

**Before Wellington City Council**  
**Plan Change 81**

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**IN THE MATTER** of the Resource Management Act 1991 ("the Act")

**AND**

**IN THE MATTER** Plan Change 81: Rezoning 320 The Terrace and de-listing the Gordon Wilson Flats

**BY** Victoria University of Wellington

Submitter Architectural Centre

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**Architectural Centre Incorporated | Outline of Oral Submission**

Dated 15 December 2015

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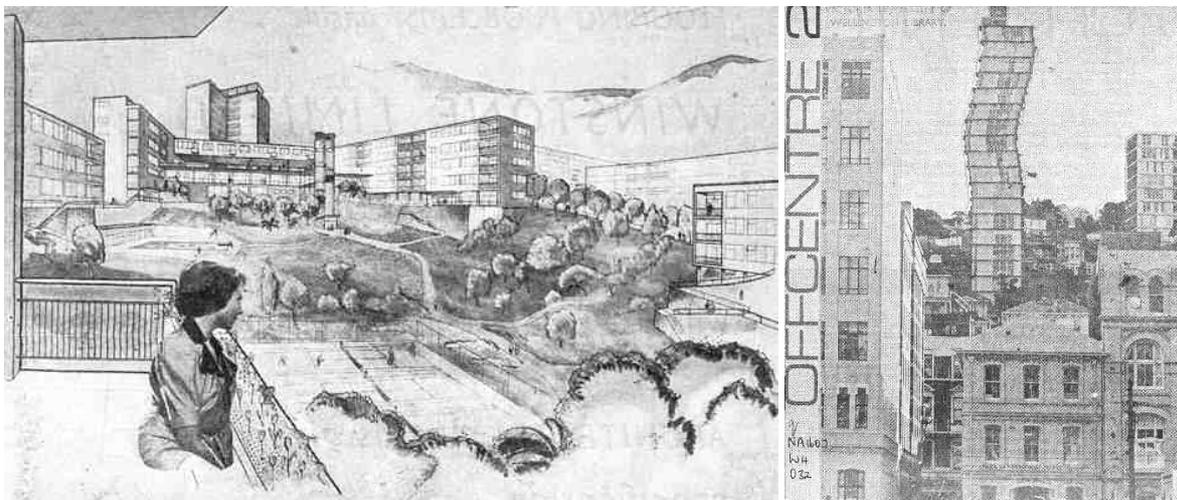
# PLAN CHANGE 81: ORAL SUBMISSION ARCHITECTURAL CENTRE INCORPORATED

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## INTRODUCTION: ARCHITECTURAL CENTRE INC.

1. The Architectural Centre is an incorporated society and charitable trust. It was founded in 1946. The Centre is a multi-disciplinary, independent, voluntary organisation of architects, artists, designers and other with an active interest in architecture, the arts, the built environment and Wellington City. It provides a forum for presentation, discussion and debate with the Wellington community. It is active in advocating for the good design of our built environment at local, regional, and central government level including, in recent years, the Wellington Waterfront Framework, Kilbirnie Shopping Centre, the Adelaide Rd Framework, the Ngauranga to Airport Strategic Study, Wellington 2040, the Public Transport Spine Study, NZHPT registrations, the Heritage New Zealand Pouhere Taonga Bill, the National War Memorial Park (Pukeahu) Empowering Bill, the Water Sensitive Design Guide, and last year's Heritage New Zealand proposal to list the Beehive. The Architectural Centre has been the subject of two books (Clark & Walker *Looking for the Local*, and Gatley & Walker *Vertical Living*), and numerous articles. We have also published design journals (e.g. *Design Review* and *Offcentre*) and exhibition catalogues (e.g. *196X*).
2. Our constitution includes the following objectives:
  - (a) To work for the general improvement of the urban environment;
  - (b) To promote a true understanding of architecture and design among the community
  - (c) To consider, critique and recommend changes of law and administration relating to or affecting architecture and urban planning.
3. More specifically, this Plan Change proposal touches on two issues which as an organisation we have some knowledge. Since our beginnings, almost 70 years ago, issues pertaining to housing density and the vibrancy of city centres have been key to the Centre's activities. Examples include the 1947/48 Summer School: Te Aro Replanned (which proposed high-density housing in Te Aro), the 1954 Vertical Living/Living in Cities Exhibition, and the successful campaign (c1958) to get our then President, George Porter, elected as a Wellington City Councillor (1958-1973). During this time he oversaw the WCC programme of low-rental council housing with social services. In 1962 we campaigned for high density housing, apparently causing the press headline "Council Despair." We have actively continued this lineage, most recently in our submissions this month - with some due on this Friday, regarding council proposals for Medium-Density Residential Areas.



Te Aro Replanned (drawing by Bill Toomath) 1947-48 | *Offcentre* with cover profiling Jellicoe Towers

4. The second issue is even more directly an issue of this proposal, and that is the relationship between Gordon Wilson and the Architectural Centre. Gordon Wilson was a founding member of the Centre and involved in our establishment. He was a committee member in 1948. He was also coincidentally a board member of the Historic Places Trust in 1958.
5. Our support for the retention of the Gordon Wilson Flats though is not based on Wilson's involvement in the Centre's development and history. Rather it is his bigger contributions to New Zealand architecture, the quality of the design of the flats, and their historical significance which underpin our position today.

### **SCOPE OF SUBMISSION**

6. The Architectural Centre submission focuses on the following issues:
  - (a) The proposal to de-list the Gordon Wilson flats
  - (b) The proposal to rezone 320 The Terrace from a residential zone, especially in our current context of housing shortage
  - (c) The status of existing use rights
7. This submission excludes consideration of any other part of the application. We oppose any aspect of Plan Change 81 which would facilitate the demolition of GW Flats, including any proposed new rules or amendments to rules in the District Plan. We also acknowledge the concerns of other submitters regarding student hostels, and a need to resolve those issues prior to further increases in VUW student housing.

### **SUMMARY OF SUBMISSION**

8. Sections 74 and 75 of the RMA determine the acceptability of a Plan Change.

#### ***De-listing or Listing a Historic Heritage***

9. We have assumed that, an activity which is anticipated by the existing District Plan will be in accordance with s74(1)(a) and (b) of the Resource Management Act (i.e. functions of TAs; Part 2). The ability to list or de-list historic heritage is anticipated within the current District Plan (20.1.1). Consequently either action is in accordance with ss74(1)(a) and (b), and consideration of these provisions will not be material.
10. Regarding s 74(1)(e) (section 32 report), we consider the s32 report to be inadequate, and that its conclusions should be given little or no weight.
11. Section 74(2)(b)(iia) (Heritage NZ List) is not relevant.
12. Under s75(3)(c) (Regional Policy Statement), this hearing "*must give effect to*" to the RPS, and the evaluation of "*significant historic heritage*" under Policy 21.
13. Our conclusion is that Gordon Wilson Memorial Flats is "*significant historic heritage*" requiring retention in the DP heritage list.

#### ***Re-zoning***

14. As above, we have assumed that, an activity which is anticipated by the existing District Plan will be in accordance with s74(1)(a) and with Part 2 (s74(1)(b)). The ability to zone land, as either a Residential or an Institutional Area, is anticipated in the current District Plan (e.g. 4.1, 8.1).
15. The s32 report (s 74(1)(e)) fails to consider whether the objectives of the proposal are the most appropriate way to achieve the purposes of the RMA. We anticipate that there is a tension between the purposes of the RMA and the university's objectives.

16. Section 74(2)(b)(iia) (Heritage NZ List) is not relevant.
17. The Plan Change must give effect to the RPS (s 75(3)(c)). This means that housing must be prioritised over education and research institutions.

### **Existing Use Rights**

18. The Centre believes that Gordon Wilson Flats has existing use rights, and that this aspect of the Applicant's argument is overly inflated, and not a valid concern.

### **Other**

19. There are a number of other issues briefly outlined in the conclusion.

### **MATTERS TO BE CONSIDERED UNDER A PLAN CHANGE**

20. s74 RMA outlines the matters to be considered when changing a District Plan (emphasis added).

*(1) A territorial authority must prepare and change its district plan in accordance with—*

*(a) its functions under section 31; and*

*(b) the provisions of Part 2; and*

*...*

*(e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*

*(f) any regulations.*

*(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—*

*...*

*(b) any—*

*...*

*(iia) relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*

*...*

*(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.*

21. Section 75 outlines the contents of District Plans.

*(3) A district plan must give effect to—*

*...*

*(c) any regional policy statement.*

22. These provisions will be discussed below, firstly in relation to the proposed de-listing of Gordon Wilson Flats, and secondly, in relation to the proposal to rezone 320 The Terrace as an Institutional Area.

### **THE PROPOSAL TO DE-LIST GORDON WILSON MEMORIAL FLATS**

23. The Architectural Centre considers it to be inappropriate to de-list the Gordon Wilson Flats because we consider it to be a building with "*significant historic heritage values*." We consider that de-listing a heritage building is an extreme step and a decision which should not be taken lightly. As the District Plan states: "*The listing of buildings, objects and areas of heritage value in the District Plan provides the primary means of identifying places of heritage value*" (20.2.1.1) (emphasis added).

**ss74(1)(a) and (b): s31 functions of TAs and Part 2 of the RMA.**

24. We have assumed that, an activity which is currently anticipated by the existing District Plan will be in accordance with s74(1)(a) and (b). The ability to list or de-list historic heritage is anticipated within the WCC District Plan (20.1.1). Consequently either action is in accordance with ss74(1)(a) and (b), and so these provisions will not assist in decision-making.

**s74(1)(e) Section 32 report**

25. Section 74(1)(e) refers to the obligation to have particular regard to the s32 report. We consider that the s32 report provided is not adequate and, in particular, it does not sufficiently identify issues to test the extent that the objectives achieve the purpose of the RMA.
26. The objectives associated with delisting are to demolish GW Flats in order to:
- (a) avoid the risks associated with Resource Consents altering a non-complying building (due to lapsed EURs)
  - (b) avoid the costs of repair of GW Flats, and
  - (c) enable redevelopment of the site.
27. The extent to which these objectives are the most appropriate way to achieve the purpose of the RMA will be determined through consideration of the adverse and permanent heritage effects of demolishing GW Flats (s6(f)) and the positive effects of the open space amenity of a new park on The Terrace (s7(c)), against
- (a) the positive historic heritage effects of retaining GW Flats, repairing the flats and the positive effects of the open space amenity of the site, or
  - (b) the positive historic heritage effects of retaining GW Flats and VUW selling the site.
28. The relevant issues to be explored include:
- (a) historic heritage is a limited resource. GW Flats has significant heritage values.
  - (b) possibly needlessly demolishing an important heritage building due to insufficient information (e.g. regarding piles).
  - (c) the long term goal of the university is to provide university buildings - but there is no proposed design. This is plan for the distant future which may or may not happen.
  - (d) positive economic effects are contingent on an uncertain development occurring in the distant future (approx in 20 yrs time).
  - (e) the proposal for the park does not indicate safe access (with respect to CPTED) to the university, indicating that the site development as proposed will not adequately link the CBD and the university's Kelburn campus.
  - (f) there is a gap in knowledge regarding the quality of foundations, though we note they do not appear to have moved in the last 60 or so years.
29. Given the insufficiencies of the s32 report in the matter of the proposed delisting, while the decision-makers are required to give the report "*particular regard*," we do not consider it worthy of significant weight.

**s74(2)(b)(iia) Heritage New Zealand List**

30. There is no entry for the Gordon Wilson Flats on the Heritage New Zealand List. It is the Architectural Centre's understanding that the heritage value of Gordon Wilson Flats has not been evaluated by Heritage New Zealand because that organisation has no file on the building. The only consideration of this building by Heritage New Zealand appears to be the comments included in the application, and as a formal submission.

31. There are two high-rise state housing schemes listed with Heritage New Zealand: Dixon Street Flats (Category I, no. 7395) and Grey's Avenue Flats (Category 2, no. 583).



Dixon Street Flats: eastern elevation | western elevation



Gordon Wilson Flats: view of northern and western elevations | eastern elevation (in need of TLC)

32. The Dixon Street Flats (listed 1997) were built under the first Labour government, and are of a monolithic concrete construction (i.e. different material, structural system, and building material). Dixon Street Flats is strongly associated with the emigré architect Ernst Plischke. The planning and design of the elevation have little in common with Gordon Wilson Flats. In addition, they were associated with a different government and housing policies. Their only point of similarity is that they are tall, multi-units and are state housing.
33. Like Dixon Street Flats, Greys Avenue Flats (Lower) was designed and built under the first Labour government, and are a monolithic reinforced concrete construction. These are the Lower Flats, and differ to the Upper Grey's Ave Flats, which are similar to the Gordon Wilson Flats (excepting foundations, site/location, and significance of name). These Upper Grey's Avenue Flats are not listed with Heritage NZ. This means that there is no HNZ entry for

Gordon Wilson Flats, nor any building very similar to Gordon Wilson Flats. For these reasons we do not consider that s74(2)(b)(iia) is relevant.



Election advertising: Labour 1946 | National 1950-51 | Labour Party c1951

**s75(3)(c) Regional Policy Statement (RPS)**

34. We consequently consider that s75(3)(c) is the decisive matter in relation to the proposal to de-list Gordon Wilson Flats. We note the Supreme Court's interpretation, in *King Salmon*, that "Give effect to" simply means "implement." *On the face of this, it is a strong directive, creating a firm obligation on the part of those subject to it.*<sup>1</sup> In addition, because the Regional Policy Statement gives effect to the RMA, Policy 21 will be in accordance with the provisions of Part 2.<sup>2</sup>
35. As background context to s 75(3)(c), it is useful to note that there are various criteria related to heritage within the RMA, and related, framework. The different criteria perform different, but complementary, roles. **Table 1** shows the differences. These are:
- (a) establishing "*historic heritage*" (s 2 RMA).
  - (b) identifying items for inclusion in the Heritage New Zealand List (s66 HNZPTA).
  - (c) identifying items with "*significant historic heritage values*" for inclusion in heritage lists in District Plans in the Wellington region (GWRC RPS Policy 21)
36. The terminology of the Regional Policy Statement acknowledges that the heritage identified in the District Plan is a sub-set to a larger "*historic heritage*" in its use of the term "*significant historic heritage*" (Policy 21). Policy 21 determines whether or not a place should be listed in a District Plan. Our position is that these, and only these, criteria are to be used to determine listing or de-listing in the WCC DP.
37. Policy 21 (emphasis added) is as follows:

**Policy 21: Identifying places, sites and areas with significant historic heritage values – district and regional plans.**

*District and regional plans shall identify places, sites and areas with significant historic heritage values that contribute to an understanding and*

<sup>1</sup> *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* (SC82/2013; [2014] NZSC 38) [77].

<sup>2</sup> *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* (SC82/2013; [2014] NZSC 38) [30], [77], [151].

appreciation of history and culture under one or more of the following criteria:

- (a) **historic values:** these relate to the history of a place and how it demonstrates important historical themes, events, people or experiences.
    - (i) *themes:* the place is associated with important themes in history or patterns of development.
    - (ii) *events:* the place has an association with an important event or events in local, regional or national history.
    - (iii) *people:* the place is associated with the life or works of an individual, group or organisation that has made a significant contribution to the district, region or nation.
    - (iv) *social:* the place is associated with everyday experiences from the past and contributes to our understanding of the culture and life of the district, region or nation.
  
  - (b) **physical values:** these values relate to the physical evidence present.
    - (i) *archaeological:* there is potential for archaeological investigation to contribute new or important information about the human history of the district, region or nation.
    - (ii) *architectural:* the place is notable for its style, design, form, scale, materials, ornamentation, period, craftsmanship or other architectural values.
    - (iii) *technological:* the place provides evidence of the history of technological development or demonstrates innovation or important methods of construction or design.
    - (iv) *integrity:* the significant physical values of the place have been largely unmodified.
    - (v) *age:* the place is particularly old in the context of human occupation of the Wellington region.
    - (v) *group or townscape values:* the place is strongly associated with other natural or cultural features in the landscape or townscape, and/or contributes to the heritage values of a wider townscape or landscape setting, and/or it is a landmark.
  
  - (c) **social values:** these values relate to the meanings that a place has for a particular community or communities.
    - (i) *sentiment:* the place has strong or special associations with a particular cultural group or community for spiritual, political, social, religious, ethnic, national, symbolic or commemorative reasons.
    - (ii) *recognition:* the place is held in high public esteem for its historic heritage values, or its contribution to the sense of identity of a community, to the extent that if it was damaged or destroyed it would cause a sense of loss.
  
  - (d) **tangata whenua values:** the place is sacred or important to Māori for spiritual, cultural or historical reasons.
  
  - (e) **surroundings:** the setting or context of the place contributes to an appreciation and understanding of its character, history and/or development.
  
  - (f) **rarity:** the place is unique or rare within the district or region.
  
  - (g) **representativeness:** the place is a good example of its type or era.
38. Of note is the requirement for only one or more of the criteria to be satisfied "in order to have significant historic heritage values" (Policy 21 Explanation), and that it is apparent in the descriptors that the plan recognises local,

regional or national significance. These criteria are the sole determinant for whether or not a place should be listed in a plan. Listing does not preclude an application for a Resource Consent to demolish a heritage.

39. An evaluation of the Gordon Wilson Flats according to the Policy 21 criteria as follows.



***Evaluation of Gordon Wilson Memorial Flats under Policy 21.***

40. This evaluation was completed by Christine McCarthy. My qualifications are: BArch, MArch (with distinction), BA (double major in Art History and English), and PhD (Architecture). I have taught in the areas of architectural design, drawing and architectural and design history at several universities (including Auckland University, Otago University and Victoria University) for 20 years. I have been an external examiner of post-graduate theses in Canterbury University, Auckland University, Otago Polytechnic, the University of Pretoria and the University of Johannesburg.
41. I have guest lectured on various aspects of architecture at Melbourne University; Oxford Brookes University; Carleton University, Alberta; Nottingham University and Liverpool University. I have published over 50 peer-reviewed articles and conference papers, including in *Space and Culture* (Canada); *Fabrications: the Journal of the Society of Architectural Historians Australia and New Zealand*; *The Design Journal* (England), *Architectural History: the Journal of the Architectural Historians of Great Britain* (England); *Interiors: Design, Architecture, Culture* (England); and the *International Journal of Heritage Studies*. I am on Advisory Boards for the journals *Space and Culture* (Canada) (2002-present) and *Architecture and Culture* (England) (2011-present).
42. I am the current President of the Architectural Centre (2004-8; 2011-present). In the past I have been the Chair of Docomomo (2009-12), a Board Member of the Wellington Civic Trust (2008-9), and on the executive committee of the Society of Architectural Historians Australia and New Zealand (2003-7). I am the convener, and editor of the proceedings, of the annual New Zealand Architectural History Symposium (2004-present).

**43. HISTORIC VALUES**

*Themes*

- (a) **Capital city.** The Gordon Wilson Memorial Flats is a government building, memorialising a government architect, in the capital city. It is even located on the same road as Parliament - if you consider Museum street as an extension to the Terrace. The building is a prominent landmark which visibly extends capital city values beyond the immediate government precinct, in accordance with the WCC Capital City Initiative which aims (through the Wellington 2040 project) to "*integrat[e] ... the Capital City better with the central city.*"<sup>3</sup> This location and civic visibility is an aspect which distinguishes the Gordon Wilson Flats from the Grey's Avenue Flats.
- (b) **Modernist postwar architecture.** Gordon Wilson Flats was designed and built post-WWII. It is a strong architectural statement asserting the boldness of vision prevalent in post war society and the determination to create a better world. This was the era of the establishment of the United Nations, for example, and its assertiveness is apparent in its siting and scale, giving it dominance in the cityscape. This post-war context also distinguishes the building's history from that of many high-rise state housing flats (e.g. Dixon Street Flats).
- (c) **Government architecture.** To some extent this is a related theme to that of "Capital city," but as a theme is a nationwide one. The building was **built in direct response to specific concerns and government policy regarding housing shortages and kerbing urban sprawl.** It is a product of the Housing Division of the Ministry of Works under the Government Architect. It also reflects one of many very innovative housing policies which emerged in the early to mid-1950s (e.g. the Group Building Scheme, Partially-Built Houses, and the Parade of Homes). The 1995 WCC Heritage Inventory observed that the Gordon Wilson Flats "are still one of the largest public housing projects undertaken in the country, and exist as a memento to the social housing policies of the post-war Government." These issues are highly relevant today, given the current national concern regarding affordable housing. This demonstrates the building's continued relevance.

#### Events

- (d) The building is strongly associated with **the death of Gordon Wilson** (1959). This aspect is addressed later under "Social Values: Sentiment."

#### People

- (e) **Association with international architects Le Corbusier and Robert Matthew, and New Zealand architects Ernst Plischke<sup>4</sup> and Gordon Wilson.** The contemporaneous designs of Gordon Wilson Flats and Grey's Avenue Flats represent important input by key figures in New Zealand and international architecture. Peter Shaw states that the Dixon Street Flats design, attributed to Ernst Plischke, was "*further adapted for the Gordon Wilson Flats on the Terrace.*"<sup>5</sup> Julia Gatley notes that following the change of government (the first National government was elected in 1949) the Gordon Wilson Flats was "*redesigned under the National Government.*"<sup>6</sup> She also notes, with respect to Grey's Avenue Flats, that the second design was to "*reflect technological developments.*"<sup>7</sup> This redesign appears to have adapted

<sup>3</sup> "Capital City Initiative" *Wellington City Council* <http://wellington.govt.nz/your-council/projects/capital-city-initiative>

<sup>4</sup> Plischke, as an emigre architect immigrating to New Zealand because of WWII, could be classified as an international architect, given he had international recognition prior to moving to New Zealand.

<sup>5</sup> Shaw, Peter *A History of New Zealand Architecture* (Auckland: Hodder Moa Beckett, 2003) p. 143.

<sup>6</sup> Gatley, Julia "For Modern Living: Government Blocks of Flats" *Zeal and Crusade: the modern movement in Wellington* ed John Wilson (Christchurch: Te Waihora Press, c1996) p. 59.

<sup>7</sup> Gatley, Julia "Greys Avenue Flats - Lower and Upper" *Long Live the Modern* ed. Julia Gatley (Auckland: Auckland University Press, 2008) p. 46.

a **Robert Matthew's London County Council (LCC)** housing model (e.g. Alton West, Roehampton (1958-59)), with a similar maisonette plan and adapted elevation. The LCC maisonette planning was based on Le Corbusier's Unité d'Habitation, Marseille (1947-52), and was the vehicle for indirectly bringing the Unité plan to New Zealand. The building reflects the **connections between the New Zealand Department of Housing Construction under Gordon Wilson and the London County Council (LCC) housing programme under Robert Matthew (Chief Architect)**. This connection was a prime reason for Matthew gaining the commission for New Zealand House in London.<sup>8</sup> The Gordon Wilson Flats and the Grey's Avenue Flats hence represent a post-war bureaucratic architectural relationship with England's capital city. In addition, Friedrich Neumann, architect of Roxburgh and Maraetai hydro-dams, proposed in 1959 that high-rise maisonettes had the promise to be key to New Zealand's future housing.<sup>9</sup>

It appears that the Gordon Wilson flats, unlike the Gray's Avenue Flats were redesigned a third time. The 1955 Annual Report of the Government Architects states: "*After examination of the tenders received for the proposed multi-storey flats on The Terrace, Wellington, it was decided that the design should be reconsidered with a view to reducing costs.*"<sup>10</sup> This reconsideration may explain the departure from the initial drawings with respect to the foundations. An article on Grey's Avenue states that the Auckland building used a stiff raft foundation in contrast to the bored piles used in Wellington.<sup>11</sup>

- (f) **Association with Gordon Wilson.** While this association is woven through a number of responses to criteria, it is still important to explicitly note Wilson's widely-recognised significance as an architect. In addition to founding the architectural division of the Department of Housing Construction, he was also of course a much admired government architect. Following his death obituaries were published locally, two in the *New Zealand Institute of Architects Journal*,<sup>12</sup> and *Home and Building*.<sup>13</sup> Obituaries were also published internationally, including in the *Royal Institute of British Architects*<sup>14</sup> and the English journal *Builder*.<sup>15</sup>
- (g) **Association with the first National Government.** The design of Gordon Wilson Flats was redesigned under the first National government (1949-1957). This is of particular significance as building medium and high-rise state housing is more frequently associated with the first Labour government, who built 13 medium and high density blocks of state rental flats. This political context distinguishes the building from high-rise state housing flats built under the first Labour government (1935-1949), including Dixon St Flats. In addition, Julia Gatley suggests that the **Gordon Wilson Flat's distinctive facade may have been used to distinguish Labour government high-rise state housing from National government projects: "It may have been that National wanted to avoid the aesthetic associated with**

<sup>8</sup> Personal communication, Bill Alington Thursday 10 December 2015. Alington worked at the Department of Housing Construction under Wilson, and then worked in London at Robert Matthew's firm after his time at LCC. Dudding, Michael "A useful exercise: the context, content, and practical application of W.H. Alington's "Thesis on the Theory of Architectural Design"" (Wellington, Victoria University, 2006) p. 23, fnote 11; 4 *Architects, 1950-1980: William Alington, James Beard, William Toomath, Derek Wilson* ed Stephen Stratford (Auckland: A4 Architecture, 2010) pp. 16, 32.

<sup>9</sup> Newman, Frederick H. *Lectures on Architecture* ed. Andrew Leach (Ghent University: A&S books, 2003) p. 116.

<sup>10</sup> "Annual Report of the Government Architect" *Appendices to the House of Representatives* D1 p. 103.

<sup>11</sup> "Grey's Avenue Flats" *Home and Building* (1 June 1959) p. 62.

<sup>12</sup> "Obituary: Francis Gordon Wilson (F.) A.R.I.B.A." *New Zealand Institute of Architects Journal* (March 1959) 26(2):55-59.

<sup>13</sup> "National Loss - death of Mr. F. Gordon Wilson, Government Architect" *Home and Building* (1 April 1959) p. 21.

<sup>14</sup> "Obituary [Francis Gordon Wilson]" *Royal Institute of British Architects Journal* (July 1959) 66:334.

<sup>15</sup> "Obituary [Francis Gordon Wilson]" *Builder* (February 1959) 196:411.

*Labour*."<sup>16</sup> It is thus highly likely that the facade selection has specific political historic significance.

#### *Social*

- (h) The historical social significance of the Gordon Wilson Flats is largely linked to its function as social or state housing. This has been discussed above under "Historic Values: Themes."

## 44. PHYSICAL VALUES

#### *Archaeological*

- (a) As per the council's 42A report at [99], "*The subject site is identified as having a "high" rating of archaeological significance.*" The 1995 WCC Heritage Inventory also records that the site accommodated "*the first residence of Mr George Hunter, the first Mayor of Wellington,*" giving the site a local government connection. George Hunter is not the namesake of the VUW Hunter Building, which was named after Thomas Hunter, an early professor at VUW.

#### *Architectural*

- (b) The facade of the Gordon Wilson Flats is an **expresses its structure**. This is significantly different to, and distinguishes the Gordon Wilson Flats from, **a majority of high-rise state housing flats, which have monolithic facades** (e.g. Dixon St flats). The facade is similar to that of the Upper Greys Avenue Flats in Auckland, which was **designed contemporaneous with the Gordon Wilson Flats**. This is apparent in the Annual Reports of the Director of Housing Construction, for example, the 1954 report states:

*"A site on Wellington Terrace is planned to accommodate a ten-story block containing 81 flats, and a similar building is planned for erection in Grey's Avenue, Auckland. Working drawings for these flats are now in the course of preparation, and it is expected that tenders will be called in September or October this year."*<sup>17</sup>

The Gordon Wilson Flats are **the only high-rise state housing flats in Wellington with this facade-type**.

- (c) the internal planning of the Gordon Wilson Flats uses **two-level maisonettes**. This distinguishes the Gordon Wilson Flats from many high-rise state housing flats (e.g. Dixon St flats). Further detail regarding the architectural lineage and design transmission to New Zealand is addressed above in "Historic Values: People."

#### *Technological*

- (d) The Applicant's heritage assessment identifies **a novel construction method** (p. 17), which included building in "*a diagonal sequence,*" and monitoring by DSIR. The 1995 WCC Heritage Inventory states that the Gordon Wilson Flats are "*a type of construction rare in New Zealand.*"

#### *Integrity*

- (e) It is common ground that there have been few, if any, alterations to the original building fabric, giving the building a high level of integrity.

#### *Age*

- (f) The building is 56 years old. This is not "*particularly old in the context of human occupation of the Wellington region.*"

<sup>16</sup> Gatley, Julia "For Modern Living: Government Blocks of Flats" *Zeal and Crusade: the modern movement in Wellington* ed John Wilson (Christchurch: Te Waihora Press, c1996) p. 59.

<sup>17</sup> "Report of the Director of Housing Construction" *Appendices to the House of Representatives* v.II, D1 p. 53.

#### *Group or Townscape*

- (g) The physical size of the building means that **it is a dominant building in the cityscape and significantly contributes to the character of the neighbourhood**. The 1995 WCC Heritage Inventory records that the building was "*higher than other buildings of the time,*" and that the building "*went some way in creating a new urban scale.*" In this regard it has landmark qualities and can be seen from various points in the city (e.g. the National War Memorial Park, and Elizabeth St, Mt Victoria). Its horizontal disposition distinguishes it from most large CBD buildings in its proximity, which tend to be vertically disposed. This geometry finds a connection with many university buildings which form the background context of the Gordon Wilson Flats when viewed from a distance, for example, the Hunter Building, the Rankin Brown Building and the Cotton Building. In this regard it visually finds a geometric fit with the Kelburn campus.

#### **45. SOCIAL VALUES**

##### *Sentiment*

- (a) The **Gordon Wilson Flats is a memorial**. Lewis Martin's *Built for Us: the Work of Government and Colonial Architects* uses the name "Gordon Wilson Memorial Flats" for the building.<sup>18</sup> It is widely known that the flats were named in memory of Wilson's death in early 1959. The building hence has a memorial or commemorative function. There are few buildings internationally which are memorials to architects, and fewer buildings designed by an architect which become their memorial. The memorial aspect of the Gordon Wilson Memorial Flats is an important aspect which distinguishes it from the Grey's Ave Flats in Auckland, and may give it international significance. Other buildings or structures named after their designers include Eiffel Tower, Paris (1889) (named after engineer Gustave Eiffel), Wren Library, Trinity College, Cambridge (1676-95) (Christopher Wren), Gropiusstadt, Berlin (1960) (Walter Gropius), Basilica Palladiana (1549-) (reconstruction designed by Andrea Palladio), and, in Wellington, Anscombe Flats (1937) (Edmund Anscombe). The Centennial Flats (a.k.a. Berhampore Flats) is another example of state housing performing a commemorative function, in that case of the 1940 New Zealand Centennial.<sup>19</sup> Savage Crescent State Housing Scheme, named after Michael Savage, who died during its construction, is another example.<sup>20</sup>
- (b) Housing appears to have been particularly important to Wilson. The *JNZIA* article of the Gordon Wilson Flats states that: "*These are so named in memory of the late Gordon Wilson. This is rather fitting because Gordon ... was particularly interested in housing and put much research into methods and means of fulfilling the programme which was necessitated from time to time. To the architects of this Dominion it seems particularly fitting, for the profession has been much advanced by the eager advocacy which Gordon accorded any measure which could lead toward a fuller performance of the object of the Institute.*"<sup>21</sup> , both as the chief architect of the Housing Division of the Ministry of Works. Wilson, for example, opened the Architectural Centre's 1957 exhibition "Homes without Sprawl," which argued a case for higher density housing. Wilson also wrote a series of four articles on New Zealand housing in *Design Review*, and co-wrote *State Housing in New*

<sup>18</sup> Martin, Lew *Built for Us: The Work of Government and Colonial Architects, 1860s to 1960s* (Dunedin: University of Otago Press, 2004) p. 179.

<sup>19</sup> Gatley "Centennial Flats (also known as the Berampore Flats)" *Long Live the Modern* ed Julia Gatley (Auckland: Auckland University Press, 2008) p. 31.

<sup>20</sup> Bowron, Greg "Savage Crescent State Housing Scheme" *Long Live the Modern* ed Julia Gatley (Auckland: Auckland University Press, 2008) p. 34.

<sup>21</sup> "The Gordon Wilson Flats, Wellington" *The Journal of the New Zealand Institute of Architects* (February 1961) 28(1):1.

*Zealand* (with Cedric Firth).<sup>22</sup> It is not surprising that it was a dominant block of social housing which was chosen as a memorial to him. We speculate that this may have been a very deliberate, not an arbitrary, decision.

#### *Recognition*

- (c) The public esteem of the building has not been tested. In 2012 when the building was vacated one tenant (Lana Woodford) was reported as describing the building as her castle "*I love it here.*"<sup>23</sup> The public submissions for this hearing include one submission (Submitter 6 Craig Relph), which states that "*[t]he building and the building's fabric are beautiful and are of cultural, heritage architectural significance and my ancestors have seen it too!*" While these comments do not demonstrate wide public esteem, they do indicate a level of passion held by some members of the public.

#### **46. TANGATA WHENUA VALUES**

- (a) There are no tangata whenua values associated with the building that I am aware of.

#### **47. SURROUNDINGS VALUES**

- (a) The physical context of the Gordon Wilson Flats includes two other high-rise state housing flat blocks, comprising **a regionally-unique group of government housing**, namely McLean Flats and Dixon Street Flats. The proximate relationship between McLean Flats and Dixon Street Flats was demonstrated via an aerial photograph published prior to the building of the Gordon Wilson Flats in the American journal *Architectural Forum*.<sup>24</sup>

#### **48. RARITY VALUES**

- (a) **Gordon Wilson Flats is unique in the region as a high-rise social housing building attributed to the first National government.** Its facade detail and maisonette planning are unique in Wellington social housing. The maisonette planning is extremely rare, with one other Wellington contemporary building, Hazelcourt, Mt Victoria, known to have maisonette planning in its top levels. The architect of Hazelcourt, Tony Treadwell, knew Gordon Wilson through the Architectural Centre.

#### **49. REPRESENTATIVE VALUES**

- (a) These aspects have largely been addressed with previous reference to the international architectural post-war context (e.g. the uptake of Le Corbusian housing planning and influence of the LCC), and the political context of housing shortages and how the first National government responded to it in a number of criteria above.

50. The Architectural Centre considers that the heritage values noted above and in other submissions, clearly demonstrate that the site contributes to "*an understanding and appreciation of [New Zealand's] history and culture under one of more of the ... [RPS Policy 21] criteria.*"

51. Policy 21 has two branches: (i) the place, site or area must have "significant historic heritage values" (ii) the "significant historic heritage values" must contribute to an understanding and appreciation of history and culture under one of the criteria listed in the policy. This means that "*significant historic heritage values*" must be demonstrated with respect to EITHER historic OR physical OR social OR tangata whenua OR surroundings OR rarity OR

<sup>22</sup> *Design Review* (1949) 2(3) - (1950) 3(1); "Obituary: Francis Gordon Wilson (F.), A.R.I.B.A." *JNZIA* (March 1959) 26(2): 58.

<sup>23</sup> Nichols, Lane Unsafe flats: "This is my castle" *Dominion Post* (11 May 2012).

<sup>24</sup> "Two apartment houses" *Architectural Forum* (August 1946) 85:69-72.

representative values. It is not essential for significance to be demonstrated in all or any specific value category.

52. "Significant," in relation to historic heritage, is not defined in the RMA nor in the RPS. The *Oxford English Dictionary* defines "significant" as "Expressive or indicative of something;" and "Sufficiently great or important to be worthy of attention; noteworthy; consequential, influential." The qualification of "sufficiently" with respect to "great," suggests that to be significant is not the highest qualification possible, but rather that it reaches the threshold of being noticed or distinctive. It appears then that "significant historic heritage" is "historic heritage" that stands out in some way, or more specifically - it is "historic heritage" which stands out in respect of EITHER its historic OR physical OR social OR tangata whenua OR surroundings OR rarity OR representative values.
53. We note that it is common ground, between Applicant and opposing submitter evidence, that Gordon Wilson Flats has, *at least*, considerable historical and social significance, if not exceptional historical and social significance.

### **Other issues**

#### *Response to the Heritage NZ submission*

54. The Heritage New Zealand email refers to "twelve different housing schemes and buildings attributed to Gordon Wilson" in order to suggest that the absence of an entry on Gordon Wilson Flats in *Long Live the Modern (LLtM)* is material. We disagree. Entries in the index to *LLtM* under Wilson, Gordon list the following buildings:

#### **pre WWII<sup>25</sup>**

Savage Crescent State Housing Scheme, Palmerston North (1937-45)  
Peverel Street State Housing Scheme, Riccarton, Christchurch (1938-41)

#### **WWII**

Hayes Paddock State Housing Scheme, Hamilton (1939-45)  
Centennial Flats, Berhampore, Wellington (1939-40)  
Kupe Street State Housing Scheme, Orakei, Auckland (1941-44; 1955-late 1950s)

#### **post WWII**

Tamaki State Housing Scheme, Auckland (1946-; 1950s)  
Dixon Street Flats, Wellington (1941-44)  
Grey's Avenue Flats, Auckland - Lower (1945-47), Upper (1957-58)  
University of Canterbury School of Engineering, Christchurch (1957-60)  
University of Otago Dental School, Dunedin (1957-61)  
Bowen State Buildings, Wellington (-1961)  
Maitland Street Star Flats, Dunedin (-1963)  
Governmental Building, Rotorua (1962)

55. The housing schemes comprise:

#### **Suburban detached houses and/or duplexes**

Savage Crescent State Housing Scheme, Palmerston North (1937-45)  
Peverel Street State Housing Scheme, Riccarton, Christchurch (1938-41)  
Hayes Paddock State Housing Scheme, Hamilton (1939-45)  
Kupe Street State Housing Scheme, Orakei, Auckland (1941-44; 1955-late 1950s)

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<sup>25</sup> Dates given are of building construction, not design. Consequently many of the built dates post-WWII are of buildings designed during the war.

Tamaki State Housing Scheme, Auckland (1946-; 1950s)

### **Medium-density housing**

Centennial Flats, Berhampore, Wellington (1939-40)

Maitland Street Star Flats, Dunedin (-1963)

### **High-rise housing**

Dixon Street Flats, Wellington (1941-44)

Grey's Avenue Flats - Lower, Auckland (1945-47)

Grey's Avenue Flats - Upper, Auckland (1957-58)

56. Only two of these entries (Dixon Street Flats and Grey's Avenue Flats)<sup>26</sup> are high-rise state housing schemes. Gatley is an expert on Dixon Street Flats, which would have determined this selection, and she likely chose Grey's Avenue Flats, over Gordon Wilson Flats, in order to get broader geographic coverage. The selection was debated at one Docomomo AGM,<sup>27</sup> with the Docomomo membership agreeing that due to the numerical constraint imposed by the publisher it would be impossible to achieve an agreed definitive list, and that selection would be left to Julia, simply on grounds of pragmatism.<sup>28</sup> The introduction to *Long Live the Modern* states:

*"This book is not an all-encompassing history of New Zealand's modern architecture. ... the book is concerned with raising public awareness about the design significance and value of New Zealand's modern architecture ... Second, it aims to draw attention to the potential for our surviving modern buildings to be recognised for having heritage significance and value ... The list of places is in no way definitive. It is offered as a starting point rather than an end point, identifying and presenting multiple subjects for reference and comparison for those who are faced with the task of assessing the heritage values of individual modern buildings. This book will facilitate the heritage listing of the best and most important of New Zealand's extant modern places, and encourage such listing before more of these places are compromised through adaption or redevelopment or lost through demolition. ... Another book could be published on New Zealand's modern buildings significant for their associations with key "events, persons or ideas of importance in New Zealand history." It would be a very different book from this one, and would further enhance the understanding of this country's modern heritage."*<sup>29</sup>

57. The Heritage New Zealand submission also refers to "*the absence of a national heritage listing.*" Section 74(2)(iia) refers to a requirement to "*have regard to .. any ... relevant entry on the New Zealand Heritage List.*" There is no requirement to have regard to whether or not a building is listed. Consequently, we consider that lack of a Heritage New Zealand listing to be irrelevant.

#### *Response to the Applicant's heritage evidence*

58. The criteria used for the Applicant's heritage assessment do not match those relevant to listing in the WCC District Plan. **The criteria in Policy 21 of the Regional Policy Statement should have been used.**
59. **The building has suffered significantly from neglect.** Descriptions from the Building Structure Report (e.g. "*rotting timber and rusting steel columns are prevalent on the walkways*" (p. ii); "*potential for water ingress due to*

<sup>26</sup> There is one entry for the two stages.

<sup>27</sup> The AGM was held 8 December 2007. The minutes note: "JG noted it was an everchanging list - but that it is not an official list, so the emphasis is on creating a framework."

<sup>28</sup> The date range was also an issue of unresolved debate.

<sup>29</sup> *Long Live the Modern* p. 2, emphasis added.

*broken windows and gaps in the façade were noted ... and ... some deterioration of the timber could be expected*" (p. 4)) indicate lack of maintenance. The Centre is of the opinion, based on the photographs in the Applicant's Heritage Report, that the building has experienced considerable neglect over an extended period of time. We attribute most, if not all, of the problems with the building's facade to a lack of maintenance, or delay in rectifying minor problems.

60. The Adam Wild EiC assessment notes at [26], "*that reference to Gordon F. Wilson Flats is missing in the most recognised books on the history of New Zealand architecture.*"
61. Published New Zealand architectural history has a bias toward single houses, and pre-modern architecture. Issues irrelevant to architectural or heritage merit often determine inclusion (or exclusion) of specific buildings and not others in published works. Despite this, a quick bibliographic search indicates that the following publications include reference to the Gordon Wilson Flats.

Ferguson, Gael *Building the New Zealand Dream* (Palmerston North: Dunmore Press, 1994) p. 193.

Gatley, Julia "Going Up Rather than Out: State Rental Flats in New Zealand 1935-1949" *At Home in New Zealand: History Houses People* ed. Barbara Brookes (Wellington: Bridget William Books, 2000) p. 153.

Gatley, Julia and Paul Walker *Vertical Living: the Architectural Centre and the remaking of Wellington* (Auckland: Auckland University Press, 2014) p. 49.

Gatley, Julia "Labour takes command: a history and analysis of state rental flats in New Zealand 1935-1949" (Wellington: Victoria University of Wellington: MArch thesis, 1997) p. 159, fnote 148, 187.

"Greys Avenue Flats" *Home and Building* (1 June 1959) p. 62.

Kernohan, David *Wellington's Old Buildings* (Wellington: Victoria University Press, 1994) p. 27.

Martin, Lewis *Built for Us: The work of Government and Colonial Architects* (Dunedin: University of Otago Press, 2004) p. 179.

Ministry of Works *A brief history of Public Buildings in New Zealand* (Wellington North: Ministry of Works, September 1970) pp. [8]-[9].

Noonan, Rosslyn J. *By Design: a brief history of the Public Works Department Ministry of Works 1870-1970* (Wellington: Government Printer, 1975) p. 220.

Shaw, Peter *New Zealand Architecture from Polynesian beginnings to 1990* (Auckland: Hodder & Stoughton, 1991) p. 143.<sup>30</sup>

*Zeal and Crusade: the modern movement in Wellington* ed John Wilson (Christchurch: Te Waihora Press, c1996) pp. 10, 59, 59.

62. In our initial submission, we disagreed with the proposition that demolition of Gordon Wilson Flats was preferable to replacing the existing facade/cladding with a curtain wall. To clarify this:

- (a) our position is for the repair and retention of Gordon Wilson Flats as housing. Given the viability of the structure, we consider this option needs better investigation. We refer to Jeremy Salmond's statement in his EiC at [12] that commercially sound seismic strengthening and upgrading was achievable if "*the owner for the time being is willing to contemplate that option.*"

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<sup>30</sup> Later editions also include reference to Gordon Wilson Flats, e.g. Shaw, Peter *A History of New Zealand Architecture* (Auckland: Hodder Moa Beckett, 2003)

- (b) we consider that alterations, including of use and facade, are much preferable to demolition. We note that the building plays an important landmark role in terms of form and size and a curtain wall would retain these important cityscape historic heritage values.

63. To conclude this section, **the Architectural Centre does not support the de-listing of Gordon Wilson Flats**. We consider that the building has very significant historic heritage values across a number of criteria listed in RPS Policy 21. We also do not support any other aspect of Plan Change 81 which will facilitate the demolition of the building, even if a decision is made to de-list building.

### **THE PROPOSAL TO REZONE 320 THE TERRACE IN A CONTEXT OF HOUSING SHORTAGE**

64. Wellington has been identified as a high growth area.<sup>31</sup> The **New Zealand Productivity Commission** attributes the need for more land, and the effects of not enough land as major contributors to New Zealand's current housing problems.<sup>32</sup> They also note "*landowners see more benefit in holding on to undeveloped sections to earn capital gains, instead of releasing it for housing. This adds to the upward pressure on land - and house - prices.*"<sup>33</sup> They note that "*land needs to be zoned and serviced with infrastructure.*"<sup>34</sup> 320 The Terrace is appropriately zoned, with access to infrastructure for housing, close to transport with a building on it, which - if renovated - would increase housing supply. It is also a site of a size which - while we oppose the demolition of Gordon Wilson flats - if redeveloped, would also facilitate housing supply in Wellington.
65. The *Housing Accords and Special Housing Area (Wellington) Order 2014* enacts **government policy to increase the supply of residential land**.<sup>35</sup> The rezoning of residential land explicitly undermines stated government intention to facilitate "*an increase in land and housing supply in certain regions or districts ... identified as having housing supply and affordability issues,*"<sup>36</sup> and for "*the Minister and the relevant territorial authority to work together to address housing supply and affordability issues.*"<sup>37</sup> The district of Wellington City Council has been identified as having "*significant housing supply and affordability issues for purposes of [the] Act.*"<sup>38</sup>
66. While these issues are outside of the consideration of ss74 and 75, they set the political, economic and social context from which the RPS and DP are produced.

### **ss74(1)(a) and (b): s31 functions of TAs and Part 2 of the RMA. s74(2)(b)(iia) Heritage New Zealand List**

67. As with de-listing, our understanding is that retaining Inner Residential Zoning or re-zoning the site as Institutional are consistent with existing mechanisms in the current District Plan (e.g. 4.1, 8.1), and so are in accordance with the Council's functions under s 31. We consequently do not consider this provision to be influential in the decision. Likewise, it appears to us that there are no entries on the Heritage New Zealand List that are relevant and necessitate regard being given.

<sup>31</sup> "Cut to the chase: Using land for housing" *New Zealand Productivity Commission* (September 2015) p. [1]. <http://www.productivity.govt.nz/sites/default/files/using-land-for-housing-4%20page%20Cut%20to%20the%20Chase%2C%20PDF%2C%20198Kb.pdf>

<sup>32</sup> "Cut to the chase: Using land for housing" *New Zealand Productivity Commission* (September 2015) p. [1].

<sup>33</sup> "Cut to the chase: Using land for housing" *New Zealand Productivity Commission* (September 2015) p. [1].

<sup>34</sup> "Cut to the chase: Using land for housing" *New Zealand Productivity Commission* (September 2015) p. [2].

<sup>35</sup> We also note the very close proximity of 320 The Terrace to the "Central Area south special housing area." *Housing Accords and Special Housing Areas (Wellington) Order 2014*.

<sup>36</sup> *Housing Accords and Special Housing Areas Act 2013* s4

<sup>37</sup> *Housing Accords and Special Housing Areas Act 2013* s5(3)(a)

<sup>38</sup> *Housing Accords and Special Housing Areas Act 2013* Schedule 1.

### **s 74(1)(e) s32 Report**

68. Section 74(1)(e) refers to the obligation to have particular regard to the s32 report. The aspects of the s32 report provided do not appear to "*examine the extent to which the objectives of the proposal ... are the most appropriate way to achieve the purpose of this Act*" (s32(1)(a)). While we agree that rezoning the land to be an Institutional Area will best meet the university's objectives in the long term, we consider that there is a tension between this and the extent to which the objectives (to provide additional university facilities) are the most appropriate way to achieve the purpose of the Act. This is a particular concern given that the immediate intention is for the land to become a park - which is not directly connected to the university - and that there is no guarantee that the land will be developed as university facilities, given the 20 or so year timeframe, and so no guarantee of stated economic benefits to the city. The lack of a design enabling access from The Terrace to the VUW Kelburn campus is a particular concern given that it is acknowledged that design care will be needed to achieve "*appropriate gradients and pedestrian safety*."<sup>39</sup>
69. There is no material proposal for university facilities, and their validity is dependent on student enrolments which do not currently exist. We also consider that the lack of a short-term need for the Institutional Area zoning should be considered in the s32 evaluation, especially to alleviate any community concerns that the university is simply engaging in inner city land banking. The university's position appears to be consistent with any other developer who has bought a heritage building with a view to demolition rather than incur the cost of repair and/or maintenance. As the VUW Vice Chancellor stated on purchasing the building: "*If the consensus of the community was that the building shouldn't be there, it would certainly suit our views*."<sup>40</sup>

### **s 75(3)(c): Regional Policy Statement**

70. Section 75(3)(c) states that the DP must give effect to the RPS. The RPS distinguishes regulatory policies, methods and objectives. This is relevant as there is no explicit reference to the provision of "*university*" facilities in the RPS, and there are only three references in the RPS to educational and research institutions. These comments occur in section introductions (pp. 9, 68) and as a description of the Wellington Regional Strategy (p. 197). No mentions of educational and research institutions forms any part of a RPS regulatory policy, method or objective.
71. This is different to references to housing and affordable housing in the RPS, which, in addition to introductory comments to specific sections,<sup>41</sup> makes specific reference to encouraging housing and providing different housing types in its regulatory provisions.
72. **Objective 22** (Regional form, design and function), for example, has a specific reference to "*[a] compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and ... (g) a range of housing (including affordable housing)*" (emphasis added).
73. **Policy 67** states that the requirement to maintain and enhance a compact, well designed and sustainable regional form is to be achieved through "*(d) encouraging a range of housing types and developments to meet the community's social and economic needs, including affordable housing and improve the health, safety and well-being of the community*." The explanation to this policy observes that "*Different housing types ... can offer*

<sup>39</sup> Application for District Plan Change (July 2015) [4.3].

<sup>40</sup> Grant Guilford quoted, Fensome, Alex "Flats may be demolished" *Dominion Post* (13 September 2014).

<sup>41</sup> e.g. GWRC Regional Policy Statement p. 67.

greater opportunities for more affordable housing," and that housing located distance from the CBD has "negative implications in terms of travel demand, associated living costs, access to employment and community networks. It can also limit economic development opportunities by reducing the ability of businesses to attract and retain a workforce with appropriate skills." The conversion of 320 The Terrace to only open space amenity will effectively displace housing land outward in contradiction to Policy 67.

74. The regulatory framework of the RPS explicitly identifies increased residential density and the provision of housing as priorities of the District Plan. For example, **Policy 31** (emphasis added) requires District Plans to:
- (a) identify key centres suitable for higher density and/or mixed use development;
  - (b) identify locations, with good access to the strategic public transport network, suitable for higher density and/or mixed use development; and
  - (c) include policies, rules and/or methods that encourage higher density and/or mixed use development in and around these centres and locations, so as to maintain and enhance a compact, well designed and sustainable regional form.
75. We note that **Wellington City Council also strongly supports intensification of housing**. Especially in the inner city and inner residential zones. The WCC DP (under 4.2.1.1 Encourage consolidation of the established urban area) states that "[i]n the Inner and Outer Residential Areas there is scope for some degree of residential intensification." As part of its programme to increase residential density the Council is undertaking consultation processes on related issues with respect to suburban centres, including Karori, Khandallah, Island Bay, Newlands and Tawa.
76. Gordon Wilson Flats has capacity to house over 300 people.<sup>42</sup> In 2012 it accommodated over 130 tenants.<sup>43</sup> The 70 maisonettes are in the realm of the number of new dwellings Wellington needs to provide in Wellington Central each year, according to **Council-supplied projections for growth in Wellington Central**. The Centre believes that this is would be a significant contribution to Wellington's future inner city housing needs.

	Population	Number of dwellings	Average household size	Additional dwellings from 2013 baseline (i.e. cumulative)	Rate of dwellings needed per year (i.e. cumulative average per year)
Wellington Central					
2013	3,338	1,349	2.35	-	-
2018	3,657	1,529	2.32	180	36
2023	4,377	1,879	2.34	530	53
2028	5,340	2,346	2.35	997	66.47
2033	6,255	2,758	2.35	1,409	70.45
2038	6,883	3,077	2.35	1,728	69.12
2043	7,499	3,402	2.34	2,053	68.43

**Figure 1:** Columns 2-4: Council supplied demographic projections<sup>44</sup> | Column 5 derived from Column 3 | Column 6=Column 5/no. of years.

<sup>42</sup> The building has 12 bedsits, 70 maisonettes with two double bedrooms and 5 maisonettes with a double and a single bedroom.

<sup>43</sup> WCC Heritage Inventory (May 2012) p. 4

<sup>44</sup> Information was taken from: "Wellington Central" *Forecast.id Population forecasts* <http://forecast.idnz.co.nz/wellington/population-households-dwellings?WebID=400>

77. We argue that, to give effect to the RPS, the provision of residential infrastructure must be prioritised over teaching and research institutions in any District Plan Change.

78. **The Architectural Centre does not support the rezoning of 320 The Terrace** from Inner Residential to Institutional because of the site's potential to play a key role in housing supply for inner city Wellington. In addition the removal of Gordon Wilson Flats from a role providing housing will have consequences which are counter to the Regional Policy Statement and the WCC District Plan with respect to achieving desired compact urban form, transport use, increased housing density, preservation of neighbourhood character and sustainable re-use of existing buildings.

### **THE STATUS OF EXISTING USE RIGHTS**

79. The Applicant argues that the building has lost existing use rights and is non-compliant. The Application (pp 3-4) states:

*Gordon Wilson flats and its residential use are non-complying activities under the District Plan.*

*The non-compliances arise primarily because:*

*The height of the building significantly exceeds the maximum permitted building height of 10m under the Inner Residential zoning of the site.*

*The building significantly exceeds the building recession planes under the Inner Residential zoning of the site.*

*The building and use fails to comply with the car parking requirement of 1 space per household unit (there are 87 units within the building) and visitor parking of 1 space per 4 units. The District Plan requires 109 car parking spaces whereas only 31 or so spaces are provided. This is a significant non-compliance.*

*The building and use fails to comply with the requirement for ground level usable open space of 35m<sup>2</sup> per unit. The District Plan therefore requires 3045m<sup>2</sup> of ground level usable open space (not occupied by car parking and vehicle access) to be provided for the 87 units. This is a significant non-compliance.*

*The scale, design, external appearance and siting of the building and residential units is not consistent with the District Plan Residential Design Guide.*

*Section 10 of the RMA protects non-complying buildings and non-complying uses but protection is lost if the activity is discontinued for a period of 2 years.*

*Residential use of Gordon Wilson flats discontinued in 2012. This was due to risk to human life because of structural failure of the building in the event of high wind or earthquake. So serious was the risk that residents were given 1 week to vacate the building. Barrier fencing and building hoardings are now in place to try and keep people out of the building and away from its surrounds.*

*Because the period of discontinuance of use has exceeded 2 years, existing use rights for residential use of Gordon Wilson flats has been lost. An application for resource consent is therefore required for commencement of any use of the building. This is a major risk, given the significant non-compliances identified above.*

80. The Architectural Centre's position regarding Existing Use Rights is that the Applicant has overstated this as a hurdle. We maintain that the building retains existing use rights for the reasons below and that this aspect of the Application should be given no weight. We refer to the District Plan through this section, rather than the RPS, because the complaint relates to perceived Resource Consent issues rather than the Plan Change.

81. Section 10 RMA (emphasis added) states:

*(1) Land may be used in a manner that contravenes a rule in a district plan or proposed district plan if—*

*(a) either—*

*(i) the use was lawfully established before the rule became operative or the proposed plan was notified; and*

*(ii) the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified:*

...

*(2) Subject to sections 357 to 358,<sup>45</sup> this section does not apply when a use of land that contravenes a rule in a district plan or a proposed district plan has been discontinued for a continuous period of more than 12 months after the rule in the plan became operative or the proposed plan was notified unless—*

82. Section 2 (Interpretation and application) RMA defines:

*use,—<sup>46</sup>*

*(a) in sections 9, 10, 10A, 10B, 81(2), 176(1)(b)(i), and 193(a), means—*

*(i) alter, demolish, erect, extend, place, reconstruct, remove, or use a structure or part of a structure in, on, under, or over land:*

*(ii) drill, excavate, or tunnel land or disturb land in a similar way:*

*(iii) damage, destroy, or disturb the habitats of plants or animals in, on, or under land:*

*(iv) deposit a substance in, on, or under land:*

*(v) any other use of land; and*

*(b) in sections 9, 10A, 81(2), 176(1)(b)(i), and 193(a), also means to enter onto or pass across the surface of water in a lake or river*

83. Following Elias J (*Russell v Manukau CC* HC54/95) we note the shift in emphasis introduced in the Resource Management Act (c.f. the Town and Country Planning Act 1977) to the effects of the use (s10(1)(ii)). He notes:

*"The difference between the two provisions is that under the Resource Management Act [c.f. Town and Country Planning Act 1977] it is the effects of the use which have to be measured for similarity with those of the use lawfully established before the District Scheme came into operation whereas under the old legislation a comparison of the uses rather than their effects is prescribed."<sup>47</sup>*

84. Namely, **it is the cessation of the effects** (character, intensity and scale), such that the activity has become permitted by the District Plan, **which**

<sup>45</sup> ss357-358 relate to rights of objection and appeal

<sup>46</sup> "The term *use* ... seems to encompass both the verb and noun and the definition of s2 RMA includes ... *any other use of land.*" *Aokautere Land Co v Palmerston North CC* (ENV 2013 WL26) [32]

<sup>47</sup> *Russell v Manukau CC* (HC54/95) p. 3. The change in the wording is from "The use of that land or building ... is of the same character, intensity, and scale" (s90(a)(ii) T&CPA) to "Land may be used in a manner that contravenes a rule in a district plan or a proposed district plan if ... the effects of the use ...." (s8 Resource Management Bill (17 August 1990)). This wording is retained in the current Act.

**removes existing use rights.**<sup>48</sup> This is not the case with respect to Gordon Wilson Flats, which willfully (and in plain sight) breaches the current District Plan daily. We consequently argue that "use," in the context of the GW flats (with respect to existing use rights) is the use of the land to accommodate a building of a specific height, size, and footprint.<sup>49</sup>

85. This use has been uninterrupted since the building of the GW flats in the late 1950s.<sup>50</sup>
86. The effects of the activity have not significantly changed. The issue is the significance of the effects, rather than exactness regarding the activity.<sup>51</sup> There is one exception noted by Submitter 10 (Denise Stephens) that following the vacating of the building, there is now less street activity making the street appear less safe.<sup>52</sup> This activity is an off-site activity and so is not technically relevant,<sup>53</sup> regardless we consider it is an adverse effect which would be rectified by reinstating the GW flats as accommodation.
87. **Residential use is not a use of the land which contravenes a DP rule**, so much as the physical form of the accommodation and facilities of residences (e.g. building height, BRPs, car parking, open space, design guide) hence discontinuation of people inhabiting the building does not remove existing use rights [s10(2)]; and certainly not those rights related to building height, BRPs, open space, carparking and the design guide because these are all physical characteristics of the building and site which have not changed in scale or intensity. Residential use is sanctioned by the DP via the land zoning as Inner Residential. In other words, it is the physical shape and form of the residence, not the fact that people live there, which these rights cover.
88. Additionally, **higher density residential use is explicitly encouraged by the District Plan** in order to contain the city,<sup>54</sup> for sustainable management,<sup>55</sup> to "*reduce transport distances, make public transport systems more viable, support existing centres and make better use of existing infrastructure.*"<sup>56</sup> The Council has also sent a strong signal that adaption of non-residential buildings for residential building is supported:

*"The Residential Area also contains a range of non-residential buildings that are no longer required for their original purposes. ... While these buildings may not be of a scale or character that is strictly residential, they (and the effects that they generate) are accepted as being part of the existing*

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<sup>48</sup> e.g. "Where the effects of a farming operation have diminished to the point that the use of the land for farming purposes does not contravene a rule in a district plan or proposed district plan, then the contravening use has been discontinued, and s 10(2) comes into play" (*Rodney DC v Eyres Eco-Park* (CA87/06) [28]). Also "If ... existing use rights are established, then they may be relied upon indefinitely so long as the effects of SPL's activities remain the same of similar in character, intensity and scale to those existing before the relevant date and subject to discontinuance under s 10(2)" (*Springs Promotions Ltd v Springs Stadium Residents Assoc* (CIV 2005 405/85) [45]; also [47], [55] and [63]).

<sup>49</sup> We also note that "the use referred to in section 10(1)(a)(ii) does not have to be the same use in all respects as the use referred to earlier in the subclause. ... To construe it [s10(1)] more narrowly would severely restrict the operation of the section, and in many instances would probably render at least part of the test, namely that relating to character, unnecessary. If the use has to be the same use then obviously its character must remain unaltered. This does not seem to be the intention of Parliament because the subsection speaks of a similar character as an alternative to the same character" (*Re an Application by Willcoakes Holdings Ltd* (C056/95) p. 5).

<sup>50</sup> This is "the use of land *contravening* a rule in the district plan" *Dunedin CC v Saddle Views Estate* (ENV 2011 CHC32) [26]. emphasis added.

<sup>51</sup> "s10(1)(a)(ii) is directed at the *effects* of the use rather than the use itself" *Aokautere Land Co v Palmerston North CC* (ENV 2013 WLG26) [28].

<sup>52</sup> She writes: "The evacuation of Gordon Wilson Flats left a noticeable hole in the neighbourhood, with fewer people in the area at night. As someone whose usual mode of transport is walking, I really notice this and feel less safe as a result."

<sup>53</sup> This is because "If that is not the case, existing use rights would be lost as a result of any change in the receiving environment outside of the land which generated the effects" *Aokautere Land Co v Palmerston North CC* (ENV 2013 WLG26) [30].

<sup>54</sup> WCC District Plan 4.1, 4.2.1.1.

<sup>55</sup> WCC District Plan 4.2.1.1.

<sup>56</sup> WCC District Plan 4.2.1.1.

*residential environment. Their retention, and conversion to residential use, will generally be supported as it would make efficient use of the existing building, and if undertaken with care should not impact significantly on adjacent residential properties.*<sup>57</sup>

89. The Council also favours retention and adaption of existing residential building stock because it "*represents a significant resource,*" and because of the benefits of doing this, namely:

- *retention of the embedded energy contained within the existing buildings*
- *the contribution made by the existing building stock to Wellington's sense of place and the amenity of residents, especially in the older suburbs.*<sup>58</sup>

90. The Council is explicit regarding its flexibility in relation to car parking. In situations where an existing building built pre-2000 is divided into two household units on-site parking is not required.<sup>59</sup> In addition, residential developments in Wellington's Centres are not required to provide on-site car parking:

*"The principal reasoning behind this relates to developing a high quality compact urban form, encouraging public transport use and allowing adaptive re-use of existing buildings. Urban design considerations such as visual streetscape appearance and architectural or historic interest in an area or building may also be important reasons for not requiring on-site car parking."*<sup>60</sup>

91. The above points appear to suggest that the stated barriers to a Resource Consent for building modifications posed by the Applicant, due to breaches of the District Plan and extinguished existing use rights, have been significantly inflated, and that the Applicants' degree of risk with respect to a Resource Consent application have been overstated. We note that purchasing a listed heritage building with known repair issues was an activity the university was seemingly less risk-adverse to. When the *Dominion Post* announced the 2014 VUW purchase, it described the building as "*[t]he crumbling Gordon Wilson flats,*" noting that "*the building's concrete facade could collapse in an earthquake of strong wind.*"<sup>61</sup>

92. We acknowledge that any re-occupation of the building and associated development would require that the history of deferred maintenance be addressed, and that the building is earthquake strengthened. However, "*there is currently no evidence that the foundation system is not satisfactorily supporting the building gravity loads,*" "*[t]he transverse shear walls are doubly reinforced, and the reinforcing bar spacing is reasonable,*" "*the reinforcing [is] ... continuous around the significant number of penetrations providing good load paths in tension and compression to carry the lateral seismic loads,*" and "*the building is generally well detailed.*"<sup>62</sup> The Structural Report also observes that "*[c]oncrete walls between apartments and the main spine within the apartments running the length of the building appeared to be in reasonable condition*" (p. 4), and that "*In general the interior and main structure of the building was found to be in a reasonable condition*" (p. 12).

93. In this context, where the critical element in relation to earthquake rating is superstructure not structure, it may be useful to note the NZ Society for

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<sup>57</sup> WCC District Plan 4.2.1.5.

<sup>58</sup> WCC District Plan 4.2.1.6.

<sup>59</sup> WCC District Plan 5.6.1.3.

<sup>60</sup> WCC District Plan 6.2.5.4.

<sup>61</sup> Fensome, Alex "Flats may be demolished" *Dominion Post* (13 September 2014).

<sup>62</sup> Applicant's Building Structures Report pp. ii, 12

Earthquake Engineering advice that "*the risks in occupying a building performing at 33% NBS equates with the risk of flying in a commercial aircraft, or travelling 10,000 km or more by road per annum.*"<sup>63</sup> The repair of the facade will provide an NBS (New Building Standard) of 50%.<sup>64</sup>

### CONCLUDING COMMENTS

94. In summary, the Architectural Centre considers s75(3)(c) of the RMA to be key to this decision-making with respect to DPC81. This provision, to "*give effect to*" the RPS, is a strong direction.
95. We also note speculate that there are tensions between the university's objectives and the RMA's purposes, which are not addressed in the s32 report, making it less than ideal as a document to base decision-making on. This suggests to us that little or no weight should be given to its conclusions.

#### *Additional comments*

We note that:

- (a) re-zoning the site will not necessarily undermine the protection of historic heritage, because of opportunities for adaptive re-use. In this respect we note the incredible adaptability the university has demonstrated in its occupation of numerous small houses along Kelburn Pde. Equally de-listing the building could occur with the retention of an Inner Residential Area zoning. Consequently we do not see these two aspects of DPC 81 (de-listing and re-zoning) as interdependent.
  - (b) the considerable neglect of the building over an extended period of time, demonstrates that Housing NZ and now VUW have not met s7(aa) obligations of stewardship. We would consider this situation to be an example of "*demolition by neglect*" if the basic structure of the building was problematic - but this is not the case - yet, and we believe the building can be successfully repaired.
  - (c) embodied energy is an important reason to re-use existing buildings. We consider this to be at the heart of s7(ba), the efficiency of the end use of energy. It likewise relates to s7(b) at a broader level.
  - (d) the promise of demolition and the landscaping of the site to provide public open space amenity is highly relevant to ss 7(c) and 7(f). Retention of the building is not at odds with providing public access and amenity, and would equally enable ss7(c) and 7(f).
  - (e) GW flats does not currently present any public danger. It is a fenced off site, and the building is not close to another building, meaning no pounding problems in a severe earthquake.
  - (f) this plan change is not concerned with, and should not anticipate, demolition of Gordon Wilson Flats. This Plan Change proposal concerns the de-listing of GW Flats, not its demolition, which may or may not take place. Equally, there is no firm proposal for the site which can influence decision-making. De-listing is exclusively a matter of whether or not the GW Flats has "*significant historic heritage*" values in accordance with RPS Policy 21.
96. We recommend the following to WCC and VUW, if the listing of Gordon Wilson Flats is confirmed, and ask this hearing to not de-list Gordon Wilson Memorial Flats.
- (a) Retention of the building name "Gordon Wilson Memorial Flats"
  - (b) Preservation of a vertical and horizontal section of maisonette flats in any alteration.
  - (c) Retention of the mass and scale of the building.

<sup>63</sup> *Hamilton East Community Trust v Hamilton CC* (ENV 2013 ALK 000065) [10]

<sup>64</sup> Application Structural Report pp. iii, 10.

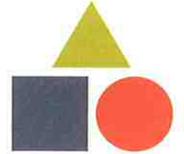
- (d) Acknowledgement in the DP listing of the heritage value of the maisonette flats interiors.
- (e) Recommendation to Heritage NZ that they investigate listing the building.
- (f) Completion of a conservation plan.
- (g) Investigation of the foundation quality.
- (h) Repair, and - where needed - replacement, of the cladding.
- (i) A maintenance plan.
- (j) Retention of a majority of the trees on the site.
- (k) Confirmation that existing use rights have not expired.

*Conditions*

If PC81 is approved we recommend the following conditions:

- (a) the park be named the "Gordon Wilson Memorial Flats Park"
- (b) any demolition must be prohibited for a minimum of 6 months, or until any appeal is heard, whichever ever is the longer duration
- (c) any consent for demolition is made conditional on piling investigations being undertaken and evidence that the piles are structurally ineffective

97. Finally, the Architectural Centre believes that sustainable management will best be achieved through the retention and restoration of Gordon Wilson flats as housing. This will provide:
- (a) the best heritage outcome,
  - (b) a substantial number of dwellings,
  - (c) consistency with regional and local council ambitions for a compact city which maximises infrastructure, provides good access to transport, and encourages sustainable and active transport modes, and
  - (d) re-use of the existing building, which has positive effects - with respect to sustainability (as re-using building fabric preserves embodied energy), and economic activity.
98. The Centre believes that the decision of the hearing regarding the sustainable management of 320 The Terrace must be considered within the wider context of the current housing shortage and affordability issues.



Christine McCarthy  
Chairperson  
The Architectural Centre Inc  
WELLINGTON

14 12 2015

Re; GORDON WILSON FLATS

I regret I am unable to attend the hearing in respect of the future of the Gordon Wilson Flats.

I have two points in opposition to the proposal

1. Heritage Value

The significance of the Building is recognised through its listing.

I had a relative living in the building in the 1970' when I first arrived in Wellington and am very familiar with its layout and presence in the urban environment

Socially and architecturally it derives from post war UK public housing, demonstrating efficient cost effective planning and excellent liveability.

It is the only housing of its type that can think of representing a direct colonial influence to social housing.

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Notwithstanding this historical importance, the building is pleasantly proportioned and aesthetically satisfying as to both overall form and detail.

It sits strongly on its site at the base of a hill and its set back from The Terrace to mitigate its height to relate successfully to the surrounding predominantly two level housing to which it relates well.

When learning of its sale to Victoria University I presumed it would be converted to student housing, for which it would be an ideal use.

Seismic strengthening is a cost but less so than the expense of a new build.

2. Council Process

Following the issue of a demolition consent in the 80s to the Chase Corporation for buildings now occupied by Courtenay Central at 100 Courtenay Place, the site stood as a vacant eyesore for years.

My understanding is that Council subsequently made it policy to not issue demolition consents unless the application was accompanied by a Resource Consent application for a replacement building.

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Therefore it is disturbing to think that an applicant is proposing to demolish a significant building without such a replacement application. It is unacceptable to demolish heritage buildings simply to 'land bank'

A handwritten signature in black ink, appearing to read 'R Walker'.

Roger Walker  
ONZM. B.Arch(hons) CFNZIA

Regional Policy Statement, Policy 21	Resource Management Act.	Heritage NZ Act s66	WCC Criteria	Evidence: (Wild, Tyler, Salmond)
District and regional plans shall identify places, sites and areas with significant historic heritage values that contribute to an understanding and appreciation of history and culture under one or more of the following criteria:	those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:	(1) Heritage New Zealand Pouhere Taonga may enter any historic place or historic area in the New Zealand Heritage List/Rārangi Kōrero if it is satisfied that the place or area has:		
<b>physical values</b>				
archaeological	archaeological	archaeological,	archaeological	archaeological
architectural	architectural	architectural	architectural	architectural
technological	technological	technological	technological	technological
integrity				
age				
group or townscape			townscape group	townscape
		aesthetic	<b>aesthetic</b>	aesthetic
			<b>scientific</b>	scientific
				functional
			educational	
<b>historic values</b>	historic	historical,	<b>historic</b>	historical
themes	scientific	scientific,		
events				
people		spiritual,	association: person, group, organisation	
social				
			association: historic event, theme, pattern	
<b>social values</b>		social	<b>social</b>	social
			symbolic, commemorative, traditional, spiritual, cultural	
recognition			public esteem	
			identity, sense of place, continuity	
			<b>level of cultural heritage significance</b>	
<b>tangata whenua values</b>	cultural	cultural		
		traditional significance or value		
<b>surroundings</b>				
<b>rarity</b>			rare	
<b>representativeness</b>			representative	
			<b>local, regional, national, international</b>	
	and includes, • historic sites, structures, places, and areas • archaeological sites • sites of significance to Māori, including wāhi tapu, and • surroundings associated with the natural and physical resources	... (3) Heritage New Zealand Pouhere Taonga may assign a status [i.e. Category 1 or 2] under subsection (2) only if it is satisfied that the place has significance or value in relation to 1 or more of the following criteria: (a) the extent to which the place reflects important or representative aspects of NZ history (b) the association of the place with events, persons, or ideas of importance in NZ history (c) the potential of the place to provide knowledge of New Zealand history (d) the importance of the place to tangata whenua (e) the community association with, or public esteem for, the place (f) the potential of the place for public education (g) the technical accomplishment, value, or design of the place (h) the symbolic or commemorative value of the place (i) the importance of identifying historic places known to date from an early period of New Zealand settlement (j) the importance of identifying rare types of historic places (k) the extent to which the place forms part of a wider historical and cultural area (4) Additional criteria may be prescribed in regulations made under this Act for the purpose of assigning Category 1 or Category 2 status to a historic place, provided they are not inconsistent with the criteria set out in subsection (3).		

**Table 1:** comparison of criteria for (i) DP listing (RPS Policy 21), (ii) historic heritage (s2 RMA), (iii) HNZ listing (s66 HNZPTA), (iv) Evidence submitted for hearing