

**Before an Independent Hearing  
Commissioner**

**In the Matter**

**Of the Resource Management  
Act 1991**

**And**

**In the Matter**

**By**

**Masterton District Council  
Applicant**

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**Statement of Evidence of Russell Hooper**

**Dated: 28<sup>th</sup> March 2025**

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draft statement - planning

CONSTRUCTION | INSURANCE | RESOURCE MANAGEMENT

## **INTRODUCTION**

### **Qualifications and Experience**

1. My name is Russell Joseph Hooper. I am a planning consultant based in Greytown.
2. I hold a Bachelor of Applied Science (Natural Resource Management) (1999) and a Postgraduate Diploma in Science (Ecology) (2000) from Massey University. I am an Associate Member of the New Zealand Planning Institute.
3. I have 20 years' experience working as a Planner in Wairarapa, Wellington, and Hawkes Bay. This is spread across private consulting firms, District Councils and now as a planning consultant. My position prior to becoming a planning consultant was Planning Manager at the South Wairarapa District Council. I have applied for, and processed, a wide range of resource consents during this time.
4. I am familiar with the Masterton District and the Wairarapa, having spent the majority of my life living and working in the Wairarapa.
5. I am familiar with the Wairarapa Combined District Plan, the Proposed Wairarapa Combined District Plan, the Regional Policy Statement for the Wellington Region and other relevant planning documents.

### **Involvement in this matter**

6. Masterton District Council engaged me to assist with planning work to achieve resource consent approval to demolish the Masterton Town Hall in June 2024, following the Council's 5 June 2025 resolution to demolish the Town Hall and rebuild a replacement with a \$25 million budget.

### **Code of Conduct**

7. I have read the Code of Conduct for expert witnesses in the Environment Court Practice Note. I agree to comply with this Code. The evidence in my statement is within my area of expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

## Scope of Evidence

8. In my evidence, I address the following matters:
  - (a) Brief summary of the site, the proposal, and reasons for the application
  - (b) Planning framework against which the application needs to be assessed against
  - (c) Assessment of environmental effects
  - (d) Response to matters raised by submitters
  - (e) Assessment of the s42A Report and Heritage Impact Assessment peer review
  - (f) An assessment of the application against the relevant planning framework
  - (g) Overall conclusion on whether resource consent should be granted
  - (h) Suggested conditions if application is approved
9. In preparing my statement of evidence, I have read and considered the following:
  - (a) Submissions
  - (b) The Council's s42A Report and Heritage Impact Assessment peer review

## The Site

10. The site address is 64 Chapel Street, Masterton. The site is owned by the Masterton District Council. The building is now vacant but was used for Council staff and meeting rooms and the town hall.
11. The site is 2,883m<sup>2</sup> and legally described as Part Section 104 Town of Masterton and is contained within record of title WN343/105.
12. The site has frontage to Lincoln Road, Chapel Street (State Highway Two), and an unformed part of Perry Street which has been developed into a Town Square area.
13. The site contains three separate but adjoining buildings consisting of the Town Hall, Municipal Building, and Civil Defence Building (the later 1984 addition). Collectively I refer to these buildings as the Masterton Town Hall for simplicity sake except where noted differently.

14. Details of the buildings are contained in the application and supporting information. The Heritage Impact Assessment prepared by WSP in particular describes the building in detail.
15. It is worth noting that the original Municipal Building contained an ornate façade which was extensively damaged in the 1942 earthquake being repaired in a more subtle style.
16. There are also areas of car park (spread across neighbouring titles) within the site. These carparks are used in conjunction with the current Council offices in Waiata House.
17. The Masterton Town Hall is registered as earthquake prone and has been vacant since 2016, after the earthquake rating was revised to;
  - (a) Masterton Town Hall: 10 to 20%NBS(IL3) and
  - (b) Municipal Building: 20 to 30%NBS(IL2).LGE Consulting Structural Report, dated 27/9/2016.

### **The Proposal**

18. This proposal is to demolish the Masterton Town Hall leaving an empty site. Following the demolition, a replacement civic centre will be constructed. This replacement building has not yet been designed and is therefore not part of this application.
19. If consent to demolish the buildings is granted, the Council intends to recycle as much material from the existing building as possible. In addition, it is hoped that key elements of the building such as the original 1916 steel framed windows can be integrated into the new building design to retain a link to the past.
20. The application contained a number of Appendices and background reports to assist with information and context.
21. The appendices are set out below;
  - (a) Structural Report and Peer Review / LGE Consulting (report) and Dunning Thornton (peer review)
  - (b) Heritage Effects Assessment / WSP
  - (c) Masterton Town Hall Structural Options Report / Dunning Thornton
  - (d) Fit for Purpose Assessment / Silverwood Architects
  - (e) Cost Plan report / RPS
  - (f) Demand Analysis Masterton Civic Centre (2020) / Horwath HTL

- (g) Market Demand and Financial Analysis (2019) / Horwath HTL
- (h) Archaeological Assessment / Geometria
- (i) Records of Title

## **Background**

- 22. In reaching the decision to progress an application to demolish the Masterton Town Hall, the applicant has investigated several other options to address the building's need for earthquake strengthening since it was vacated in 2016.
- 23. After a series of Long Term Plan (LTP) processes in 2017, 2021, and 2024 were undertaken to decide how to deal with the Masterton Town Hall, a resolution was made by Council to demolish the entire building including the Municipal Building façade and build a new civic centre within a budget of \$25m.
- 24. The applicant's intention is to provide the Masterton community with a fit for purpose civic centre at a cost that is affordable to the community. The Council's view is that complete demolition of the existing buildings and construction of an entirely new building is the only reasonable way to achieve this.
- 25. The proposed demolition and associated loss of heritage is regrettable and not an option that the applicant has taken lightly.
- 26. The latest round of LTP consultation (2024) initially contemplated retaining the municipal building façade, indicating a preference to retain the heritage value of the building.
- 27. However, through deliberation and assessment of costs, risk, and outcomes, the Council reached a resolution for full demolition.

## **Alternatives considered**

- 28. A number of alternative options for the building were considered by the Council in determining how best to proceed. These are detailed in the application and are set out below;
  - (a) Retaining the Municipal Building (including façade)
  - (b) Retaining the Municipal Building façade only
  - (c) Decommissioning the building
  - (d) Strengthening the building to a high standard (80% of new build standard (NBS))
  - (e) Strengthening the building to the minimum standard (34% NBS)

- (f) Use of the building for other activities by the Council or other parties.
29. I note that all of the options (excluding full demolition) will require earthquake strengthening to be carried out to some extent or other. If the building (or parts of it) is to remain standing, there is no way around this.
30. In assessing alternatives, the Council evaluated the following factors evaluated. The referenced reports were appended to the resource consent application.
- (i) Cost (RPS Cost Plan report)
  - (ii) Risk of cost escalation (Dunning Thornton Structural Options report)
  - (iii) Fit for purpose / useability (Silverwood Architects)
  - (iv) Building safety (Dunning Thornton Structural report)
  - (v) Heritage value (WSP report)
31. The Council ultimately concluded that none of the alternatives to demolition were reasonable on the following grounds:

<b>Retaining Municipal Building (including façade) and strengthen to either 80% NBS or 34% NBS</b>	<ul style="list-style-type: none"> <li>• Cost of strengthening and retaining municipal building compromises what can be provided by the new construction.</li> </ul>
	<ul style="list-style-type: none"> <li>• Financial feasibility</li> </ul>
	<ul style="list-style-type: none"> <li>• Working with the existing building brings a “high” risk of cost escalation.</li> </ul>
	<ul style="list-style-type: none"> <li>• Building fit for purpose is poor.</li> </ul>
	<ul style="list-style-type: none"> <li>• Strengthening to 34% NBS - building safety is too low to be occupied.</li> </ul>
	<ul style="list-style-type: none"> <li>• Strengthening to 80% NBS - building safety is medium.</li> </ul>

<b>Retaining Municipal façade only</b>	<ul style="list-style-type: none"> <li>• Cost associated with retaining the façade compromises what can be provided by the new construction.</li> </ul>
	<ul style="list-style-type: none"> <li>• Financial feasibility</li> </ul>
	<ul style="list-style-type: none"> <li>• Working with the existing façade brings a “medium” risk of cost escalation.</li> </ul>
	<ul style="list-style-type: none"> <li>• Limitations in terms of fit for purpose outcomes.</li> </ul>
<b>Decommission the Building</b>	<ul style="list-style-type: none"> <li>• Building and central locality are unused/underutilised.</li> </ul>
	<ul style="list-style-type: none"> <li>• Ongoing maintenance and security costs. These are sunk costs.</li> </ul>
	<ul style="list-style-type: none"> <li>• Public safety risk.</li> </ul>
	<ul style="list-style-type: none"> <li>• Earthquake strengthening work still required ahead of the statutory deadline.</li> </ul>
	<ul style="list-style-type: none"> <li>• Cost of strengthening and other structural work likely to increase if further delayed.</li> </ul>
	<ul style="list-style-type: none"> <li>• Large empty building in a high-profile location in Masterton impacts negatively on vibrancy and amenity of town centre.</li> </ul>

### Other uses

32. Other uses have been explored as these may allow the heritage value of the building to be retained.
33. These alternatives are assessed in the context of:
  - (a) Masterton needing a civic centre,

- (b) the site being the traditional home of the civic centre and a suitable central location, and
  - (c) the site being located next to Waiata House which contains most of the Council staff offices and which offers efficiency in office function and parking.
34. Selling for conversion to uses such as offices or accommodation would require Council to find an alternative site for a civic centre. This has been explored before, with an attempt to acquire land in Queen Street proving complex and ultimately unsuccessful. Moving from the site would also sever the Town Hall from the Council staff offices in Waiata House.
35. Previous Council investigations of alternative uses such as the Howarth report have highlighted risks around the demand of alternative uses in Masterton.
36. Given that the building is earthquake prone any alternative use of the building (by Council or another party) requires earthquake strengthening work. This work is subject to the same cost blow out risks identified in the structural assessment. In addition, a change in use would require strengthening to 100% NBS.

#### *Risk of cost escalation*

37. One of the most significant factors pointing against options involving full or partial retention of the building is the risk of cost escalation associated with unknown (and unknowable) construction risks associated with this work.
38. The Council considers that medium (or higher) risk of cost escalation associated with retaining all or part of the building are an unacceptable financial risk to the community.
39. The Council is very aware that cost escalation has been a feature of other recent heritage building renovations. A notable example is the Wellington Town Hall project with an initial budget of \$90m which has escalated to between \$252m - \$329m (WCC 25th October 2023 meeting minutes).
40. The risk of cost escalation is detailed further in the Dunning Thornton Structural report (at Section 3.1) and stem from the following points:
- (a) **Disruption of Existing Structures:** Strengthening schemes will severely disrupt the current building fabric. The meticulous process of removing and reinstating non-structural elements demands careful planning beyond structural engineering, potentially incurring substantial costs.



- (b) Unforeseen Structural Challenges: The existing buildings have undergone numerous undocumented alterations over time. The unknown extent of these changes poses risks to structural integrity, leading to unexpected financial burdens and delays.
  - (c) Ground Condition Complexities: The ground conditions have been assessed and combined with the building's shallow foundations increase structural and cost escalation risks.
41. In addition, as Dunning Thornton points out in the Structural Options report:
- The seismic assessment and strengthening framework for existing buildings focuses on life-safety. As such, 'typical' strengthening philosophies do not necessarily protect the heritage fabric of the building.*
42. I understand this to mean that there is additional and/or more complex building work associated with the protection of historic buildings than might ordinarily be the case. This is a factor that ultimately contributes to the cost of the work.
43. The Council's view is that together these points make the alternatives unreasonable and hence an application to demolish the heritage listed building has been made.

#### Application process to date

44. The resource consent application was submitted on the 10<sup>th</sup> December 2024 and formally received on the 11<sup>th</sup> December.
45. The application requested public notification and was publicly notified on 20 December 2024 with submissions closing on the 10<sup>th</sup> February 2025 after 20 working days. This time period included the days over the festive season (20<sup>th</sup> December to 10<sup>th</sup> January) which are not defined as working days by the RMA and hence the 20-working day submission period extended through to 10 February 2025.
46. At the close of submissions there were 59 submissions received. It is noted that the applicant is comfortable with the submission received late being accepted.
47. Independent consultant planner Honor Clark has assessed the application against section 88 of the RMA, requested a peer review of WSP's Heritage Effects Assessment and prepared a section 42A report on behalf of MDC (as decision maker).
48. No additional information was requested in order to process the application.
49. Ms Clark has individually summarised the submissions and the matters that were raised. After assessing the submissions, I concur with this

summary. I will not repeat the process and reference to submissions in my evidence uses the numbering system in the table at [53] of Ms Clark's s42A report.

50. New Zealand Transport Agency/Waka Kotahi made contact during notification of the application and requested that the following points were added to the proposed site management plan:
  - (a) Schedule of the construction period stages and types and volume of vehicles utilized at each stage
  - (b) Detailed schedule of construction activities, highlighting peak traffic times and measures to minimize disruption including extents of works
  - (c) Detailed plans for site access and egress, including the design and construction of the vehicle crossings and exact extents of works.
  - (d) Traffic impact assessment to evaluate the potential effects on State Highway 2 and surrounding local roads.
  - (e) Internal circulation plans to ensure safe and efficient movement of vehicles within the site, including turning radii and signage.
  - (f) Provisions for safe pedestrian and cyclist access if required within the development, including pathways, crossings, and connections to existing networks.
51. The applicant has no issue with these additions and has agreed to make this part of the application.

#### **Section 104 RMA**

52. Consent Authorities are required to consider applications for resource consent, subject to Part 2, with regard to the matters set out in s104(1)(b) and (c) of the RMA.
53. As set out in the resource consent application, the documents that I consider relevant to s104 (b) are set out below
  - (a) The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health
  - (b) The Regional Policy Statement for the Wellington Region
  - (c) The Operative Wairarapa District Plan
  - (d) The Proposed Wairarapa District Plan
54. With regard to s104 (c), I do not consider that there are any "other matters" relevant or reasonably necessary to determine the application. In my view, the previous LTP consultation is considered

useful background information for context rather than a s104(c) “other matter”.

***National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)***

55. The adjoining title contains an underground fuel tank which is an activity on the Hazardous Activity and Industry List (HAIL category A17) and the Wellington Regional Council’s Selected Land Use Register (SLUR ref SN/06/069/02). This fuel tank sits outside the application site but will be removed as part of the proposal.
56. Comprehensive reporting on the fuel tank and how its removal fits within the NES-CS tank pull provisions has not yet been undertaken.
57. The tank pull will either be a permitted or controlled activity under either clause 8 or 9 of the NES-CS - depending on the amount of soil which needs to be disturbed.
58. The amount of soil to be disturbed has not been established. Either way though, the fuel tank removal will be addressed through a specific and tightly scoped consent process and it is not necessary to include this work within this application.

***Wellington Regional Policy Statement (RPS)***

59. The RPS became operative on 24 April 2013.
60. The objectives and policies considered relevant to this proposal are set out in the resource consent application and by Ms Clark in the section 42A report. I do not intend to repeat them again here in this statement.

***Historic Heritage***

61. Of particular relevance to this application is Objective 15 and Policies 21, 22 and 46, relating to the management of effects on historic heritage values.
62. In note that RPS Objective 15 sits above Policy 46 and seeks to identify and protect historic heritage from inappropriate modification, use, and development.
63. Policy 46 assists in determining whether modification, use, and development is inappropriate or not. It is noted in the explanation that this policy shall “cease to have effect once policies 21 and 22 are in place in the relevant district or regional plans”.
64. I note that the Operative Wairarapa Combined District Plan (OWCDP) was made operative on 25 May 2011 and therefore, predates the RPS.
65. The Proposed Wairarapa Combined District Plan (PWCDP) contains policies and rules which give effect to Policies 21 and 22. On this basis,

Policy 46 ceases to have effect and directs resource consent consideration to the Proposed Wairarapa Combined District Plan.

66. For the reasons set out in the resource consent application, I consider that the proposal to demolish the Town Hall building is not contrary to Policies 21, 22 or 46 of the RPS.

#### *Natural Hazards*

67. RPS Policy 51 relating to minimising the risks and consequences of natural hazards is also relevant to this application. Policy 51 is reproduced in full in the resource consent application and the s 42A report.
68. I note that parts of the site are within a mapped flood hazard area associated with flooding from the Waipoua River.
69. The flooding is relatively low lying (mapped up to 300mm) and any new building can be constructed with the assistance of Wellington Regional Council flood modelling information.
70. Demolition of the Town Hall building will not increase the flood hazard risk. I agree with Ms Clark that any future building will need to be designed to ensure the flood hazard is mitigated on the site. I consider that this is achievable in the circumstances. In my opinion, the proposal is consistent with RPS Policy 51.
71. I note that Ms Clark also raises a point about the risk and consequences of an earthquake (a natural hazard) if the building is not demolished or strengthened to the required NBS. I agree that demolition of the building would mitigate this risk and is therefore consistent with the policy.

#### *District Plan assessment*

72. There is currently an Operative Wairarapa Combined District Plan (OWCDP) and a Proposed Wairarapa District Plan (PWCDP).
73. The PWCDP has been notified, and hearings are ongoing and scheduled to be completed in late May 2025.
74. A single decision will be released following the completion of the hearings - likely to be in May/June 2025.
75. Of relevance to this proposal:
- (a) The PWCDP heritage rules were notified with immediate legal effect (pursuant to s88B(1)(b)) and protect heritage (s88(3)(d)).
  - (b) The Masterton Town Hall heritage listing rolled over from the OWCDP to the PWCDP.

- (c) There were no specific submissions on the Masterton Town Hall heritage listing (Hm046 - District Building) and no reason why the Masterton Town Hall would not be listed when the WCDP decisions are released.
- (d) The PWCDP heritage rules are the only PWCDP rules which have any legal effect. All other relevant rules sit with the OWCDP.

76. The proposal is split into two aspects:

- (a) Physical demolition.
- (b) Demolition of a building identified as having heritage value.

#### Operative Wairarapa Combined District Plan

77. The relevant OWCDP objective and policies are set out in the resource consent application and at paragraph [89] onward of the s 42A report.

#### *Historic Heritage*

- 10.3.1 Objective HH1 - Historic Heritage Values
- 10.3.2 HH1 Policies

78. This objective and associated policies seek to protect historic heritage items such as the Masterton Town Hall from inappropriate subdivision, use and development. The key word in HH1 Policy (c) is “inappropriate”.

79. In my opinion, given the earthquake constraints, cost implications, risk of cost escalation, the building being unfit for purpose, and non-feasibility of alternative uses the proposed demolition is the only reasonable alternative for use and development of the building/site and is therefore, an appropriate use.

80. I therefore consider that the proposal is not inconsistent with the relevant HH1 objectives and policies.

#### *Subdivision, Land Development and Urban Growth*

- 18.3.1 Objective SLD1 - Effects of Subdivision and Land Development
- 18.3.2 SLD1 Policies

81. Following demolition, any redevelopment of the site will be subject to the provisions of the OWCDP (assuming that Plan is still operative). The proposal is consistent with these objectives and policies.

82. Overall, I consider that the proposed demolition is not inconsistent with the relevant objectives and policies of the OWCDP.

83. The resource consent application assessed the physical demolition of the building as complying with the following district-wide permitted activity standards:
- (a) 21.1.12 Dust and Odour
  - (b) 21.1.13 Noise
  - (c) 21.1.16 Temporary Activities
84. The physical demolition aspect of the proposal will be carried out so as to meet these permitted activity standards.

Proposed Wairarapa Combined District Plan

85. The PWCDP was notified on 11 October 2023.
86. The PWCDP objectives and policies of relevance to this application are set out in full in the resource consent application and the section 42A report and are not repeated here.
87. Critical to an assessment of this application are the Historic Heritage provisions, principally HH-P2, HH-P3 and HH-P9.
88. I also consider that the Urban Form and Development Objectives (UFD-01 and UFD-05) and the Town Centre Zone objectives (TCZ-01, TCZ-02, TCZ-05, and TCZ-07) and policies (TCZ-P1, TCZ-P2, and TCZ-P7) are highly relevant to an assessment of the proposal.

*Historic Heritage*

89. The PWCDP Historic Heritage policy framework outlines activities that are considered appropriate in relation to heritage items, including maintenance and repair, seismic strengthening, safety alterations, additions, alterations and partial demolition.
90. Total demolition is not explicitly identified as an appropriate activity. However, it is anticipated within the PWCDP to some extent, through HH-P9.
91. HH-P9 effectively confirms that demolition of a heritage building or item is only appropriate if there are no reasonable alternatives, having regard to several factors listed within the policy.
92. In the section 42A report, Ms Clark makes the following statements (at 83 and 84) relating to HH-P9:

*[83] If the façade was to be retained, then the value of this, I believe, needs to be quantified better, i.e. does the heritage value of retaining the façade outweigh the actual cost of its retention? The “public good” component of the retention of the heritage value to the community needs to be considered.*

*The heritage value of the building is assessed in more detail in the assessment of environmental effects section below.*

*[84] Based on the Heritage Effects Assessment (HEA) in the application, and the Richard Knott assessment, it is difficult to see that the proposal as lodged is not contrary to the specific Historic Heritage objectives and policies of the Proposed WCDP, particularly HH-P9.*

93. In my view, PWCDP HH-P9 sits at the heart of the Commissioner's assessment of this application.
94. HH-P9 sets out a clear policy directive that demolition of scheduled historic heritage buildings and items is to be discouraged unless the applicant can demonstrate that there are no reasonable alternatives.
95. This does not mean that demolition of a heritage building is prohibited completely (as indicated through the full discretionary activity status).
96. However, HH-P9 makes clear that the onus is on the applicant to show that demolition is not an inappropriate use of the physical resource (in this case, the building) and that there are no other reasonable alternatives (to full loss of heritage values) in the circumstances. This is a high threshold to get over.
97. HH-P9 expressly requires that there are no reasonable alternatives to demolition. This is also reflected in the matters listed within the policy to which regard must be had.
98. In particular, the "feasibility of adaptive reuse" is a relevant factor, along with the "cost of maintenance or repair" and "building safety".
99. In my view, these matters reflect the need for alternative options to demolition to be realistic, financially feasible and conscious of the importance of public safety if they are to be considered "reasonable" alternatives. An alternative use that is unduly burdensome on the owner (in this case the Council, and by extension, the rate payer) and is not financially feasible or desirable, cannot be described as a "reasonable alternative".
100. With regard to the matters to have regard to under HH-P9, I make the following comments:

(a) Effects on Heritage Values:

The Council accepts that the adverse effects on historic heritage values associated with complete demolition of the Town Hall building will be significant.

The Council intends to explore the use of interpretive material in the new building and to make use of salvaged/recycled materials

from the demolished buildings to mitigate some of the effects of demolition and retain a link to the historic heritage values.

- (b) Importance attributed to the heritage item by the wider community:

There is no doubt that the Masterton Town Hall is important to the community. This has been demonstrated through some of the submissions on this application, previous Council consultation, and a “hands around the Town Hall” protest in 2021.

That said, submissions of support of this application and LTP consultation have also shown that there are many in the community who consider that retention of the Town Hall building (either in whole or in part) does not justify the cost to do so.

I also consider it relevant that Heritage New Zealand Pouhere Taonga has not made a submission on the demolition proposal and the Town Hall building is not listed on the New Zealand Heritage List/Rārangi Kōrero.

- (c) Feasibility of adaptive re-use:

The applicant is somewhat different to a typical property owner in that the site is the Council’s Town Hall site and if the building was used for another purpose the applicant would need to find a replacement site.

As I understand it, the term “adaptive reuse” relates to alternative uses of the building (such as conversion from its municipal use to another use such as private office space, accommodation, retail etc) rather than simply strengthening the buildings for continued use for municipal purposes.

Alternative uses of the building would, however, also involve strengthen the building - with any change of use of the building triggering building consent and requiring strengthening up to 100% NBS.

With regard to financial viability of adaptive reuse, I note that the issue of the building not being fit for purpose would remain. In my view, this significantly diminishes the pool of potential commercial/private interests likely to take over control and development of the building.

The Council commissioned Howarth HTL to undertake the Office Space Demand Assessment (2019) included with the application. The report highlighted risks in the future of dedicated office space.



While the site has not been tested on the market, the Howarth reporting and lack of financial feasibility of the strengthening work required ahead of re-use suggests that adaptive re-use is not a realistic outcome.

Even if there was potential for re-use, there are a number of reasons why a replacement site is not desirable for the applicant or considered reasonable. In particular, the Council has established offices at Waiata House and relocation of the Town Hall would break up a municipal hub.

It is difficult to find alternative sites of a suitable size and location. Previous attempts have been made to secure land in Queens Street and this was overly complex and abandoned. The site is also the traditional home of the Town Hall.

Overall, in my opinion, it is highly unlikely that there is a reasonable alternative use for the building. This is consistent with the conclusions reached in Horwath's market assessment and highlighted in the Fit For Purpose Report prepared by Silverwood Architects.

(d) Cost of maintenance or repair:

The cost of repair has been assessed in the Cost Plan report and risks estimated in the Structural Options report.

A significant impediment to carrying out options which retain heritage is the risk of cost escalation.

Only the proposed demolition has the low risk of cost escalation considered to be acceptable to applicant.

However, it must be borne in mind that there is some additional cost associated with options aimed at protecting the historic heritage features of the building (and upgrading those features to an appropriate NBS standard). Ultimately, it is these costs that make the options for maintaining and repairing the building the most expensive.

(e) Building Safety:

The Town Hall building has been assessed as an earthquake risk with significant work required for strengthening (even to the minimum required 34% NBS). The initial step towards addressing this risk was to remove all staff from the building and the building has been vacant since 2016.

Through this application, the Council intends to permanently address this safety risk - by demolishing a building that currently presents a significant risk to public safety, and ultimately,

replacing it with a new build that achieves 100% NBS - the highest rating.

The other options considered also address building safety in a range of outcomes. The alternatives which achieve a NBS of 80% or more such as retention of the municipal building, municipal building façade only, and strengthening the building to 80% of NBS achieve building safety.

- (f) Appropriateness, compatibility and appearance of any replacement building in relation to heritage values:

The nature of the discretionary activity status combined with the fact that the building is a large structure requiring significant community funding and design has not allowed a replacement building to be part of this application. This does not allow a comparison of the existing with the proposed.

It is the applicant's intention for an eventual new building to be a statement in its own right but to also fit into the context of its surroundings being a high-profile location in proximity to other heritage buildings.

101. Overall, having regard to the 6 matters set out in HH-P9, I consider that it has been demonstrated that there are no reasonable alternatives to the proposed demolition.
102. For these reasons, I consider that the proposal is not inconsistent with HH-P9.

#### *Richard Knott Assessment*

103. Richard Knott's assessment also addresses HH-P9, in particular in the table at page 8 of Appendix 1 to the s42A report.
12. In my opinion, Mr Knott's assessment of HH-P9 is more balanced than the WSP report. This is because it contemplates feasibility in HH-P9 5, being beyond just a technical, whether it can be constructed, scope and brings in an assessment of financial and fit for purpose outcomes. This aligns with my view of how HH-P9 is to be assessed.
104. In his assessment of HH-P9, Mr Knott states:

*"I note that the Russell Hooper Consulting - Resource Consent Application document states that:*

*"As set out in this application, part alternatives have been considered. Retaining the façade comes closest to meeting the applicant's requirements. However, this option will add approximately \$3.6 million to the build – when making comparisons based on the Cost Plan Report and including contingencies. While this could be worked into the available funding, this would require scaling back the design. The*

*applicant does not consider that the inevitable compromises to the design justify retaining the façade."*

*I note that this statement is made as though spoken by the applicant, rather than their planner or historic heritage consultant. I do not consider that it represents a valid reason for accepting one option over another."*

105. Mr Knott ultimately concludes (at his paragraph 33) that:

*Overall, having considered the findings of the HEA and the other reports submitted with the application, and carried out my own assessment against Policies HH-P2 and HH-P9, I consider that:*

- (a) *The Masterton Town Hall and Municipal Buildings have High historic heritage significance.*
- (b) *The applicant has failed to demonstrate that there are no other reasonable alternatives to the demolition of the Town Hall, Municipal Buildings, and Civil Defence Buildings. As such, the proposal is contrary to Policies HH-P2 and HH-P9, and the resulting adverse effects arising from the loss of this scheduled heritage building cannot be justified.*

106. In response to Mr Knott's first point, I reject any suggestion that any of the comments made in the application are anything other than impartial, or cross over into advocacy. I am aware of my obligations as an expert witness and advisor. The passage in the resource consent application Mr Knott refers to is simply intended to convey that the Council does not consider retention of the façade to be a reasonable alternative.

107. Likewise, I do not mean to suggest that cost, on its own, is a sufficient reason to reject an option as "unreasonable" in circumstances where this would avoid a complete loss of historic heritage values. However, in my view it is certainly a relevant factor.

108. As Ms Clark points out at paragraph [144] of the s42A report, the ethic of stewardship, the efficient use and development of physical resources (buildings), the maintenance and enhancement of amenity values, and the maintenance and enhancement of the quality of the environment are all section 7 matters that a decision maker must have particular regard to in assessing the application. Economic considerations are also reflected as relevant in HH-P9 itself.

109. In effect, Mr Knott says that Option 2b (retention of the Municipal Building Façade) represents a feasible option for the retention of historic heritage values of the Town Hall building and that the Council has not demonstrated that there is no other reasonable alternative to demolition.

110. I note that Mr Knott’s assessment (and Ms Clark’s section 42A report) appears to accept the Council’s assessment that all of the other alternatives to demolition, each of which would protect existing historic heritage values to some degree, do not represent reasonable alternatives to demolition.

#### *Strengthening options/Adaptive reuse*

111. Specifically, Mr Knott notes at page 9 of this report that the “strengthening” options (Options 4a and 4b) are a poor fit for purpose (as confirmed by the Silverwood Architect’s report) and are therefore ‘not a feasible option for the adaptive reuse of the building, as whilst the building would be brought into a safe condition it could be difficult to find a long-term user.’ Options to strengthen the building are best captured in HH-P9 4 “Cost of maintenance or repair”.
112. In my view, this conclusion applies equally to any proposal involving an adaptive reuse of the Town Hall building.

#### *Decommissioning*

113. Likewise, Mr Knott acknowledges (at page 10) that decommissioning (or mothballing) the building is not a viable option because, as set out in the Dunning Thornton Report, the Earthquake Prone Building Act still requires earthquake strengthening to be carried out even if the building is empty and not accessible to the public. In addition, there are ongoing costs associated with maintaining the building in its current state until that strengthening work is carried out. As Mr Knott points out, these costs do not assist the Council in delivering new fit for purpose facilities and are effectively wasted.
114. Neither Mr Knott nor Ms Clark suggest that there are other alternative uses for the Town Hall building that have not been considered by the Council in preparing this application.

#### *Retention of the Municipal Building Façade - Response to Richard Knott’s assessment*

115. I agree that retaining the façade of the Municipal Building (Option 2b) represents a middle-ground option in terms of retaining heritage values and enabling the Council to otherwise redevelop the site.
116. However, I do not agree with Mr Knott’s conclusion that retaining the façade is a “reasonable alternative” in terms of HH-P9, or that it represents a financially feasible and desirable option for the Council in the circumstances.
117. This because the cost and risk associated with retention of the façade is too uncertain to make this a feasible option for the Council to pursue. Retention of the Municipal Building façade also limits the Council’s options for redevelopment of the site somewhat as the new civic facility

will have to be designed to appropriately connect to the façade structure.

118. As Dunning Thornton has identified, there is a medium level of structural design complexity associated with façade retention and a reasonable risk to both programme and structural cost associated with this option.
119. Retaining the municipal building façade has already been estimated by RPS Group to be approximately \$3.6 million more expensive than full demolition and rebuild.
120. Noting the limitations, “unknowns” and risks identified in the reports prepared by Dunning Thornton and RPS Group, the Council is concerned that there is a very real risk that this cost will blow out further once detailed investigations of the structural integrity of façade and design/retention options are underway.
121. In particular, the advice to Council from Dunning Thornton (set out in the Masterton Town Hall Structural Options Report) is that:
  - (a) façade retention can be structurally complex because of the weight of the façade being offset from the new building. This often requires additional structural capacity and stiffer elements to complete a new build (behind the façade) than might ordinarily be used.
  - (b) The structural integrity of original elements of the Municipal building façade is not well known.
  - (c) New building design needs to consider the compatibility of the new and existing structures. This involves work to connect the façade to the new building at floor level and carry out work to require the existing façade to achieve 100% NBS (IL3) - including potential strengthening to in-plane and out-of-plane capacity.
122. In addition, the Silverwood Architect’s Fit For Purpose Report notes that retaining the Municipal Building façade will impact upon the visibility of activities within any new facility to the surrounding public space. The extent of visibility will be limited to the relatively small windows and doors within the existing façade.
123. As noted within this report, modern civic buildings typically have extensive glazing to public entry and façades facing outdoor public space. This assists in communicating the building’s use and the activities it hosts within.
124. Retaining the façade therefore means that the building (and activities within it) will remain disconnected, missing the potential to visually connect with the adjacent Town Square.

125. Finally, the structural design complexity and programme/structural cost risks identified by Dunning Thornton translate to a real risk of cost escalation associated with retention of the municipal building façade. This is highlighted in the RPS Cost Plan Report.
126. At section 2.6, the RPS report identifies several risks associated with (in particular) options to retain the Town Hall building in whole or in part. In particular, RPS notes:
- (a) *‘All strengthening schemes involve significant disruption of the existing building fabric: if many non-structural elements are to be removed and “put back” the form they should be “put back” in requires careful thought outside just structural engineering and may attract significant cost. This cost can only be quantified once the engineering design and calculations progressed sufficiently for measuring.’*
  - (b) *‘The Town Hall building had been subjected to several alterations over time, some were rather poorly documented. There is always a risk of finding different risks and issues when the works commence, and the underlying structure becomes visible. The extent of unknowns cannot be ascertained at this stage and unforeseen issues might arise leading to structural integrity risks and formidable financial challenges and delays. Thorough planning, expert assessments and adherence to preservation guidelines are required to mitigate these risks.’*
  - (c) *‘Further investigations are recommended to establish the full scope of works required to retain the façade in future construction options due to structural complexity and cost risk to the project.’*
  - (d) *‘The construction industry globally is experiencing significant volatility at present including New Zealand. This is due to internal and external factors, and we are seeing increased costs across the market. Whilst we anticipate that this may adjust in the future, this still presents a current risk and increases in cost may impact the project. Labour costs are particularly relevant for this project which could impact the cost of works and should be monitored carefully.’*

## Contingency

127. To some extent, these risks and uncertainties can be accounted for by including a contingency allowance into the various costing options.
128. The RPS Cost Plan Report does contain contingencies. However, as set out in the Dunning Thornton Structural report and the RPS report itself, the risk of cost escalation is variable and, in general terms, increases along with the extent of the building structure that is to be retained.
129. While contingencies can be factored into the costs, they are only useful (and reliable) where the risks associated with a project are properly detailed and understood.

130. I note that the Cost Plan Report includes a recommendation that a costed risk assessment be prepared for all options. There could be cost escalation in all cases - a contingency is included for all options along with escalation costs.
131. RPS states in its conclusion that:
- ‘Due to the limited information available at this early stage of the projects, the estimates completed are based on the available data and assumptions listed. As the design matures, it is anticipated that the cost plan will develop, allowing for a robust cost and change control process. RPS also recommend that the project team continues to identify, assess, monitor, and mitigate project risks.’*
132. For the reasons set out in the statements of Maseina Koneferenisi and David Paris, the Council’s view is that the additional level of cost, risk and uncertainty associated with retention of the municipal building façade mean that this is not financially feasible option for the building and is therefore not a reasonable alternative.
133. As a final point on this, I consider that demolition of the existing building (which is currently unoccupied, unusable and in need of earthquake strengthening and other structural improvements) will pave the way for a new purpose-built community facility to constructed, in a high-profile central location, which is highly connected to the street.
134. In my view, this option much better achieves the Urban Development and Town Centre Zone objectives and policies in the Plan by providing opportunities to promote the Town Centre Zone as a vibrant, safe and attractive urban environment and thus, contribute positively to the amenity, character and streetscape of the area.

#### PWCDP Rules

135. The demolition of a heritage building is captured by PWCDP rule HH-R7 as a discretionary activity.
136. Therefore, the application is a discretionary activity under rule HH-R7.
137. The activity status of the application overall is discretionary.

#### Section 104 (a) - Assessment of Effects

138. The resource consent application included an assessment of environmental effects.

#### *Positive Effects*

139. A benefit of the proposal is that it removes a large building which, being earthquake prone and sitting next to a State Highway, is a public safety risk.



140. Demolition of the Town Hall in its entirety frees up space for a purpose built, modern, civic centre. This building can be designed in a way which better reflects the community and its needs and wants. Through good urban design a new building can also be open and integrated with the street, increasing vibrancy in this area of Masterton.
141. A new building opens opportunities for the applicant to construct a building which aligns with its sustainability and operational efficiency goals.
142. Resilience to flooding from the Waipoua River can be incorporated into the design.
143. Allows Council to retain an important traditional and central site for use and development for community purposes. Alternatives involving the sale of the building for private development would result in the community losing this central location and cause the need to find an alternative location.
144. Complete demolition of the building is the rebuild option with the least risk of cost over runs.

#### *Effects on Historic Heritage*

145. The Town Hall building is listed as a heritage item in the OWCDP and the PWCDP (Hm055 and Hm046 respectively). This heritage listing indicates that the building has been deemed to have heritage value.
146. The visual impact of the full demolition of the Masterton Town Hall is considered to sit within the assessment of heritage effects.
147. In 2024, MDC engaged WSP to carry out a Heritage Effects Assessment (HEA) of the Masterton Town Hall and Municipal Buildings to accompany the resource consent application.
148. The HEA (prepared by WSP and dated 28 November 2024) concludes that the Town Hall building has “high heritage significance” overall.
149. The applicant accepts WSP’s assessment of heritage value and does not seek to challenge any of the conclusions in the HEA as part of this application process.
150. That said, it is noted that Mr Richard Knott, an independent heritage expert commissioned by the Council (as decision-maker) to assist with the assessment of the heritage value of the building, reaches slightly different conclusions on the contextual and fabric significance of the building to WSP. He nevertheless agrees that overall the Town Hall and Municipal Buildings have “high heritage significance”
151. Clearly, demolishing a building with high heritage significance result in a total loss of historic heritage and will therefore have more than minor



adverse effects on heritage value. WSP confirms that this is the case in the HEA and states that the proposal will have “significant negative heritage impacts”.

### *Archaeological Effects*

152. The archaeological assessment of the proposal concluded that the Masterton Town Hall is not considered to be an archaeological site.
153. There is the possibility that there may be archaeological sites beneath the Town Hall. These features include foundations of other buildings such as the previous library and municipal offices and material from previous use before Council use (including potentially early Māori settlement) over which the Masterton Town Hall was built.
154. It is the applicant’s intention to obtain an Archaeological Authority prior to demolition and this is proposed to be a condition of consent.
155. Provided that the correct protocols are followed in the event of an archaeological feature being identified, in my opinion effects on archaeological features are less than minor. Further, the discovery of archaeological features can often enhance knowledge of the past and can have positive effects.

### *Traffic*

156. The proposed demolition will include a site management plan including details of how the proposal will be carried out to minimise impact on the local roading network.
157. As noted above, NZTA has requested that additional matters are incorporated into the demolition Site Management Plan. This is acceptable to the applicant and now forms part of the application.
158. In my opinion, traffic will be adequately managed and adverse effects on traffic from the demolition will be less than minor, with an appropriate site management plan in place.

### *Amenity*

159. The application assessed the impact of the physical demolition on amenity and determined that compliance with the appropriate permitted standards would ensure that effects were anticipated by the OWCDP are less than minor.

### **Matters raised by submitters**

160. Overall, 23 submissions supported the proposal, 27 opposed the proposal, and 9 either opposed or supported part of the proposal.

161. In my view, the overall number of submissions is low and I concur with Ms Clark's opinion that the number of submissions opposing the demolition of a building with high heritage value is low.
162. The relatively low number of submissions may be a result of the multiple rounds of LTP consultation that has occurred since the Masterton Town Hall was vacated.
163. In my experience, submissions in opposition to notified applications tend to far outweigh submissions in support because people who are opposed are typically more motivated to take the time to make a submission.
164. The 23 submissions in support (38% of the total submissions), is a comparatively high level of support and reflects the previous LTP consultation where the number of people that supported retaining the Town Hall were similar to those that supported demolishing it.
165. The submissions in support of the proposal generally acknowledged the cost implications retaining the building would have on the community and the benefits that a purpose-built facility would bring to the community.
166. The submissions in opposition raised the following main points:
  - (a) Loss of heritage value if the building is demolished.
  - (b) Façade should be retained (this view also came from submitters who supported the application).
  - (c) Council has other priorities and money should be spent on other projects.
  - (d) There is no urgency to demolish the building. Council has an additional four years to address earthquake risk. Council should wait and see what changes occur after the Governments review of management of seismic risk in buildings.
  - (e) Council should investigate alternative uses for the Municipal Building.
167. In response the submissions that suggest the Council should be focussing on other Council functions, I acknowledge that these are valid rate payer concerns. However, these matters are outside of the scope of what can be considered as part of this resource consent application.
168. In response to suggestions that the applicant can pause the project because the timeframe for seismic strengthening has been extended, I consider that this does not solve the underlying issue - how best to deal with an earthquake prone building which remains as a safety issue and in need of maintenance.

169. While the Council might now have more time to carry out earthquake strengthening works and other structural works necessary to enable the buildings to be used and occupied again, that work still needs to be carried out at some point, or the building demolished at some later date. The longer a decision is put off, the more expensive the work involved in either strengthening or demolishing the building is likely to become.
170. In the meantime, the Council is required to incur further irrecoverable cost in decommissioning the building and ensuring it is secure and does not represent any further risk to the public.
171. In that context and noting that the Council has been deliberating over what to do with the Town Hall building since it was initially vacated in 2016 (nearly 10 years ago), the Council is understandably keen to “get on with it” and to progress with revitalising the site.
172. There was suggestion in submissions #33 and #42 that notification over the holiday period impacted the community’s ability to make a submission. However, with no statutory working days within the period between 20 December 2024 and the 10 January 2025 there were around 20 more calendar days than there would typically be during a notification period. In my view, the notification period was more likely to have assisted public submissions.
173. In my opinion, the submissions relevant to the proposal have not raised any matters that were not addressed in the application for resource consent.

## **Part 2 RMA Analysis**

174. Having considered all other alternatives and weighing up all relevant factors (noting the hierarchy of matters of national importance set out in section 6(f) RMA and other matters in section 7), the Council has concluded that demolition best reflects a sustainable management of the physical resource (the Town Hall building) on the basis that the benefits of protecting the historic heritage values of the building are outweighed by the costs and risks associated with doing so. I agree with that conclusion.
175. It must be borne in mind that any Part 2 assessment requires a balance between the use, development and protection of natural and physical resources on one side and enabling people and communities to provide for their social, economic and cultural wellbeing on the other.
176. While Part 2 sets out a hierarchy of matters to be considered as part of any decision making process, there is no one factor that “trumps” everything else.

### ***Section 5 - Purpose of the RMA***

177. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management involves enabling people and communities to provide for their social, economic, and cultural well-being while also safeguarding the environment for future generations.
178. The proposal involves the demolition of a heritage-scheduled building, which raises matters related to the viability of strengthening heritage buildings and heritage value.
179. All reasonable alternatives have been explored. I have not seen any suggestion from any party that the Council has failed to consider any alternative use of the building.
180. In my view, the proposed demolition is an appropriate use of the Masterton Town Hall building and represents the only reasonable option available to the Council. Therefore, the loss of heritage value is justified in the circumstances and the proposal is consistent with the Act's sustainable management purpose.

### ***Section 6 - Matters of National Importance***

181. Section 6 identifies matters of national importance that must be recognised and provided for by anyone exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources.

#### ***Section 6(f) - the protection of historic heritage from inappropriate subdivision, use, and development***

182. Of particular relevance to this application, section 6(f) requires decisionmakers to recognise and provide for:
  - (f) The protection of historic heritage from inappropriate subdivision, use, and development.
183. In my view, section 6(f) is reflected in the Historic Heritage provisions of both the OCWDP and the PWCDP.
184. In particular, the policy framework in the PWCDP (principally through Policy HH-P9) requires an assessment of whether the demolition of a heritage-scheduled building constitutes an appropriate use and development of the resource and whether other reasonable alternative uses exist.
185. Through PWCDP HH-P9 there is a pathway for the demolition of the heritage-scheduled Masterton Town Hall to be approved. This pathway relies on the proposed demolition being demonstrated as being the applicants only reasonable alternative.

186. In my opinion, all alternatives have been assessed, and the proposed demolition has been demonstrated as being the only reasonable alternative and therefore the proposal is not contrary to PWCDP HH-P9.

***Section 6(h) - the management of significant risks from natural hazards***

187. I also consider that s 6(h) is relevant to the Commissioner's assessment in this case.

188. Section 6(h) requires the management of significant risks from natural hazards to be recognised and provided for as a matter of national importance. This was added to the list of matters of national importance following amendments to the RMA in April 2017.

189. There is no question that the Town Hall buildings currently represent a significant risk to public safety from earthquakes (a natural hazard). Something must be done within the next approximately 5 years to address that significant risk. It is not an option to ignore it. This is confirmed by the structural engineering assessments of the building that have been undertaken, the consequent earthquake prone building status and notice, and the stringent statutory requirements that sit behind those things.

190. While the building is no longer occupied and sits vacant, that is not enough to manage the earthquake risk. The building needs to be either extensively strengthened or demolished by 2030 to sufficiently manage the risk.

191. While strengthening options would make the building safer and could ultimately achieve the required NBS standard, as confirmed by Dunning Thornton, the historic heritage status of the building makes any potential strengthening work more complex and more expensive.

192. In my view, the safest and most cost-effective way of managing the earthquake risk posed by the Masterton Town Hall building is to demolish it and start afresh, with a new building of modern design that meets 100% NBS standard.

***Section 7 - Other Matters***

193. Section 7 of the RMA sets out other matters to which anyone exercising functions under the RMA must have particular regard.

194. Relevant to this application are:

- (aa) the ethic of stewardship;
- (b) the efficient use and development of physical resources;
- (c) the maintenance and enhancement of amenity values;

- (f) maintenance and enhancement of the quality of the environment; and
  - (g) any finite characteristics of physical resources.
195. As Ms Clark points out at paragraph [144] of the section 42A report, ownership of a listed heritage item is a form of stewardship. I agree with this and the sentiment that heritage items have a higher component of “public good” than non-listed items. This is reflected in section 6(f) of the RMA and through the Historic Heritage sections of the District Plans.
196. I also agree with Ms Clark that protection of historic heritage often comes at a cost to the owner. In this case, the owner is Masterton District Council and that cost is ultimately passed down to the district’s ratepayers.
197. Ultimately, the Council has a fiscal responsibility to its ratepayers to ensure that funds are reasonably and appropriately spent. As covered in the statements of Mr Paris and Ms Koneferenisi, the Council has a number of other financial pressures and does not have a never-ending pot of money to draw from in determining how to appropriately deal with the Town Hall building. While protection of the historic heritage is desirable, elected Councillors have determined, on behalf of the Masterton ratepayers, that the cost of retaining, restrengthening and upgrading the Town Hall building to modern standards is too high and cannot be justified.
198. In my view, demolition is the most efficient use of the resource in terms of section 7(b). It is the most cost-effective option (other than decommissioning - which is not a long-term solution) and can be carried out over a relatively confined timeframe if consent is granted.
199. I also consider that demolition is the first step towards maintaining and enhancing amenity values and the quality of the environment (section 7(e) and (f)).
200. While I accept that heritage values provide their own sort of amenity and that these characteristics are finite (section 7(g)), the building itself (and its façade) does not “fit” within the surrounding town centre environment - an area which the PWCDP says should be “vibrant”, “safe”, and “attractive”, with active street frontages and attractive pedestrian-oriented focal points. As confirmed by the Silverwood Architects, the building itself is also no longer fit for purpose and if retained is unlikely to be attractive as a community facility. To my mind, this represents a missed opportunity to “enhance” amenity and the quality of Masterton’s urban environment.

***Section 8 - Treaty of Waitangi (Te Tiriti o Waitangi)***

201. The proposal does not raise any matters relevant to the Treaty of Waitangi.

## Part 2 - Conclusion

202. In coming to a conclusion on this matter I have considered:

- (a) the actual and potential effects on the environment (section 104 (a));
- (b) the relevant planning provisions required in s 104 (b);
- (c) the reports lodged with the resource consent application;
- (d) the views of submitters; and
- (e) the matters raised in the s42A report and HIA review.

203. The protection of Historic Heritage is an important aspect of sustainable management within the Masterton District required by Part 2 of the RMA.

204. However, the relevant planning provisions do provide for the demolition of buildings with identified heritage value, as an appropriate use of physical resources through PWCDP policy HH-P9.

205. Weighing all of the above factors together, I consider the application is consistent with the RMA's purpose of promoting the sustainable management of resources and can be approved with appropriate conditions pursuant to s104B.

## Conditions

206. If consent is granted for the demolition proposal, the conditions recommended by Ms Clark in the s42A report are largely accepted by the applicant and will ensure that the demolition is managed in a way which minimises effects on the environment.

207. There are two exceptions to this:

- (a) Recommended condition 3 requires:  
*That any demolition authorised by this consent shall not commence on site until a set of development plans for the building on the site have been agreed to by Council.*

It is not clear to me what level of information is required to be provided and who "Council" is in this scenario. Is this a development plan (which could be a concept design) or is this design drawings?

If consent to demolish is granted, demolition will need to take place within 5 years of the date of consent (otherwise it will lapse under s 125 RMA) and the Council would have to go through the process all over again. Technically, Council could apply to extend that deadline - but there are several relevant factors that must be considered before an extension is granted.

I also note that at some point, Council will also start to run up against the statutory deadline for earthquake strengthening.

A condition along the lines proposed could mean that the Council has resource consent to demolish the building and is required to do so (or strengthen) under the Earthquake Prone Building legislation but cannot do so without being in breach of the resource consent because of this condition.

In my view, this has the potential to encourage a “rush job” with redevelopment.

(b) Recommended condition 4 requires:

*That the replacement building... shall commence within 2 years after the demolition of the building.*

While I understand the reasoning behind this condition, there are a number of practical considerations that are relevant.

As demonstrated through the 5 June 2024 Council resolution, the Council is committed to proceeding with construction of a new Town Hall/civic facility. This is reflected in points 3 and 4 of the Council Resolution (reproduced at Section 1.0 of the Resource Consent Application). This resource consent application has also been advanced on the basis that a new civic facility will follow.

However, if the fixed price tender process to replace the building exceeds the funds currently allocated by the Council of \$25M plus external funding, then further decisions will need to be made as to how to proceed. This may involve a redesign of the new building or reallocation of funding but will likely take time to work through. I note that the Council will still be required (under the consent) to remediate the space, but ultimately, the next stage of development may take time to work through. In my view, a suitable condition might be for the site could be grassed and treated like the square on the southern side of Perry Street during design and fundraising. This would mitigate concerns around the site being left in an unsightly condition.

*Russell Hooper*

Dated this 28<sup>th</sup> day of March 2025