. In response I explained to her that I supported

the change in zoning because it will communicate to people looking at the District Plan that 320 The Terrace will be subject to University use and expansion.

36. Living Streets Aotearoa's (submitter 24) submission supports the University's intention to have a pedestrian link through the site so that The Terrace is connected to the main Campus. Because of this, the University asked me to contact Living Streets Aotearoa to see if they wished to work with the University to achieve this goal. Living Streets Aotearoa has affirmed its willingness to work with the University on its pedestrian connection plans.
37. Living Streets Aotearoa's submission also seeks that the bush area on the upper part of the site be preserved as far as possible and managed. In this respect, I advised Living Streets Aotearoa that *"the University intend to manage the bush area firstly by removing blackberry, old man's beard, hawthorne, weed tree species and other weed species and then planting new native trees and shrubs to enhance its quality. Substantial areas of the escarpment are not suitable for building and thus can be preserved and enhanced. However some crossing of the escarpment with a building will be required and indeed is considered desirable to connect the Campus down to The Terrace. The intention of both VUW and the Council (in the discussions held with Council officers) is that the siting of buildings and enhancement of the bush area will be carefully managed through the Kelburn Campus Design Guide and associated resource consent process. In this respect, VUW also has a dedicated team of landscapers and maintenance personnel who maintain the landscaped area of the Campus to a very good standard. This will be extended to this site"*.
38. I contacted Paul Lee (submitter 29) who owns and resides at 9 McKenzie Tce. His primary concern is whether future development of 320 The Terrace would result in McKenzie Terrace and Waiteata Road being used for road access to the site with associated increased traffic flows generated by car parking. I informed Mr Lee that the steepness of 320 The Terrace precludes road linkage. I also explained that it was not possible for the University to include in Plan Change 81 a specific pedestrian and traffic design (as his submission seeks).

However, I did explain that Plan Change 81 does make “vehicle parking, servicing and site access” a matter for the Council to assess upon an application for resource consent under proposed Rule 9.3.2.

39. Some submissions (i.e. Avril Miles, Dan Shenton, Jonathan Dartrey and Ann Lamb, Denise Stephens, Ken and Lynda Bowater, Patricia Gruschow, and Roland Sapsford) seek that any development and use of the site for university purposes should be the subject of a notified application for resource consent to enable everyone to have their say on an unrestricted basis on any future development and use the University proposes for this site.
40. I consider this is unnecessary and undesirable because:
- (i) The Institutional Precinct provisions of the District Plan already provide an appropriate management regime for enabling the respective institutions that are of significant importance to the future of the City and Region (Victoria University, Wellington Hospital, Massey University) to develop and grow.
 - (ii) The additional site specific rules and standards for 320 The Terrace proposed by Plan Change 81 will provide an appropriate additional and stricter management regime for the development and use of the site. These additional rules and standards have been informed by consultation with the adjoining and nearby owners and residents.
 - (iii) It would expose the University to significant risks, costs, delays and uncertainties that are not justified or warranted, particularly in view of the benefits to the City and Region associated with the growth of the University.
41. The only submissions received from owners and residents who adjoin the site are from the Fernhill Body Corporate (324 The Terrace) and one of its residents (Ken Mitchell, submission 22). Their main concerns in summary relate to:
- Demolition effects.
 - Fencing.

- Security.
 - Building height standard.
 - Noise standard.
 - Building setback standard.
42. I previously met with members of the Body Corporate when I was preparing Plan Change 81. Now as a result of their submission, the University has sought a second meeting with them and Mr Mitchell to discuss their concerns. However this meeting has not yet occurred.
43. I acknowledge that the demolition of Gordon Wilson Flats will adversely affect these submitters. The University has therefore advised me that prior to preparing its application for demolition under proposed Rule 9.3.2, the University will consult the Body Corporate (and the other adjoining owners and residents) regarding the proposed demolition and in particular, to discuss with the residents the initiatives to be included in the Demolition Management Plan, including a communication plan with residents. Regarding fencing of the boundary with 324 The Terrace, the University has advised me that they will consult the Body Corporate and implement an appropriate fence.
44. I am satisfied that proposed Rule 9.3.2 will enable the Council to ensure that asbestos is removed safely.
45. Regarding security, the University has advised me that once the site becomes part of the Campus (i.e. post the demolition of Gordon Wilson Flats and developed for open space), it will be included in the University's security contract and thus be subject to security patrols as required. In addition, the development of the site for open space will be informed by the University's CPTED (Crime Prevention Through Environmental Design) expert.
46. Regarding building height for future university development, Mr Mitchell seeks a permitted height standard of 10m above ground level for the site (i.e. the existing Inner Residential permitted height) whereas the Body Corporate appears to be seeking 30m above mean sea level (the footpath on The Terrace is 35.7m above mean

sea level). I consider however that the building height standards proposed by Plan Change 81 will not result in any future university buildings being “out of scale”, particularly in view of the existing height of Gordon Wilson Flats, the large size of the site, the 50% building coverage standard, the yard and building recession plane standards and the application of the Design Guide to future buildings.

47. Under the Inner Residential provisions, there is no building setback standard along the side boundary with 324 The Terrace. Plan Change 81 proposes a 5m building setback along the side boundary with 324 The Terrace. I consider this reasonable and concur with the officer's report in this regard that this setback distance is acceptable.
48. Regarding the noise standards, the Council's noise officer (Mr Borich) concludes the Institutional Precinct noise standards are reasonable. I agree.

MATTERS RAISED BY THE OFFICERS REPORT

49. I generally concur with the report and consider it a comprehensive and robust assessment of the Plan Change. I agree with its recommendations apart from the following two matters.
50. I am concerned about the proposed additional design guideline G4 “*Minimise encroachment by buildings into the area of vegetated escarpment visible from Ghuznee Street*”. This is mainly because G4 could have the potential to frustrate reasonable building connection down the escarpment.
51. The open space and landscaping guidance for 320 The Terrace currently proposed is:

G1 *Provide for the visibility of the vegetated escarpment between The Terrace and the campus ridgeline from the city by encouraging glimpsed views and view shafts between and over buildings onto areas of open green space.*

G2 *Provide for views of the escarpment from Ghuznee*

Street, MacDonald Crescent and The Terrace by providing for visual connections onto upper level vegetated areas.

G3 *Progressively improve the landscape quality of the vegetated escarpment by removal of weeds and weed species trees and re-vegetate with appropriate native species.*

52. My concern about the officer's proposed G4 is it is not clear from what location in Ghuznee Street the assessment is to be made. Nor is it made clear "*the area of vegetated escarpment visible from Ghuznee Street*" is the area shown by the existing photographs attached to Ms Desrosiers's report and which is the basis for her assessment. My concern is inevitably this guideline will be very restrictive once Gordon Wilson Flats is demolished, thus opening up additional areas of the escarpment to the view from Ghuznee Street.
53. Finally, I would point out that the District Plan does not contain any standards or restrictions regarding vegetation clearance. Accordingly, any existing visual amenity associated with the bush escarpment is unprotected and could be removed, thus rendering proposed G4 ineffective.
54. For all the above reasons, I consider that G1-3 as proposed provide sufficient open space and landscaping guidance for the site, particularly when combined with the 50% site coverage standard and other building standards.
55. The second concern I have is the officer's proposed amendment to the notification provisions of proposed Rule 9.3.2. The amendment is referred to in paragraph 156 and paragraphs 187 to 191 of the officer's report and shown in Attachment A of the officer's report.
56. Proposed Rule 9.3.2 provides the Council with the ability to control the external design, appearance, siting and landscaping of development proposals on 320 The Terrace. In other words, design and appearance control.

57. A summary of design and appearance rules and notification provisions in other zones are provided in the following table.

Zone and Rule	Activity Standard	Non-Notification
Institutional Precinct Rule 9.2.1 for building development on Kelburn Campus, Wellington Hospital and Massey University	Controlled Activity – assess using relevant Design Guide	Yes – Consistent with PC 81
Residential Area Rules 5.3.5 and 5.3.8 for building development in Mt Victoria, Thorndon and Oriental Bay Areas	Discretionary Restricted– assess using relevant Design Guide	Yes – Consistent with PC 81
Business Area Rules 34.3.5 and 34.3.6 for building development in Business 1	Discretionary Restricted– assess using relevant Design Guide	Yes – Consistent with PC 81
Central Area Rule 13.3.4 for building development in Central Area	Discretionary Restricted– assess using relevant Design Guide	Yes – Consistent with PC 81

58. The summary shows just how extensive design and appearance control is in the City. All these rules are provided with non-notification as proposed for Rule 9.3.2 by Plan Change 81.
59. The recommendation of the officer's report, if adopted by the Hearing Panel in its recommended decision, will therefore have significant implications for investment confidence, not only for the University on this site but also for property owners and developers in all the above zones when they come up for Plan review. It will I believe have a destabilising effect and erode support for Council control of building aesthetics.
60. In addition, the statement that exposure to notification may cause "slightly greater economic costs" to Applicants is not accurate. The exposure can unfortunately be very significant in terms of uncertainty, delay and cost, especially if a determined litigant is encountered.
61. Currently the prevailing practice for the extensive zones and rules identified in the table above is that external design and appearance matters are resolved by discussion between the urban design experts for the Applicant and the Council. I therefore have serious concerns regarding the introduction of third parties into these discussions (which would be triggered by the notification amendment proposed by the officer's report) and the likely suboptimal design outcomes that are likely in my opinion to result.
62. I also consider that there are no persuasive reasons for amending the notification provision to protect the amenity of adjoining or adjacent properties. This is because such protection is already sufficiently provided by the proposed building standards and hence the reason why non-notification consistent with Plan Change 81 is consistently applied as identified in the table above.

OVERALL RMA ASSESSMENT

63. In relation to the de-listing of Gordon Wilson Flats, I consider this is justified because:
 - (a) The building has no exceptional heritage significance.

- (b) The building is not nationally significant otherwise it would have been registered by Heritage NZ.
- (c) The building was assessed to have heritage significance sufficient for it to be listed in the District Plan. However this significance has been eroded by the discontinuance of public housing use and the unsafe and unsightly condition of the building.
- (d) There is no realistic prospect of the building being strengthened and refurbished for public housing.
- (e) There is no realistic prospect of the building being strengthened and refurbished for private housing.
- (f) The building is not suitable for University uses.
- (g) The demolition of the building will still leave two heritage listed public housing buildings in Wellington and other listed heritage public housing buildings elsewhere in the country. This is therefore not a case of a unique, exceptional or nationally significant building being demolished.
- (h) The University can to some extent mitigate the demolition of the building by preparing an appropriate record of it prior to demolition, reusing certain parts within a future building on the site, and creating an appropriate historical display within a future building.
- (i) From a City and Regional perspective, the de-listing will pave the way for the expansion of the University on a site contiguous with the Kelburn Campus, thus enabling the University to achieve valuable synergies associated with co-location of future university facilities and university activities.
- (j) The de-listing of the building is supported by the nearby residents for various reasons, including the adverse effects associated with its height, bulk, dominance, danger and unsightliness.

64. In relation to the criteria of Section 32 of the RMA, I confirm that I consider the objectives of the Institutional Precinct are the appropriate objectives to meet the RMA's sustainable management purpose for this site, and that the proposed provisions (including the rules, standards and design guide) are the most appropriate for achieving those objectives.
65. In relation to the other statutory RMA considerations, I have read sections 10 and 11 of the Council officer's report and concur with these except in relation to the two matters identified previously.



PETER COOP
1 December 2015