



**Hearing Panel:** Independent Hearing **Hearing Date:** 24 September  
Commissioners - Richard Knott (Chairperson) and Bill 2020  
Wasley

**Report Name:** s42A Planning Report on **Author:** Lana Gooderham  
Publicly Notified Resource Consent Application to  
Demolish a B-ranked Heritage Building, being the  
Temple View Block Plant (H135).

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#### REPORTING OFFICER

1. My name is Lana Gooderham. I hold the qualification of a Bachelor of Environmental Planning from the University of Waikato. I have had over 6 ½ years' experience in planning roles in Local and Central Government in New Zealand. This experience includes consent processing under the Resource Management Act 1991 (RMA). I am an intermediate member of the New Zealand Planning Institute.
2. At present I hold the position of Intermediate Planner for the Hamilton City Council in the Planning Guidance Unit; a role I have held for over a year and a half. Prior to this role, I held the position of Planner in the Hamilton City Council Planning Guidance Unit, and prior to this role, I held the role of Planning Advisor for Waka Kotahi (New Zealand Transport Agency).
3. My role in preparing this report is that of an expert resource consent planner. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I have complied with that Code when preparing this report and I agree to comply with it when presenting any evidence at the hearing.
4. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
5. In the development of this S42A Report I have relied on the external heritage expertise of Ms Wendy Turvey, National Manager WSP Research, specifically the Statement of Evidence included

in Appendix 1. Where I rely on this expertise I either quote or refer directly to other discussions on the issue.

6. No formal pre-hearing meeting pursuant to clause 8AA of the First Schedule of the RMA has been held on this consent application.

#### **REPORT STATUS**

7. This report is a s42A Report prepared under the Resource Management Act 1991 (RMA) which provides my expert planning advice and recommendations. The report has been prepared based on the information available on 2 September 2020. It does not represent any decision on the application and this report will be considered by the Commissioner in conjunction with all other technical evidence and submissions to the application.
8. The Hearing Commissioners will have a copy of the application documents, all further information documents and submissions that have been received. The application documentation has been made available to the public on the HCC website, accessed via [www.hamilton.govt.nz/templeviewblockplant](http://www.hamilton.govt.nz/templeviewblockplant). For this reason, it is not intended to extensively repeat information that is provided in the application documentation.

#### **APPLICATION TIMELINE**

9. To record the timeline for the application, the following are the key dates of the application process:

12 December 2019	Application lodged with Council
11 February 2020	S92 Further Information Request
18 May 2020	S92 Further Information Response Completed
17 June 2020	Application Publicly Notified
14 July 2020	Submissions Close
1 September 2020	First Commissioners Direction
3 September 2020	Issue of S42A Planning Report
24 September 2020	Hearing

#### **COMMISSIONER DIRECTION**

10. The Commissioner Panel (Richard Knott and Bill Wasley) will hear and determine the application under delegated authority from Hamilton City Council. Commissioner Knott (Chair) has issued a direction for the pre-circulation of evidence and for the hearing process. The direction notice is dated 1 September 2020.
11. With respect to the pre-circulation of evidence for technical witnesses, the following dates are to be complied with for the issue of reports and evidence:

3 September 2020	Council planning report and statements of evidence
10 September 2020	Applicants statements of evidence
17 September 2020	Submitters expert statements of evidence

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### **S.42A Planning Report**

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**Attachment 1** – Recommended Conditions of Consent

**Attachment 2** – Site Visit Photos

The assessment and recommendation provided in the S.42A report have been informed by a heritage assessment and professional recommendations by a heritage expert. This assessment is attached as Appendix A:

**Appendix A Heritage Statement of Evidence, dated 2 September 2020 – Wendy Turvey, WSP**

## 1 APPLICATION DETAILS

12. The administration details for the application are listed as follows:

<b>Applicant</b>	: The Church of Jesus Christ of Latter-Day Saints Trust Board
<b>Proposal</b>	: Proposed demolition of Block Plant building (H135) in Temple View– B-ranked historic heritage item listed in the Hamilton City Operative District Plan.
<b>Street Address</b>	: 435-495 Tuhikaramea Road, Temple View
<b>Legal Description</b>	: Lot 1 DPS 88403
<b>Site Area</b>	: 87.2ha
<b>Zone</b>	: Temple View Zone
<b>Areas</b>	: Temple View Character Area
<b>Features</b>	: None
<b>Structure Plan</b>	: None
<b>Hazard Area</b>	: None
<b>Selected Site</b>	: Yes
<b>File No</b>	: 010.2019.10774.001
<b>Previous Consents</b>	: Yes – CDP2; subdivision consent
<b>Date</b>	: September 2020
<b>Activity Status</b>	: Discretionary Activity

### Aerial Photo, Zone and Features Map



**Image 1** – Aerial View of Subject Site with Block Plant outlined in Red

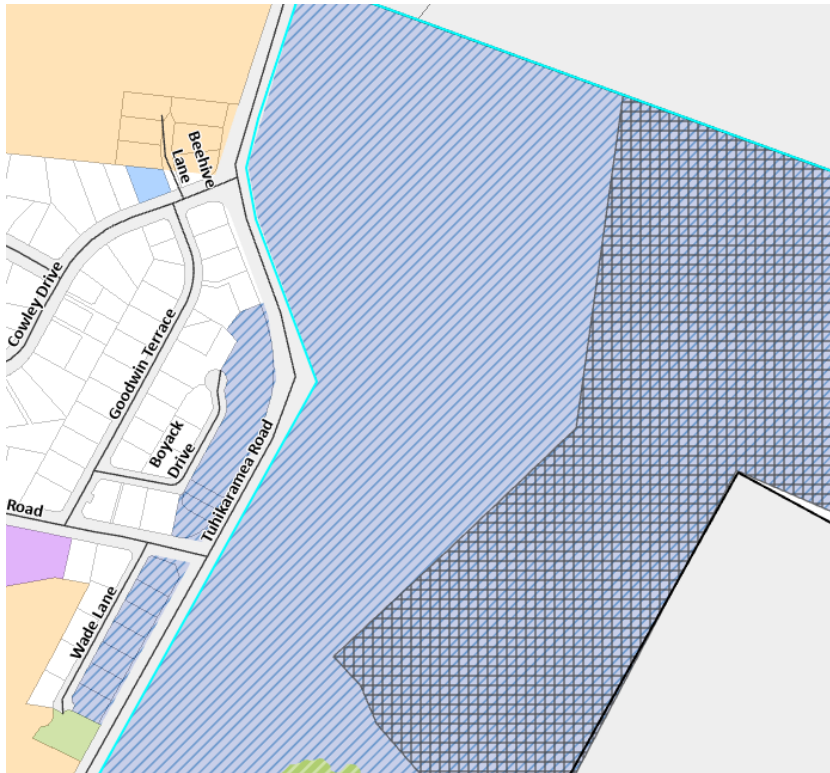


Image 2 – Zoning

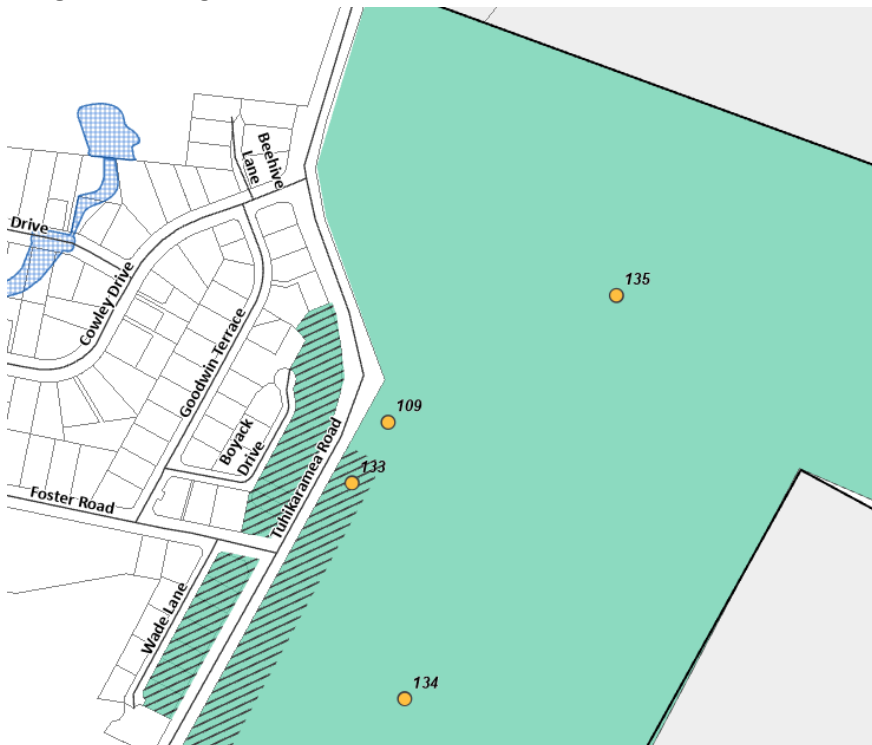


Image 3 – Overlays/Areas

## 2 SITE AND LOCALITY

### 2.1 Site Description

13. The subject site is located within the Temple View area, a suburb approximately 7km south-west of the Hamilton City Centre, with the primary access to this area being via Tuhikaramea Road (a Minor Arterial Transport Corridor). The subject site is held in one Record of Title, being SA68C/73, and is legally described as Lot 1 DPS 88403. The subject site is zoned Temple View Zone in the Operative District Plan, and is located within the Temple View Character Area.
14. The part of the subject site where the Block Plant is located is shown in **Image 1** above. Image 1 also illustrates the Block Plant relative to other features within the Temple View area. The Block Plant is a B-Ranked historic heritage building within the Operative District Plan, where it is identified as H135. The Block Plant is located within an area that is subject to a Comprehensive Development Plan, known as CDP2. The relevance of CDP2 to the current application is discussed further below in this report.

### 2.2 Area History

15. The Block Plant and wider subject site forms part of the Temple View area. The history and development trajectory of this area is described in the Assessment of Environmental Effects prepared by the applicant, and is summarised in this report for completeness.
16. Commencing in 2009, the Jesus Christ of the Latter-Day Saints Church (hereafter referred to as “the Church”) has been through a comprehensive master-planning process for the Temple View campus. In January 2016 the Trust Board applied for land use consent for a Comprehensive Development Plan (CDP) to guide re-development of the mid-section of the former Church College site, which became known as the CDP2 area. The CDP2 area included multiple historic buildings comprising the Wendell B Mendenhall Library (H109), the First House (H133), the G.R. Biesinger Building (H107), the Kai Hall (H134), and the Block Plant (H135). It is noted that the consent for CDP2 area included the retention of the Block Plant (H135).
17. In June 2017 and July 2018 respectively, Comprehensive Development Plans for CDP Areas 1 and 3 were approved by Hamilton City Council. The CDP 1 area encompassed the northern section of the Church College site, including the former David O McKay building whereas the CDP3 area encompassed the Temple and the former Visitors Centre. All three CDP areas are in various stages of redevelopment at the time of this application.
18. Historically, approximately 14 hectares of the wider site sat within Waipa District but became part of Hamilton City in 2014. In February 2019, Hamilton City Council publicly notified Plan Change 3 (PC3) to the ODP, the primary purpose of which was to rezone the former Waipa land to ‘Temple View Zone’ in order to align its zoning with the balance of the Church College site. Decisions on PC3 were publicly notified on 11 September 2019 and the plan change became fully operative in December 2019.

### 2.3 Site Visit

19. A site visit was undertaken in December 2019 and February 2020. The December site visit was attended by Lana Gooderham (Processing Officer) and Chris Dawson (on behalf of the applicant). The February site visit was attended by Lana Gooderham (Processing Officer), Wendy Turvey (Heritage Expert for Council), Chris Dawson (on behalf of the applicant), Andrew McFarlane (on behalf of the applicant) and Adam Wild (Heritage Expert for the applicant). Site visit photos from these site visits are contained in **Attachment 2**.

## 3 APPLICATION

### 3.1 Proposal

20. Resource consent is sought for the demolition of the Block Plant building, which is a B-Ranked Historic Heritage Item in the Operative District Plan. The resource consent application describes that the site will be cleared and repurposed for residential development and associated infrastructure, including roading.
21. The application further proposes the erection of a memorial plinth in the vicinity of the Block Plant site for the purpose of memorialising the form and function of the Block Plant building. It is intended that the plinth will direct visitors to the nearby Museum where detailed records of the Block Plant are held. In addition, the applicant proposes to include memorial items associated with the Block Plant as part of the proposed rose garden memorial to be developed immediately north of the Mendenhall Building.

### 3.2 Other Consents

22. As noted above, the subject site is located within the CDP2 area. The original CDP2 consent showed that the Block Plant would be retained on the subject site. In conjunction with the current application, the applicant applied for a s127 Change of Conditions consent to the CDP2 consent to authorise the removal of the Block Plant. Following discussions, this consent has been withdrawn until such time as a decision is made on the resource consent application to demolish the Block Plant. In the interest of clarity, it is noted that the original Assessment of Environmental Effects provided by the applicant contains references to the Change of Conditions resource consent application.

### 3.3 Activity Status

23. The District Plan was made fully operative in October 2017.
24. Plan Change 3 which relates to the Temple View area was made operative on 12 December 2019. This Plan Change aligned the Zoning of 14 hectares of land transferred from the Waipa District with the planning provision in the Hamilton City Operative District Plan. The current application was



lodged the same date as when Plan Change 3 was made operative, and therefore the application has been considered under these provisions.

25. Plan Change 6 to the District Plan was publicly notified on 20 July 2019. Further submissions to the plan change closed on 1 November 2019 and the decision of Council on submissions received was publicly notified on 28 August 2020. At this stage the rules in the plan change have legal effect in accordance with Section 86B of the RMA, with rules which only have submissions in support or no submissions to be treated as operative under Section 86F RMA. I have reviewed the provisions of Plan Change 6 and do not consider that any of the provisions are relevant for this current application.
26. The proposal to demolish a structure or building ranked B within Schedule 8A: Built Heritage is listed as a **Discretionary Activity** pursuant to Rule 19.3 of the Operative District Plan. As a Discretionary Activity, Council has full discretion over the application. Notwithstanding this, it is noted that none of the specific standards listed in Chapter 19 are relevant for the current application.

#### 4 NOTIFICATION AND SUBMISSIONS

27. The applicant requested public notification pursuant to Section 95A(3)(a) of the Resource Management Act 1991.
28. A total of 13 submissions were received during the submission period for this publicly notified resource consent, with 12 submissions in support and 1 submission in opposition. It is also noted that one late submission has been received. Three of the thirteen submitters wish to be heard. The submitters are shown on the list below:
- Submitter 1 – Wendy Lorraine Walmsley
  - Submitter 2 – David Thomas Leonard Walmsley
  - Submitter 3 – John Angus Kendall – **Wishes to be heard**
  - Submitter 4 - Shirley Burgess
  - Submitter 5 - Annie Louisa Robinson
  - Submitter 6 - Fay Lorraine Richards
  - Submitter 7 - New Zealand Labour Missionary Charitable Trust – **Wishes to be heard**
  - Submitter 8 – Julie Yrainne Coward
  - Submitter 9 - Walter Philip Hague
  - Submitter 10 - Te Haa O Te Whenua O Kirikiriroa
  - Submitter 11 - Joan Elizabeth Lake
  - Submitter 12 - Claudia Anne Rebecca Mason
  - Submitter 13 - Meshweyla MacDonald – **Wishes to be heard**
  - **Late submission – Kershaw Trust Ltd**
29. In summary, the key matters from the submissions **in support** are as follows:

- It is considered that the Block Plant has little purpose remaining and would be almost impossible to repurpose because of the material it was built with and modern seismic strengthening requirements, and where it is situated;
- The Block Plant has had various uses over the years including rugby changing rooms and maintenance equipment storage. It is considered that the building does not fit with the future use of this area and is it not currently fit for use;
- The Block Plant building has served its purpose;
- The Labour Missionary Charitable Trust has members who built and worked on the Block Plant building, and considers that the building does not have any historical significance to its members. The purpose of the building was to provide shelter, and since it ceased operation, it has been used for a multitude of other purposes;
- The heritage and history of the site is already well presented through the retention of the Kai Hall, GRB and the archives kept in the Church History Museum;
- The land should be utilised for residential purposes and the demolition would facilitate effective redevelopment of the site;
- A sign or plaque is all that is required to memorialise the building and is a suitable historical marker;
- Suggested alternative uses costs outweigh any heritage value of the building.

30. The key matters raised by the submitter in **opposition** are as follows:

- The demolition of the Block Plant will cause increased adverse cumulative effects on Temple View environ, further dissolving the special character of the Temple View community provided for in the District Plan.

## 5 STATUTORY PROVISIONS

31. The proposal by the Church requires land use consent under the provisions of the District Plan as a **Discretionary Activity**. The Resource Management Act 1991 (RMA) sets out the statutory provisions for the assessment and determination of all such applications with Sections 104 and 104B providing the primary assessment framework:

### ***Section 104 Consideration of applications***

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
  - (b) *any relevant provisions of—*
    - (i) *a national environmental standard:*
    - (ii) *other regulations:*
    - (iii) *a national policy statement:*
    - (iv) *a New Zealand coastal policy statement:*
    - (v) *a regional policy statement or proposed regional policy statement:*
    - (vi) *a plan or proposed plan; and]]*
  - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

**104B Determination of applications for discretionary or non-complying activities**

*After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—*

*(a) may grant or refuse the application; and*

*(b) if it grants the application, may impose conditions under section 108.*

32. Pursuant to the Section 104B, Council has **full discretion** over the application.
33. The following assessment considers the application in terms of the relevant assessment matters of the RMA.

**6 ASSESSMENT OF ENVIRONMENTAL EFFECTS - (S104(1)(a) & (ab) RMA**

34. For the purpose of this report, the assessment of effects focuses on the potential heritage effects of the proposed demolition of the Block Plant.
35. The resource consent application is accompanied by a number of expert reporting, which includes a Heritage Impact Assessment prepared by Adam Wild (Archifact) (dated November 2019), Block Plant Heritage Assessment prepared by Adam Wild (dated November 2019), Heritage Cumulative Effects Memo authored by Adam Wild (dated 1 April 2020) and Adaptive Reuse Options Memo authorised by Adam Wild (dated 7 May 2020). In addition, the application includes a Seismic Assessment prepared by Beca (dated 22 July 2009, and updated on 6 March 2020), Alternative Seismic Advice Plans prepared by Beca (dated 30 April 2020), costings prepared by CJM Quantity Surveyor (dated 30 April 2020) and a Market Valuation prepared by Telfer Young (dated 29 April 2020). The Heritage Impact Assessment, Block Plant Heritage Assessment, Heritage Cumulative Effects Memo and Adaptive Reuse Options Memo has been reviewed by Ms Wendy Turvey (WSP) on behalf of Council. In addition, Ms Turvey has read the supporting economic information and reporting as outlined above.
36. The abovementioned reports will be referred to in the assessment below where relevant. In addition, I will respond to the matters raised in submissions throughout my assessment.
37. There have been a number of resource consent applications with Council which were determined through a notified process (eg Notre Dames des Missions H50 ('Euphrase House'), and the David O McKay Building, Temple View ); as well as Environment Court decisions (eg. Harcourts, Wellington and Notre Dames des Missions H50 ('Euphrase House'), Hamilton<sup>1</sup>) which decided on the fate of a heritage listed building. The assessment of these applications took a balanced response to the assessment to ensure that all competing considerations were weighed to ensure a fair, appropriate and reasonable outcome.

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<sup>1</sup> I would not normally refer to case law in a planning report; however, it is my opinion that these decisions focus on a key aspect to consider in applications for demolitions of heritage buildings. Copies of the High Court judgement and the Environment Court decisions can be made available if required.

38. Therefore, in assessing the heritage effects that may arise from the demolition of a listed building, I consider that there are three key considerations. Firstly, I have assessed the context of the historic building and its immediate environment, and the effect of the demolition on the values or attributes of the building that contributes to its historical significance. Secondly, my assessment considers the structural integrity and current condition of the building. Finally, I have assessed the opportunities and constraints associated with potential alternative uses for the building.

### 6.1 Heritage Values and Context

39. As noted above, the Block Plant building is a B-ranked heritage building listed within the Operative District Plan as H135. The building is not listed in the Heritage New Zealand inventory. The history of the Block Plant building is summarised in the Built Heritage Inventory Record Form that accompanies the District Plan listing (**Attachment 3**). An excerpt from this document is provided below.

*The Block Plant was built by Perry Brown and his crew in 1955 or early 1956. They constructed a building and assembled the 'new machine' which replaced the first 1951 block plant machine. The new machine was referred to as the Columbia block machine and was shipped from the State of Washington. The building consisted of a central plant where the Columbia Block machine was installed, a block curing area, a cement storage shed, generator room, plumbing shop, and paint storage area. In March 1956 the first blocks, which are brick sized, came off the new Columbia Block machine. The new machine provided the option of different block sizes and shapes through the use of different moulds. About 4000 blocks could be produced a day. As of December 1957 the Columbia Block Machine had made nearly 900,000 blocks, not counting half blocks or special blocks (Rongo Pai 1958:173). The Columbia Block Machine produced the blocks used in the Temple, Information centre, McKay building, Headmaster's Home, Temple President's home, missionaries homes, machine shop, timber treatment plant, covered walks at the college, as well as the Dinsdale Chapel. More than 250,000 blocks were shipped to the Pacific Islands.*

*The old Columbia Block plant is now used as the rugby changing rooms. The Church College complex included classrooms, dormitories, gymnasium, auditorium, a library and amenities. The construction of the college was part of a programme of expansion within New Zealand and the Pacific, with the construction of several chapels. Construction of the Temple commenced in 1956 and it was dedicated 20 April 1958. For the construction of the complex temporary accommodation units and facilities were set up in a camp which had its own kai hall and laundry. A block factory and a joinery factory were also established. The cement block (brick) plant was in operation by July 1951, using imported cement. The joinery workshop was the first main building constructed the first bricks for this being laid on 12 August 1952. The ground-breaking ceremony for G.R. Biesinger Hall was held in 1960 and the large Wendell B. Mendenhall Library was opened on campus on 16 February 1964.*

40. As noted above, the Block Plant is a B-ranked building in the Operative District Plan. This ranking is one of two rankings applied to historic heritage buildings and structures in the Operative District Plan. The definitions of these rankings are shown below:

**Plan Ranking A:** Historic places of highly significant heritage value include those assessed as being of outstanding or high value in relation to one or more of the criteria and are considered to be of outstanding or high heritage value locally, regionally or nationally.

**Plan Ranking B:** Historic places of significant heritage value include those assessed as being of high or moderate value in relation to one or more of the heritage criteria and are considered to be of value locally or regionally.

41. The heritage values of historic places are based on the evaluation criteria set out in Appendix 8-1.2 of the District Plan and cover:
  - a) Historic Qualities
  - b) Physical/Aesthetic/Architectural Qualities
  - c) Context or Group Qualities
  - d) Technological Qualities
  - e) Archaeological Qualities
  - f) Cultural Qualities
  - g) Scientific Qualities
42. The heritage values associated with the Block Plant are detailed in the Built Heritage Inventory Record Form. This record identifies the Historic Qualities of the building as 'moderate', the physical/aesthetic/architectural qualities as 'moderate', the context or group values as 'high' and the cultural qualities as 'moderate'. The archaeological qualities were not assessed as part of the valuation process.
43. Mr Wild has provided an alternative assessment of the building against the abovementioned criteria in the submitted Heritage Impact Assessment (dated April 2019). This assessment differs from the Building Inventory assessment in respect of physical/aesthetic/architectural qualities; context or group values, cultural qualities and scientific qualities.
44. In respect of physical/aesthetic/architectural qualities, the assessment assigns a 'low' significance, and considers that *"while the building is somewhat contiguous with the rectangular built forms found across the site in other LDS buildings, it is not designed in the International modern style favoured by the surviving buildings of value. It is a functional building, with simple design aspirations and does not rank highly for its aesthetic or architectural qualities"* (p.15).
45. The report further assigns a 'moderate' ranking to context or group values. This ranking is assigned as the report considers that the building's group values are *"diminished due to its siting away from other LDS historic buildings..."* (p. 15). In addition, the report notes that *"The Block Plant is not visible from Tuhikaramea Rd, and so its contribution to the public perception of the campus is limited. More recent consented development has enabled progress on the Church's envisaging project and has included the tested and consented removal of a number of buildings, including the Category B David O McKay Building. Consented changes to the immediate topography have also reduced the context values of the Block Plant."* (p.15).
46. In respect of cultural qualities, the report assigns a 'low' ranking, contending that *"whilst the building may have sentimental associative value, specifically to Church members and missionaries, outside the LDS Church the building's cultural associations are limited. Whilst the building has*

*enabled the construction of numerous prominent LDS Church buildings which have important cultural value, the Block Plant itself has less associative cultural value.” (p.16).*

47. Notwithstanding the differences in ranking between the Built Heritage Inventory and the report prepared by Mr Wild, both reports arrive at the conclusion that the overall historic value of the building is ‘moderate’.
48. Council commissioned a review of the Archifact Heritage Assessment by Ms. Wendy Turvey (WSP). Ms. Turvey discusses the divergence between the two assessments, and generally concurs with the values identified in the HCC Inventory Report. Specifically, Ms Turvey notes that *“While the building is utilitarian and functional this does not diminish its significance. Its appearance, nature and construction materials simply reflect its use and is not out of kilter with the site. The depth and diversity of heritage value is strengthened by having a range of building type. Generally industrial type buildings are not well preserved or are underrepresented in HNZPT and Council listings. There are approximately 10 “industrial” type buildings contained in Schedule 8A of the ODP. The other scheduled items represent dairy, motor vehicles, railway, power and beer. The Block Plant is the only link to construction and the evolution of building materials from WWII. This Block Plant therefore has much broader heritage significance beyond the Former College site”* (paragraph 21).
49. In respect of ‘context or group qualities’ and ‘cultural values’, Ms Turvey’s assessment sits between that of the HCC Built Heritage Inventory and Mr Wild’s Heritage Assessment. In particular, Ms Turvey considers that the changes in landscape around the Block Plant *“...does not preclude the Block Plant from having values, within the broader heritage landscape. The Block Plant marks the outer extent of heritage buildings within the former Church College site. The building has gained importance since the demolition of its closest heritage neighbour the David O’McKay building.”* [paragraph 22].
50. I have carefully considered the assessment contained in the HCC Built Inventory, the Heritage Assessment prepared by Mr Wild and the evidence of Ms Turvey. While there are diverging views on three criteria, it is my view that all three assessments recognise a level of historic value of the Block Plant building. Specifically, both the HCC Built and Inventory Record and the Archifact assessment assign a ‘moderate’ value to the historic qualities of the building, and are in agreement that the building is part of the established college campus and played an integral part in facilitating the construction of the campus. Furthermore, the assessments note that the Block Plant produced construction materials for other buildings in New Zealand and in the South Pacific.
51. In respect of physical/aesthetic/architectural qualities, I agree with the assessments that the building represents a simple, utilitarian built form. Notwithstanding this, I concur with Ms Turvey’s assessment that the utilitarian style of the building does not diminish its significance. I note that industrial buildings are often representative of utilitarian architecture, and this does not prevent them from being ranked as heritage buildings.
52. Considering the group/context values of the building, I again agree with the view of Ms Wendy Turvey that the changes in the immediate area, including the demolition of other buildings and undertaking of earthworks on the site, this does not preclude the Block Plant from having

context/group values within the broader heritage landscape of Temple View.

53. Notwithstanding the differing views above, importantly, I note that all assessments arrive at the conclusion that the overall heritage value of the building is 'moderate'. This assigned value is commensurate with the 'B' ranking of the building in the Operative District Plan. Taking these above assessments into account, I consider that it is reasonable to conclude that the proposed demolition of the Block Plant will result in irreversible heritage effects. With this conclusion in mind, I now turn my mind to wider planning considerations, specifically the structural integrity of the building as well as the alternative uses explored by the applicant.

## 6.2 Structural Integrity/Seismic Strengthening

54. The application for demolition is supported by a Seismic Assessment prepared by Beca. The original assessment was dated 2009, however, this assessment was updated as part of the S92 Further Information response provided by the applicant. In the interest of clarity, the information in my report is drawn from the updated version of the Seismic Assessment, dated 6 March 2020.
55. The report provides a comprehensive description of the construction, design, alterations and overall conditions of the Block Plant building. In summary, the report concludes there is little evidence of significant structural damage or serious damage from roof leakages. Notwithstanding this, the report identifies features that require further consideration or repair, including a crack in the lintel beam supporting a roof and roller door, as well as effects on the foundation from the excavation at the rear of the building.
56. In respect of the seismic condition of the building, the report outlines the positive and negative attributes of the building that respectively increases or decreases the building seismic performance and behaviour. The report then utilises the procedure developed by the NZ National Society for Earthquake Engineering (NZSEE) to determine the performance of the building in an earthquake event. This process uses various factors and judgments from an appropriately qualified professional to calculate a score (% of the New Building Standard 'NBS') which represents the performance of the building compared with a new building of the same size and shape. The Beca report found that the building returned a rating of 38% NBS. The report also undertook a quantitative assessment, which determined the performance of the building to be between 40%-50% NBS. The report makes the following observations with regards to the statutory requirements for earthquake strengthening:

*At approximately 40-50% the strength of a new building, the former block plant is assessed to be above the 33% threshold that defines an "Earthquake Prone" building in terms of the Building Act 2004. Therefore, the requirement to strengthen this building to a higher level of performance is voluntary. However, this is contingent on the building continuing to function in its current designated "use". As this building falls below 67%NBS, it is however categorised an "Earthquake Risk" building in terms of the definition recommended by the New Zealand Society of Earthquake Engineering. Accordingly, should there ever be a need to renovate the building to accommodate a "change in use" there will be a statutory requirement to strengthen (normally to at least the 67%NBS level)." (p.12).*

57. The report identifies building improvements that can be made to increase the performance of the building to 67% NBS. In addition, the report identifies that the room diaphragm can be strengthened which would, in addition to the other improvements, increase building performance to 80-100% NBS. This level of strengthening may be desirable for some uses, such as residential use. The report states that *“this would be a more substantive undertaking, but feasible in conjunction with some localised destructive tests”* (p. 12).
58. Overall, I consider that the Seismic Assessment indicates that the building is able to be strengthened to the desired standard, with the works required appearing to be achievable and not cost-prohibitive, when considered as a whole. The Heritage Assessment by Mr Wild acknowledges the seismic strengthening requirements as a factor, and considers that these requirements must be weighed against the practicality and cost of adaptive re-use (p.24). I agree with this statement, but consider that the cost of seismic strengthening must also be weighted against the benefit of adaptive re-use.
59. Having reviewed the abovementioned information, I form the view that the structural integrity and seismic performance of the Block Plant is a consideration, however not the primary consideration, in favour of supporting the demolition of the building. In my view, the primary consideration in relation to this application is not the cost of the seismic strengthening in and of itself, but the economic implications of undertaking strengthening in conjunction with the cost of establishing an alternative use. This matter is discussed below.

### **6.3 Alternative Use / Adaptive Reuse**

60. Finally, I have assessed the opportunities and constraints associated with potential alternative uses for the building. In my view, it is appropriate and necessary to consider the extent to which adaptive reuse of the building is viable. In cases where alternative uses are unviable, cost prohibitive, or not aligned with the purpose of a particular Zone, this may result in a historic building being abandoned, remaining unused and becoming derelict. I further note that a number of submissions in support of the proposal consider that alternative uses are cost-prohibitive, and as such, this aspect of the proposal warrants further consideration.
61. The s92 response from the applicant provides an assessment of a number of alternative uses for the Block Plant building, including retail use, community use, industrial use, office use and residential use. In respect of retail use, the application notes that a retail precinct was considered and consented through the Comprehensive Development Plan process. In addition, the response notes that Plan Change 3 – Temple View introduced a Community Focal Point Area into the Operative District Plan, which is governed by the Business 6 Zone rules in the Operative District Plan. Collectively, the consented retail area and concentration of retail activities within the Community Focal Point area ensure that retail development within the Temple View area is comprehensively provided. I therefore agree with the assessment by the applicant that retail use would not be an appropriate use for the Block Plant building. The response also considers industrial uses, and disregards this use due to the location of Block Plant within a future residential area. I agree that an industrial use in this location is likely to be inappropriate and would potentially give rise to a number of nuisance effects on the surrounding area.



62. The response further considers potential community use for the site, noting that a number of buildings within the Temple View area have been adapted for community use, including the GRB Building, Kai Hall and Mendenhall Building (museum). These buildings are situated closely together within walking distances of dedicated carparking areas. I agree that a number of community facilities have been provided within the Temple View township. I note that aside from the Mendenhall Building, it is my understanding that the facilities mentioned above are primarily halls that are available for events/conferences, rather than providing for permanent community activities/uses.
63. The primary re-use options explored for the Block Plant as part of this application is potential office use and potential residential use. The information provided by the applicant includes costings by CJM quantity surveyors (dated 30/04/2020), as well as a Market Valuation report by Telfer Young (dated 29 April 2020). These reports are discussed in further detail below.
64. As part of the Further Information Response, the applicant provided alternative concept plans for both office and residential use. For the offices, the concept plans illustrated three potential offices within the building, ranging in size between 210m<sup>2</sup> and 382m<sup>2</sup>, with one of the offices including the upper floor loft area. The elevation plans illustrate the façades of the building to be substantially modified in order to provide for additional glazing. Parking is provided externally to the building within a carparking area. The alternative concept plans for the residential use shows six apartment units within the building footprint; with these units ranging in size between 91m<sup>2</sup> and 165m<sup>2</sup>. Similarly, the elevation plans illustrate substantial modification to the exterior of the building to accommodate this use.
65. I will firstly consider the office proposal in further detail. The Telfer Young report provides a comprehensive assessment of the economic feasibility of the proposal put forward in the Walker Architects concept drawings, and takes into account the costings provided by CJM Quantity Surveyors. The report included an assessment of market rent and the investment profile of the building. I do not seek to reiterate this information in my report. In summary, the report concludes that the proposal to convert the Block Plant to offices would result in an economic loss of - \$1,305,825. It is noted that this assessment has had regard for Covid-19 market conditions, however, the report considers that the economic feasibility would remain unchanged if the evaluation was done at a date preceding COVID-19 market effects.
66. Potential residential use, being the second option explored by the applicant, was also further assessed in the Telfer Young report. The assessment was based on the concept put forward in the architectural plans, as well as the costing information provided by CJM quantity surveyors. The report determined the market value of the apartment units, including if the units were to be sold on an individual basis or a single line transaction. The highest and best use was considered to be reselling of the units on an individual basis. The report determined that the residential option would result in a loss of -\$1,952,914 based on current market conditions.
67. The overall conclusion of the Telfer Young report is outlined on p. 58, and states “*Both models show a negative result after allowing for the costs of development to be deducted from the “As Proposed”*”

*value. This would clearly show that the repurposing of the former Block Plant as either Office or Residential accommodation is not feasible.”*

68. Further comment on the potential heritage effects of office and residential use of the building was provided by Mr Wild in his “Adaptive Reuse Options” memo, dated 7 May 2020. This memo references the architectural drawings and supporting economic information, and notes that both the office and residential option would result in substantial internal and external modification to the building. The memo concludes that *“the adaptive reuse options require significant intervention and alteration (resulting in loss) of original Block Plant building fabric and a loss of legibility of the original Block Plant typology and consequential values as recognised in the ODP.”* (p.5)
69. Ms Turvey has reviewed the economic feasibility information presented in the Telfer Young report, and the Adaptive Reuse assessment prepared by Mr Wild and concurs with the assessments and conclusions of these documents. That is, both office use and residential use (apartments) would be an economically unfeasible use for the Block Plant. In addition, Ms Turvey concurs that, based on the plans provided by Walker Architects, the alterations proposed to the Block Plant to accommodate either may not necessarily protect the identified heritage values, given the external modifications required to the building to accommodate these uses.
70. I concur with the information in the Telfer Young report, the conclusions drawn from this assessment, and the heritage assessments provided in light of this information by both Mr Wild and Ms Turvey. I am in agreement that the refurbishment of the Block Plant building for either office or residential use is not economically feasible, and that the refurbishment of the building for either of these uses is likely to significantly erode any physical and aesthetic heritage values that the building may hold.
71. Notwithstanding the conclusion that I draw above, I now turn my mind to whether the potential uses for the Block Plant identified by the applicant include all reasonable and non-fanciful uses. That is, I do not consider that it is necessary nor achievable to assess *every* potential use for the Block Plant. However, given the status of the Block Plant as a historic heritage building listed with the Operative District Plan, it is my view that due regard must be given to the re-use of the building as an option above that of demolition. This view is generally supported by the relevant Objectives and Policies as well as Assessment Criteria, which is discussed further below in this report. Ms Turvey, in her Statement of Evidence, has also identified the consideration of all reasonable and non-fanciful uses as a pertinent matter in the determination of this application.
72. In considering potential reasonable and non-fanciful uses for the Block Plant, I have had regard to two key factors, being (i) the zoning of the subject site and associated activity statuses; and (ii) the degree of physical intervention that a use is likely to require, based on the available information to date.
73. The subject site is located within the Temple View Zone. Chapter 5 of the Operative District Plan contains the activity statuses associated with the Temple View Zone. Give the nature of the Zone, the activity status table contains a limited number of activities that are permitted as of right. These include; home-based businesses; homestay accommodation; additions and alterations; demolition

of accessory buildings, external lighting; interior alterations, maintenance and repair and minor works. In my view, none of these listed permitted activities have relevance to the current application and as such, do not need to be explored further.

74. I have therefore carefully considered whether activities that are listed Restricted Discretionary activities in the Operative District Plan can reasonably be considered as potential uses for the Block Plant. While Council has the ability to grant or decline Restricted Discretionary Activities, it is my view that it is reasonable to conclude that, provided activities comply with the relevant standards in the District Plan, Restricted Discretionary Activities are not out of scope of what can reasonably be anticipated within this Zone. Further, it is important to note that any alternative use of the Block Plant would require resource consent (including residential and office use).
75. The Operative District Plan lists a number of activities as Restricted Discretionary activities within this Zone. In respect of other residential activities not considered by the applicant, such as managed care facilities, it is my view that the information provided in the Telfer Young report as well as the Walker Architects plans regarding residential use indicates that any residential use would be economically unfeasible. Furthermore, it is likely that such uses would require substantial internal and external modification of the building, which would affect the physical values of the built form. For these reasons, I do not consider that further assessment for any residential use is required.
76. A range of commercial uses are also identified as Restricted Discretionary Activities within Rule 5.3.3.2, including childcare facilities; dairies; tertiary education and specialised training facilities; healthcare services, and places of assembly. Finally, the table lists community uses such as community centres, marae, places of worship and schools. As above, in my view, it is possible to disregard some of these uses based on the information provided by the applicant and/or the known information about the scale of the building. Specifically, I consider that childcare facilities, healthcare facilities and tertiary education and specialised training facilities and schools are likely to require substantial modification to the building to allow for adequate sunlight and internal amenity.
77. While a commercial use such as dairy is likely to require less external modification to the building, I consider that the scale of the building is unlikely to be suitable for this type of activity. Furthermore, I agree with the view put forward by the applicant regarding retail activities. That is, retail activities are provided for within specific areas within the Temple View Zone to ensure that these areas are comprehensively planned and developed.
78. In respect of community facilities, marae, places of worship and places of assembly, I acknowledge that the Temple View area has well-established and comprehensive facilities for community and religious use, as outlined in paragraph 61 above. However, as noted previously, these buildings (aside from the Mendenhall Building) provide spaces primarily for temporary activities/events, rather than permanent community activities. As such, I have turned my mind to the use of the building as a 'place of assembly'. The District Plan defines place of assembly as follows:

*Places of assembly: Means land or buildings which are used principally for the public or private assembly of persons for cultural, entertainment, recreation, leisure, education or similar purposes. They include conference centres, seminar rooms, gymnasiums, public halls, theatres and cinemas, display galleries and museums.*

79. This activity provides for a wide range of uses; noting that the list within the definition is not exhaustive. In my view, the uses provided for under places of assembly are uses which are both proportionate with the scale of the building (being approximately 800m<sup>2</sup>), as well as being uses that may not require substantial external alterations in order to be accommodated within the built form. This includes uses such as a gymnasium.
80. Ms Turvey further expands on the necessity of considering reasonable alternative uses for the Block Plant in her evidence, specifically noting that *“the building however lends itself to uses such as a “Men’s Shed”, artists’ studios or craft workshop space for pottery, sculpture and alike, storage facilities for local community use, storage of maintenance equipment for the site, and a gym for residents (akin to a gym in townhouse complex). None of these activities would be appropriate or could be accommodated within the existing high-quality community facilities.”* [paragraph 32]. Ms Turvey considers that these uses would likely require less structural intervention and may therefore retain more of the existing heritage fabric of the Block Plant.
81. Overall, I form the view that the applicant has provided robust information on potential residential and office use of the Block Plant, as well as other uses including industrial, retail, and community hall use. I also accept the assessment the applicant has provided regarding the economic viability, need, and heritage effects of these uses. Notwithstanding this, I have reviewed the provisions of the Operative District Plan as it relates to this Zone, and I consider that there are potentially places of assembly/community uses for the Block Plant that would be reasonable to assess further. At the stage of writing this report, I do not have information available to me that would confirm the feasibility of a potential place of assembly or community use for the Block Plant. Nor do I have information that would allow me to discount these uses as being unfeasible. I consider it necessary to explore this potential reuse option within the context of the proposed demolition of a B-ranked heritage building.

#### **6.4 Cumulative Effects**

82. It is acknowledged that the Block Plant sits within a wider Temple View landscape that contains a number of heritage buildings, including the Temple itself, which is an A ranked heritage item in the Operative District Plan. The Temple View area has been the subject of a number of resource consent applications since 2009, which includes alterations to heritage buildings as well as the demolition of the David O Mckay building. Given this changing landscape, it is necessary to consider whether there is potential for cumulative effects arising from the proposal. The potential for cumulative effects is raised in the submission in opposition by M. McDonald.
83. The applicant has provided an assessment of potential cumulative effects in the ‘Heritage Cumulative Effects’ memo prepared by Mr Wild, dated 1 April 2020. This memo considers the context of the building within the Temple View environment, the sensitivity of the receiving

environment, and the consented changes to the historic heritage buildings in the Temple View area. In summary, this memo concludes that *“the conservation and adaptive reuse of 5 significant heritage buildings (including the Temple) along with the significant improvements to the urban and environmental context for those buildings means that there have already been substantial positive cumulative effects on heritage values within the Temple View project. Whilst demolition of the Block Plant will have a minor cumulative effect in terms of brownfield development and loss of redundant buildings, this is adequately compensated by the restoration and re-purposing of higher quality heritage buildings elsewhere within the Temple View area. In conclusion, there is no cumulative adverse effect on historic heritage values of the surviving four listed Category B scheduled items or the Category A Temple individually or collectively arising from the proposed demolition of the Block Plant building. Consequently, there are insufficient grounds for refusal based solely upon cumulative impacts upon remnant heritage values. (p. 7).*

84. Ms Turvey has provided a brief assessment of cumulative effects in her evidence, noting that *“the location of the Block Plant marks the outer heritage extent of the Former College site, symbolises the history of the site, is the only “industrial” type building with heritage values remaining on the Former College site and contributes to small number of listed “industrial” type buildings within Hamilton City. While context is important for heritage structures, it is only to be expected that over time the landscape will change but this in itself does not provide grounds for demolition.”* [paragraph 41 and 42]
85. I have reviewed the assessment by both Mr Wild and Ms Turvey. I note that the Temple View area is unique in that it contains a cluster of heritage buildings which are inherently linked to each other. Notwithstanding this, I disagree with the assessment provided by Mr Wild in that the loss of the Block Plant is able to be compensated by the restoration/re-purposing of other buildings elsewhere in the Temple View area, as each listed building has been identified in the Operative District Plan as having its own heritage value in addition to having contextual heritage value. While I consider that the demolition of one heritage building within the Temple View area is unlikely to give rise to significant cumulative effects on the heritage value of other buildings in the area, in my view the key consideration for this application is not the potential cumulative effects, but the loss of heritage associated with the building in question, being the Block Plant. I therefore do not consider it necessary to further assess cumulative effects in the context of this application.

## **6.5 Mitigation Measures**

86. I have also specifically considered the mitigation measures put forward by the applicant as part of the application. I agree with the evidence of Ms Turvey, who considers that the demolition of a heritage building is a “permanent adverse effect” [paragraph 46]. Notwithstanding this, I form the view that, given the information by the applicant in support of the application, due consideration should be given to potential mitigation measures proposed.
87. The consent application and supporting heritage information provides an outline of mitigation proposed. Specifically, the application proposes to erect a memorial plinth in the vicinity of the former Block Plant, outlining that the purpose of this plinth would be to memorialise the form and function of the Block Plant building. The application states that the plinth will also direct people to

the nearby Pacific Church History Museum, where more detailed records of the former Church College are in storage and on display. It is also proposed to include some memorial elements associated with the Block Plant as part of the proposed rose garden memorial to be developed immediately north of the restored Mendenhall building.

88. Ms Turvey has reviewed the mitigation proposed by the applicant, and does not consider this mitigation to be an appropriate form of mitigation considering the historic significance of the building. Notwithstanding this, Ms Turvey provides recommendation of additional mitigation to be undertaken by the applicant should the Commissioners determine that the resource consent for the demolition of the Block Plant should be granted. It is important to note that Ms Turvey is not suggesting that the additional measures would be adequate to address the loss of heritage from the removal of the Block Plant building. Rather, it is considered that the mitigation provided by the applicant can be expanded upon to more accurately reflect the degree of importance of the building as a listed heritage building.
89. I have reviewed the mitigation measures proposed and I am in agreement with Ms Turvey that further mitigation would be appropriate given the permanent loss of built heritage that results from demolition, should the Commissioners be of mind to grant resource consent. Specifically, I would recommend that:
- (i) an informational interpretation sign be provided along a location on Tuhikaramea Road that is viewable by the public;
  - (ii) a plan showing the proposed location, sign design and maintenance plan be provided to Hamilton City Council for certification;
  - (iii) a plan be provided to Hamilton City Council that provides information on the proposed commemorative information for the Block Plant in the proposed rose garden,
  - (iv) The Block Plant history showcase become a permanent feature in the Pacific Church History Museum in the Mendenhall Library
  - (v) A detailed record be prepared of the building and submitted to Council
  - (vi) Removal and retention of the 'The Bench Press' and 'Back Workout' posters on the upper level of the building, as shown in Appendix E – Photographic Record of the Assessment of Environmental Effects, and display of these posters within the Mendenhall Museum or stored within the Museum archive.
90. I have formulated the abovementioned mitigation measures as recommended conditions of consent, should consent be granted. These conditions are attached as Attachment 1.

## **6.6 Positive Effects**

91. An assessment in terms of s104(1)(a) also requires regard to be had for any positive effects on the environment associated with the proposed development. The proposed demolition of the Block Plant building will enable the applicant to develop the subject site for residential purposes, thereby increasing housing stock and housing choice within Hamilton City.

92. The applicant has not proposed any offset or compensation for any adverse effects on the environment that may result from allowing the activity pursuant to s104(1)(ab) of the RMA 1991. As such, I have not taken offset or compensation measures into consideration in my overall assessment of effects.

## **7 ASSESSMENT OF RELEVANT PLANNING INSTRUMENTS – S104(1)(b) RMA**

### **7.1 National Policy Statements or Standards**

93. In my opinion there are no National Policy Statements or Standards which are relevant or have any particular bearing on the application.

### **7.2 Regional Policy Statement and Plans**

94. The Waikato Regional Policy Statement (WRPS) provides an overview of the resource management issues in the Waikato region and sets the direction and foundation of the regional and district plans which must give effect to the WRPS.
95. Objective 3.18 sets out that sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato region's and New Zealand's history and culture. This Objective is to be achieved through various policies, including Policy 10.3.2 which outlines a set of criteria that District Plans should have regard to when assessing whether an activity is appropriate.
96. The RPS specifically seeks that heritage items be identified in District Plan, and provides guidance as to matters to consider. However, it is noted that the RPS does not identify how, or to what level, this protection and enhancement is to be achieved. As such, it is my view that the RPS direction is more relevant to the District Plan review process than an individual resource consent application. Given that the Operative District Plan provides a comprehensive inventory of heritage items, specific Objectives and Policies and Assessment criteria, I do not consider that there is a need to further consider the specific provisions of the RPS for the purposes of this consent.

### **7.3 Operative District Plan**

97. The Hamilton City District Plan became operative on 18 October 2017. The District Plan is the key planning instrument which provides guidance on the heritage and character values which have been identified as being important.
98. The criteria for listing heritage buildings was revisited as part of the 2010 District Plan review, with each heritage listed building being re-evaluated and ranked using the revised criteria. The provisions relating to heritage listed buildings was also reviewed with one significant change being the addition of a less activity status for earthquake strengthening, than for general alterations and additions to the exterior of a heritage item.

99. The Operative District Plan contains a number of plan provisions which are directly relevant to the assessment of the application to remove the Block Plant. These will be discussed in terms of:
- Objectives and Policies – Special Character Zone
  - Objectives and Policies – Heritage
  - Assessment Criteria
100. It is noted that the original AEE did not provide an assessment of Objectives and Policies. Further comments on Objectives and Policies are provided in the applicants' response to the Heritage New Zealand comments, submitted on 2 July 2020. Given the nature of the proposal, I seek to make further comments in relation to the extent to which the proposal achieves the relevant objectives and policies.

### 7.3.1 Objectives and Policies – Chapter 5: Special Character Zones

101. I consider the following Objectives and Policies in the Special Character Zones chapter to be relevant for this application:

#### **All Special Character Zones**

**Objective 5.2.1** *The Special Character Zones retain and enhance their identified values.*

**Policy 5.2.1a** *Cumulative adverse effects on the character of the area are avoided wherever practicable.*

**Policy 5.2.1b** *Development is consistent with the reasons for the site being included within a Special Character Zone.*

**Policy 5.2.1d** *Buildings are designed so they do not physically dominate or adversely affect the residential character of the neighbourhood.*

#### **Temple View Zone**

**Objective 5.2.7** *To ensure development within the Temple View Character Area maintains and enhances its special character.*

**Policy 5.2.7a** *Development maintains the character, appearance and relationship to Tuhikaramea Road and the Temple View Village.*

**Policy 5.2.7b** *The design of new buildings and structures in terms of their height, materials, scale and form is in keeping with the scale and character of the area.*

**Policy 5.2.7i** *The heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage are used and developed in a manner that maintains their distinctive heritage values.*

102. The subject site is located in the Temple View Zone. The Zone identifies those areas of Temple View which, through a combination of built and landscaped features deriving significant influence from the facilities built by The Church of Jesus Christ of Latter-day Saints, has produced a distinctive character. The Temple View Character Area, where the subject site is located, contains elements of the built and landscaped environment which have combined to produce a specific character.
103. In my view, these provisions provide a strong direction to ensure that any development positively responds to the Temple View landscape in which it sits. The Block Plant building is identified as a heritage building within the Operative District Plan; and as such, I consider that the building in its current form and location forms part of the identified character in the Temple View Character Area.



104. I consider that Objective 5.2.7 and its associated policies identify that the Temple View Character Area is sensitive to any changes, both in terms of built form as well as types of activities in the area. The applicant considers that the demolition of the Block Plant will enable the subject area to be developed for residential purposes in accordance with the provisions of the Operative District Plan, and as such, the character of the area will be maintained by the current proposal.
105. I agree that the removal of the Block Plant building would create a 'blank slate' that would enable the subject area to be comprehensively developed to integrate with the consented residential development under CDP2. However, given the heritage status of the building, I consider it is necessary to explore whether the retention and re-use of the Block Plant building would equally or more strongly align with Objective 5.2.7 and its associated policies, noting that Policy 5.2.7i specifically references the importance of ensuring that heritage buildings maintain their values when used or developed.
106. As discussed in Section 6 above, my assessment is that the applicant has comprehensively assessed the redevelopment of the Block Plant building for residential and office purposes; and has discounted these uses in terms of economic feasibility as well as effects on the heritage values of the building. I agree with this assessment, as set out previously. Notwithstanding this, my assessment identifies that not all reasonable and non-fanciful uses have been explored by the current application. Specifically, I identify that use of the building as 'Places of Assembly' may be feasible, both in economic terms as well as maintaining the heritage value of the Block Plant. At the stage of writing this report, these uses have not yet been fully explored.
107. In summary, while I acknowledge that the proposal to demolish the Block Plant is not contrary to the abovementioned Objectives and Policies given the undeveloped state of the immediately surrounding environment, I consider it is feasible that the redevelopment of the site to include the retention of the Block Plant would achieve the Objectives and Policies outlined above. In my view, it is likely that a stronger alignment with these Objectives and Policies are able to be achieved by the re-use of the Block Plant, given that Policy 5.2.7a specifically requires heritage buildings to be used and developed in a manner that maintains their heritage value. I conclude that, due consideration should be given to a 'low level' alternative use of the building that will enable the proposal to more strongly align with Objective 5.2.7.

### **7.3.2 Objectives and Policies – Chapter 19: Historic Heritage**

#### ***All Historic Heritage***

**Objective 9.2.1** *Significant buildings, structures, sites and items that define the City's historic heritage are identified and protected.*

**Policy 19.2.1a** *The City's historic heritage shall be protected from the adverse effects of subdivision, use and development.*

**Policy 19.2.1b** *Ensuring that where features have been destroyed or damaged, the historical heritage values of these sites are recorded and recognised to ensure the historical legibility of Hamilton City.*

**Policy 19.2.1c** *Subdivision and development shall adhere to the conservation principles of International Council on Monuments and Sites (ICOMOS) being the New Zealand*

*Charter (2010) for the Conservation of Places of Cultural Heritage Value where applicable.*

**Objective 19.2.1** *The heritage values of a diverse and representative range of natural, physical and cultural resources are protected.*

**Policy 19.2.2a** *Items of significant heritage value (buildings, objects, areas, trees and sites) shall be scheduled.*

**Policy 19.2.2b** *The loss of heritage values associated with scheduled items shall be avoided.*

**Policy 19.2.2c** *Outstanding examples of a particular type of site, or sites that are highly significant to the community shall be scheduled*

#### **Buildings and Structures**

**Objective 19.2.1** *The heritage values of significant buildings, structures and their immediate surroundings are protected.*

**Policy 19.2.3a** *Demolition or relocation of buildings and structures ranked A in Schedule 8A shall be avoided.*

**Policy 19.2.3b** *Demolition or relocation of buildings and structures ranked B in Schedule 8A should be discouraged.*

**Policy 19.2.3c** *Subdivision and development shall retain, protect and enhance the heritage values of any building or structure listed within Schedule 8A.*

**Policy 19.2.3d** *Subdivision and development avoid any potential cumulative adverse effects on any building or structure listed in Schedule 8A*

**Policy 19.2.3e** *Heritage buildings and structures shall be used in a manner that ensures essential heritage qualities are not damaged or destroyed.*

**Policy 19.2.3f** *The design, materials and finish of any development shall be consistent with heritage values.*

**Policy 19.2.3g** *The continued use or adaptive reuse of any building or structure of identified heritage value shall be encouraged.*

**Policy 19.2.3h** *The site surrounding the heritage building or structure shall be protected to the extent that it contributes to the heritage value.*

**Policy 19.2.3i** *Encourage the strengthening of buildings in Schedule 8A to increase their ability to withstand future earthquakes while minimising the significant loss of associated heritage values.*

108. Given the strong linkages between the Objectives and Policies within Chapter 19, I have considered these provisions comprehensively. In my opinion, it is evident from an overall review of the Objectives and policies associated with heritage that there is a broad emphasis on the protection of heritage values in Hamilton City. However, it is noted that the Objectives and Policies recognise that adaptive re-use may be required to ensure that heritage values are protected. In addition, the Operative District Plan does provide for a distinction between A ranked and B ranked buildings, which will be discussed in further detail below.

109. The majority of the Objectives and Policies such as Objective 19.2.1, 19.2.2 and 19.2.3 promote the protection and ongoing use of buildings with historic heritage. Policy 19.2.2b specifically states that the loss of heritage values associated with scheduled items shall be avoided and Policy 19.2.3c

refers to any subdivision and development retaining and protecting the heritage values of scheduled buildings. Notwithstanding the strong wording within these provisions, I consider that the provisions must be read in conjunction with the explanatory notes that accompany the provisions. In particular, it is noted that the Explanation for Objective 19.2.2 states that the destruction of an item shall be assessed against the criteria which seek to maintain the item's heritage value. In addition, these notes explain that the loss of heritage values will be considered through a consent process. As such, it is reasonable to conclude that, although these Objectives and Policies contain strong direction in terms of retention of heritage, the District Plan does provide a mechanism for an assessment and overall weighting of heritage loss within the consenting process.

110. Policy 19.2.3a and 19.2.3b provide some more specific direction particularly with regard to providing a distinction between building ranked A and buildings ranked B. Policy 19.2.3a states that demolition and relocation of A ranked buildings *shall be avoided*; whereas, for B ranked buildings Policy 19.2.3b states that demolition and relocation *shall be discouraged*. I consider that Policy 19.2.3b adopts a less onerous position for B-ranked buildings; indicating that a loss of heritage may be anticipated for B-ranked buildings in certain circumstances. This view is supported by the Explanation of these provisions, which indicates that the aim of the District Plan is to *minimise* the loss of historic buildings and structures, and that demolition of highly significant historic buildings and structures will be considered only in *exceptional circumstances* [emphasis added].
111. It is therefore necessary to consider the proposal within the wider Objectives and Policy framework, while also acknowledging that Policy 19.2.3b specifically provides for a less onerous position for B-ranked buildings. Taking direction from the explanatory notes for the Objectives and Policies, I turn my mind as to what 'exceptional circumstances' might mean for a B-ranked heritage building, and whether the applicant has demonstrated through the provision of expert evidence and supporting information that exceptional circumstances exist.
112. As discussed in my Assessment of Environmental Effects in Section 6 above, I acknowledge that the applicant has provided robust supporting information and assessment with regards to potential office and residential use. I consider that this evidence is credible and clearly demonstrates that use of the building for office or residential units is both economically unviable and likely to result in a loss of heritage values. Notwithstanding this conclusion, I turned my mind as to whether these uses represents an exhaustive list of reasonable reuse options for the Block Plant. Keeping in mind the B-ranked status of the building, I considered the provisions of the Operative District Plan in respect of the Temple View Zone, and utilised the information provided by the applicant to either discount or otherwise potential uses of the Block Plant building.
113. Using this information, and considering that the District Plan provides for less onerous requirements for B ranked buildings, I was able to discount a number of potential uses for the Block Plant that would require significant external works to the building. However, I also identified that the "Places of Assembly" activity provided for a range of activities that may provide for 'lower level' uses of the building that minimise economic investment, earthquake strengthening requirements and external alterations to the built form. This conclusion is supported by the evidence of Ms

Turvey, who considers that there are “*lower level uses that would enable the building to be retained with some structural strengthening to 67%...*” [paragraph 59]. At the stage of writing this report, no information or assessment of this use has been provided by the applicant. I consider that further assessment of reasonable alternative uses is required in order for me to conclude that the applicant has demonstrated exceptional circumstances in support for demolition as it relates to a B-Ranked building.

114. Overall, whilst Policy 19.2.3b applies a less onerous test for the removal of B ranked buildings it is my opinion that this Policy, in consideration with the wider Objective and Policy framework, still seeks to ensure that the loss of heritage only occurs as a last resort and in exceptional circumstances demonstrated through the consenting process. Taking into account my assessment above, and on balance, I therefore do not consider that the proposal aligns with the Historic Heritage Objectives and Policies of the Operative District Plan.

### **7.3.3 District Plan Assessment Criteria**

115. As a Discretionary Activity, Council has full discretion over the assessment of the application. The District Plan includes assessment criteria which can be used to support this assessment. I have reviewed the assessment criteria in Section 1.3.3, and consider the following assessment criteria to be relevant; noting that my discretion is not restricted to these criteria.

#### **E – Heritage Values and Special Character**

*E1 The extent to which the proposal, development, excavation or subdivision of a historic heritage site or place:*

- a) Is consistent with the identified heritage values, including scale, design, form, style, bulk, height, materials and colour, and retains, protects or enhances the historic context.*
- b) Provides for design, layout or location of the activity, including associated building platforms, vehicle access and services on site in a manner that will minimise the disturbance of the site.*
- c) Provides for the on-going maintenance of the site to ensure that the site is preserved and that damage does not occur.*
- d) In Schedule 8A of Appendix 8 maintains visual linkages between the building or structure and the street.*
- e) Is compatible with the reasons for inclusion of the building, structure or site and its significance in Schedules 8A or 8B, of Appendix 8.*
- f) Addresses cumulative effects on heritage values.*
- g) Considers the irreversibility of an effect (e.g. the loss of unique features)*
- h) Considers the opportunities for remediation and the costs and technical feasibility of remediation.*
- i) Considers the resilience of the heritage feature to change (e.g. the ability of the feature to assimilate change, or the vulnerability of the feature to change).*
- j) Adheres to the conservation principles of International Council on Monuments and Sites (ICOMOS) New Zealand Charter (2010) for the Conservation of Places of Cultural Heritage Value, where applicable.*
- k) Includes consultation with Heritage New Zealand Pouhere Taonga.*
- l) In the event of relocation, has adequately considered whether the relocation is necessary and whether appropriate measures are proposed to ensure any potential adverse effects on heritage values are avoided, remedied or mitigated.*

*m) Incorporates proposed planting, fencing and identification (e.g. signage) sufficient to ensure site recognition.*

**Temple View Character Area**

*E13 Whether it has been clearly demonstrated that demolition of any heritage building in Schedule 8A of Appendix 8 is necessary, considering alternatives for the refurbishment or re-use of the building, financial cost and technical feasibility.*

*E14 Any immediate or cumulative effects of the loss, alteration or removal of any buildings on the overall coherence of the Temple View Character Area.*

*E15 The extent to which new development or earthworks would adversely affect the landscape setting and views of the Temple View Character Area.*

*E16 The extent to which new development maintains a coherent character within the Temple View Character Area and, where relevant, integrates with development within the subject Precinct, and any adjacent Precinct.*

116. As detailed in the preceding assessment, while there is some difference in expert opinion on the significance of the historic aspects of the Block Plant, there is overall agreement that the building has historic value congruent with its 'B' ranking in the Operative District Plan. The current proposal seeks to demolish the Block Plant building and provides for mitigation measures, such as a commemorative plinth in the vicinity of the subject site.
117. Demolition of a heritage building results in a permanent and irreversible effect on the heritage values of the item. As in the case of the Objectives and Policies assessed above, the assessment criteria primarily focus on ensuring that heritage values are maintained, and that if any alterations or changes are proposed, that these changes are consistent with identified heritage values of the building or item.
118. I note that the Block Plant is not listed in the Heritage New Zealand inventory. Nonetheless the applicant undertook consultation with Heritage New Zealand as part of the consenting process. Correspondence from Heritage New Zealand raises a number of matters in relation to assessment of the proposal against Objectives and Policies, potential cumulative effects, and adaptive re-use options not being fully explored. The correspondence indicates that Heritage NZ does not support the demolition of the Block Plant. No formal submission was received from Heritage New Zealand. Notwithstanding this, I consider that my assessment throughout this report addresses the matters raised in the correspondence from Heritage New Zealand.
119. Notwithstanding the focus on retaining heritage values, assessment criteria E1 h) requires Council to assess the proposal against the extent to which the proposal considers *the opportunities for remediation and the costs and technical feasibility of remediation*. The inclusion of this assessment criteria points to economic and technical feasibility of re-use of a heritage feature as a valid consideration within a consenting framework. In addition, assessment criteria E13 which relates to the Temple View Character Area specifically requires consideration of *whether it has been clearly demonstrated that demolition of any heritage building in Schedule 8A of Appendix 8 is necessary, considering alternatives for the refurbishment or re-use of the building, financial cost and technical feasibility*.

120. I have provided a comprehensive assessment of the extent to which the applicant has explored alternative uses in my assessment throughout this report. In summary, I accept the evidence and assessment provided by the applicant in respect of office and residential use of the building. I agree that these uses are both economically unfeasible and will result in adverse effects on the heritage value of the building. However, it is my view that further consideration should be given to potential 'low level' use options, in particular potential use as a 'place of assembly', such as gymnasium. In the absence of this assessment, I am unable to come to the view that the applicant has assessed all potential reasonable re-use options for the building. Taking the above assessment into account, and on balance, I am therefore of the view that the proposal is not consistent with the assessment criteria outlined above.
121. In my preceding assessment, I have also considered the extent to which the mitigation proposed by the applicant addresses the effects of the proposal, should the commissioners be of mind to grant the resource consent. While mitigation measures cannot fully mitigate the loss of a heritage item, it is important that the measures proposed are commensurate with the importance and value of the building. I agree with the additional mitigation measures recommended by Ms Turvey in her evidence, and have formulated these as recommended conditions of consent attached as Attachment 1.

## **8 OTHER MATTERS – S104(1)(c) RMA**

### **8.1 Council Strategies and Plans**

122. Council has a wide range of strategies and plans in terms of social and economic growth as well as for the supply of services and provision of infrastructure and are referenced in Section 1.1.2.2 of the District Plan. These strategies and plans help to inform and shape the provisions of the District Plan which provides the direct planning framework and assessment of land use activities.
123. In my view the application does not raise any fundamental issue with these strategies that Council has adopted.

### **8.2 Waikato-Tainui Environmental Plan**

124. The Waikato-Tainui Environmental Plan includes objectives and policies that aim to ensure that urban development is well planned; and the environmental, cultural, spiritual, and social outcomes are positive. The Plan is designed to enhance Waikato Tainui participation in resource and environmental management and for developers and statutory bodies to gain an understanding as to what the aspirations of Waikato-Tainui as an Iwi Authority are.
125. I am of the view that the proposal is not inconsistent with the urban growth aspirations of the Waikato Tainui Environmental Plan.

## 9 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

126. Part 2 of the RMA consists of Sections 5-8 and establishes the purpose and principles of the Resource Management Act 1991. Recent case law has confirmed that it may be appropriate to have recourse to Part 2 in the context of a resource consent application [*RJ Davidson Trust v Marlborough District Council [2018] NZCA 316*]. Whether that is necessary will depend on the nature and context of the statutory documents in question.
127. I consider that the relevant District Plan provisions in respect of this application have been competently prepared. I consider that these provisions are clear, complete and unambiguous. Accordingly, I do not consider there to be any need for further recourse to Part 2 for the purposes of assessing the application.

## 10 CONCLUSION AND RECOMMENDATION

128. Resource consent is sought for the demolition of a B-ranked heritage building, being the Block Plant building, at Temple View, Hamilton City.
129. The primary matters for consideration relate to the heritage effects associated with the demolition of a listed heritage building in the Operative District Plan.
130. The application is supported by a number of specialist reports, including heritage assessments and a seismic assessment. In addition, the application provides a comprehensive assessment of the potential re-use of the Block Plant for office or residential purposes. This assessment is supported by concept plans, costings information and a market evaluation report.
131. Submissions have been received in support and one submission in opposition. The submissions in support primarily focus on the cost of upgrading the building, the lack of potential uses for the building, and the the benefits associated with use of the land for housing. The submission in opposition primarily focuses on the cumulative effects of the proposal on the Temple View area.
132. Taking a balanced and reasonable approach, I have carefully assessed the effects of the proposal on the heritage values of the building, the structural integrity and current condition of the building and the opportunities and constraints associated with potential alternative uses for the building.
133. I considered that the information provided by the applicant in respect of office and residential use for the building is robust and reasonable, and I am therefore able to conclude that the use of the building for these activities is both economically unfeasible and will result in a loss of heritage value of the built form. I have also, relying on information submitted by the applicant and my own knowledge and understanding of the District Plan, discounted a number of other potential uses of the Block Plant that would have similar or same overall feasibility. However, through this assessment I have determined that there are other reasonable and non-fanciful potential uses, such as a Place of Assembly, that are likely to require lower levels of structural intervention and economic investment that warrant further consideration in the first instance. This assessment is supported by the evidence provided by Ms Turvey on behalf of Council.

134. I do not currently have the information available to me to confirm that these uses are viable, or otherwise, confirm that they are not viable. Having assessed the proposal in light of the District Plan provisions, it is my view that the overall direction of the District Plan in respect of heritage items is that demolition should only be considered in exceptional circumstance.
135. On balance, and in light of the preceding assessment, I am unable to support the current application. My recommendation is that resource consent for the demolition be declined.
136. Notwithstanding the conclusion I draw above, should the commissioners be of mind to grant resource consent, I have compiled a list of recommended conditions of consent. In my opinion, the heritage conditions proposed in this Attachment 1 are better reflective of the heritage value and status of the building.



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2 September 2020