

11 April 2018

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Chief Executive  
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Tēnā koe Andrew

We are writing to you to express our gravest concern regarding the current threat to the significant heritage site of the Wellington Teachers Training College (Former) in Karori. As we have noted in our submission on the proposed listing for this building, we consider that HNZ has been negligent in the length of time it has taken to properly recognise this site, which is important because of:

- (a) the quality of its architecture,
- (b) the national significance of its architect, S. William Toomath
- (c) the aesthetic and form of Lopdell gardens, shaped as it is by its surrounding buildings, and the integrated design of its site and building forms
- (d) its importance in the history of New Zealand education and teacher training
- (e) its significance to its Karori community, and
- (f) its association with important New Zealanders, including Sir Tipene O'Regan and Dame Doreen Blumhardt.

HNZ has a legislative obligation to recognise NZ's heritage, and it also has a key role in protecting historic places, supplementing the RMA's protection of historic heritage. Given the recent news that Ryman Healthcare has effectively gained a resource consent guaranteeing them the right to demolish approximately half the buildings on the Karori site for the next five years, we strongly urge you to proactively protect the Wellington Teachers Training College (Former) buildings and site by notifying your requirement for a heritage order to the Wellington City Council (WCC).

As the Architectural Centre understands it, the following is the chronology regarding the recent history of Heritage New Zealand Pouhere Taonga's proposal to list the Wellington Teachers Training College (Former), and Ryman Healthcare Ltd's application for a Certificate of Compliance to demolish approximately half the buildings on the site.

1. Ryman Healthcare Ltd bought the Karori Teachers Training College site, from Victoria University in December 2017, in full knowledge that Heritage New Zealand Pouhere Taonga (HNZ) had identified the site as having high heritage value, and that HNZ was working towards placing a covenant over the site, and/or listing the site to recognise its importance.
2. HNZ notified interested parties of its proposal to list the site as an historic place in mid February, with a public notice in the *Dominion Post* on 24 February 2018, meaning that submissions on the proposal were due to HNZ by Friday 23 March 2018 as per the Heritage New Zealand Pouhere Taonga Act (HNZPTA) s69(2)(a).



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3. HNZ notified an extension of a further 20 working days for submissions on 21 March, such that submissions would be received up until Tuesday 24 April 2018 under HNZPTA s69(2)(b). This notification responded to a request from Ryman for an extension.<sup>1</sup> The extension deferred HNZ's ability to make a decision on the listing, as it is required to take all submissions into account prior to making a decision (HNZPTA s69 (5)(a)).
4. Shortly after HNZ had notified the extension for submissions on the listing of the Karori campus site, on 4 April 2018, Ryman applied to the Wellington City Council (WCC) for a Certificate of Compliance to demolish approximately half of the Karori campus buildings. The WCC must issue a certificate within 20 working days (by 1 May 2018), unless they need to request further information, which is unlikely in this case (RMA s139(6)).
5. The WCC cannot take into account the HNZPT listing process which is currently in process when evaluating whether or not demolishing the buildings is a permitted activity in order to issue or refuse a Certificate of Compliance.
6. The demolition of the buildings is a permitted activity under the District Plan on the date that Ryman applied for the certificate (RMA s139 (7)(b)). Consequently WCC will issue a certificate. This will enable Ryman to demolish the buildings, as if they had a resource consent, regardless of any future changes to the District Plan, including heritage listing the site. The certificate will be valid for five years (RMA s139 (12)).

This sequence of events shows how vulnerable HNZ processes are to being undermined and the need for HNZ to be more efficient, effective and proactive in recognising and protecting heritage sites. While Ryman might be considered to have cynically exploited the HNZ listing process in their request for an extension, limiting HNZ's ability to effect a listing, they have every legal right to do what they have done, and they have been able to do so because of the naivety of HNZ. This is not a matter of HNZ being without the regulatory tools to be effective, but rather - it seems to us - a culture of hesitancy and pussy-footing at HNZ.

Consequently we ask for a more assertive approach from HNZ and that HNZ immediately notify the WCC of your requirement for a heritage order (advising Ryman so that they cannot use ignorance of the requirement as a excuse for demolition (RMA s194(5))). The importance of the site has been clearly and publicly signalled. A requirement will - at the very least - enable a meaningful outcome to the listing process. If the process determines that the site should not be listed then HNZ can withdraw their notification of a requirement. If the site is deemed worthy of listing then, given recent events, it would appear prudent to retain the requirement for the heritage order.

The WCC, the HNZ and/or any Minister of the Crown (as heritage protection authorities (HPA) under RMA s187(a)-(c)) could lodge a notice of requirement for a heritage order. Our understanding is that, from the point of notification, Ryman would be required to gain permission from the relevant HPA to demolish the buildings under RMA s194(2), which outlines the interim effect of requirements for heritage orders - specifically "*no person may do anything that would wholly or partly nullify the effect of the heritage order unless the person has the prior written consent of the heritage protection authority.*" Form 26 or 28 for notifying a

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<sup>1</sup> Hunt, Tom and Collette Devlin "Wrecking ball looms for much of Wellington's Karori Campus" *Dominion Post* <https://www.stuff.co.nz/business/102982269/wrecking-ball-looms-for-much-of-wellingtons-karori-campus>

requirement for a heritage order are found in the Resource Management (Forms, Fees, and Procedure) Regulations 2003 s11.<sup>2</sup>

If a requirement for a heritage order was notified then it is highly likely that Ryman would appeal the notification under RMA s195, as a person who "*proposes to do anything in relation to land that is subject to a heritage order or requirement for a purpose which, but for the heritage order or requirement, would be lawful*" (RMA s195(1)(a)). HNZ needs to anticipate such challenges, especially in the context of the recent Erskine Environment Court decision.<sup>3</sup>

We consider the mechanism of the heritage order to be an incredibly important one, given its parallel status with designations. Its use should be normalised in situations where the protection of heritage is paramount and where insufficient time will undermine a thorough, rigorous and proper assessment of heritage value. The Architectural Centre considers that the current situation which has developed with the Karori campus brilliantly demonstrates that HNZ has in effect no teeth. If this situation is not countered with proactive and assertive action from HNZ then that conclusion will be a justified one. We believe that the judicious use of heritage orders by HNZ is vital if historic places are to have a sustainable long-term future in New Zealand.

ka nui ngā mihi



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cc. Philip Hartley, Chair, Docomomo NZ, Phillip@Salmondreed.co.nz  
cc. Nicola Jackson, Deputy Chief Executive Operations, Heritage New Zealand  
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cc. Jamie Jacobs, Director Central Region, Heritage New Zealand Pouhere  
Taonga, jjacobs@heritage.org.nz  
cc. Hon. Grant Robertson, Wellington Central MP, office@grantrobertson.co.nz

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<sup>2</sup> Resource Management (Forms, Fees, and Procedure) Regulations 2003 s11  
<http://www.legislation.govt.nz/regulation/public/2003/0153/latest/DLM195296.html>

<sup>3</sup> The Wellington Company Limited v The Save Erskine College Trust [2018] NZEnvC 35.