



the architectural centre inc.
PO Box 24178 Wellington

5 September 2018

Rt. Hon. Jacinda Ardern
Minister for Arts, Culture and Heritage
Parliament
New Zealand
jacinda.ardern@parliament.govt.nz

Tēnā koe Prime Minister

We are writing to you, in the context of continuing developments concerning the former Wellington Teachers Training College at Karori. The site is well recognised as having very high heritage significance, by, for example, its selection as one of two New Zealand sites exhibited at the international exhibition of Brutalist architecture (*SOS Brutalism*) at the German Museum of Architecture earlier this year, and more recently by its listing as a Category I historic place in July this year (No. 9797). The quality of the site's design was also recognised when the first stage of the Teachers' Training College was completed in 1972.



We are very concerned that a significant part of this important modernist site will be demolished. This is because:

- (a) the whole of the site has no heritage protection under the District Plan.
- (b) demolition of the buildings is a permitted activity under the District Plan.
- (c) Ryman Healthcare have a Certificate of Compliance (RMA s139) allowing them to demolish half the buildings on the site as of right for the next 5 years (RMA s139(12) i.e. s125), regardless of any change to the District Plan, including heritage listing.
- (d) the Heritage NZ listing provides no protection, and even if it did, this was determined after Ryman applied for a Certificate of Compliance.

- (e) any decision on an application for a resource consent (which Ryman have previously indicated is likely in the next 2-3 months) will not take heritage issues into account because it will assess the new development, not whether or not the demolition of these buildings should occur (because demolition is a permitted activity).
- (f) Ryman have a successful business model which produces a particular type of architecture and architectural process that do not typically include adaptive re-use of heritage buildings.
- (g) Ryman have recently (21 August) applied to WCC for a building consent to demolish approximately half of the buildings on the site, with confirmation of formal lodgement pending.



There is a bias towards nineteenth- and early twentieth-century historic heritage in heritage protection. If we do not protect modernist heritage now, little of it will remain for the future. Additionally, in cases such as the Karori campus, the buildings are well built, and there are significant amounts of embodied carbon in the buildings. Demolishing these buildings is counter to effective sustainable management of our environment. We consider that the quality, condition and design of these buildings make them ideal candidates for adaptive re-use. We consider the Karori site to have the qualities which would support new thinking about accommodating older people (i.e. mixed use development, mixed-tenure and occupant demographics, and strong connections to the community), rather than late twentieth-century models.

We have raised our concerns regarding the vulnerability of the Karori site at every opportunity to, and at every level of, Heritage New Zealand with no success. In particular we have urged HNZ to lodge a notice of requirement for a heritage order with the WCC.¹

The reasons why we are advocating for a heritage order are:

- (a) we believe that the site warrants and needs heritage protection.
- (b) in NZ the instruments available to protect heritage sites are:
 - (i) listing in the relevant District Plan
 - (ii) a heritage covenant
 - (iii) a heritage order

¹ Heritage orders are governed by ss187-198 of the Resource Management Act 1991.

- (c) we understand that the current owner (Ryman Healthcare) strongly opposed the HNZ listing of the site, and consequently we find it difficult to believe they would support a covenant being placed over the site to support heritage outcomes. Agreement from the land owner is required for a heritage covenant (HNZA s39(3)(a)).
- (d) the length of time and resources required to effect a District Plan Change mean that a heritage listing in the District Plan is unlikely to be achieved prior to any application for new development.
- (e) additionally a new DP listing would not prevent demolition sanctioned by the Certificate of Compliance, because a Certificate of Compliance is a hedging device which protects the developer from potential changes to a District Plan (e.g. a heritage listing).
- (f) the effect of a heritage order supersedes the provisions of any District Plan or resource consent (RMA s193), and so is the only legal mechanism that at this stage can adequately protect the site from inappropriate development. In fact lodgement of a notice of requirement also does this as it has the same effect as a heritage order (RMA s194).



We cannot understand the hesitancy of HNZ, though the lack of the use of heritage orders in recent times may in part explain HNZ reluctance. The discussions we have had with HNZ suggest that they consider a heritage order would negatively impact on interactions with Ryman. We do not believe that a heritage order will have this effect. A heritage order would require Ryman to talk to the heritage protection authority (i.e. HNZ) in order to develop heritage-sensitive use of the site. HNZ would be in the position of giving final sign off to the design, ensuring that any development did not negatively impact on the heritage values which warrant protection (as stipulated in the heritage order).

There is immense flexibility in the potential use of heritage orders. An order could be permanent, or it could be temporary, because a Heritage Protection Authority can withdraw a heritage order at any time. For example, in this case the heritage order could be used to ensure heritage values are retained for the next five years during which a plan change listing the site could be put in place, ensuring protection for the site after the Certificate of Compliance lapses. It seems to us that heritage orders have two primary purposes: to reserve land for heritage purposes (akin to a road reserve), and to be a stop gap measure when unanticipated situations, such as that of Karori, occur. The fact that a heritage order supersedes any existing provisions of a plan or resource consent suggests to us that heritage orders were designed for this very situation.

Heritage NZ is not the only agency able to act as a heritage protection authority. Ministers of the Crown and local authorities also have this right (s187(a)(b)). As Minister for Arts, Culture and Heritage you could lodge a notice of requirement to the Wellington City Council for a heritage order to protect the Wellington Teachers Training College (Former) at Karori as a "*place of special interest, character, intrinsic or amenity value or visual appeal*" (RMA s189(1)(a)). This could be lodged

as a temporary or permanent mechanism to ensure positive heritage outcomes are achieved in any new development, as well as protecting the current amenity value of the site for the community.



We believe the current situation at Karori is the result of a number of unfortunate occurrences, one of which was the false assumption that heritage sites in government or public ownership could not come under threat without time to put in place adequate protection. This situation has highlighted a number of inadequacies in our current heritage protection systems. One of these is a lack of willingness, by those with the public responsibility to protect heritage, to use these instruments to provide robust and positive outcomes.

The recent (21 August 2018) building consent application by Ryman Healthcare to demolish half the buildings on the site means that demolition will be approved within approximately one month's time. We consider this matter to be one of extreme urgency.

Nāku iti noa nā


Christine McCarthy
President, Architectural Centre