

SUPPLEMENTARY STATEMENT OF RYAN O'LEARY – PLANNING

PNCC REPORTING OFFICER - 22 JANUARY 2021

Pre-application meeting(s)

1. Mr Forrest referred to three pre-application meetings with Council. The first is recorded by Mr Forrest as being 26th February 2018. I recall that this meeting was in relation to what has been termed Version 1 of the application. This meeting was attended by Mr Forrest, Mr Soong and Professor Neall. I attended this meeting with Council Officers: Mr David Lane (Roading Manager); Mr Dave Charnley (Urban Designer); and, Rebecca Kinloch (Client Liaison Officer).
2. Mr Forrest is correct that the Council seeks to provide a “wrap-around service” for major projects to co-ordinate advice from Council Officers. Through this service, the Council often pays for external consultants to assist Council in providing independent expert advice to inform preliminary discussions with applicants on specific applications. This extends to Heritage and Urban Design experts as is relevant to this application. Funding for such expertise is offered in a considered and restrained way, preferring to provide a peer review of the applicant’s expert advice and avoiding the Council’s regulatory team being a “pseudo design” or development service.
3. The first of these pre-application meetings on 26th February 2018 was not attended by any heritage or urban design experts for the applicant. I recall that I set out at this initial meeting that as there was not a full suite of experts present, the meeting was intended to be an opportunity for the applicant to “introduce” the project to Council Officers. Council’s feedback was not provided on substantive matters but on process matters. I encouraged the applicant to seek their own independent urban design and heritage advice and to arrange a further pre-application meeting at a later date.
4. I note that Mr Charnley’s involvement in this initial meeting was limited to his supervisory role in promoting good urban design outcomes for the City and not in a regulatory capacity. I recall that Mr Charnley also made that point clear in the meeting. In depth urban design review would follow later, likely to be an independent expert external to Council.

5. Mr Forrest addressed his recollection of comments made by Mr Lane in his supplementary statement of evidence. My recollection of matters differ from Mr Forrest in some respects and Mr Lane is no longer employed by PNCC. However, I do not consider that it is helpful to the panel's task for me to traverse this. I merely point out that a factual account that when the applicant was lodged:
 - a. I requested in Section 92 Request No: #1 (item 7) that the applicant *outline whether any consultation has occurred with the Council's Roading Manager with respect to structure(s) over/within legal road; and if so, to detail the outcome of that consultation*"; and,
 - b. The response received by the applicant on 15 Jan 2019 was as follows: *"We understood that Mr Lane had no particular concerns about what was being proposed, given the widening of the footpath and narrowing of the road in front of the church that had already occurred. If that is not the case then Mr Lane is welcome to make his views known to the Applicant directly or to PNCC's RMA S42A Reporting Officer (Ryan O'Leary) who will take such views into consideration as he drafts his report and recommendations"*.
6. The second pre-application meeting occurred at a later date. I would estimate this was around May 2018 as it was an "introduction" to version 2 of the application. No heritage or urban design experts were present from the applicant and the feedback from Council was again limited to procedural rather than substantive matters.
7. The third and most involved pre-application was held at the Church on 10th October 2018. There was an invitation to the applicant for Ian Vincent from Urban Logic to attend. However, the desire from the applicant was to focus on heritage matters.
8. It was attended by Professor Neall; Mr Soong; Mr Forrest; Mr Chapple and Vicar Dixon. I attended this meeting with Mrs Kinloch and Jenny May, an independent heritage expert engaged by the Council. At this stage, the applicant had provided a draft application which we were able to review and provide a "completeness check" in addition to some additional (preliminary) heritage advice.
9. I *attach* the email summary of Council's feedback provided to Mr Soong and Mr Forrest on 25 October 2018. I drafted the email summarising the written feedback I received

from Jenny May. I note that myself and Jenny May were cautious not to indicate any pre-determination of the application as we approached the application with an open mind. However, our comments were assisted by the draft application provided by the applicant.

10. Of particular relevance I note that the email feedback highlights the following:

- a. It suggests that the applicant include the approval of Roading Authority for any encroachment into legal road in an application (including impact on the pedestrian environment etc);
- b. It mentioned that significant parts of the conservation plan appear to be at odds with the proposed new design. For instance, the conservation plan clearly states that any additions or alterations should be undertaken in a manner that does not impact on the street elevation of the church, its visibility and should be in accordance with the ICOMOS Charter (NZ) 2010.
- c. It is unclear to what extent the Church has decided to adopt/rely on the conservation plan.
- d. That is common for a building of National importance to have a heritage professional or heritage architect involved in the design and the application.
- e. That alternatives to demolition of the baptistry have not been discussed in the draft application and suggested a detailed assessment of alternatives be provided.

11. Commissioner McMahon asked Mr Forrest whether the Council has raised any “red-flags” to the proposal. To this end I note that this email states:

“I should advise that based on the current proposal and level of information provided, Jenny May (Council’s Independent Heritage Expert) has advised in her professional opinion that she would determine the adverse effects on heritage values to be ‘more than minor’. This advice would likely influence the recommendation for the notification decision (e.g. a recommendation for public notification).”

12. No further pre-application meeting were requested from the applicant after that point to discuss any heritage or urban design matters. The end of the email attached extends an invitation to further pre-application meeting discussions.

Pre-hearing meeting

13. At [52] of Mr Maassen's legal submissions he refers to the letter sent by the Diocese on 8 September 2020 in which the Church suggested an expert facilitator be engaged to conduct a pre-hearing meeting. He states that there was no response from Council. This is incorrect. I made contact with Mr Soong and discussed this matter directly shortly after the receipt of this letter.

14. I noted to Mr Soong that there were some 14 submitters who wished to be heard plus potentially a large quantum of witnesses from the Applicant, Council, and potentially submitters. I expressed to him my view that this could be logistically challenging and that it may be of greater assistance to the panel if we were to arrange expert witness conferencing. Nevertheless, arranging this meeting was still made open to the applicant. I understood that Mr Soong agreed with me on this point and this request was not raised by the applicant further.

Palmerston North City Council Earthquake-Prone Building Programme

15. To assist the panel, I have sought factual advice from Council's Building Team Leader, Mr Bryan Clark, which relates to the letter to All Saints Church on the Council's Earthquake-Prone Building Programme. The letter is dated 14 November 2019 and is included in the Bundle of Documents (#15 on page 187).

16. The panel had questions to Mr Maassen around the timeframes which applied in this letter. In simple terms, the letter gives the Diocese 12 months (until 14 November 2020) to advise whether they accept the Council's Initial Evaluation Procedure (IEP); or, to provide an alternative engineering assessment. Mr Clark has informed me that no response has been received from the Diocese and that a "formal notice" (as referred to below) has not been issued.

17. Page 2 of the letter states:

“If your building is confirmed as being earthquake-prone, [PNCC] will issue you with a formal notice that means you will have to:

- *Display a notice(s) on your building that informs people it is earthquake-prone.*
- *Strengthen your building or make it safe in other ways within 7.5 years of the date of the formal notice”.*

18. It follows then that the timeframe that applies to strengthen the building or make it safe in other ways is 7.5 years following the date that this (future) notice is issued.

Conditions

19. Dr Gjerde and others discussed the importance of transparency of glazing and views through the building. I note that the permitted activity standards for the Inner Business Zone requires “clear glazing” (R11.6.1.2(h)) but the District Plan does not define what that is. Following advice from glaziers, Council routinely applies a standard consent condition for such developments that requires glazing with no more than 70% Visual Light Transmittance; and, no more than 20% Visual Light Reflectivity. This is to be certified by the manufacturer at time of application for building consent.

20. I am not sure whether applying these specific values would achieve the desired outcome of transparency. I suggest then instead that a condition of consent would be helpful, should consent be granted, which sets out the purpose of transparency and a high quality of detailing of flashing etc. Achieving this purpose would be reviewed by both an independent heritage and urban design expert when being certified by the Council. Those certified details would then be implemented by the consent holder.

Objectives and Policies

21. A primary difference between my approach and this of Mr Forrest is that, as he explains at [39] of his evidence, he considers it necessary to reconcile the objectives and policies systematically into a coherent statement relevant to what relevant to what is proposed in the application in the context of sustainable heritage management looks like.

22. My evaluation, as I have explained in paragraph [4.4] of my s42A Report, has considered the proposal’s ‘fit’ with the policy framework, and provided what I consider to be a fair

appraisal of the relevant provisions when read as a whole. However, where policies are expressed in more directive terms should be given more weight than those that are phrased more generically. For this reason, I considered it important to undertake a detailed assessment of the relevant policies, as I have done so in my evidence.

23. I have also considered that the proposal is contrary to many of the Plan's directive policies and offends the policy direction to such an extent that resource consent should be declined. I summarise this in paragraph 4.100¹ of my s42A report.

¹ s42A Report Ryan O'Leary, Page 56

From: [Ryan O'Leary](#)
To: ["david@forrestplanning.co.nz"](mailto:david@forrestplanning.co.nz); ["Matt Soong"](#)
Bcc: ["simon.mori@pncc.govt.nz"](mailto:simon.mori@pncc.govt.nz); ["Jenny May"](#)
Subject: All Saints Feedback - Draft RC Application Completeness Check and Notification Decision
Date: Thursday, 25 October 2018 12:03:22 PM
Attachments: [image001.png](#)

Hello David & Matt

Thank you again for meeting with myself and Jenny May on Wednesday 10th October.

We have since had the opportunity to read the draft material supplied, in addition to hearing your presentation; viewing the 3D Model; and, undertaking a tour of the Church building itself.

We certainly appreciate the considerable work and consultation that has gone into the development of this proposal. Up until now, the Palmerston North City Council has not been in a position to provide any feedback on the proposal – but now that Jenny May has been engaged and we have a draft application we are able to provide some commentary.

We will begin first of all by acknowledging the positives. We would commend the Church's decision to structurally strengthen this significant building. It was valuable to also understand the needs of the Church and the desire expressed to make All Saints more accessible and usable by current standards and in today's world. However, as I am sure you appreciate, All Saints is a significant heritage building and with this proposal careful consideration must be given to measuring the effects of the proposal on the heritage values of the building. The proposal is for considerable change to the liturgical west and south facades of a building that carries a Heritage New Zealand Category I listing and a Category 1 heritage listing in the Palmerston North District Plan Schedule of Buildings (PNDP) and Objects of Cultural Heritage Value. I note that Category I buildings and objects in the PNDP are considered to be "...of outstanding cultural heritage value to the City".

Completeness Check:

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We have undertaken an initial 'completeness check' of the application and provided comments below. I would note the following:

1. Appendix I: District Plan Assessment hasn't included several of the Relevant Assessment Criteria under R17.7.2 or any other relevant Inner Business Zone Rules.
2. The Section 104 assessment does not identify as an "Other Matter":
 - a. The ICOSMOS Charter;
 - b. the Conservation Plan and of consistency with this document – in particular Ian Bowman's Recommendations for expert involvement (see Page 43);
 - c. Heritage NZ Information Sheet 12
 - d. PNCC Urban Design Strategy;
 - e. Approval of Roading Authority for any encroachment into Legal road (impact on pedestrian environment etc);
 - f. PNCC City Centre Streetscape Plan (although the site is not within the Study Area is directly adjoins/interfaces with the Study Area)
3. The draft application includes the conservation plan by Ian Bowman. Significant parts of the conservation plan appear to be at odds with the proposed new design. For instance, the conservation plan clearly states that any additions or alterations should be undertaken

in a manner that does not impact on the street elevation of the church, its visibility and should be in accordance with the ICOMOS Charter (NZ) 2010. I do note that the Conservation Plan includes the owner's objectives but it does not address them in any way.

4. Whilst the assessment of effects by *Plan.Heritage* is somewhat comprehensive in its detail, it is (respectfully) light on its evaluation of the impact of the proposal in particular on the liturgical west end. Neither matters 2a) to 2c) above have been assessed in the Heritage Assessment, as suggested in the conservation plan – will an assessment of these matters influence the conclusions of the Heritage Expert?
5. It is unclear to what extent the Church has decided to adopt/rely on the conservation plan. In our experience it is common for a building of National importance to have a heritage professional or heritage architect involved. Where a Conservation Plan has been prepared the author is generally involved in the project going forward. Was Ian Bowman involved in the development of the proposal? And if not why?
6. The draft application discusses previous versions of the application and alternatives to demolition of the baptistry being considered – However, there is no detailed assessment of alternatives. We would suggest you consider its inclusion in any final application.
7. It would be helpful if Section 2.3 of the AEE provided further explanation in term of the full scope of the works. Significant details need to be interpreted from the plans.
8. We understand that the engineering proposal had been peer reviewed – is a copy of the peer review intended to be submitted with the application? Was the proposed engineering solution discussed with a heritage professional at any point with regard to the impact it would have on heritage fabric?
9. Only conceptual plans for the landscape elements are provided. It is difficult to scale/location of these features. It is understood that the landscaping elements and associated roading works are proposed to be complete if and when budget allows. However, if this does not occur, it is unclear how the public realm (Church Street) is to change (if at all). Any changes for hearse access for instance? Impacts in this regard need to be appropriately identified and assessed in terms of its potential effects on the heritage setting.
10. It is unclear whether the wrought iron fence along the street frontage is proposed to be re-used
11. Details of the segmented glazing are not shown on schematics.

Comments on Process:

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In terms of process, upon lodgement of a resource consent application the Council will need to proceed to making a decision on whether or not public notification of the application is required. The Council will delegate their Notification Decision to an Independent Commissioner and will ask me, as an Independent Planning Expert, to provide a recommendation to the Independent Commissioner appointed. Both the Notification Decision and the Substantive Decision will be processed in this regard. The Commissioner will consider both the Church's proposal and expert assessments and the Council's Recommendation Report and make their decision(s). That being said, I should advise that based on the current proposal and level of information provided, Jenny May (Council's Independent Heritage Expert) has advised in her professional opinion that she would determine the adverse effects on heritage values to be '*more than minor*'. This advice would likely influence the recommendation for the notification decision (e.g. a recommendation for public notification).

We appreciate the concern previously raised by the Church of the significant potential costs, risks and uncertainty etc associated with public notification. However, we think that it is important that we signal this likely position, a position that we reach objectively based on the draft application. We appreciate that this is possibly not the news that the Church want to hear with respect to this application, however, by signalling this now, the Church can make an informed decisions on how it may wish to proceed.

Next Steps:

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Given the comments above and the highlighted matters identified in the completeness check, we will wait to hear from you as to how we might best be able to assist, in a pre-application meeting capacity, going forward.

Kind Regards

Ryan O'Leary

Senior Planner



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