

Lee Pee Ltd

Hotel Development, Worcester Street



137 Cambridge Terrace

Resource Consent Application to the  
Christchurch City Council

December 2017

## Planz Consultants

### Quality Assurance Statement:

**Application Prepared By:**

Planz Consultants Ltd, 124 Peterborough Street, PO Box 1845, Christchurch 8140,  
[www.planzconsultants.co.nz](http://www.planzconsultants.co.nz)



Matt Bonis, Associate

DDI: 021 796670

E:[matt@planzconsultants.co.nz](mailto:matt@planzconsultants.co.nz)

**Reviewed By:**



Jonathan Clease

DDI: 03 964 4630

E:[jonathan@planzconsultants.co.nz](mailto:jonathan@planzconsultants.co.nz)

**Project Number:** 14880

**Document Status:** Lodgement

**Date:** 18 December 2017

The information contained in this document produced by Planz Consultants Ltd is solely for the use of the Client for the purpose for which it has been prepared and Planz Consultants Ltd undertakes no duty to or accepts any responsibility to any third party who may rely upon this document.

All rights reserved. No section or element of this document may be removed from this document, reproduced, electronically stored or transmitted in any form without the written permission of Planz Consultants Ltd.

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b>	<b>1</b>
1.1	BACKGROUND	1
1.2	PURPOSE OF THIS REPORT	1
<b>2</b>	<b>SITE DESCRIPTION</b>	<b>2</b>
2.1	APPLICATION SITE	2
2.2	SURROUNDING AREA	4
<b>3</b>	<b>PROPOSAL DESCRIPTION</b>	<b>7</b>
3.1	OVERVIEW	7
3.2	BUILDING CONDITION OF HARLEY CHAMBERS AND WORCESTER CHAMBERS	8
3.3	DEMOLITION AND CONSTRUCTION PROCESS	8
3.4	UTILITIES, DEWATERING AND STORMWATER	9
<b>4</b>	<b>CHRISTCHURCH DISTRICT PLAN ASSESSMENT</b>	<b>10</b>
4.1	ZONING	10
4.2	DEFINITIONS	10
4.2.1	<i>The Activity – Guest Accommodation</i>	10
4.2.2	<i>Heritage Definitions – Is the works to Worcester Chambers ‘Demolition’ or ‘Partial Demolition’</i>	11
4.3	ACTIVITY STATUS	12
<b>5</b>	<b>STATUTORY FRAMEWORK</b>	<b>18</b>
5.1	SECTION 104 RMA	18
5.2	SECTION 104D RMA	18
5.3	PART 2 OF THE RMA	19
<b>6</b>	<b>ASSESSMENT OF EFFECTS ON THE ENVIRONMENT</b>	<b>22</b>
6.1	EXISTING ENVIRONMENT	22
6.2	ARCHITECTURE	22
6.2.1	<i>Urban Design</i>	24
6.2.2	<i>Height and recession planes</i>	27
6.3	CULTURAL ADVICE	28
6.4	TRAFFIC	28
6.5	HISTORIC HERITAGE	29
6.5.1	<i>Heritage Assessment of fabric</i>	29
6.5.1.1	<i>Harley Chambers</i>	30
6.5.1.2	<i>Worcester Chambers</i>	31
6.5.2	<i>Reuse Options</i>	31
6.5.3	<i>Engineering Assessment</i>	39
6.5.3.1	<i>Worcester Chambers</i>	39
6.5.3.2	<i>Harley Chambers</i>	39
6.5.4	<i>Costs of Repair and alternatives – Harley Chambers</i>	40
6.5.4.1	<i>Market use and Valuation – Harley Chambers</i>	40
6.5.4.2	<i>Market use and Valuation – Worcester Chambers</i>	41
6.5.5	<i>Heritage Impact Assessment</i>	41
6.5.5.1	<i>Harley Chambers</i>	41
6.5.5.2	<i>Worcester Chambers</i>	42
6.5.6	<i>Heritage Assessment of fabric</i>	44
6.5.6.1	<i>Section 104(1)(a) Harley Chambers - Heritage</i>	45
6.5.6.2	<i>Section 104(1)(a) Worcester Chambers - Heritage</i>	45

6.5.7	Heritage Effects summary	46
6.6	FLOOD FLOOR LEVELS	47
6.7	WATERWAY SETBACKS	49
6.8	NES CONTAMINATION	49
6.9	POSITIVE EFFECTS	49
<b>7</b>	<b>OBJECTIVES AND POLICIES</b>	<b>51</b>
7.1	STRATEGIC OBJECTIVES	51
7.2	NATURAL HAZARDS	53
7.3	WATERWAY SETBACKS	53
7.4	TRANSPORT	53
7.5	COMMERCIAL	53
7.6	HERITAGE	55
7.7	OBJECTIVE AND POLICY CONCLUSION	57
<b>8</b>	<b>REGIONAL POLICY STATEMENT</b>	<b>57</b>
<b>9</b>	<b>OTHER MATTERS</b>	<b>59</b>
<b>10</b>	<b>CONDITIONS OF CONSENT</b>	<b>60</b>
<b>11</b>	<b>CONSULTATION/NOTIFICATION</b>	<b>62</b>
<b>12</b>	<b>CONCLUSION</b>	<b>62</b>

## Attachments:

**Attachment A:** Certificates of Title

**Attachment B:** Flood Floor Level Certificate

**Attachment C:** Preliminary Site Assessment (NES-Contamination): Envisor

**Attachment D:** Heritage Impact Assessments (Worcester Chambers / Harley Chambers): John Gray, Smart Alliances Ltd

**Attachment E:** Architecture and Design: Bill Gregory, Warren and Mahoney

**Attachment F:** Matapopere – Correspondence dated 22 September 2017

**Attachment G:** Integrated Transport Assessment: Chris Rossiter, TDG

**Attachment H:** Engineering and Structural: Brett Gilmore, Quoin

**Attachment I:** Cost Estimate of Options (Harley Chambers): Keeley Pomeroy, AECOM

**Attachment J:** Valuation and Consultancy Report: Scott Ansley, CBRE

**Attachment K:** Christchurch Urban Design Panel. Review dated 20 July 2017

**Attachment L:** Christchurch City Council, Letter dated 17 May. Regeneration Barrier Sites

**Attachment M:** Applicant Statement

**APPLICATION FOR RESOURCE CONSENT**  
**SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991**

---

**To: the Christchurch City Council**

1. **Lee Pee Limited** applies for **Land Use Consent** for the following activity:

*Development of an International Standard Hotel development, consisting of 150 bedrooms, dining areas, and public restaurants, retail, gym and atrium space. Demolition of a 'significant' (Group 2) heritage item, being Harley Chambers, and the substantial alteration and demolition of a 'highly significant' (Group 1) item, being Worcester Chambers.*

*The proposal is more fully described in the attached AEE and plans which form part of this application.*

2. The site at which the proposed activity is to occur is as follows:

**Address:** **137 Cambridge Terrace, Christchurch**

**65 – 69 Worcester Street, Christchurch**

**Legal Description:** **Pt Lot 1 and Pt Lot 2 DP6773, being CB415/82 CB18K/448 and CB18K449.**

**Lot 1 DP35444, being CB415/83. Pt Lot 2 DP9096.**

**Area:** **2,314m<sup>2</sup>**

3. The name and address of the owners and occupiers of the land to which the application relates are:

**Lee Pee Limited**

4. There are no other activities that are part of the proposal to which this application relates.

5. This application also seeks consent for works in a HAIL site as subject to the regulations contained in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES Contamination**).

6. Additional resource consents are required from the Canterbury Regional Council for the proposed activity, as related to dewatering of the site, and are yet to be applied for.

7. In addition, prior to any groundworks commencing as subject to this consent, an Archaeological Authority is to be sought and obtained from Heritage New Zealand as the site is part of the larger Central City as an identified 'Archaeological Site' under the Heritage New Zealand Pouhere Taonga Act 2014.

8. In accordance with the Fourth Schedule of the Resource Management Act 1991 (as amended 3 March 2015), an assessment of the environment effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment is attached.

9. No other information is required to be included in this application by the district/regional plan, the Resource Management Act 1991, or any regulations made under that Act.

The applicant has chosen to publicly notify the application, **pursuant to s95A(2)(b)** of the Resource Management Act 1991 (**RMA**). Accordingly, the required deposit of \$12,500.00 (incl GST) for processing the application is enclosed.



Matt Bonis, Associate

**Planz Consultants Limited**  
On behalf of **Lee Pee Ltd**

**Address for Service:**

Planz Consultants Limited  
PO Box 1845  
**CHRISTCHURCH 8140**  
Attention: Matt Bonis

**Address for Billing:\***

Rosie Hobbs  
C/- Lee Pee Ltd  
PO Box 2838, Christchurch 8140  
Ph 021 358 048  
rosiehobbs@valourproperties.co.nz

Mobile: 021796670  
Email: matt@planzconsultants.co.nz

- \* Planz Consultants Limited accepts no liability for any Council costs or charges. Invoices for all such work are to be sent to the Applicants address above for billing.

**Resource Management Act 1991**  
**Fourth Schedule**  
**Assessment of Effects on the Environment**

---

## **1 Introduction**

### **1.1 Background**

Lee Pee Ltd propose to construct a new International Standard Hotel with some 150 rooms on three blocks of land, as located at 65 – 69 Worcester Boulevard and 137 Cambridge Terrace.

The Hotel development is to include hotel related facilities and function spaces, as well as publicly available restaurants, retail and a substantial atrium space. Below grade will be a plant room and valet carparking.

Harley Chambers, a Significant (Group 2) Heritage listed item will require demolition to provide for the development. Worcester Chambers, a Highly Significant (Group 1) Heritage listed item will be substantially altered. The more valued and intact part of Worcester Chambers, being the front 6.5m abutting Worcester Boulevard will become the design focus, both externally in terms of the Worcester Boulevard façade, and internally when viewed from the internal Atrium or elevated bedroom units. The remainder will be demolished.

Lee Pee Ltd have owned Harley Chambers and York House (65-67 Worcester Boulevard) for well over a decade. York House was demolished in 2011 due to earthquake damage, pursuant to a Section 38 notice from CERA. Harley Chambers has been unoccupied since, due to earthquake damage. The intervening site, Worcester Chambers was purchased in September 2016.

### **1.2 Purpose of this Report**

The purpose of this report is to provide the Council with the information required in order to obtain resource consent for the proposed Hotel development on the application site, inclusive of necessary consents for the demolition of Harley Chambers, and alteration / demolition of Worcester Chambers.

The appendices at the end of the report contain all the plans and other relevant information to support the proposal.

## 2 Site Description

### 2.1 Application Site

The application site, as located on 65 – 69 Worcester Boulevard and 137 Cambridge Terrace is zoned **Central City Business**.

65 – 67 Worcester Boulevard (the York House site) is unoccupied by buildings. The site is used for carparking over a tidy gravel surface.

Worcester Chambers, 69 Worcester Boulevard is a two level Georgian revival character building, designed in 1928 as a purpose built commercial college. Since the 1950's the building was used for a range of commercial tenancies, and became an English Language School in 1995. A substantial alteration extending the rear of the building was undertaken in 1958. Other alterations, fit-outs and replacement of the slate tiles (except the front 6.5m of the building), occurred in 1963, 1981, 1987, 1995-6, 2001 and 2006. Apart from a brief occupation by CERA, the building has been vacant since February 2011. The building is notated as Highly Significant in the Christchurch District Plan (Heritage notation 571 and setting)

Harley Chambers, 137 Cambridge Terrace is a three-level character building, with the northern portion originally dating from 1929, and the southern 1934. Until 2011 the building was used for numerous small to medium size offices, primarily for medical and dental practice rooms. The Canterbury earthquake sequence rendered the seismic compliance rating at around 15%. The building has been unoccupied since February 2011, apart from a high level of vagrant and antisocial behaviour despite ongoing security efforts by the owner. The building is notated as Significant in the Christchurch District Plan (Heritage notation 78 and setting).

Pedestrian access to Harley Chambers is gained off both Worcester Boulevard (local road) and Cambridge Terrace (main distributor). Pedestrian access only is available to Worcester Chambers, via the same street; and road access is available to the York House site via Worcester Boulevard.

The site is also the subject of numerous overlays within the Christchurch District Plan, including:

- Central City Core overlay
- Central City Building Height 28m overlay
- Downstream Waterway (Setback Avon River)
- Liquefaction Management Area (LMA)
- Flood Management Area (Fill Floor Level Certificate RMA/2017/2839 – 14.83m, **Attachment B**)
- Category 3: Lower Noise Level Area
- Central City Inner Transport Zone

Worcester Chambers, 69 Worcester Boulevard is listed on the Environment Canterbury Listed Land Use Register (**LLUR**) as a HAIL site. The HAIL activity is 'storage tanks or drums of fuel, chemicals or liquid waste' (HAIL A17) and Electrical Transformers (HAIL B2). A Preliminary Site Investigation (**PSI**) as provided as **Attachment C** confirms HAIL activities on the site, as well as 'Tank and Drums' associated with 137 Cambridge Terrace.





*Photo 1: Worcester Chambers western elevation. Photo facing east – Worcester Boulevard.*



*Photo 2: Worcester Chambers, south elevation. Photo facing north – Worcester Boulevard*



*Photo 3: Harley Chambers, Southern elevation. Photo facing north – Worcester Boulevard*

## 2.2 Surrounding Area

The site is located on a prominent central city corner.

Immediately adjoining the site to the east is the Avon River corridor, as zoned Avon River Precinct. As one of the Anchor Projects in the Central City Recovery Plan, the Avon River corridor is the subject of a series of restoration and design improvement projects, with the immediate location being subject to 'The Terraces' with the aim of improving gathering and leisure for this area between Cashel Mall to the new punt stop adjoining 'Our City'.

Our City, the 1887 built Christchurch City Council civic offices, to the east remains shrouded in weather proofing and propping post the Canterbury Earthquake sequence. Further to the east is Cathedral Square and the dominant but currently in ruins, Christchurch Cathedral. These areas are notated as Heritage items and settings respectively.

To the south, on the opposite (southern) side of Worcester Boulevard from the application site is the Canterbury Club and adjoining contemporary HSBC multi-storey commercial building. The Christchurch City Council building is located to the south-west. These two buildings are of a substantial scale, and with the new commercial buildings recently erected on the old King Edward Barracks sites further to the south along Cambridge Terrace, visually dominate the skyline. These sites are also zoned Commercial Central City Business Zone.

To the north is the modern 28m high Lane Neave Office buildings, and similar scale and age commercial developments such as the Simpson Greirson and Meridian buildings have recently been established on the corner of Gloucester and Durham Street North. These sites are also zoned Commercial Central City Business Zone.

To the west towards the Canterbury Museum, the streetscape is dominated by the Art Gallery Buildings on the corner of Montreal Street and Worcester Boulevard, and then the Arts Centre as one travels some 300m west down the tramline and paved surface of Worcester Boulevard.

To summarise the surroundings: The area has undergone significant change following the earthquakes with numerous new commercial buildings developed along the Avon River corridor in particular. These modern commercial buildings contrast with a number of heritage buildings in the wider area, including the Cathedral, Our City, Bridge of Remembrance, Arts Centre, and Museum. These heritage buildings are in varying states of repair. The River and Cambridge Tce road corridor have both undergone significant change post-earthquake as part of the wider package of transport initiatives to make the Central City more accessible and to restore the Avon River as a key amenity and ecological feature.

Along the north - south axis running along Cambridge Terrace, the built form is one characterised by the modified Avon river corridor as flanked to the west by multi-story and dominant commercial buildings with a substantial glazed materiality. These commercial buildings are all relatively recent in design and construction, and are typically articulated through materiality of glazed façades, rather than intricate or finer grain architectural design and treatment.

Along the east – west axis there is less commonality in building design and mass, as well as open public space. The Christchurch City Council building and HSBC building are dominant in terms of their height, with the Council entrance providing a civic space fronting onto the Boulevard. The lower, but equally imposing Art Gallery building frames the corner with Montreal Street. Further to the west there is more heritage character and intricate building design present through the Art Centre and Christchurch Museum. At the eastern end of this axis is the large open void of Cathedral Square, provided with a rather desolate character given the current

state of the Cathedral, surrounding buildings and the absence of activity on the Convention Centre site.

Cambridge Terrace forms part of the Main Distributor network within the roading hierarchy and has recently been reconstructed as a two-lane, one way southbound route with on-street parking provided by inset parking bays. All roads that transect Cambridge Terrace have been signalised. Traffic volumes are some 10,000 vehicles per day (vpd).

Worcester Boulevard, is a one-way road, with movements to the west, and has been formed with a wide carriageway to accommodate Tram movements. On-street parking is also recessed. Traffic volumes are some 1,100 vehicles per day (vpd).



Figure 1: Annotated Aerial of surrounding area

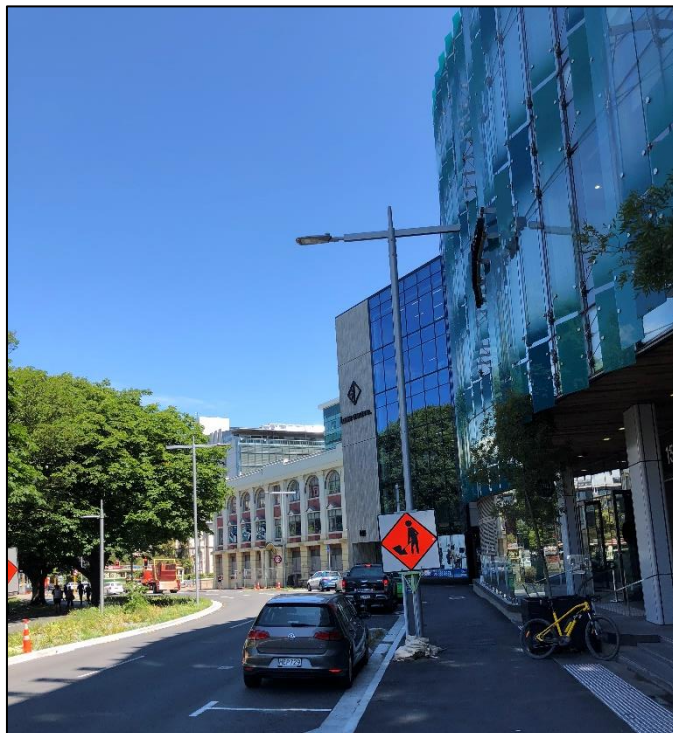


Photo 4: Harley Chambers, Lane Neave Building, and Council Building in background. Photo facing south – Cambridge Terrace

### 3 Proposal Description

#### 3.1 Overview

The overall proposal is to develop a five-star hotel complex on the north-western corner of the Cambridge Terrace / Worcester Boulevard intersection.

The hotel complex will consist of 150 guest rooms, and associated function rooms, ancillary public retail and atrium, and basement carparking (38 spaces). The guest rooms will range in size from 36m<sup>2</sup> to 55m<sup>2</sup>, although suites can be interlocked creating modules of 72m<sup>2</sup> to 108m<sup>2</sup>. It is understood that 150 rooms, and facilities proposed are an established minimum benchmark for establishing a Hotel at this end of the accommodation spectrum.

Two restaurants are to be provided, one catering for fine dining and hotel bar at first floor, the second a more orthodox restaurant and bar at ground floor. Also at grade will be two retail tenancies, the first a 35m<sup>2</sup> GFA tenancy entered from Cambridge Terrace (FFL 14.3m RL); the second -and likely to be a food and beverage offering, will be undertaken in a 66m<sup>2</sup> tenancy in the remaining portion of Worcester Chambers (established FFL 14.35m RL) as entered by the existing doorway onto Worcester Street. On the first floor are also located a function and pre-function space.

Other facilities include a Spa, pool and gym, and function space at first floor; admin office (58m<sup>2</sup>) at ground floor; and plant room (150m<sup>2</sup>), staff amenities (150m<sup>2</sup>) and storage and laundry at basement level.

At a maximum height of 28.45m, the Hotel is divided into eight (8) levels, with the basement, ground floor and first floor to contain administration, operational, function and leisure spaces associated with the Hotel operations. Levels three (3) to eight (8) contain guest bedrooms, with expansive views internally over the glass roofed Atrium and retained Worcester Chambers; levels seven (7) and eight (8) have a reduced guest room count to comply with the 21m wall height (and associated upper level street setback) fronting Worcester Boulevard and Cambridge Terrace.

The built form of the Hotel is substantial at 15,200m<sup>2</sup>. The basement area is 2,214m<sup>2</sup>, with the building Ground Floor (Level 1) to Level 8 occupying an area of 12,922m<sup>2</sup>, exclusive of the retained Worcester Chambers with a size of 66m<sup>2</sup> GFA.

Hotel vehicle access is internalised. One-way entry is provided only from Worcester Boulevard, and egress only via Cambridge Terrace. A 'porte cochere' / drop off is located centrally fronting an airlock within the building. The access to the basement car park is via a 1 in 5 gradient ramp with grade transitions at the top and bottom of each ramp. A gentle overramp at 14.83m RL is provided at the access (Worcester Boulevard) and egress (Cambridge Terrace) to ensure that minimum floor levels are established to provide a 'lip' for the basement and plantroom which are provided below ground level.

The Hotel proposal is dependent on the demolition of the Harley Chambers building located at 137 Cambridge Terrace, and the substantial alteration / partial demolition of Worcester Chambers at 69 Worcester Boulevard. The front 6.5m of Worcester Chambers, which consists of the most significant and intact heritage fabric associated with this building is to be retained and refurbished to become the focal point of the proposal.

### 3.2 Building Condition of Harley Chambers and Worcester Chambers

The Structural Report **Attachment H** (Quoin) states the structural integrity of the remaining buildings on the site.

For Harley Chambers, the building has been assessed as having a seismic strength of 15% NBS, and is considered earthquake prone with an earthquake strength of less than 33% NBS.

Critical structural weaknesses include:

- Unreinforced brick parapets;
- Unreinforced brick lift shaft above second floor level (partially deconstructed);
- Unreinforced brick and bell block exterior walls; and
- A severely damaged column at the north-eastern corner.

The main safety risk to the public is structural integrity of the north-east column, and exterior plaster spalling. A temporary barricade has been erected on the road reserve adjacent to the north-eastern corner column. Internal risks include: broken windows, spalling and loose internal ceiling debris; health issues associated with residue in the basement, and human and pest faecal matter. Exterior risks also include unreinforced brick parapets to the rear north and western sides of the building which risk falling into the fire egress for the adjoining Worcester Chambers restricting access to that building.

For Worcester Chambers, extensive alterations carried out in 2007 along with earthquake strengthening has resulted in the integrity of the building responding far better to the Canterbury earthquake sequence. The building has been assessed with a 73% NBS. Damage to the building was largely superficial, but extensive including settlement of the building and cracking to brick mortar and loosening of some bricks, as well as interior cracking.

York House was deemed repairable following the February 2011 earthquake, but subsequent earthquake events resulted in significant damage to internal columns, placing the building at a lean. A Section 38 notice was issued by CERA in June 2011, with the building removed in August 2011.

### 3.3 Demolition and Construction Process

Excavation for the basement level including carparking will be to a depth of 4.2m, and with an area of 2,316m<sup>2</sup> (excluding the 66m<sup>2</sup> retained to support the retained portion of Worcester Chambers) is some 10,000m<sup>3</sup>.

The construction process is anticipated to take some 36 months and will be subject to a detailed Erosion and Sediment Control Management Plan, Construction Management Plan, and Traffic Management Plan. These matters are addressed in volunteered Conditions.

The construction process is set out in Section 5.11 of the Structural Report (**Attachment H**) and will include the following key stages:

- Deconstruction of Harley Chambers and rear portion of Worcester Chambers (where demolition occurs in one stage, otherwise Harley Chambers in Stage 1 and Worcester Chambers deconstruction and Hotel development as Stage 2);
- Installation of permanent ground retention system some 0.6m to 1.0 around perimeter of retained Worcester Chambers.

- Installation of permanent ground retention system around perimeter of the site.
- Install sheet piling in location of two perimeter retention systems to provide for site excavation;
- Installation of near horizontal ties beneath the foundations of Worcester Chambers to tie the top of the sheet pile walls together;
- Excavation.
- Construct the foundations, and utilise the steel sheet piling as permanent formwork to construct the concrete walls to the basement.
- Construct concrete foundations, and laterally connect the existing foundations of Worcester Chambers into the new ground floor level slab.
- Orthodox building construction above the 'new' ground level, and provide seismic joints and gaps between Worcester Chambers and the new building, above ground floor level only. There may be sections of Worcester Chambers where the new building adjoins via flashings, sliding joints, corbels.

### **3.4 Utilities, dewatering and stormwater**

Water supply and sewer discharge can be addressed through mains connecting to the Council's existing network. This will include connections for fire-fighting purposes.

Stormwater from the completed building can be discharged to the stormwater system under the existing Council global consent (CR090292).

As an identified HAIL site, dewatering cannot rely on existing Council Global Consent CC121310. A dewatering consent will be sought from the Canterbury Regional Council.

## 4 Christchurch District Plan Assessment

### 4.1 Zoning

The application site is zoned **Commercial Central City Business Zone**.

The site is not designated, but is the subject of a number of District Plan overlays. These are:

- Central City Core overlay
- Central City Building Height 28m overlay
- Downstream Waterway (Setback)
- Liquefaction Management Area (LMA)
- Flood Management Area (Fill Floor Level Certificate RMA/2017/2839 – 14.83m, **Attachment B**)
- Category 3: Lower Noise Level Area
- Central City Inner Transport Zone

Specific Heritage notations are:

- 137 Cambridge Terrace (Heritage notation 78 and setting)
- 69 Worcester Street (Heritage notation 571 and setting)

The site adjoins, but is not incorporated within:

- Nga Turanga Tupuna (No 48), Appendix 9.5.7.2
- Nga Wai – Otautahi (No 79, Otakaro)
- Site of Ecological Significance, Appendix 9.1.6.1 (Schedule A)
- Significant Feature (Avon Corridor)

### 4.2 Definitions

#### 4.2.1 The Activity – Guest Accommodation

The proposed activity, including publicly accessible restaurants is defined as:

**‘Guest Accommodation’:**

*means the use of land and/or buildings for transient residential accommodation offered at a tariff, which may involve the sale of alcohol and/or food to in-house guests, and the sale of food, with or without alcohol, to the public. It may include the following ancillary activities:*

- a. *offices;*
- b. *meeting and conference facilities;*
- c. *fitness facilities; and*
- d. *the provision of goods and services primarily for the convenience of guests.*

*Guest accommodation includes hotels, resorts, motels, motor and tourist lodges, backpackers, hostels and camping grounds. Guest accommodation excludes bed and breakfasts and farm stays.*



#### 4.2.2 Heritage Definitions – Is the works to Worcester Chambers ‘Demolition’ or ‘Partial Demolition’

The proposed works to Worcester Chambers result in the substantial removal of segments of the building, including the 1958 additions. The front 6.5m of Worcester Chambers is to be retained, refurbished and integrated into the Hotel development.

A determination of the status of the activity turns on whether these works to Worcester Chambers as a Highly Significant (Group 1) heritage item, represent ‘demolition’ (Rule 9.3.4.1.5(NC1), or ‘alteration’ for the purpose of Rule 9.3.4.1.3(RD1). That in turn is dependent on whether the works proposed to Worcester Chambers result in a ‘significant loss of the heritage fabric and form’. (emphasis added).

##### **‘Partial Demolition’**

*in relation to a heritage item, means the permanent destruction of part of the heritage item which does not result in the complete or significant loss of the heritage fabric and form which makes the heritage item significant.*

Partial demolition (as emphasised and underlined) is nested within the definition of:

##### **Alteration of a heritage item**

*in relation to Sub-chapter 9.3 Historic Heritage of Chapter 9 Natural and Cultural Heritage, means any modification or addition to a heritage item, which impacts on heritage fabric.*

*Alteration of a heritage item includes:*

- a. *permanent modification of, addition to, or permanent removal of, exterior or interior heritage fabric which is not decayed or damaged and **includes partial demolition of a heritage item**;*
- b. *changes to the existing surface finish and/or materials; and*
- c. *permanent addition of fabric to the exterior or interior.*

*In relation to a building, structure or feature which forms part of an open space heritage item, alteration includes:*

- d. *modifications ...*

*Alteration of a heritage item excludes:*

- j. *maintenance;*
- k. *...*

This overlaps with the definition of **Demolition**:

##### **Demolition**

*in relation to a heritage item, means permanent destruction, in whole or of a substantial part, which results in the **complete or significant loss of the heritage fabric and form**.*

The Heritage Assessment (**Attachment D**), identifies that that part of Worcester Chambers to be removed does have some significant values associated with the fabric of the east and west exterior walls, and accordingly it constitutes a ‘significant loss of ... heritage fabric and form’.

### 4.3 Activity Status

The tables below set out the applicable City Plan standards pertaining to the proposed activity:

Rule	Assessment	Rule Status
<b>Commercial Central City Business Zone</b>		
<b>15.10.1.1 Permitted Activities</b>		
<b>15.10.1.1 Permitted Activities</b>  P14 Guest Accommodation.  a. The activity shall not be located at ground floor level within 10 metres of the boundary of a road (excluding access ways and service lanes), except for pedestrian entranceways or reception areas, which may be located at ground floor level.	Three function spaces are located on the immediate corner of Hereford and Cambridge Terrace	15.10.1.3(RD3) <b>Restricted Discretionary</b>  <b>Assessment matters:</b> Rule 15.13.2.9
<b>15.10.1.1 Permitted Activities</b>  P1 Retail	Three tenancy spaces are identified (assumed food and beverage, although use of these tenancies for retail is also permitted)	<b>Permitted</b>
<b>15.10.1.1 Permitted Activities</b>  P5 Gymsnasiums  Shall not be located at ground floor within 10m	Location of the gym is on the first floor	<b>Permitted</b>
<b>15.10.1.2 Controlled Activities</b>		
<b>C1 Urban Design</b> New buildings visible from a public place if certified by a qualified expert on a Council list of approved experts as meeting urban design outcomes.	The Council has yet to develop an approved list and therefore this procedural route is not available.	N/A
<b>15.10.1.3 Restricted Discretionary Activities</b>		
<b>RD1 Urban Design</b> New buildings visible from a public place.	The proposal involves new buildings that will be visible from a public place.  Any application arising from this rule shall not be publicly or limited notified	<b>Restricted Discretionary</b>  <b>Assessment matters:</b> Rule 15.13.2.7
<b>15.10.2 Built Form Standards</b>		
<b>15.10.2.1 Building Setback and Continuity</b>  a) On sites in the area identified as the Core on the Planning Map titled 'Central City Core, Frame, Large Format Retail, and Health, Innovation, Retail and South Frame Pedestrian Precincts Planning Map', buildings (excluding fences for the purposes of this standard) shall be built:	The building fronts the road boundary, except for one access apiece on Worcester Boulevard and Cambridge Terrace.	<b>Permitted</b>

<ul style="list-style-type: none"> <li>(i) up to road boundary, except that where the allotment fronts more than one road boundary, buildings shall be built up to all boundaries of the allotment; and</li> <li>(ii) across 100% of the width of an allotment where it abuts all road boundaries (excluding access ways and service lanes), except that one vehicle crossing may be located on each road frontage of the site.</li> </ul>		
<b>15.10.2.2 Verandas</b>	NA	NA
<b>15.10.2.3 Sunlight and outlook for the street</b> <ul style="list-style-type: none"> <li>a. Buildings shall not project beyond a 45 degree recession plane measured from the maximum road wall height and angling into the site, except that this rule shall not apply to access ways, service lanes, or to New Regent Street.</li> <li>b. Any application arising from this rule shall not be limited or publicly notified</li> </ul>	<p>Non-compliant, 650mm at Wall Height, although 45 degree recession plane complied with.</p> <p>Application is non-notified with reference to this breach.</p>	<p><b>Restricted Discretionary 5.10.1.3(RD5)</b> subject to the assessment matters specified in <b>Rule 15.13.3.17</b></p>
<b>15.10.2.4 Minimum number of floors</b> <ul style="list-style-type: none"> <li>a. The minimum number of floors above ground level for any building within the Core identified on the 'Central City Core, Frame, Large Format Retail, and Health, Innovation, Retail and South Frame Pedestrian Precincts Planning Map' shall be two.</li> <li>b. Any application arising from this rule shall not be limited or publicly notified</li> </ul>	Complies	<b>Permitted</b>
<b>15.10.2.5 Flexibility in design</b> <ul style="list-style-type: none"> <li>a. The minimum distance between the top of the ground floor surface and the bottom of the first floor slab shall be 3.5 metres. The measurement shall be made from the ground floor surface to the bottom of the floor slab above.</li> <li>b. This rule shall not apply to buildings for residential activity or a retirement village except where they are within 10 metres of a road boundary.</li> <li>c. Any application arising from this rule shall not be limited or publicly notified.</li> </ul>	Complies, the ground level to ceiling height of the Ground Floor is 4.1m as benefiting a high end Hotel Lobby and associated Atrium.	<b>Permitted</b>
<b>15.10.2.6 On site parking</b>	Complies – 38 spaces basement.	<b>Permitted</b>

<p>a. Parking areas within the Core identified on the Central City Core, Frame, Large Format Retail, and Health, Innovation, Retail and South Frame Pedestrian Precincts Planning Map shall be located to the rear of, on top of, within or under buildings; or when located on the ground floor of any building, not located within 10 metres of the road boundary.</p> <p>b. Any application arising from this rule shall not be limited or publicly notified.</p>		
<p><b>15.10.2.11 Building Height</b></p> <p>The maximum height shall be 28m</p>	Non-compliant, 28.45m	<b>Discretionary Rule 15.10.1.4(D1)</b>
<p><b>15.10.2.12 Maximum road wall height</b></p> <p>The maximum road wall height shall be 21m</p>	Non-compliant, 21.65m	<b>Discretionary Rule 15.10.1.4(D1)</b>
<p><b>15.10.2.13 Water supply for fire fighting</b></p> <p>Provision for sufficient water supply for fire-fighting.</p>	The site services will be connected to Council's reticulated network.	Permitted

<b>Transport</b>		
<p><b>7.4.3.1(b) Parking space numbers</b></p> <p>For any activity the owner, occupier or developer shall make provision for vehicle parking, for use by staff and visitors, in accordance with the Plan.</p> <p>No on-site parking is required. If provided, the parking area shall be no greater than 50% of GLFA.</p> <p>Any car parking spaces provided shall have the minimum dimensions Appendix 7.1, Table 7.4.</p> <p>7.4.3.1 Minimum number and dimension of car parks</p> <p>Mobility parks are to be provided where parking is provided or for buildings with more than 2,500m<sup>2</sup> GFA</p>	<p>38 car parking spaces are provided. These spaces are less than 50% of the GLFA.</p> <p>Parking bays are 2.5m wide and 5m deep. Two bays are 2.4m wide. Aisle widths are 6.2m. 300mm clearance not provided for all spaces</p> <p>None provided, valet parking.</p>	<p>Permitted</p> <p><b>Restricted Discretionary. Rule 7.4.2.3(RD1) Matter 7.4.4.2</b></p> <p><b>Restricted Discretionary. Rule 7.4.2.3(RD1) Matter 7.4.4.3</b></p>
<p><b>7.4.3.2 Cycle Parking</b></p> <p>Cycle parking facilities shall be in accordance with Appendix 7.2 and Table 7.5</p> <p>5 visitor parks and 2 staff parks.</p>	No visitor parking is provided.	<b>Restricted Discretionary. Matter 7.4.4.4</b>
<p><b>7.4.3.3 Loading areas</b></p> <p>Loading spaces shall be provided in accordance with Appendix 7.3 and Table 7.7.</p> <p>Hotels: 2 loading bays, 3 99 percentile parking spaces</p>	Two loading bays are provided at ground floor. Three spaces in the port-cochere that can be used for loading.	Permitted
<b>7.4.3.4 Manoeuvre areas</b>		

All on-site manoeuvring shall be in accordance with Appendix 7.6	Valet parking. Some spaces require reverse entry manoeuvres.	Restricted Discretionary. Matters 7.4.4.6		
<b>7.4.3.5 Gradient</b>  Parking areas shall comply with the relevant gradient provisions.	Gradient standards achieved for all parking areas.	Permitted		
<b>7.4.3.6 Design of parking and loading areas</b>  All lighting of parking and loading areas shall be maintained at a minimum level of 2 lux.  The surface of all parking areas shall be formed, sealed and drained and car parking spaces permanently marked.	The carpark shall be lit to a minimum of 2 lux at night.  The carpark is to be formed, sealed, and drained, and all spaces are to be permanently marked.	Permitted  Permitted		
<b>7.4.3.7 Access type and design</b> (a) Access shall be provided in accordance with Appendix 7.5.7.  (d) Within the Central City, any vehicle access to a road serving more than 15 parking spaces shall be provided with a compliant visibility splay.	Egress width is less than 5.5m wide.  An audio and visual method of warning pedestrians of the presence of vehicles about to exit the access point shall be provided.	Restricted Discretionary. Matters 7.4.4.10  Permitted		
<b>7.4.3.8 Vehicle crossings</b> (a) Any activity with a vehicle access to a road shall be provided with a vehicle crossing constructed from the property boundary to the edge of the carriageway.  (e) The maximum number of crossings for sites with 16-60m of frontage shall be 2 (Table 7.5.11.3)	The site provides for two access points (entry only Worcester and egress only Cambridge), one (1) for each frontage.	Permitted		
<b>7.4.2.10 High Trip Generators</b>  Within the Central City permitted activities are exempt.	The proposed activities are permitted.	Permitted		
<b>7.4.2.11 Vehicle access to sites fronting more than one street within the Central City</b>  Any new vehicle access shall be provided in accordance with Table 7.5.15.	Yes	Permitted		
Noise Limits in the Central City				
6.1.5.2.2i) Category 3: All Central City Areas other than Category 1 and 2 entertainment and hospitality precincts.		Permitted		
Complies				
Activities	Time		L <sub>Aeq</sub>	85 <sub>Amax</sub>
Activities	07:00-23:00		55	85
Activities	23:00-07:00	45	75	

Waterway Setbacks		
<b>6.6.4.3(RD2)(a) New Building and earthworks within 30m of a Downstream Waterway (Avon River).</b> These works are not exempt under Rule 6.6.3(h)	The proposed new building and earthworks occurs within 24m of the Avon River, a breach of 6m.	<b>Restricted Discretionary</b> <i>Rule excludes sites where there is an intervening legal road, except for matters in Rule 6.6.7.1 'Natural Hazards'.</i>
Flood Hazard		
<b>5.4.1.5a(RD1).</b>  New buildings which do not comply with the specific standards of 5.4.1.1(P1).	<p>Whilst the ground floor is located in compliance with the issued Flood Floor Certificate (Min Floor Level 14.83m RL RMA/2017/2839), the basement carparking and plant room are below ground level.</p> <p>In addition:</p> <ul style="list-style-type: none"> <li>• Tenancy 1 (35m2) 14.300m RL</li> <li>• Tenancy 3 (Worcester Chambers) 14.350m RL</li> <li>• Accessible Lobby to Cambridge Terrace (ramp) at entry 14.100m RL gradient to 14.830m RL.</li> </ul>	<b>Restricted Discretionary. Matters 5.4.1.5a(RD1).</b>
Earthworks		
<b>Rule 8.9.2.1 / Table 1</b>  Earthworks will require some 10,000m3 of material being removed to a depth of some 4.2m.	Rule 8.9.3 provides an exemption for: <i>iv. Any earthworks subject to an approved building consent where they occur wholly within the footprint of the building. For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the wall. This exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the principal building on the site or adjoining site.</i>	<b>Permitted</b> Subject to a condition stating that works shall not commence until a building consent has been approved.  This approach was confirmed through the Council's published approach dated 8 November 2017.
Heritage		
<b>Rule 9.3.4.1.4(D2)</b>  <b>Demolition of a Significant (Group 2) Heritage Item.</b>	The proposal will remove Harley Chambers in its entirety.	<b>Discretionary</b> <i>Assessment matters in Rule 9.3.6.1 have been used to focus the assessment.</i>

<b>Rule 9.3.4.5.3(NC1)</b> <b>Demolition of a Highly Significant (Group 1) heritage.</b>	The proposal results in the permanent destruction of parts of Worcester Chambers. This does not comprise complete loss, but does result in a loss of some attributes and heritage fabric and form which make the heritage item significant.	<b>Non- Complying</b>
---	---	-----------------------

The proposal is therefore to be assessed as a **Non Complying** activity under the Christchurch District Plan.

<b>National Environmental Standard – Contaminants in Soil</b>		
<b>Regulation 11</b> <b>This regulation applies to any piece of land described in regulation 5(7) or (8) that is not a permitted activity, controlled activity, or restricted discretionary activity.</b>	The site is identified in the Listed Land Use Register (LLUR) and a comprehensive PSI has been completed.	<b>Discretionary</b>

The proposal is therefore to be assessed as a **Restricted Discretionary** activity under the National Environmental Standard – Contaminants in Soil.

It is noted that signage is yet to be determined and either comply with the District Plan, or alternatively consent will be sort.

## 5 Statutory Framework

### 5.1 Section 104 RMA

Section 104 of the RMA provides the statutory requirements for the assessment of the application and sets out those matters that the Council must have regard to when considering the application. Subject to Part 2 of the RMA, it is considered that the relevant matters for the assessment of this application include:

- Any actual or potential effects on the environment of allowing the activity;*
- The relevant objectives, policies, rules and other provisions of the District Plan; and*
- Any other matter that the Council considers relevant and reasonably necessary to determine the application.*

Section 104 (2) allows the Council when forming an opinion in relation to any actual or potential effects on the environment of allowing the activity to disregard an adverse effect of the activity on the environment if the District Plan permits an activity with those effects.

In this instance, whilst the activities, bulk and location of the proposed building (largely conform) with the relevant Plan Standards, there is a limited permitted baseline. The presence of the two listed Heritage Buildings, and Urban Design discretion in favour of the Council largely remove the ability to discount certain effects on the environment associated with the proposal.

It is nonetheless important to note that the Plan permits the proposed end-use activities (guest accommodation and retail). It anticipates buildings of the proposed scale and mass (subject to an urban design assessment). It also permits the removal/ alteration of the internal spaces and fabric within heritage buildings i.e. it is only the external walls and roof that are subject to heritage rules.

### 5.2 Section 104D RMA

Section 104D sets out particular restrictions for non-complying activities, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) the application is for an activity that will not be contrary to the objectives and policies of—*
  - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
  - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
    - i. both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity*

Under Section 104B of the RMA the Council may grant or refuse an application for a non-complying activity, and if it grants the application, may impose appropriate conditions in accordance with section 108.



### 5.3 Part 2 of the RMA

Section 104 of the RMA provides the statutory requirements for the assessment of the application and sets out those matters that the Council must have regard to when considering the application. Subject to Part 2 of the RMA, it is considered that the relevant matters for the assessment of this application include:

- Any actual or potential effects on the environment of allowing the activity;*
- The relevant objectives, policies, rules and other provisions of the District Plan; and*
- Any other matter that the Council considers relevant and reasonably necessary to determine the application.*

The recent *Davidson decision*<sup>1</sup> now currently means that a separate consideration of Part 2 of the Act is not necessarily required. In this regard it is noted that the Environment Court in *Blueskin Energy Limited v Dunedin City Council*<sup>2</sup> recently addressed this matter comprehensively stating:

*“It appears, following the High Court decision of R J Davidson, that s 104(1) provides for the consideration of Part 2 in a particular way. The consent authority may have recourse to Part 2 when considering the application and submissions under s 104(1); but not afterwards as a separate exercise as per the “overall judgment approach”. We suggest [an] inherent risk under the overall judgment approach is that the decision-maker may take into account an irrelevant matter – or more likely fail to take into account a relevant matter- including in particular the weighted findings under s104(1)(a), (b) and (c).*

*The circumstances where there may be recourse to Part 2 is where there is invalidity, incomplete coverage or uncertainty of meaning within the planning instruments. ...”*

The fulcrum of this application is, and turns on, the degree to which the effects associated with the demolition of Harley, and more critically Worcester Chambers, are balanced against enabling recovery and regeneration. Pursuant to s104(b)(vi) the operative provisions of Section 9.3.2 (the Heritage Provisions) and Objectives 3.3 (Strategic Directions) were recently resolved and made operative, and account for the balancing judgement between Central City regeneration and Heritage retention which underpin the critical matters to be considered in this application.

In Decision 45 which resolved the Heritage Provisions of the Christchurch District Plan, the Independent Hearings Panel (‘IHP’) raised issues as to the Council’s notified provisions associated with protection of Historic Heritage<sup>3</sup>. In particular, concern was raised as to the manner in which the notified objectives and policies did not take proper regard of the *“the impacts of the Canterbury earthquake sequence, the financial costs of repair and reconstruction of heritage items, and related to that, the engineering complexity of repair, reconstruction and seismic strengthening.”*

The IHP also released a Minute leading up to Decision 45<sup>4</sup>. The relevant consideration to this issue is:

---

<sup>1</sup> R J Davidson Family Trust v Marlborough District Council [2017] NZHC 52

<sup>2</sup> [2017] NZEnvC 150

<sup>3</sup> IHP Decision 45 – Paragraph 32.

<sup>4</sup> Hearing Panel Minute Regarding Topics 9.1 – 9.5, 22 February 2016.

[17] In addition, the Council's s32 evaluation did not involve any structured or formal evaluation, in consultation with landowners, or engineering feasibility and / or financial or economic viability issues. As we shortly address, the evidence we have heard on those matters for various submitters has informed our view that several listings should be deleted or modified. However, we have only had insight into a small sample of listings brought to our attention by submitters. Given the various considerations we have noted, this significant weakness in the listings in the Notified Proposal needs to be addressed in both policies and rules so as to ensure all landowners (whether or not submitters) will have a fair capacity for relief. We return to this matter shortly.

[18] Those problems have their consequences for the Notified Proposal. One consequence concerns the reliability or otherwise of the heritage list in the Notified Proposal, given the quality control matters we have identified...

Decision 45 then states

[63] We have also included express acknowledgement that in some situations demolition of heritage items is appropriate. This is now expressly recognised in the provisions through recognition of financial and engineering factors and is consistent with our findings to s6(f), discussed at [10] – [15] above.

[99] We find that there is no statutory presumption that 'demolition' will be inappropriate, or that it requires avoidance in an absolute sense. In the Christchurch recovery context, there is a need for overall flexibility in the appropriate management of historic heritage. Policy 9.3.2.9 does not sit alone. It is one of the matters that sits under Policy 9.3.2.4. We find that the list of matters in Policy 9.3.2.9, are relevant considerations for ensuring whether demolition is appropriate. On the evidence we find the listing of these matters is particularly important for the proper consideration of applications for complex restoration or rebuilding projects involving historic heritage. As we discuss below in the context of Christchurch Cathedral, demolition can take a number of forms. It does not always mean the loss of an entire building to make way for a new and modern building. There are a range of factors that affect how much demolition is required. All of those matters are recognised in the Final Revised Version. However, we find that the policy still inappropriately framed these factors as 'exceptions', notwithstanding the Council's movement away from the phrase 'exceptional circumstances'. In the Christchurch context, we find that there should be no presumption that 'demolition' is inappropriate or that it must be avoided, or only allowed in limited circumstances.

The relevance of these matters to this application, are:

- The Hearing Panel Minute Regarding Topics 9.1 – 9.5, 22 February 2016 records 'significant weakness in the listings' of the Schedule of Significant Historic Heritage. Not all listings, including those under ownership by the applicant, were tested through that process.
- Accordingly, Decision 45 records that the Policy framework, specifically related to the identification and assessment of historic heritage (now Policy 9.3.2.2.1), and demolition of heritage items (now Policy 9.3.2.2.8) has been framed such that there is not a presumption that 'demolition' is inappropriate or that it must be avoided, or only allowed in limited circumstances'.
- The decision to make further minor corrections to Decision No. 45, which resolved an Appeal from Christchurch City Council by amending Objective 9.3.2.1.1 to acknowledge, but not necessary enable demolition.

Accordingly, it is considered that there is no invalidity, incomplete coverage or uncertainty of meaning within the planning instruments in this case that might necessitate a separate consideration of Part 2 when considering this proposal. Notwithstanding the above, for completeness there are relevant matters of national importance or known cultural values that would otherwise need to be 'recognised and provided for' in respect of this proposal.

The starting point is the obligation under the RMA, Part 2 and in particular:

**Section 6: Matters of national importance**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

...

*(f) the protection of historic heritage from inappropriate subdivision, use, and development:*

...

***‘Historic heritage’*** is defined in RMA, s 2 as:

*(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:*

- (i) archaeological:*
- (ii) architectural:*
- (iii) cultural:*
- (iv) historic:*
- (v) scientific:*
- (vi) technological; and*

*(b) includes—*

- (i) historic sites, structures, places, and areas; and*
- (ii) archaeological sites; and*
- (iii) sites of significance to Māori, including wāhi tapu; and*
- (iv) surroundings associated with the natural and physical resources*

I understand that the meaning of the phrase “inappropriate subdivision, use, and development” was considered in *Environmental Defence Society Inc. v New Zealand King Salmon Company Ltd*<sup>5</sup> where it was held that protection against ‘inappropriate’ subdivision, use or development allows for the possibility of some forms of ‘appropriate’ subdivision, use and development. The inappropriateness of any subdivision, use or development should be assessed on a case by case basis, by reference to what is sought to be protected

---

<sup>5</sup> *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38, [2014] 1 NZLR 593 at [30].

## 6 Assessment of Effects on the Environment

This assessment has been prepared in accordance with the requirements of Section 88 and the Fourth Schedule of the Resource Management Act 1991.

Given the non-complying status of the application, discretion is not restricted to any matters.

The key matters of relevance are:

- Architecture, Urban Design and Height – **Attachment E**, Bill Gregory, WAM
- Cultural Advice – **Attachment F**, Debbie Tikao, Matapopore
- Traffic – **Attachment G**, Chris Rossiter, Traffic Design Group
- Historic Heritage
  - Heritage Impact Assessment, John Gray, Smart Alliances (**Attachment D**)
  - Damage and Engineering, Brett Gilmore, Quoin (**Attachment H**)
  - Cost of Repair and replacement options – Keeley Pomeroy, Aecom (**Attachment I**)
  - Market and financial options – Scott Ansley, CBRE (**Attachment J**)
- Flood Floor Levels (**Attachment B**).
- Regeneration and positive benefits.

### 6.1 Existing Environment

In addition to the permitted baseline set out above, the existing environment forms the basis upon which an assessment of effects is to be based.

The site has been described in detail above, however it is worth reemphasising that for the purpose of assessment the starting point is an existing environment comprised of a vacant lot in use for casual carparking, a vacant heritage building that has proven difficult to tenant post-earthquake, and a derelict and earthquake prone heritage building on a key civic corner.

The existing environment therefore makes a poor visual contribution to the City Centre, does little for street activation or amenity, and makes no contribution towards vibrancy and function of the City Centre. The existing environment does contain heritage values, however these values have been significantly compromised particularly in the case of Harley Chambers through extensive earthquake damage and subsequent vacancy.

The following assessment of effects is therefore undertaken against the base created by the existing environment.

### 6.2 Architecture

Mr Bill Gregory, Warren and Mahoney has been instrumental as to the design of the proposal, and its integration with Worcester Chambers. He has considered (**Attachment E**), the following matters of non-compliance with the Operative Plan:

- Urban Design, Assessment matters Rule 15.13.2.7;

- Maximum height and maximum wall length, Rule 15.10.1.4(D1); and
- Sunlight and outlook, Assessment matters Rule 15.13.3.17.

Mr Gregory outlines the drivers behind the proposal as including:

- *To facilitate and recover an economic use from a high-profile corner site within the Christchurch Central City, given the earthquake damage apparent in the current buildings on the site;*
- *To meet the needs of the hotel operation, a critical mass of rooms for the given level of quality and the associated public and service spaces must be accommodated;*
- *To retain and create as a focus that portion of Worcester Chambers that retained architectural and design integrity;*
- *To enable passenger, guest and service vehicles to efficiently and effectively access the site for the purpose of facilitating hotel operations and visibility;*
- *To provide guests with the experiences required to assist with the possibility of a return visit;*
- *To enable sustainable use of the site through good design and management;*
- *To offer hospitality to guests and residents which is the primary function of the hotel; and*
- *To provide at ground floor atrium space and restaurants that are publicly accessible to ensure that the Hotel development is inviting for both hotel guest and the wider public.*

These drivers also represent positive effects, and can be connected directly to a number of aims expressed in **Objective 3.3.1** and **Objective 3.3.8** as these relate to ‘enabling recovery and facilitating enhancement’ and ‘revitalising the central city’ respectively.

The scheme design is derived from its function. Accordingly, the top six floors (of eight) are designed to provide 150 guest rooms, with specific minimum requirements around floor to floor heights (3100mm) and scale. The design is then influenced by the desire to provide light and views to hotel guest rooms on these floors, thus the atrium and ‘U-Shaped’ building design wrapped around the front section of Worcester Chambers as integrated into the proposal.

The bottom two floors, and sub-surface floor, are derived from the need to provide for plant, car-parking, and public spaces at ground level and first floor. Given the nature of these spaces a floor to floor level of 4100m is provided.

An initial proposal was considered by the Christchurch City Council Urban Design Panel on 12 July (**Attachment K**). The Panel commended:

- *The intent to provide a high quality hotel on this critical central city site, and the animation that a high end hotel would provide within this key part of the city.*
- *Broadly supporting the overall U shaped massing breaking down a large building especially in relation to the Worcester Boulevard context.*
- *The composition of the building in three layers – top, middle and base – this also assists in mitigating the scale of the development.*
- *The location of the building services plant such that it is not visible from public space.*
- *The celebration and repurposing of the Worcester Chambers.*

To address matters raised by the Panel, the applicant has:

- Confirmed broader consideration of Ngāi Tūāhuriri cultural values through iterative cultural engagement throughout the design process (**Attachment F**);
- Revealed more of the heritage form of Worcester Chambers through pulling back the air lock chambers from the street;

- Volunteered conditions relating to the retention and re-use of internal elements with high heritage significance in Worcester Chambers and Harley Chambers.
- Carefully considered the ability to integrate the building with street frontages, including the corner treatment (and direct public access), but have concluded that the current City Council approach towards upholding FFL's, and the need to provide a 14.83m RL constrains better urban design outcomes in this respect.

### 6.2.1 Urban Design

The relevant matters of discretion relating to Urban Design are contained at Rule 15.13.2.7, and are considered by Mr Gregory (**Attachment E**).

#### **Context (a)(i)**

A context analysis of the proposed Hotel building has been undertaken in preparing the initial design rationale (**Attachment E**). In terms of general site context, the proposal is located on a corner site, located next to the relatively busy intersection of Worcester and Cambridge, as well as the Avon River corridor.

Both Worcester Boulevard and Cambridge Terrace historically had a long established commercial character. Cambridge Terrace contains a wide range of architectural styles and scales as one moves from north to south, punctuated by areas of open space associated with Avon River corridor. As identified by Mr Gregory, since the 1980s many taller freestanding buildings established in this locality, of which the CCC office building and HSBC building remain. Post the Canterbury Earthquake sequence, the 'river path' has begun to fill up, with many developments utilising the new massing rules for the city 'post blueprint'. These include the Lane Neave building and King Edward Barracks.

The biaxial importance of Worcester Boulevard is predicated as a key link between Cathedral Square, the Civic Offices entrance, Museum forecourt and Botanical gardens entry. Traditionally, the heritage character of this boulevard was pronounced but has lessened with more contemporary buildings (Art Gallery, HSBC, Civic Offices,) being developed adjacent. Mr Gregory also identifies that due to its ceremonial function it is lightly utilised for traffic.

The immediate setting to the proposed Hotel Building is derived from the extent of its associations and framing on the edge of the Avon River Corridor, and biaxial associations with Cathedral Square through to the Museum. The Avon River corridor functions as a large area of public open space, the amenity and characteristics of which are derived through the river and its margins, manicured lawns, and large number of heritage items. Examples include the Provincial Chambers, Canterbury Club, and Bridge of Remembrance.

The setting from south to north is far more contemporary with recent large scale commercial buildings being the Lane Neave Building and King Edward Barracks Development. These buildings occupy the maximum height limits in the District Plan at 28m.

From a design perspective, the City Plan anticipates a very urban, intensely commercial character along these intersecting corridors. Overlain with the existing environment, the appropriate design response for the subject site is one that reinforces the historic and civic connections of the local context, and maximises the landmark opportunity present in this corner site; the proposal does not overpower or dominate the form and present skyline

provided by the surrounding built form, or the sense of openness provided by the Avon River corridor.

Furthermore, as identified by Mr Gregory:

*"The Hotel intends to contribute to this [special Worcester Boulevard character] by retaining Worcester Chambers with a wide glazed connection to the Atrium on either side. In this way a variant of the pattern set up by the Arts Centre and City Council offices of giving space and welcome to the city at the entrances to their buildings can be continued, albeit in a slightly different way".*

The form and materials of the Hotel building present a cohesive backdrop to the Avon river corridor, and views from Worcester Boulevard and Cambridge Terrace. Accordingly, the proposed Hotel building is considered to reinforce the built form and the cultural connections in this context.

#### ***Relationship of Ngai Tūāhuriri / Ngai Tahu with Ōtautahi (a)(ii)***

The proposed Hotel development is seeking to achieve much, including focusing on retained heritage of Worcester Chambers and developing a key regeneration development within a confined space with considerable natural, cultural and heritage themes.

In this sense, the kaupapa (foundation) represents the principles, vision and intent of the function and purpose of the Hotel development, and the challenges associated with establishing this on the subject site.

Whilst this is not evident in the design or materiality of the buildings proposed, it is very evident in the function and layout of the spaces proposed.

The proposal seeks to reflect the design principles in the *Matapopore Urban Design Guide – Guide to Articulating Ngai Tuahuriri Identity (2015)*.

As identified by Mr Gregory:

*"The Hotel is sympathetic to the values of hospitality and generosity, and by addressing the space of the river on its dominant spatial axis, will reinforce ideas of movement towards and away from the river. Also, the retail spaces surrounding the atrium, by stepping down to street level will 'extend the river banks' and the natural in and out of the waters edge. The ebb and flow of people in the street and at the slightly raised area of the atrium mimics the eddies in the river as it makes its way downstream".*

It is acknowledged that Ngai Tuahuriri are the right people to engage with. Engagement has been undertaken with Matapopere (**Attachment F**) and their knowledge and influence will be called upon for ongoing and internal design input. In particular, Ms Debbie Tikao on behalf of Matapopere has identified the ongoing dialogue necessary for the proposal, and has also stated in terms of the fundamental design philosophy:

*"Of note, we felt that the proposed atrium / foyer space as a concept not only supports the value of manaakitanga by providing a warm and welcoming environment, but it also supports the value of whānaukatanga as the space provides opportunities for social gatherings and building relationships".*

#### ***Active engagement (a)(iii)***

The site is located in a pivotal position. Effectively sited at the centre of the life and culture of the city, it is in a highly visible location for tenants, guests, and locals alike.



Long distant views will be present from vantage points to the south east, east and north east through the Avon River Corridor. Closer views from the immediate north, south and east will be partially obscured by existing buildings in the block. From the vantage point of the intersection of Hereford Street and Cambridge Terrace limited glimpses will be visible to the north west across the Council external car park and lower rise Canterbury Club.

The site has neighbours of varying scales. Worcester Street has monuments of scale and significance in the Christchurch context and also many building of historic significance. Surrounded also by contemporary substantial commercial buildings developed since the earthquake sequence. There are also pockets where development is still forthcoming.

The design and allocation of spaces adjoining the street frontage is intended to provide incident and activity along the street frontage at all points. As outlined by Mr Gregory above, the integration of Worcester Chambers with a wide glazed connection to the Atrium on either side is to promote interaction with activity on the street. A large access ramp is provided to gain mobility access from Cambridge Terrace and to provide the appearance of a boulevard leading into the central atrium. Greater integration with the street frontage requires either compromising usable space within the building (through large ramp insertions) or building below the required FFLs. It is considered that the active design of the building balances these competing aims in an appropriate manner.

#### ***Compatibility with nearby buildings (a)(iv)***

The rhythm and materiality of the proposed Hotel draws from the existing formal and material language of the Harley Chamber through the use of materiality and referencing at the ground two floors the sweeping arches that formed the external Harley Chambers façade.

The form of the proposed Hotel building is derived from the function of both the spaces and activities to be occupied, as well as retaining the significant features of Worcester Chambers to act as a focal point when viewed from Worcester Boulevard. That exercise provides a large glassed atrium connecting the public aspects of the building (foyer, lounge and café) with the reception of the Hotel.

The scale of the Hotel is largely a reflection of the requirement to provide at least 150 guest rooms, along with appropriate facilities such as pools, spa and restaurant.

Mr Gregory also identifies:

*“The new Hotel proposal responds to the setback rule and the scale of the smaller club buildings adjacent to scale itself down a little, and through this mechanism also connects with the historic buildings along the boulevard through its three part vertical composition. This and the design strategy of keeping the main building mass away from Worcester Chambers ensures that the design takes account of its smaller near neighbours from a design point of view”.*

#### ***Emphasise the street corner (a)(v)***

The site presents opportunities for retail attraction and clustering food and beverage opportunities through being a prominent central city address and good views.

The corners of the site are particularly accentuated due to the location and configuration of streets and surrounding buildings offering views of these parts of the proposed Hotel from cars, trams and on foot.



The proposed Hotel development addresses the corner through a combination of scale, massing, materiality and design. Internally, the building configuration accentuates its address by making perimeter rooms in the public space ground and first floors available to restaurant, function and bar uses (rather than functional or carparking uses). The evening economy of these uses, as compared to an office use, extends both overlooking of the public realm, as well as extending the sense of vibrancy associated with this building in its central city location.

#### ***Crime Prevention through Environmental Design (CPTED) (a)(vi)***

There are no hidden areas or sightlines associated with the building, due to its construction along the road frontage. The nature of a five-star Hotel offer is also that the ground floor lobby will be operating on a 24/7 basis.

As discussed above, the prominence of evening economy activities along the façades of the building also enhance natural surveillance of this area.

In summary, as evident from the design, form and scale of the proposed Hotel it has responded to a number of design challenges. It is considered that the proposal represents a positive effect in terms of urban design.

#### **6.2.2 Height and recession planes**

The matters of discretion for sunlight and outlook for the street are identified at Rule 15.13.3.17. These matters relate to effects on the sense of openness and sunlight to the street (clause a), and implications in terms of dominance and wind funnelling (clause b).

A discretionary activity status is applied to the proposal through breaching height and road wall height.

The Christchurch Central Recovery Plan reduced permitted building height (and spatial extent of commercial opportunities) to provide a compact core, and reduce the prospect of taller office buildings absorbing supply to the detriment of extending market demand and investment over a wider area<sup>6</sup>. Under the previous (pre-earthquake) Christchurch City Plan a 40m height limit and 65° recession plane were in place for the site.

The proposed Hotel has a maximum height of 450mm above the permitted height limit (from 28.00m to 28.45m). It is considered that this results in no discernible change in shading for surrounding properties or the public realm when compared to a compliant development.

In addition, there will not be any noticeable increase in dominance from the proposal in comparison to the permitted height, or contextually within its surrounding built form. It is noted that both the HSBC Tower and the Christchurch City Council buildings, which are both proximate and form the backdrop to views of the proposed building from the east and north are considerably higher than the proposal. The adjoining Lane Neave building to the north (photo 4) does not provide a recessed wall length.

Furthermore, it is noted that the intrusion into both the height limit and maximum wall boundary (21.85m to parapet at Level 7) are the consequences of balancing the following competing aims:

---

<sup>6</sup> Christchurch City Recovery Plan. 'Lower Buildings' page 40.

- flood floor levels (which requires a maximum FFL at 14.83m RL some 850mm above the street frontage height of 13.98m RL),
- urban design outcomes associated with column arrangement and façade design,
- provision of sufficient floor to ceiling spans associated with room scale necessary with a Hotel design of this standard, and provision of internalised servicing infrastructure. It is understood from Mr Gregory that the arrangement requires floor to floor heights on Levels 1-2 and 2-3 at 4200mm and 3100mm on the guestroom floors as necessary minima for the building

It is considered that the adverse effects from the increase in wall height and intrusion through the height limit is de-minimus; as are impacts on openness and sunlight to the street and wind funnelling as to be considered under Rule 15.13.3.17.

### 6.3 Cultural Advice

The site is not identified as Wāhi Tapu / Wāhi Taonga (Schedule 9.5.6.1) or Mahaanui Iwi Management Plan Silent Files (Schedule 9.5.6.2).

Neither is the site notated as Ngā Tūranga Tūpuna (Schedule 9.5.6.3) Site ID48 Puari Pa, and the Ōtākaro (Avon) River ID79, although it adjoins these notations.

The relationship of Ngai Tūāhuriri / Ngai Tahu with Ōtautahi is an assessment matter in terms of the design of the building Rule 15.13.2.7 (a)(ii) as discussed above.

Ms Debbie Tikao on behalf of Matapopere has been involved in considering the design of the building and Matapopere have been engaged by the applicant to further develop *Ngai Tuahuriri Identity* within the internal materiality and landscaping associated with the proposal.

It is considered that the proposal builds on the development potential provided in the operative City Plan, in a manner that appropriately incorporates the functional and design demands of a high-end Hotel complex, and weaves in as appropriate Ngai Tuahuriri values and contemporary cultural heritage.

### 6.4 Traffic

Mr Chris Rossiter has provided a comprehensive assessment of the transport considerations related to the proposal. At the conclusion of the Integrated Transport Assessment (ITA) Mr Rossiter concludes that:

*“The development shows a high level of compliance with the District Plan transport rules. Where compliance has not been achieved, this is considered to be of a technical nature and is not expected to affect the safe operation and movement of vehicles within the site or at its driveways.*

*Overall, it is concluded that the proposal can be supported from a transport perspective”.*

Mr Rossiter has also identified design amendments to the road reserve to provide access to the site design. These include: reducing the planted kerb extension to Cambridge Terrace to accommodate the egress from the proposal; and removal of an on-site recessed parking space on Worcester Street which would block access to the site. That procedure is external to this resource consent process.

The opinion of Mr Rossiter is concurred with, based on a consideration of the following matters of non-compliance with the operative plan.

- *Rule 7.4.3.1 Parking Bay Dimensions.* Relevant matters of assessment (7.4.4.2) relates to the safety and usability of parking spaces. As identified by Mr Rossiter, where bays have not complied with parking dimensions due to the structural elements of the design, door opening clearance is provided in accordance with NZS2890.1 and accordingly is considered acceptable. In addition, only valet parking will be undertaken.
- *Rule 7.4.3.1 Accessible parking.* Relevant matters of assessment (7.4.4.3) includes clause (ii) which states whether the nature of this activity is such that it would generate less mobility car parking demand than required. The District Plan requires two such spaces, none are provided. Mr Rossiter identifies that valet parking removes the practical requirement for such parking, and that there is sufficient space in the porte-cochere to allow mobility impaired guests to transfer to a wheel chair prior to passing over keys to the valet service.
- *Rule 7.4.3.2. Cycle parking.* Relevant matters of assessment (7.4.4.4) includes clause (ii) which requires consideration of the nature of the activity and anticipated cycle parking demand. Cycle parking is provided for staff at ground level within the loading dock. Provision for visitor cycle parks is unlikely given the function and purpose of the hotel, but individual cycle spaces can be provided on site as required to meet guest needs should these arise.
- *Rule 7.4.3.4. Manoeuvring.* Relevant matters of assessment (7.4.4.6) includes matters (i) which relates to whether there would be any adverse effects on the users of transport modes, and (iii) whether the required manoeuvring area can physically be accommodated. As identified by Mr Rossiter, the site presents challenges in terms of accommodating adequate space for manoeuvring, with some vehicles requiring reverse parking. The use of valet parking overcomes these issues, who will be familiar with the basement and associated constraints.
- *Rule 7.4.3.7(a) Access Design.* The width of the egress to Cambridge Terrace is only 3.5m and does not comply with Appendix 7.5.7 (Table 7.5.7.1(e) which requires a minimum formed width of 5.5. Relevant assessment matters (7.4.4.10) relate to adverse effects on adjoining development, or the function of the associated transport network. As identified by Mr Rossiter, as the egress is designed to accommodate one-way vehicles onto a one-way street (Cambridge Terrace), the proposed 3.5m width is sufficient for all anticipated vehicles and the non-compliance is of a technical nature. Since the driveway does not contain a visibility splay, an aural signal will sound when vehicles are approaching the footpath.

## 6.5 Historic Heritage

### 6.5.1 Heritage Assessment of fabric

Mr John Gray has completed a detailed and extensive Heritage Impact Assessment (**HIA**) in respect of Harley Chambers; he has also completed an extensive HIA and Conservation Plan for Worchester Chambers.

Mr Gray's assessment is comprehensive, detailing the specific values that are present in each room / section of both Worcester and Harley Chambers, as well as external facades. He has then rated each of these items in respect of their significance to the overall importance of the building. This has been undertaken in terms of the agreed classification system (Conservation Plan, J S Kerr (2013)). Mr Gray has also provided a comparative and detailed assessment against the Statement of Significance utilised to provide listings within the District Plan.

The relevance of that assessment is correlated to the IHP Decision 45 statement that:

[17] ... *However, we have only had insight into a small sample of listings brought to our attention by submitters. Given the various considerations we have noted, this significant weakness in the listings in the Notified Proposal needs to be addressed in both policies and rules so as to ensure all landowners (whether or not submitters) will have a fair capacity for relief.*

Mr Gray has also included a history of the buildings and the architects, an assessment of the relevant Christchurch District Plan provisions, especially as these relate to the place of these buildings as considered against the Criteria for Assessment (District Plan, Appendix 9.3.7.1), the Schedule of Heritage Areas (Appendix 9.3.7.3), and the relevant **Objective 9.3.2.1.1** and **Policy 9.3.2.2.8**.

#### 6.5.1.1 Harley Chambers

Harley Chambers, 137 Cambridge Terrace is built over two individual titles. Designed in 1928 by Christchurch Architect G.T Lucas, it was constructed over two stages; the northern section which includes the main Cambridge Terrace entrance in 1929; and the remainder in 1934. Mr Gray identifies the building as having a mix of architectural styles, with the underlying style is Neo-Romanesque Revival, in the Chicago Commercial Style.

Mr Gray does not dispute the heritage recognition of the building, but has concluded that overall, *"Harley Chambers overall, is of "Some" significance, which is a "C" rating using the hierarchy of values, in J S Kerr's Conservation Plan."*

Internally, the ground floor is predominantly of timber framed construction with rimu flooring, with areas of concrete floor, some with terrazzo finish. The upper floors and roof are of the 'Innes-Bell' reinforced waffle concrete system. The main entry foyer and main stairway represent the most decoratively finished spaces in the building.

The main external structure of the north and south buildings is of vertical reinforced concrete columns with reinforced concrete horizontal spandrel beams, infilled with panels of clay bricks, all with plaster finish both externally and internally.

The building was purpose built as medical rooms, which included the internal layout and fitout of the building into a series of small rooms. The building remained the base of several dentists and Doctors until being vacated following the February 22<sup>nd</sup> Earthquake.

Mr Gray identifies the extent of alterations undertaken within the fabric of the building since its construction, and also subsequent damage caused by squatters.

The building was reclassified under the Historic Places 1993 to a category 2 Historic Place and remains listed as such under its present listing on the New Zealand Heritage List / Rarangi Korero by Heritage New Zealand.

The building was listed in Volume 3, Appendix 1 of the superseded Christchurch City Plan as a 'Group 3' building. It is listed in Appendix 9.3.7.2 Schedules of Significant Historic Heritage Places in the operative District Plan, as item 78, Group 2 (significant), Heritage setting no: 309, Heritage Aerial map no: 209, on planning maps no:32 and HI5.

Under the superseded Christchurch City Plan, demolition was discretionary. The status for demolition under the operative District Plan is discretionary (Rule 9.3.4.1.4(D2)).

#### 6.5.1.2 Worcester Chambers

Worcester Chambers, 69 Worcester Boulevard was designed by celebrated Christchurch Architect Cecil Wood in 1928 in the 'Georgian Revival' style.

The building is of a two-storied construction, with the structure consisting of reinforced concrete ground floor walls, including internal walls, supporting a reinforced concrete floor.

The external cladding is brick veneer, to both floors, with the first floor cladding comprising of double skin brick cavity wall construction to the external walls.

Mr Gray has identified that the Georgian revival front elevation, facing Worcester Street, exhibits considerable significance to this style; and particularly the designs of Cecil Wood, at that time. The red brick faced façade is directly contrasted with the white plaster trim of the cornice, quoins, plinth; and window and door surrounds.

The building was purpose built as a commercial college, teaching shorthand, typewriting, bookkeeping and related subjects.

Alterations were carried out to the building in 1958, including a substantial addition to the rear, to the design of Miles Warren. Alterations for internal office fit-outs were carried out in 1963, 1981, 1987, 1995-6, 2001 and 2006. After the Canterbury earthquakes of 2010-2011, a chimney on the east wall was partially dismantled and capped at roof height.

Mr Gray, considers after a full assessment of the building that *"in taking overall account of the prior assessments, that the front 13m of the Worcester Chambers building has an overall rating of ( B ), "Considerable" heritage significance; and that the remainder of building has an overall rating of (C/D), "Some/Little" heritage significance"*.

The building is classified as a Category 2 Historic Place under its present listing on the New Zealand Heritage List / Rarangi Korero by Heritage New Zealand.

The building was listed in Volume 3, Appendix 1 of the superseded Christchurch City Plan as a 'Group 3' building. It has been listed as a "Group1" (high significance) status, in the Appendix 9.3.7.2 schedule of the Operative Christchurch City Plan, item 571, Group 1 (high significance), Heritage setting no: 342, Heritage Aerial map no: 679 and on planning maps no:32 and H15.

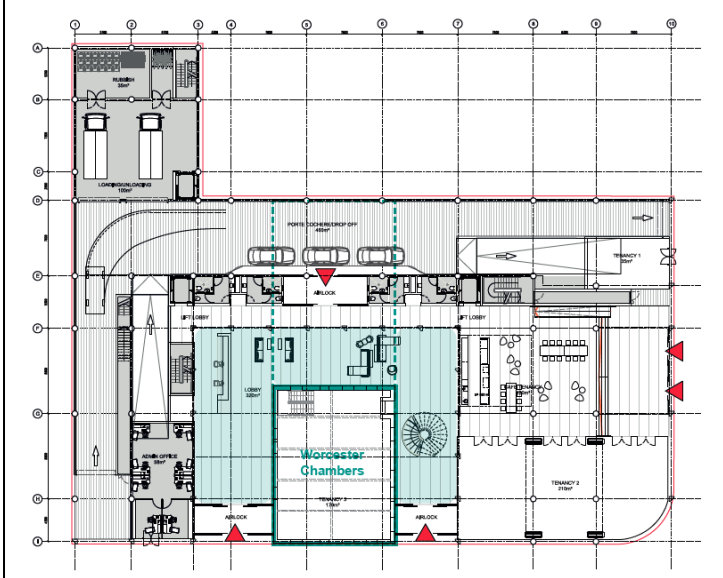
Under the superseded Christchurch City Plan, demolition was discretionary. The status for demolition under the operative District Plan is non-complying (Rule 9.3.4.5.3(NC1)).

#### 6.5.2 Reuse Options

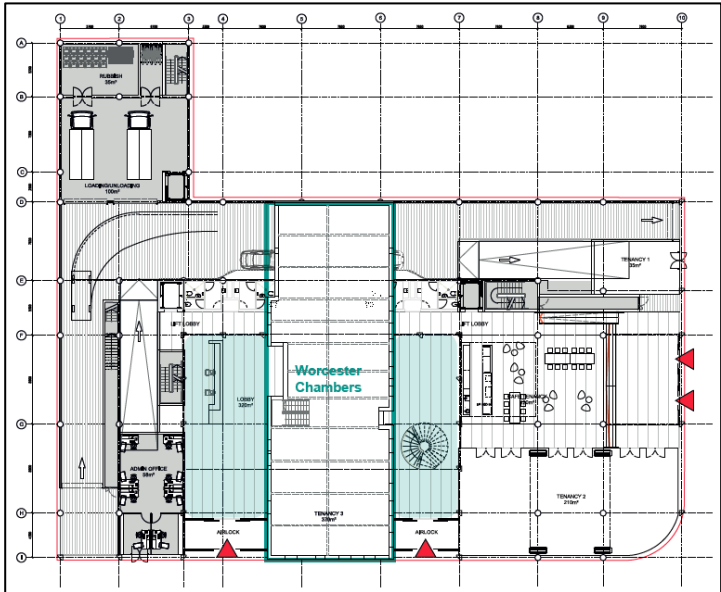
The applicant has carefully considered whether there are any economically viable uses for the existing buildings, were they to be refurbished. All refurbishment options would in themselves require substantial alterations to building fabric, with Harley Chambers requiring considerable economic and engineering works regardless.

Retention of the two buildings also reduces the ability to implement an integrated and comprehensive built solution across all three sites; accordingly, separate re-use solutions have been considered for Harley Chambers, except for an option for façade retention as part of the



	<p>an address off the street (works as its own entity).</p> <ul style="list-style-type: none"> <li>Matapopere support as 'gathering space'.</li> </ul> <p><b>Transport</b></p> <ul style="list-style-type: none"> <li>38 parking spaces</li> </ul> <p><b>Heritage</b></p> <ul style="list-style-type: none"> <li>Retention of front elevation and 6.5m of slate roof, rated B (section 5.6)</li> <li>Retention of front 6.5m west elevation, rated B</li> <li>Retention of front 6.5m of east elevation, rated C.</li> <li>Loss of residual areas of fabric including next 8m of western elevation, rated C, and eastern elevation rated C.</li> </ul>
<p><b>Option B: 13.0m Retention.</b></p> 	<p><b>Engineering details:</b></p> <ul style="list-style-type: none"> <li>As identified for Option A, resulting in loss of a number of carparks, and reconfiguration of basement and plant space.</li> </ul> <p>Alternatively, provision of support beams to ensure structural support and retain a similar number of car parks.</p> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>The atrium design and function will be severely compromised;</li> <li>Retaining more of Worcester Chambers enables the existing rooms to be intact back to the stairway, but these rooms are unusable within the hotel proposal.</li> </ul> <p><b>Transport</b></p> <ul style="list-style-type: none"> <li>Under support beam option, minimal loss of parking spaces. Under permanent ground retention option, need to reconfigure basement, manoeuvring and resultant loss of car parks.</li> </ul> <p><b>Heritage</b></p> <ul style="list-style-type: none"> <li>Retention of front elevation and 6.5m of slate roof, rated B (section 5.6)</li> <li>Retention of front 6.5m west elevation, rated B</li> </ul>



	<ul style="list-style-type: none"> <li>Retention of front 6.5m of east elevation, rated C; also</li> <li>Retention of next 8m of western elevation, rated C, and eastern elevation rated C.</li> </ul>
<p><b>Option C: Full retention</b></p> 	<p><b>Engineering details:</b></p> <ul style="list-style-type: none"> <li>Structurally, could build the basement in two sections and possibly link the sections each side of Worcester Chambers via a tunnel (or tunnels – one each direction). This would at least require transfer beams beneath the foundations of Worcester chambers to act as the roof to the 'tunnel'. Cost prohibitive to retain basement through using support beams under all of Worcester Chambers. Accordingly, would retain all of ground support for the building, removing all underground carparking and plant. Need to reconfigure plant room within the above ground height envelope, with a commensurate losses of bedroom capacity.</li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>The hotel project cannot proceed because there is no viable way of using the sites together.</li> </ul> <p><b>Transport</b></p> <ul style="list-style-type: none"> <li>Loss of basement car parking spaces underground retention option.</li> </ul> <p><b>Heritage</b></p> <ul style="list-style-type: none"> <li>Some alterations to Worcester Chambers were it to be subsumed within the wider building. Although it is unlikely the proposal would proceed given inability to integrate across sites and provide basement / carparking.</li> </ul>

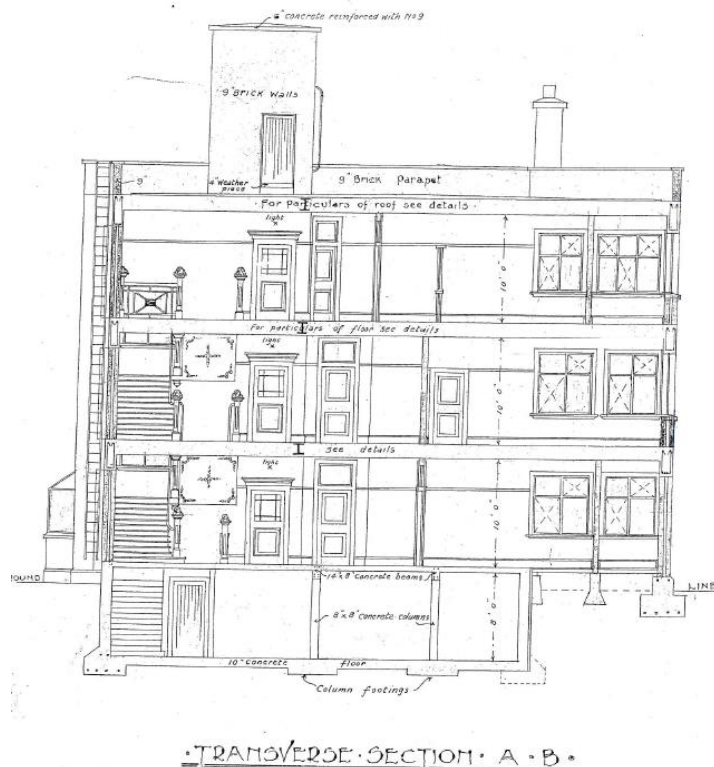
### Harley Chambers – Hotel Development

- Option A1 – Strengthened to 34% NBS
- Option A2 – Strengthened to 67% NBS
- Option A3 – Strengthened to 100% NBS
- Option B – Proposed Replacement Replica Building
- Option C – Replacement building, façade retention
- Option D – Replacement three level building.



For each of these options, an orthodox office use was considered.

**Options A1 – A3: Reinstatement of building – NBS from 34%, 67% and 100%.**




**Engineering details:**

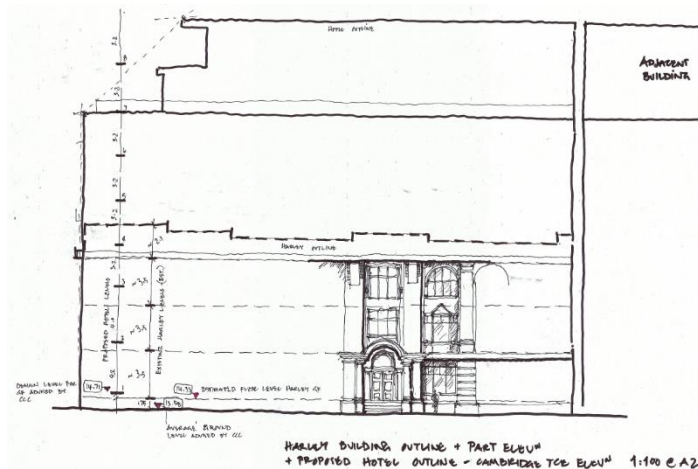
- Repair to interior hollow brick masonry partition walls;
- Repairs to all double infill walls and parapets in the north section and 5.0m beneath four windows in the south section.
- Repair and reinstate walls lift shaft.
- Repair junction between the north and south building sections.
- Repair to concrete wall at north wall of lobby.
- Leaking basement repairs, including addressing issue with spring.
- Repair concrete ground slab over north end basement.
- Repair expansion joint between Harley Chambers and adjacent north building at 141 Cambridge Terrace.
- Foundation re-levelling and repairs across the building footprint.
- Repair cracks in concrete beams, columns, floors and walls.
- Temporary propping.
- Repair to internal wall and ceiling linings.
- Non-structural and other repairs.
- In addition to achieve **34% NBS**:
  - Remove (and reinstate) the double brick walls at the interface of the north and south building and at the north, west and 'central' walls.
- In addition to achieve **67% NBS**:
  - Provision of 300mm concrete sheer walls;
  - 400mm insitu concrete frame on east elevation.
  - Remove all hollow masonry breeze block partition walls and replace with lightweight non-structural partitions.
- In addition to achieve **100% NBS**:
  - As above, additional columns, foundations and floor diaphragms.

**Market use and valuation**

- 34% - The market would not reward value above a level stated at land value less demolition.
- 67% - Existing internal configuration retained, contemporary refurbishment. Minimum market requirement.

	<p>Valuation after works concluded at \$7.075m, being within reasonable bounds of \$6.825m to \$7.325m</p> <ul style="list-style-type: none"> <li>100% - Existing internal configuration retained, contemporary refurbishment. Valuation after works concluded at \$7.325, being within reasonable bounds of: \$7.075m to \$7.6m</li> </ul> <p><b>Cost of Works (excluding profit and risk, leasing, holding costs etc)</b></p> <ul style="list-style-type: none"> <li>34% - \$12.8million</li> <li>67% - \$17.07million</li> <li>100% - \$18.79m</li> </ul> <p><b>Residual Development Valuation</b></p> <ul style="list-style-type: none"> <li>67% - Negative (\$12.300 million)</li> <li>100% - Negative (13.975 million)</li> </ul> <p><b>Heritage</b></p> <ul style="list-style-type: none"> <li>Strengthening the existing structure to 34% - 100% of NBS will require extensive work, as described in Mr Gilmore's evidence, which will be extremely invasive upon existing heritage fabric.</li> </ul>
<p><b>Option B: Replica Building</b></p> 	<p><b>Engineering details:</b></p> <ul style="list-style-type: none"> <li>Demolish existing building.</li> <li>Construct replica three level building with 2,281m<sup>2</sup> floor area.</li> </ul> <p><b>Market use and valuation</b></p> <ul style="list-style-type: none"> <li>Valuation after works concluded at \$9.300m, being with reasonable bounds of: \$9.025 – \$9.7million</li> </ul> <p><b>Cost of Works (excluding profit and risk, leasing, holding costs etc)</b></p> <ul style="list-style-type: none"> <li>\$10.7 million.</li> </ul> <p><b>Residual Development Valuation</b></p> <ul style="list-style-type: none"> <li>Negative (\$4.254 million)</li> </ul> <p><b>Heritage</b></p> <ul style="list-style-type: none"> <li>Loss of any residual heritage fabric.</li> <li>The NZ ICOMOS Charter (2010) Principle 17 Degrees of Intervention, identifies: "Recreation, meaning the conjectural <b>reconstruction</b> of a <b>structure</b> or <b>place</b>, are not <b>conservation</b> processes and are outside the scope of this charter"</li> </ul>

### Option C: Façade Retention



#### Engineering details:

- Façade has suffered earthquake damage that includes differential settlement of the foundations, severe damage to the north column and foundations, widening of the joint between the north and south sections and widespread cracking of the plaster and concrete columns to the entry canopy.
- The retention of the façade will require the installation of temporary steel bracing frames, underpinning and rellevelling of parts of the foundations, completion of the earthquake repairs and strengthening of the façade to 100% x NBS as would be required for integrating the façade into a new building.
- Pin façade to matched floor level building.

#### Market use and valuation

- Valuation after works concluded at \$9.025m, being within the bounds of: \$8.725 - \$9.350 million

#### Cost of Works

- \$11.110 million.

#### Residual Development Valuation

- Negative (\$5.475 million)

#### Heritage

- Loss of internal residual heritage fabric, noting that the District Plan does not protect internal fabric.
- Retention of the façade, strengthening to 100% of NBS and connection to replacement building will require extensive work, as described in Mr Gilmore's evidence, which will be extremely invasive upon existing heritage fabric.
- Façade retention or 'facadism' is not generally a preferred or accepted conservation technique. But post the Christchurch earthquake may have some merit in terms of retaining some heritage values.

#### Design

- Aligning a replacement 'office' development for Harley with façade

	<p>retention creates issues in terms of aligning office design grid, achievement of flood floor levels (14.83m RL) and aligning floor to floor, and external windows.</p> <ul style="list-style-type: none"> <li>• Utilising the Harley floor to floor dimensions as the starting point for the Hotel design vertically creates issues in terms of compliance with the height plane and street boundary height limit, or consequently result in the loss of one whole floor of rooms.</li> <li>• The grid set-out based on the existing column piers would lead to a room set-out which would be too small for the type of hotel envisaged on an area basis. Increasing the area by making the rooms deeper would lead to rooms being lost from each floor with no means of recovering numbers within the geometry that requires connection to the Harley façade.</li> <li>• The combination of the existing floor levels, window configuration and accessibility requirements pose questions about the ability to get access to these frontages without modifications or access from the hotel internal circulation.</li> <li>• Retention of contextual character (legibility) associated with the existing façade is subjective in comparison to proposal. Façade retention could be seen as tokenism.</li> </ul>
<p><b>Option D: Replacement with new three level office building</b></p>	<p><b>Engineering details:</b></p> <ul style="list-style-type: none"> <li>• Demolish existing building.</li> <li>• Construct contemporary three level building with 2,281m<sup>2</sup> floor area.</li> </ul> <p><b>Market use and valuation</b></p> <ul style="list-style-type: none"> <li>• Valuation after works concluded at \$10.600m, being within the bounds of: \$10.225 – \$11.000 million</li> </ul> <p><b>Cost of Works</b></p> <ul style="list-style-type: none"> <li>• \$9.76 million.</li> </ul> <p><b>Residual Development Valuation</b></p> <ul style="list-style-type: none"> <li>• Negative (\$2.225 million)</li> </ul> <p><b>Heritage</b></p> <ul style="list-style-type: none"> <li>• Loss of any residual heritage fabric.</li> </ul>

### 6.5.3 Engineering Assessment

The engineering assessment is provided by Mr Brett Gilmore, Quoin (**Attachment H**).

#### 6.5.3.1 Worcester Chambers

The two-storey building comprises a lightweight timber framed roof, double brick exterior walls above first floor, a concrete first floor as clad to give given the appearance of an all brick building, with main lateral resistance provided by steel frames in both directions above first floor, and braced walls, with a ground floor lateral system.

Extensive alterations were undertaken in 2007, including earthquake strengthening.

Whilst the building suffered some damage in the Canterbury Earthquake sequence, the building has been assessed with an earthquake strength of 73% NBS.

It is structurally feasible to retain Worcester Chambers.

#### 6.5.3.2 Harley Chambers

The building comprises concrete first and second floors, and roof, comprising of 'waffle' type slabs, timber framed ground floor, concrete perimeter beams and columns, double brick infill to the north and west exterior walls, and a part concrete basement.

The building suffered extensive and widespread damage due to the Canterbury Earthquake. That damage included the collapse of brick lift shaft above roof level, extensive cracking of unreinforced brick and breeze-block walls, differential foundation settlement, severe structural damage to the north-east corner column and adjacent foundation wall / beam, and widespread cracking to concrete floors, walls and columns.

CERA enabled the brick infill and parapet on the northern elevation to be removed to allow the safe construction of the adjoining Lane Neave building.

The building is earthquake prone (in that it is less than 33% NBS and is likely to collapse and / or partially collapse in a moderate earthquake). Mr Gilmore advises that the current condition of the building has an assessed earthquake strength of 15% NBS.

The building presents some safety risks to the public due to the structural integrity of the north-east column and possibility of exterior plaster spalling and falling to the footpath. A temporary barricade has been erected to the north-east corner column. Issues to personal (or those illegally entering the building) include unreinforced brick parapets to the rear north and west sides of the building, spalling, and health issues associated with water retained in the basement and widespread internal contamination (pigeon faecal matter).

Mr Gilmore (**Attachment H**) outlines the extent of works necessary to bring the building to a 34%, 67% and 100% NBS. Attainment of these levels of earthquake strength are feasible in terms of engineering solutions. These solutions as identified are extremely invasive upon existing residual heritage fabric.

#### 6.5.4 Costs of Repair and alternatives – Harley Chambers

Mr Keeley Pomeroy, a quantity surveyor (**Attachment I**) has calculated the costs of the repair of Harley Chambers to 34% of the required New Building Standard (NBS) to be \$12.8 million; to 67%, \$17.070 million; and to 100% \$18,790 million.

Mr Pomeroy has also calculated the comparative costs of a heritage replica building to be \$10.7 million, and the costs of constructing a new modern equivalent building at \$9.76 million.

Lastly, Mr Pomeroy has calculated the costs of an option of placing a new modern equivalent building behind the retained existing façade for Harley Chambers. He has estimated an overall cost of \$11.11 million. The façade retention in isolation has been costed at \$1.79 million, based on the following estimates:

- Demolition work \$267,000
- Retainment work \$997,000
- Connection work \$217,000
- Restoration work \$309,000.

##### 6.5.4.1 Market use and Valuation – Harley Chambers

Mr Scott Ansley a registered valuer (**Attachment J**), relying on Mr Pomeroy's Assessment has undertaken a calculation on a 'residual development methodology', which takes account of unencumbered land value, and demolition costs, profit and risk and land value deferral.

Mr Ansley's figures were for 67% NBS \$6.825 - \$7.325 million; 100% \$7.075 - \$7.600 million.

Mr Ansley has also calculated the comparative market valuation of a heritage replica building to be \$9.025 - \$9.700 million, and the market valuation of constructing a new modern equivalent building at \$10.225 - \$11.000 million.

Lastly, market valuation for a comparative modern equivalent building behind the retained existing façade for Harley Chambers at between \$8.725 - \$9.350 million.

Mr Ansley then considers the alternatives in terms of the residual development valuation methodology (Section 12.4, **Attachment J**). This analysis confirms that the repairing the building is uneconomic, with the analysis resulting a negative value outcome of \$12.3 million and \$13.975 for the 67% and 100% NBS options respectively. Simply put, the costs of repair, significantly outweigh the end value that could be achieved.

Mr Ansley has also applied the residual development valuation methodology to the other options considered, including façade retention. He concludes that all possible scenarios are uneconomic from a commercial pragmatic feasibility perspective.

Mr Ansley concludes that the reasons for the substantial variation in costs incurred and value attained for the 67% NBS, 100% NBS and façade retention options are that the works to repair a heritage listed asset are extraordinary and not reflective of a typical market development scenario. He acknowledges that it is unusual that a replacement (new build) office building is not economically viable, although this opinion is reached through a combination of the saturation of the office market, and likely same heightened substructure costs in this location.

#### 6.5.4.2 Market use and Valuation – Worcester Chambers

Mr Ansley has also considered challenges associated with market demand for Worcester Chambers. Whilst identified as being reasonably presented, Mr Ansley identifies that the internal configuration does not lend itself to contemporary office use, and significant internal reconfiguration would be needed to achieve a lettable standard. An absence of on-site car-parking is a further deterrent to market demand.

Mr Ansley points to the absence in securing a tenant for the property over a circa five-year period where office space was in high demand given shortages post February 2011 (excluding intermittent month-by-month accommodation by CERA). The property has also been sold twice since the Canterbury earthquake sequence, initially to the Gough family who actively marketed and offered generous incentives to lease the building without success. The building was then sold to the applicant, incurring a \$120,000 capital loss, with the purchase representing the ability to amalgamate with the York and Harley sites.

#### 6.5.5 Heritage Impact Assessment

##### 6.5.5.1 Harley Chambers

A thorough heritage assessment of Harley Chambers has revealed that the individual spaces and elements of the building has shown, that while there are a few individual elements or items within the interior of the building that have “*Considerable*” significance; and that the exterior elevations were rated as having “*Some*” significance overall, the majority of spaces, elements and items within the interior are found to be rated as “*Some*” or, of “*Little*” significance.

Mr Gray has concluded that the extent, quality and scale of the heritage fabric in this building has deteriorated substantially, both caused by, and since the 2011 earthquakes.

Mr Gray concludes<sup>7</sup>:

*“From reading Mr Gilmore’s structural report, as to the work required to achieve 34%, 67% or 100% x NBS, it is obvious that to achieve any of the work required, would involve very extensive modification to both the interior and exterior of the existing building. This in my opinion, would be so intrusive and invasive upon existing heritage fabric, as to considerably reduce the overall significance of the building to the point of being of little value.*

*Accordingly, had the extent of works necessary to bring the building to a compliant level of NBS been considered in the preparation of the schedule in the District Plan, Harley Chambers would not warrant listing. In summary, and again acknowledging that this is not a District Plan matter, the absence of taking into account the structural integrity of the building, and the extent of invasive works necessary to achieve a sufficient NBS, represents a significant weakness in the listing in the operative District Plan.”*

On that basis, I acknowledge that the demolition of Harley Chambers represents a loss of heritage fabric. However, the opinion of Mr Gray based on the engineering assessment of Mr Gilmore, is that necessary works to achieve structural integrity would regardless reduce heritage values to the point where listing was unwarranted. This is a scenario that the IHP were very mindful of in reaching their conclusions as to the lack of robustness in the Council’s assessment and listing, and consequently as to how the IHP worded the heritage policies to contemplate demolition on a case-by-case basis. Accordingly, it is considered that the loss of heritage values through the demotion of Harley Chambers would not be more than minor, and would not extend to being significant.

---

<sup>7</sup> Attachment D, Harley Chambers Section 9.



#### 6.5.5.2 Worcester Chambers

A synopsis of Mr Gray's IHA for Worcester Chambers is that the building has varying degrees of significance and therefore values, as related to its various parts.

Mr Gray concludes that the front section of Worcester Chambers (the front elevation and depth to 6.5m, including the roof as clad in slate tiles) has 'Considerable Significance'. He concludes the same level of significance for the west elevation extending to a depth of 13.3m (with values of 'b' afforded to the white painted timber double hung windows, with the remainder with values of 'c' or below); and for the east elevation to a depth of 11.0m (with values of 'b' afforded to the double hung timber windows, red brick walls, and white plaster window sills, with the remainder with values of 'c' or less). He identifies that the colour steel roofing (which replaced the original slate) has a value of 'c'.

With regard to the 1958 late addition, Mr Gray concludes that whilst this addition has some significance for its early design by Sir Miles Warren, it has little architectural or aesthetic significance; and therefore in his opinion, its removal will have minor effects on the overall significance of the site. For completeness, the Conservation Plan identifies that this addition has values of 'c' or less. For the mid-section, Mr Gray records heritage values of 'c' or less.

Mr Gray, has then assessed the building in totality against the Council's Statement of Significance as associated with the 'Highly Significant' status afforded to the building under Appendix 9.3.7.2 ('the Schedule') in the operative district plan.

He has concluded<sup>8</sup>:

*The CCC assessment author concludes that, "The former Christchurch Commercial College building and its setting has high overall significance to Christchurch and Banks Peninsula". This rating elevates Worcester Chambers to the highest rating of significance, under the Operative Christchurch City Plan.*

*This opinion from the CCC assessor, appears in this authors opinion, to be based on purely subjective assessment, derived from a desk top exercise, which further in this authors opinion, overstates the significance and importance of the various categories of significance, further leading to an overstated conclusion as to the importance and significance of this building.*

...

*It appears that this "high overall significance" rating has been responsible for the buildings elevation of status, from a "Group 3" listed building in Volume 3, Appendix 1 of the superseded Christchurch City Plan, to a "Group 1" (high significance) status, in the Appendix 9.3.7.2 schedule of the Operative Christchurch City Plan.*

...

*It is therefore this author's opinion, that the heritage significance of Worcester Chambers, should be considered in accordance with the criteria for a "Group 2" building - "Significant", as opposed to the "Group 1" listing that it has been given. This goes to the assessment of the loss of value or heritage fabric as a consequence of the proposed development in terms of consideration under Policy 9.3.2.2.8 'Demolition of Heritage Items.'*

Mr Gray has also reviewed the engineering and architectural statements provided by Mr Gilmore (**Attachment H**) and Mr Gregory (**Attachment E**) respectively, and concludes:

- Given the lack of overall significance of the rear of Worcester Chambers, beyond the front 13.3m of the west wall, only Options A (front 6.5m) and B (front 13.3m) should be considered as to retention of parts of the Worcester Chambers building. It is therefore proposed that Option C, be given no further consideration.

<sup>8</sup> Attachment D, Section 6.

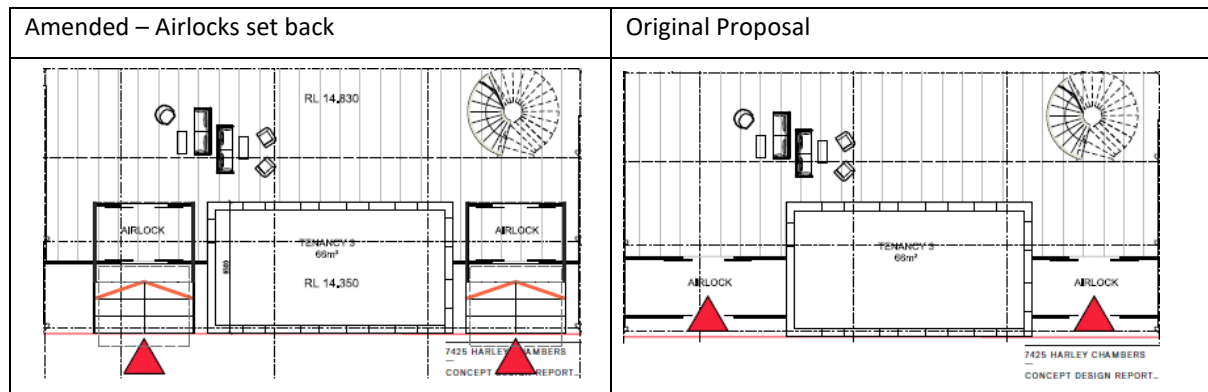
- Owing to the integration of the remaining portion of Worcester Chambers into the glassed roof atrium of the foyer, the only portion of the existing roof structure that should be retained, is the slate clad hipped roof portion (the front 6.5m).
- From an aesthetic perspective, the important and significant parts of Worcester Chambers, are the brick walls of the front elevation, 13.3m of the west elevation and 11.0m of the east elevation.
- Further setback of the external airlock walls of the entry foyers should be achieved, either side of the Worcester Chambers building. Mr Gray recommends setting the entry foyer exterior walls back at least 5.0 - 6.0m from the street line to reveal more of the existing heritage built fabric of the Worcester Chambers building.
- Overall, in terms of Heritage values, Mr Gray prefers that Option B was adopted, which involves retention of Option A as above, together with retention of the brick side walls back approximately 13.3m in total.
- Mr Gray also recommends representative elements of the building be retained in the replacement hotel including:
  - The steel strong room door and frame, from beneath the stairs.
  - The left-hand steel stair balustrade and timber handrail (though this may be difficult to integrate, as stair balustrades are built to suit the stair)
  - Potentially, one or more of the (two) original timber doors, frames and over lights, on the ground floor. These may remain in place anyway

Conditions volunteering the reuse of these elements are in Section 10 of this report. The wind lobbies have been moved 2.6m back from the street, from the initial plans which located them 600mm from the road reserve (

Figure 3).

In summary, the adverse effects on Heritage values associated with the development of the proposed Hotel as incorporating only the first 6.5m of Worcester Chambers (Option A) are considered significant. However, the magnitude of that effect is limited to the loss of the that portion of the exterior brick walls and Georgian windows between 6.5m (Option A) to 13.3m of the west wall elevation, and likewise 6.5m (Option A) to 11.0m of the east elevation. The 'significance' of the effect does not extend to the loss of roof cladding, as the original slate cladding will be retained along with the front 6.5m of Worcester Chambers, and the remaining cladding being corrugated iron (in place by 1955). The interiors of Worcester Chambers are not listed, and the applicant will retain representative elements.

Figure 3: Amended Airlock setback



#### 6.5.6 Heritage Assessment of fabric

Section 6(f) requires decision makers to protect historic heritage from “..... *inappropriate subdivision, use and development*”, not development per se. The assessment then turns on what is ‘inappropriate’, with reference to the objectives and policies of the District Plan (discussed in Section 7, and as outlined in Section 5 of this report and the ‘Davidson’ discussion.

An orthodox approach to the demolition of a listed heritage buildings is largely confined. The decision maker is tasked with making a choice as to whether the heritage fabric ascribed by its listing is to be protected, against contextually what is *inappropriate* subdivision, use and development.

Typically, demolition should only be considered in circumstances where all practical alternatives have been explored. The facts and degree as to what then constitutes inappropriate goes to whether retention is not financially possible, and / or where works to achieve public safety and earthquake strengthening are so intrusive that heritage values are diminished to the extent that listing would not have been warranted.

In the Christchurch context, as discussed in Sections 5 and 7, there is not a statutory presumption that ‘demolition’ will be inappropriate, or that the initial presumption is that demolition is to be ‘avoided’. The policy approach contained in Section 9.3 provides additional flexibility as to what constitutes appropriate management of historic heritage in the Christchurch context. This includes the inclusion of **Policy 9.3.2.2.8** which outlines the considerations for considering demolition, within the suite of relevant provisions for managing historic heritage including **Policy 9.3.2.2.1** Identification and Assessment and **Policy 9.3.2.2.3** Management of Scheduled Historic Heritage.

Furthermore, those provisions are to be interpreted and applied in a manner that gives pre-eminence to Strategic Direction **Objective 3.3.1** ‘Enabling Recovery’, **Objective 3.3.8** Revitalising the Central City, and **Objective 3.3.9(a)(iii)**.

In that context there is no presumption that there is an onus on the building owner to establish that alternatives to demolishing the building have been exhaustively and convincingly excluded. Rather, that regard meaning ‘genuine attention’ has been given to those matters in **Policy 9.3.2.2.8** ‘Demolition’. Regardless, a number of alternatives have been considered.

Drawing these strands together, in terms of adverse heritage effects for reaching a conclusion pursuant to s104(1)(a):

#### 6.5.6.1 Section 104(1)(a) Harley Chambers - Heritage

- (1) Harley Chambers is unusable in its current state. Its external structure is unsafe and deemed earthquake prone with an NBS of 15%. The building presents sufficient safety risk to the public to warrant a temporary barricade on the pedestrian footpath along Cambridge Terrace.
- (2) Harley Chambers suffers from poor aesthetics and condition. The Christchurch City Council have written to the landowners (**Attachment L**, dated 17 May 2017) seeking progress on the regeneration of the site, as one of the 'Dirty 30' barrier sites.
- (3) Options to bring Harley Chambers to 34%, 67% or 100% NBS would be uneconomic. The works would be invasive to the extent of diminishing residual heritage values such that its significance as historic heritage (as listed in the District Plan) would be undeserved.
- (4) Options to retain the façade offer little in terms of heritage retention and would be subjective in terms of benefits to both design character and heritage, would prove costly, and are uneconomic to affix to a comparable replacement office building or connect to the broader Hotel proposal.
- (5) There is no plausible proposition where Harley Chambers could be utilised for commercial office activities. The evidence of Mr Ansley makes it clear that the likely cost of repair, replacement or façade retention to an acceptable design and standard when consider within a residual development valuation methodology for the end product would be a financial failure.

So, in conclusion, for Harley Chambers which is listed as a 'significant' building in the operative plan, the effects of demolition are not 'significant'. That opinion is based on the assessment by Mr Gray, and the matters raised above.

#### 6.5.6.2 Section 104(1)(a) Worcester Chambers - Heritage

- (1) Worcester Chambers is not earthquake prone. It has an earthquake strength of 73% NBS, primarily due to strengthening works undertaken in 2007. Damage incurred through the earthquake sequence was primarily superficial.
- (2) The configuration of the building is obsolete and significant internal reconfiguration is required to achieve a lettable standard. In combination with an absence of on-site car parking, and in an oversupplied office market there would be little demand for the building as an office proposition. In part, this is supported by the turnover of the building since the Canterbury earthquake sequence, and absence of tenancy in the building despite incentives being offered for occupation.
- (3) A detailed Heritage Conservation Plan and associated Heritage Impact Assessment by Mr Gray identifies that the building is undeserving of its 'Group 1' listing in the Operative District Plan. Those elements of the building which constitute 'considerable significance' relate to the front 6.5m of the building, together with the brick walls extending some 13.3m back from Worcester Boulevard. These elements represent Options A and B as alternatives for retention. The remainder of the building (as represented by Option C) have an overall significance rating of 'some /little' significance.

In conclusion, the proposed Hotel development represents a complex restoration and rebuilding project involving the front 6.5m of Worcester Chambers (Option A). It does not mean the loss of the entire building to make way for the new and modern development.

The evidence of Mr Gray is that there is a significant adverse effect on heritage values. The level of significance of the heritage fabric lost through the proposal relates to the two external brick elevations walls (extending from 6.5m to 13.3m for the west elevation, as rated 'B/C', and extending 6.5m to 11.0m on the east elevation, as rated 'C'). Mr Gray supports the retention of the front 6.5m of the building inclusive of slate roof, and concludes the loss of the rear part of the building, inclusive of the 1958 addition does not represent a significant adverse effect on heritage values.

In this instance, the ability to accommodate the front 6.5m of Worcester Chambers in a broader regeneration project that amalgamate the bare York Chambers site, and the Harley Chambers site presents economies of scale and a more leasable proposition in the current market conditions where an orthodox office proposition would enter a saturated market.

#### 6.5.7 Heritage Effects summary

As a non-complying activity, there is no discretion as to the matters to be considered. However, the matters identified in Rule 9.3.6.1 provide useful contextual guidance.

Accordingly, in terms of matter (a) and (b), the extent of damage incurred to Harley Chambers is such that the costs of repair are uneconomic, and that the inclusion of the building as a Group 2 'Significant' item in the operative plan failed to consider the integrity of the building post-earthquake, the required repairs to reinstate the building and costs of doing so. Accordingly, it is considered that the demolition of this building does not result in a significant effect on heritage, and should be unencumbered in terms of conditions that would otherwise delay its demolition.

For Worcester Chambers, there are not the same issues as to structural integrity. Based on the evidence of Mr Ansley there is continued market reluctance to provide a sustainable economic use for the building. The application proposal seeks the retention and careful integration of the front 6.5m of the proposal into a complex and substantial regeneration project, however as identified by Mr Gray the loss of the western and eastern elevations (between 6.5m and 13.3, and 6.5m to 11.0m respectively results in a significant impact on heritage values.

Whilst, Option B as considered above would provide for the retention of Heritage values as recommended by Mr Gray (**Attachment D**), that option has been considered by Mr Gilmore (**Attachment H**) to result in either the loss of basement and atrium functionality (Section 5.12.2.1), or conversely where the extended wall retention is transferred over the basement (Section 5.12.2.2) results in significant additional costs and risks to the retained Worcester Chamber structure. Mr Gregory (**Attachment E, Appendix 03**) identifies that such retention would compromise the atrium, create internal integration issues, and reduce functionality of the proposed hotel.

There are also positive effects associated with the retention of the front 6.5m section of Worcester Chambers. This section is the most visually intact and prominent part of the building, and also the most significant from a heritage perspective (**Attachment D**). This section of the building is to be retained, and given an ongoing economic purpose as the focus of the Hotel development. The hotel development offers a more viable ongoing use for the site than offered by the current building.

Given the necessity to provide detailed design plans through building consent as to the integration of the remnant Worcester Chambers building to be affixed to the Hotel proposal, a condition of consent is volunteered that no part of Worcester Chambers is to be demolished

until Building Consent has been approved for the replacement Hotel Development. It is noted that this is not the preference of Mr Gilmore (**Attachment H, Section 3.1.11, and 5.11.3**) in terms of facilitating demolition for Harley Chambers.

Lastly, it as noted in the Applicant's Statement (**Attachment M**) there is a considerable shortfall between the repair of Harley Chambers and its economic viability. I understand that this shortfall cannot be met through Heritage Grants; neither building is a Category 1 Heritage New Zealand Building which would make them eligible for funding under the Heritage New Zealand Preservation Incentive Fund, nor sufficient funding available in the Christchurch City Council Heritage Grant funding program.

## 6.6 Flood Floor Levels

The entire site is located within the Flood Management Area (**FMA**), and is subject to inundation in the 1/200 year event.

There have been a number of design iterations to accommodate the required FFL of 14.830m RL, in addition to the other constraints associated with urban design integration with the streetscape, retention of the Worcester Chambers front section, and providing for valet carparking at basement level so as to incorporate the necessary 150 bedroom capacity within the required building height and wall height limitations.

The floor level proposed largely meets the the FMA requirements, with the exception of the basement level, however the perimeter of these spaces complies with the FMA requirements through the provision of 'ramps' up to a height of 14.930m RL. In addition, doorways to the plant room, workshop and storage areas will be designed in a manner so as to reduce water ingress in a flood event. A condition of consent has been proposed for such requiring design to be provided with building consent.

The finished floor area for the retained section of Worcester Chambers will be retained as existing at 14.350m RL.

Proposed Tenancy 1 fronting onto Cambridge Tce has a proposed finished floor level of 14.300m RL, some 320mm above the street frontage height of 13.980m RL. Leasable space within the tenancy at 35m<sup>2</sup> would be severely compromised through an internal ramp / stair configuration necessary to concurrently achieve 14.830m RL and meet accessibility requirements, and would also present an obstacle to connection to the public realm.

Lastly the access ramp leading from Cambridge Terrace extends from the street frontage height of 13.980m RL to a compliant FFL of 14.830m RL. Such a design solution is necessary to ensure the mobility impaired can access the building and facilities.

A condition of consent is volunteered that all any power sockets or appliances in Tenancy 1 shall have a minimum height of 14.83m RL.

Matters of discretion are addressed in Rule 5.4.1.5a(RD1)(b)(i) to (iii). Those matters state:

*(b) These restricted discretionary activities will be assessed against the following criteria:*

- (i) The frequency at which any proposed building or addition is predicted to be flooded and the extent of damage likely to occur in such an event*
- (ii) Whether any mitigation measures are proposed, their effectiveness and environmental effects, and any benefits to the wider area associated with flood management.*
- (iii) Whether there are any positive effects from the reduction in floor levels in relation to neighbouring buildings or streetscape.*



It is accepted that the property is located within the 1 in 200 year event. Inundation is limited to the extent of: the frequency of events, and the degree to which the finished floor level of the building is located below the FFL requirement.

In terms of matter (i) and (ii) frequency of events and extent of damage, the following is noted:

- Whilst the location of the site in the FMA is not disputed it is understood that the modelling behind the Avon River Hydrologic and Hydraulic Model D13 is not as refined as it could be. Flooding of the magnitude modelled has a 0.5% chance of occurring in any one year period, essentially a 1 in 200 year event. It is understood that street level is located above the 1 in 10 year event. The issue of adverse effects must be put in context in terms of the issue of flood frequency. In this regard the RMA in defining the meaning of effect includes:

*s3(f) any potential effect of low probability which has a high potential impact*

The question therefore becomes would a low probability event, which I consider this issue falls under, have a high potential impact.

- The Applicant has been made aware of the risk, and taken steps through the design iterations to reduce the degree of non-compliance to the existing floor level of Worcester Chambers and Tenancy 1. The function of the access ramp to Cambridge Street requires that at street frontage it has a level of 13.980m RL to match the footpath and provide access for the mobility impaired. Ramps have been provided to impede flood water accessing the basement in the 0.5%AEP event.
- For those parts of the building that are below the FFL, the applicant will ensure any power sockets or appliances shall have a minimum height of 14.83m RL, and the use of mitigation measures such as durable floor coverings, wall fixtures and fittings to mitigate the effects of economic loss. Insurance for damage will also be in place, which as indemnity to economic loss is a mitigation measure for the replacement of materials and fixtures that are affected. Accordingly, in terms a consideration of ‘effects’ flood damage would not result in a *high potential impact* threshold being reached in this case taking into account the nature of the development proposed.

In terms of matter (iii)

- Positive effects associated the decision to not meet FFL requirements for Tenancy 1 and the retained section of Worcester Chambers, include a reduction in the level of intrusion and loss of heritage values for the latter, and the ability to provide an appropriate interface between Tenancy 1 and the building frontage to Cambridge Terrace without substantial reduction in leasing space to incorporate an internal ramp / stair configuration. To provide such a ramp to provide mobility impaired access to Tenancy 1 or otherwise reduce the width of the Cambridge Street atrium entrance ramp would substantially detract from the aesthetic sought for the building.

The adverse effects from the residual components of the building below the FFL are considered to be less than minor, and are to be considered in balance with the built form and district plan constraints associated with the proposal.

## 6.7 Waterway Setbacks

The proposed new building and earthworks occur within 24m of the Avon River (notated 'Downstream Waterway'), a breach of 6m.

Rule 6.6.4.3(RD2) limits the matters of discretion to Rule 6.6.71 'Natural Hazards'. Those matters relates to the extent by which the proposal would: impede waterway channels or create displacement (matter (a)); cumulative effects (matter (b)); or risks to the building (g). The latter is addressed above in terms of being located within the FMA; the proposal will not impede water channels nor displace flood waters in comparison to both the existing buildings located on the site, and the extent of building provided by the operative plan.

The effects on the Avon River waterway setback is considered to be less than minor.

## 6.8 NES Contamination

Mr Jared Pettersson, Enviser has undertaken a Preliminary Site Investigation ('PSI') for the proposal site (**Attachment C**).

The PSI identifies that there are discrete areas of the site that are potentially contaminated or have had a HAIL activity on it i.e. are 'pieces of land', as follows:

- 69 Worcester St – location and immediate surrounds of the boiler tank and transformer
- 137 Cambridge Tce – location and surrounds of the tank
- 65-67 Worcester St – entire site

Mr Pettersson has advised the regulations should not apply to other areas of the site.

Accordingly, and as advised by Mr Pettersson, this application relies on the Preliminary Site Investigation and proposed Site Management plan (with associated sampling) to manage the potential risks present, including disposal of any contaminated material to an approved facility.

## 6.9 Positive Effects

Positive effects are relevant under s104(1)(a). Those broader regeneration benefits ascribed to the proposal also have relevance in terms of s104(b)(vi) given the primacy afforded to the Strategic Directions of the operative plan, including **Objective 3.3.1**, **Objective 3.3.8** and **Objective 3.3.9** which seek to expedite recovery and enhance Christchurch as an internationally competitive city, revitalise the central city, and identify and appropriately manage structures that are historically important.

Primarily, the analysis above identifies that the owner of the sites is unable to make any reasonable and economic use of Harley Chambers. The building is also deemed earthquake prone. Any attempts to provide necessary structural integrity remove residual heritage values to the point that heritage listing is unwarranted. The building is also in a poor aesthetic state, to the extent that the Christchurch City Council have approached the landowner seeking to progress regeneration of the site. In that context, in isolation of the remainder of the proposal, the demolition of Harley Chambers is considered to provide a positive effect in terms of public safety and amenity values. The proposal will enhance the quality of this environment.

The ability to incorporate the newly purchased Worcester Chambers site within an amalgamated block with the adjoining York and Harley Chambers sites allows economies of scale, and the formation of a high end International Standard Hotel development, in a commercial market where leasing for office activities is at best difficult in current market conditions. Alternatives which retain greater sections of Worcester Chambers impede the coordinated development of the sites. Accordingly, the proposal represents an efficient use of physical and natural resources.

The proposal also represents the replacement of unoccupied premises with a much more intensive site development. The development provides high quality Hotel accommodation, an atrium and dining facilities which will increase foot traffic in the area, as well as the night time economy. The proposal will also reinforce and consolidate the commercial viability of this part of Central Christchurch's commercial area with regeneration projects associated with Cathedral Square and the Avon River corridor.

The proposal will provide a new landmark building of substantial presence, with an established link to Christchurch's past through the retention and integration of the front section of Worcester Chambers.

The project will also provide economic stimulus and employment through both construction and developed phases, and provide an alternative travellers accommodation option at the top end of the market.

## 7 Objectives and Policies

As a non-complying activity, the proposal is to ‘pass through’ the gateway tests of s104D of the RMA. As identified above, excluding heritage the effects of the proposal are generally positive. However, as identified by Mr Gray, the loss of the western and eastern elevations (between 6.5m and 13.3, and 6.5m to 11.0m respectively results in a significant impact on heritage values.

Accordingly, the proposal does not pass s104D(1)(a) in that adverse effects are more than minor, if applying the gateway to heritage alone. The effects are overwhelmingly positive when considering the proposal as a whole.

The proposal is to be considered in terms of whether it would be contrary to the policies and objectives of the operative plan (s104D(1)(b)(i)), such that it can be considered under s104; and therein ‘regard’ is to then be had to the policies and objectives of the plan under s104(1)(b)(vi).

The proposed development seeks to balance several competing considerations, primarily the tension between:

- (i) Protecting significant historic heritage; and
- (ii) Enabling owners to take practical and affordable steps to realise a reasonable and economic use for heritage buildings and associated physical resources, including considerations as to the ability to practically bring them to an appropriate seismic standard, or within the spectrum of use, change, adapt or demolish them to provide for cultural, social and economics needs, including expediting recovery of the City.

As discussed above, it is considered that there is not a presumption in the operative plan that demolition is inappropriate, especially where it can be demonstrated that the process of identification of heritage significance is flawed, or where there are relevant matters of public safety, engineering feasibility, and financial costs, and as viewed through a wider recovery ‘lens’.

### 7.1 Strategic Objectives

Strategic Directions in Section 3.3, and especially Objective 3.3.1 and Objective 3.3.2 have pre-eminence.

The interpretation at Section 3.3 of the operative plan is important in establishing the recovery context of the operative plan. It requires that all Strategic Directions objectives are to be expressed and achieved in a manner consistent with objectives 3.3.1 and 3.3.2, and all other objectives and policies in the plan are to be expressed and achieved in a manner consistent with the objectives of the Strategic Directions. (emphasis added).

**Objective 3.3.1** seeks to enable an ‘expedited recovery and future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city’, including in a manner that fosters investment certainty and meets needs for economic development.

The proposal furthers these obligations. The retention of the existing building does not provide for any form of economic return as associated with Harley Chambers, and demonstrated weaknesses associated with a sustainable return for Worcester Chambers. The proposed hotel development as a comprehensive redevelopment of a substantial city block provides considerable investment opportunities to Christchurch, and will result in the enhancement of this part of the CBD both aesthetically as well as providing for an international hotel development.

**Objective 3.3.2** seeks that the plan through its implementation minimises transaction costs and encourages innovation and choice.

**Objective 3.3.5** seeks to ensure that the critical importance of business and economic prosperity to Christchurch's recovery is recognised, and a range of opportunities provided for business activities to establish and prosper.

The site is located within the Commercial Central City zone, which anticipates and provides for activities such as that proposed. Accordingly, the proposal would further this objective.

**Objective 3.3.6** seeks to ensure that new development is to be undertaken in a manner that ensures that risks of natural hazards to people and property are appropriately mitigated.

As identified the design iterations associated with the proposal have accounted for the sites constraints including those associated with the FFL in an appropriate manner, and have avoided flood risk (0.5% AEP) where possible, and otherwise mitigated risk.

**Objective 3.3.8** seeks to revitalise the Central City as the primary focal point, and enhance amenity values through private sector investment. The objective recognises that historic heritage associated with the central city assists with the identity and sense of place, and contributes to a high urban amenity.

The proposal balances these demands in a manner that achieves these obligations as associated with a complex site. The proposed hotel development seeks to provide a high quality and architectural designed building on a key corner of the central city, enhancing amenity values and commensurately revitalising the function and investment associated with this part of the central city. The retention and integration of the front section of Worcester Chambers, as the most significant part of the building as identified by Mr Gray, furthers reinforcing the sense of place and identity of Worcester Boulevard through the development.

**Objective 3.3.9** seeks a natural and cultural environment where:

- (iii) *Objects, structures, places, water/wai, landscapes and areas that are historically important, or of cultural or spiritual importance to Ngāi Tahu mana whenua, are identified and appropriately managed.*

Importantly, this strategic direction does not impose a presumption of protection. As identified in the assessment above, it is considered that the proposed regeneration project represents the appropriate management of historic heritage represented by Worcester Chamber and Harley Chambers, given the assessments provided by relevant experts as to the values of heritage fabric, earthquake damage and building integrity, and financial costs and benefits.

Overwhelmingly, the proposal furthers those matters identified in general terms through the Strategic Directions of the operative Plan.

## 7.2 Natural Hazards

**Objective 5.2.1.1** seeks that the risks of natural hazards to people, property and infrastructure is appropriately mitigated. Supporting **Policy 5.2.2.1.2** seeks to manage activities in all areas subject to natural hazards as commensurate with the likelihood and consequences of natural hazard event on life and property.

The policy is not established as an avoidance policy, but rather seeks that the hazard is identified, and measures are undertaken to manage that risk, as commensurate to consequence.

As identified, the applicant through design iterations has sought to avoid flood risk to the 0.5% AEP event through establishing finished floor levels where possible to be at or above the required minimum; where necessary functionality and scale of the Hotel proposal requires underground basement and valet carparking, ramps at the minimum FFL have been established to provide mitigation of risk.

The remaining spaces that are below the minimum FFL requirements either relate to the existing building (Worcester Chambers), have a necessary function to integrate with street level (the ramp to Cambridge Terrace to provide mobility impaired access and visual connection), or would have substantial design impediments (ramp / stairs into Tenancy 1) that would not be commensurate with the degree of risk.

The proposal is in accordance with these provisions.

## 7.3 Waterway Setbacks

**Objective 6.6.2.1** seeks to protect water bodies and their margins from inappropriate use and development. **Policy 6.6.2.1.3** seeks the management of activities in water bodies to achieve several aims. The only relevant aspect (clauses vi, vii and viii) are not impacted by the proposal. As discussed, the proposal will not impede the Avon river channel, nor exacerbate or transfer flood risk to other properties.

## 7.4 Transport

**Objective 7.2.1** and attendant **Policies 7.2.1.1** to **Policy 7.2.1.5** seek an integrated transport system, that the transport system is safe and efficient for all transport modes, and that efficient functioning of the transport system is upheld. As identified in the assessment by Mr Rossiter, the proposal does not result in any material effects on the transport system. Accordingly, the proposal is consistent with these provisions.

## 7.5 Commercial

The overarching Objective for Commercial Activity (**Objective 15.2.1**) is that the critical importance of commercial activity to the recovery and long term growth of the City is recognised and facilitated in a framework that supports commercial centres.

**Objective 15.2.2** establishes the commercial centre hierarchy, with the Central City at the apex (clause iv). Table 15.1 'Centre's Role' identifies the Central Business District as the primary destination for wide range and scale of activities including *dining and night life*, and *guest*

*accommodation.* The role of the Central Business District is to serve both the district's population and visitors.

**Objective 15.2.4** recognises the Central City as strategically important for commercial investment, and that the scale, form and design of development is to contribute to an urban environment that is visually attractive, safe, easy to orientate and responds positively to local character and context. Clause (iii) recognises that the functional and operational requirements of activities can drive urban form.

**Objective 15.2.5** seeks a range of commercial activities and guest accommodation in the Central City Business zone to enhance its viability and vitality. Clause (i) identifies the imposition of limitations to height to support an intensity of commercial activity (which is defined as distinct from guest accommodation) across the zone. Entertainment and hospitality activities are also encouraged.

More specifically as related to the Commercial Central City Business zone, **Objective 15.2.6** reiterates a number of themes as to developing the area as the principle commercial centre for Christchurch in a manner that is attractive for residents and visitors, as consistent with the Strategic Directions. Attendant **Policy 15.2.6.2** seeks to enable taller buildings, and encouraging a usable built form. **Policy 15.2.6.3** seeks a high standard of amenity, including height limits and recognising the values of Ngāi Tūāhuriri/ Ngāi Tahu in the built form, and the expression of their narrative.

The proposed hotel complex has been designed to be in broad conformity with the standards set out in the Central City Business zone, while balancing several competing constraints that are associated with the functional and operational requirements associated with a development of this kind. These relate to ensuring a 150 bedroom complex, with the range of amenities required, within an envelope created by urban design outcomes, built form standards, heritage retention, cultural values, flood risk, accessible access, and carparking.

Any minor matters of non-compliance with the commercial provisions of the operative Plan are associated with accommodating the following matters:

- the required scale of the building;
- retention of the front section of Worcester Chambers;
- accommodating the requirements of the Minimum Floor Level Certificate; and
- establishing a ground floor level that does not present a barrier to access at the entrance of the building without substantial level changes

These matters have been achieved in a comprehensive and integrated design outcome, that improves the quality of the environment, enhances the contribution of guest accommodation and restaurant facilities to Central City revitalisation, and provides for ongoing private investment in a manner where the proposal is of a scale and design that responds positively to local character and context.

In conclusion, whilst the proposal does not therefore comply with all of the relevant commercial zone rules, it is nonetheless considered to result in a positive environmental outcome that furthers the outcomes sought in these objectives and policies.



## 7.6 Heritage

The theme established in **Strategic Direction 3.3.9**, that *“objects, structures, places... that are historically important, ... are identified and appropriately managed”* (emphasis added) is continued in Section 9.3 which establishes the Heritage framework for considering the proposal.

The framework of the operative plan provisions are considered to contain a series of cascades with regard to historic heritage:

- Firstly, historic heritage is to be identified (**Policy 9.3.2.2.1(a)**);
- Secondly, there is assessment and exercise in value judgement as to whether a particular item is ‘significant’ (**Policy 9.3.2.2.1(b)** and **(c)**);
- Thirdly, an evaluation of what is inappropriate subdivision, use and development that historic heritage is required to be protected from as to the extent to which protection is warranted, including:
  - Management of schedule historic heritage (**Policy 9.3.2.2.3**);
  - Relocation (**Policy 9.3.2.2.6**); and
  - Demolition (**Policy 9.3.2.2.8**).

This is reflected in **Objective 9.3.2.1.1** which seeks to main the overall contribution of historic heritage to the District’s character and identity through protection and conservation in a way that:

- Enables and supports ongoing retention, use and adaptive re-use;
- Recognises the condition of buildings, particularly those that have suffered earthquake damage, and the effect of engineering and financial factors on the ability to retain, restore, and continue using them; and
- Acknowledges that in some situations demolition may be justified by reference to the matters in **Policy 9.3.2.2.8**.

As the proposal relates to the demolition of Harley Chambers, and the removal of substantial parts of Worcester Chambers, Policy 9.3.2.2.8 ‘Demolition of Heritage Items’ is stated below in full.

### **9.3.2.2.8 Policy - Demolition of heritage items**

- (a) *When considering the appropriateness of the demolition of a heritage item scheduled in Appendix 7.3.7.2 have regard to the following matters:*
- (i) *whether there is a threat to life and/or property for which interim protection measures would not remove that threat;*
  - (ii) *whether the extent of the work required to retain and/or repair the heritage item is of such a scale that the heritage values and integrity of the heritage item would be significantly compromised;*
  - (iii) *whether the costs to retain the heritage item (particularly as a result of damage) would be unreasonable;*
  - (iv) *the ability to retain the overall heritage values and significance of the heritage item through a reduced degree of demolition; and*
  - (v) *the level of significance of the heritage item.*

As stated, it is not considered that there is a presumption against demolition within the policy framework. The policy framework requires careful consideration of matters of public safety, engineering feasibility, and financial costs, with an overall evaluation to be undertaken through the wider recovery 'lens' as required by the overarching strategic directions.

With regard to **Harley Chambers**, this assessment is brief and overwhelmingly in favour of demolition. With regard to **Policy 9.3.2.2.1** clause (i) the building is deemed earthquake prone with a 15% NBS as identified by Mr Gilmore; in terms of clause (ii) the works necessary to achieve structural integrity at 67% or 100% is so invasive as to remove residual heritage fabric to an extent that would make its continued scheduling unwarranted; for clause (iii) as demonstrated by both Mr Pomeroy and Mr Ansley, the costs of repair would be fiscally unsustainable; and for clause (iv) the impacts of trying to restore and reconstruct the façade as 'a lesser degree of demolition' are financially unsustainable, present overwhelming design constraints in terms of connection to replacement building; and would not retain sufficient heritage values to warrant scheduling. Lastly in terms of clause (v) as identified by Mr Gray, the extent, quality and scale of the heritage fabric in this building has deteriorated substantially, as a consequent of and subsequent to the 2011 earthquakes.

Accordingly, the demolition of Harley Chambers is consistent with the outcomes of **Policy 9.3.2.2.1**, and **Objective 9.3.2.1.1**.

For **Worcester Chambers**, the evaluation is more complex. In terms of **Policy 9.3.2.2.1** and having regard to the relevant clauses:

- there is no threat to life or property from Worcester Chambers which has a 73% NBS (clause (i)).
- Accordingly, work necessary to achieve structural stability would not be to the detriment of existing heritage fabric (clause (ii)).
- The costs of retaining Worcester Chambers include both the challenges raised by Mr Ansley as to providing a reasonable economic return from the building, as well as wider opportunity costs associated with the ability to facilitate a co-ordinated redevelopment of this site with adjoining prominent Central City sites (clause (iii)).
- The retention of the front 6.5m section of Worcester Chamber represents a complex restoration and recovery project for the Central City, that retains the more significant elements of heritage fabric for Worcester Chambers (clause (iv)).
- Worcester Chambers is identified in the operative plan as being 'Highly Significant', yet as identified by Mr Gray based on his detailed assessment the building is undeserving of that status. This goes to the issues raised by the IHP In Decision 45 as to the robustness of the assessment undertaken in establishing the heritage schedule, and the need for a structured consideration as to when demolition may be inappropriate in terms of sustainable management.

Taking a step back, **Objective 9.3.2.1.1** enables and supports the ongoing retention and use of historic heritage, and recognises that in some situations demolition may be justified. Considering these matters, it is considered that the partial retention and adaption of the front section (6.5m) of Worcester Chamber achieves some the heritage framework above, as these relate to use, and the contribution of historic heritage to the District's character.

Those elements of Worcester Chambers to be retained are consistent with **Policy 9.3.2.2.3** which seek to provide for the ongoing use of scheduled historic heritage in a manner sensitive to their heritage values (as recognised by Mr Gray), recognising the need for works to be undertaken to secure long term retention.

It is also acknowledged that there are elements of **Policy 9.3.2.2.1** which are not achieved to the same degree. Overall, it is considered that the proposal is not-inconsistent with the heritage provisions as a whole, but could not be considered to further these. The proposal is not contrary, in the sense of being repugnant or offensive to the heritage provisions of the plan.

## 7.7 Objective and Policy conclusion

The proposal is not considered to be contrary to any specific policy. Importantly finds broad support when the provisions of the Plan are considered in a holistic manner. Accordingly, the proposal adheres with s104D(1)(i)) and can be considered pursuant to s104.

## 8 Regional Policy Statement

The obligations in Section 104(1)(b)(v) require regard to be had to the relevant provisions of the Canterbury Regional Policy Statement (2013).

The recovery context is contained in Section 6, and includes:

**Objective 6.2.1** which seeks to enable recovery, rebuilding and development within Greater Christchurch, including identifying Key Activity Centres as a focus for high quality development.

**Objective 6.2.2(3)** which seeks to reinforce the role of the Christchurch Central Business district.

**Objective 6.2.3** which seeks that recovery and rebuilding is done in a manner that retains identified areas of historic heritage values; and

**Objective 6.2.5** has as its outcome the need to support and maintain the existing network of centres, including the Central City for a diversity of business opportunities.

Associated policies seek to implement these objectives. The proposal is considered to further the attainment of these provisions.

The historic heritage context of the RPS is contained in Section 13.

**Objective 13.2.1 — Identification and protection of significant historic heritage** seeks *“the Identification and protection of significant historic heritage items, places and areas, and their particular values that contribute to Canterbury’s distinctive character and sense of identity from inappropriate subdivision, use and development.”*

**Objective 13.2.3 Repair, reconstruction, seismic strengthening, on-going conservation and maintenance of built historic heritage** identifies and provides for the *“importance of enabling the repair, reconstruction, seismic strengthening, and ongoing conservation and maintenance of historic heritage and the economic costs associated with these matters is recognised”*.

**Policy 13.3.4** provides for the need to *“recognise and provide for the social, economic and cultural well-being of people and communities by enabling appropriate repair, rebuilding,*

*upgrading, seismic strengthening and adaptive re-use of historic buildings and their surrounds in a manner that is sensitive to their historic values”.*

As these provisions have been ‘given effect to’ in the operative District Plan heritage provisions. The IHP, in crafting the District Plan provisions, were mindful of the need for these provisions to give effect to the CRPS. The above assessment has concluded that the operative District Plan provisions recognise the challenges and economic realities for owners of heritage buildings, and associated considerations of social, cultural and economic wellbeing in conjunction with the historic values of heritage buildings. The provisions accordingly recognise the spectrum of protection, including repair, restoration, reconstruction and adaptive re-use of heritage items; and the potential for demolition where this would not be inappropriate based on a case-by-case consideration of the merits of such. The proposal is considered to not be inconsistent with these provisions.

**Objective 11.2.1 - Avoid new subdivision, use and development of land that increases risks associated with natural hazards**, seeks that *“New subdivision, use and development of land which increases the risk of natural hazards to people, property and infrastructure is avoided or, where avoidance is not possible, mitigation measures minimise such risks.”*

**Policy 11.3.2 – Avoid development in areas subject to inundation** identifies that *“In areas not subject to Policy 11.3.1 that are subject to inundation by a 0.5% AEP flood event; any new subdivision, use and development (excluding critical infrastructure) shall be avoided unless there is no increased risk to life, and the subdivision, use or development:*

- 1. is of a type that is not likely to suffer material damage in an inundation event; or*
- 2. is ancillary or incidental to the main development; or*
- 3. meets all of the following criteria:*
  - (a) new buildings have an appropriate floor level above the 0.5% AEP design flood level; and*
  - (b) hazardous substances will not be inundated during a 0.5% AEP flood event;**provided that a higher standard of management of inundation hazard events may be adopted where local catchment conditions warrant (as determined by a cost/benefit assessment). When determining areas subject to inundation, climate change projections including sea level rise are to be taken into account.*

As outlined previously, the proposal does not increase risk to life and that the design iterations undertaken by the applicant will mean it unlikely to result in the building as a whole suffering material damage. The proposal is not inconsistent with this objective or policy.

The proposal is also considered to be consistent with the other relevant Objectives of the CRPS.

## 9 Other Matters

Section 104(1)(c) requires regard be had to any 'other matter' considered relevant.

### **Greater Christchurch Regeneration Act**

Section 60(2) of the Greater Christchurch Regeneration Act 2016 requires that decisions and recommendations on resource consent applications are not inconsistent with Recovery Plans and Regeneration Plans.

The Land Use Recovery Plan (LURP) is relevant; however, the new District Plan provisions against which this consent has been assessed above, align with the LURP and accordingly no specific further consideration of the higher order document is considered necessary.

### **Regeneration Sites**

The condition of Harley Chambers is such that the Christchurch City Council on 17 May 2017 wrote to the applicant as one of the 'Dirty Thirty' or barrier sites, as being properties that are considered a physical or perceptual barrier to regeneration (**Attachment L**). On 25<sup>th</sup> July 2017 the applicant issued a letter to the Council confirming the progression of this application, and seeking advice on interim resolutions regarding graffiti; with no response.

As identified in the Statement from the Applicant's Agent (**Attachment M**):

Progressing matters and reaching a decision about the future of the building has been hampered by:

- (a) the long delay in settling the insurance claim (which was not settled until January 2016);
- (b) limited access, initially due to the cordon in the central city and damage to the neighbouring building; and
- (c) limited access due to building damage and health issues in regards to flooded basement (since 22 February 2011).

Furthermore, as identified in the assessment provided by Mr Pomeroy and Mr Ansley restoration does not form an economically sustainable outcome for the proposal. Hence the endeavours to purchase the intervening site at Worcester Chambers, and with the assistance of Warren and Mahoney Architects develop a comprehensive regeneration project for the eider block.

### **Holding Costs**

Harley Chambers is not a leasable proposition given its condition. Worcester Chambers has, as outlined by Mr Ansley not been able to be leased in the intervening period since the earthquake sequence (excluding the transient overflow leasing by CERA). However, costs incurred by the landowner have included rates, security, repairs from vandals etc, with annual rates alone ranging from \$28,665.40 to \$34,538.19.

### **Precedent and Plan Integrity**

Given the non-complying status of this application it is appropriate to have regard to the issue of precedent, as well as the effect of granting consent upon the integrity of the District Plan and public confidence in its consistent administration. Case Law has established however, through

the High Court in *Rodney District Council v Gould*, that concerns relating to plan integrity and precedent effect are not mandatory considerations. The Court held that they are matters that decision makers *may have regard to*, depending on the facts of a particular case including:

1. Whether a proposal is contrary to the objectives and policies of the plan; and if so
2. Whether in the circumstances of a particular case a proposal can be seen as having some unusual quality.

In this case the proposal is not contrary to the objectives and policies, therefore I am satisfied that issues of precedent or plan integrity do not arise. Notwithstanding this point, there are a number of unusual elements associated with the proposal that distinguish from other applications for the demolition of a 'highly significant' (Group 1) heritage building. These are:

- The detailed assessment by Mr John Gray identifies that the significance of Worcester Chambers is not such that inclusion as a Group 1 heritage item is warranted; regardless the more significant elements are to be retained and integrated with a highly complex regeneration project.
- The demolition of that part of Worcester Chambers provides for the amalgamation of sites and a comprehensive hotel development on a prominent central city corner.

## 10 Conditions of Consent

The applicant volunteers the following conditions of consent:

1. Development shall proceed generally in accordance with the plans and information submitted as part of the application as RMAXXX
2. All wall-mounted electrical outlets and sockets and Heat, Air Ventilation and Colling plant shall be located at a level of 14.83m RL or above.
3. An audio or visual method of warning pedestrians of the presence of vehicles about to egress from Cambridge Terrace access point shall be provided prior to the basement being used for carparking.
4. No external part of Worcester Chambers shall be demolished until:
  - a. Building consent is issued for the replacement buildings, and construction contracts are in place for the replacement building;
  - b. A Conservation and Integration Plan is provided for the front 6.5m of Worcester Chambers identifying how this section of the building is to be both retained during the construction process, and integrated into the proposed replacement building.

The consent holder shall provide confirmation of these matters to the Regulatory Services Manager at the Christchurch City Council for certification, prior to any external demolition work on Worcester Chambers commencing.

5. Site Management Plan

- (a) Prior to commencement of ground breaking activities on site, a Site Management Plan (SMP) shall be prepared for the purposes of managing potentially contaminated ground on the site.
  - (b) The SMP shall:
    - (i) Be prepared by a Suitably Qualified and Experienced Practitioner as per, and in accordance with the National Environmental Standards for assessing and managing contaminants in soil to protect human health (NESCS).
    - (ii) Include measures, where necessary, to evaluate site contamination as works proceed, which may include soil testing, visual observations, procedures for identifying contaminated soil and water
    - (iii) Training for site staff
    - (iv) Material handling and disposal procedures and practices
    - (v) Erosion and sediment control measures
    - (vi) Removal of underground fuel storage facilities
    - (vii) Validation soil or water testing where required
    - (viii) Reporting and record keeping procedures
    - (ix) Health and safety measures
  - (c) The SMP prepared under (Condition 5(a)) shall be submitted to the Regulatory Services Manager at the Christchurch City Council for certification at least 2 weeks prior to ground breaking activities commencing.
  - (d) The consent holder is to undertake all works as subject to the requirements of the certified Site Management Plan.
6. A photographic record of both Harley Chambers and Worcester Chambers shall be undertaken prior to commencement of any work. For Harley Chambers, this record shall be lodged with the Heritage Unit of the Council for their records within three months of the demolition of the building. For Worcester Chambers, the record shall be lodged within three months of the integration of the front 6.5m of the building with the proposed replacement building.
7. The following elements of Worcester Chambers are to be carefully removed, stored and retained in the replacement building.
- a. The steel strong room door and frame, from beneath the stairs.
  - b. The left-hand steel stair balustrade and timber handrail (though this may be difficult to integrate, as stair balustrades are built to suit the stair)
  - c. At a minimum, one or more of the (two) original timber doors, frames and over lights, on the ground floor.

Items removed are to be inspected by a conservator, cleaned and conserved as required before being placed in storage.



Building consent as issued pursuant to Condition 2 shall identify the manner in which these elements are reinstalled in the replacement building.

## 11 Consultation/Notification

The applicant has chosen to publicly notify the application, **pursuant to s95A(2)(b)** of the Resource Management Act 1991 (**RMA**).

In preparing this application, the Applicant and or those whose assessments are addressed in this application have discussed the proposal with:

- Informal meeting with Christchurch City Council Heritage Team – Project Inception (June 2017).
- Pre-application meeting with Christchurch City Council Heritage Advisors, Senior Urban Designers and Planner (dated 9 November).
- Meetings with representatives of Matapopere.
- Urban Design Panel Dated 12 July.

## 12 Conclusion

Overall, the proposal to demolish the significant Harley Chambers and demolish in part and integrate the front 6.5m section of Worcester Chambers into a substantial Hotel development represents a complex recovery and regeneration project for the City.

In an orthodox planning framework, there is an assumed presumption that the demolition of historic heritage is inappropriate. However, under the Christchurch Operative District Plan, matters associated with:

- the complexity of repair, reconstruction and seismic strengthening; and
- the financial costs of repair and reconstruction of heritage items,

are to be considered through a recovery 'lens' and within the context of the pre-eminent Strategic Directions which seek to expedite recovery and the future enhancement of Christchurch as a dynamic, prosperous and internally competitive city, and fosters investment certainty.

Whilst there is no presumption that avoidance is required in absolute sense, the plan still requires careful consideration of the removal of historic heritage. Albeit that there is considerable flexibility in the management of heritage from protection at one end of the spectrum, working through adaption, through to providing for works to be undertaken to accommodate their long term retention, use and sensitive modernisation, to demolition.

A detailed consideration of Harley Chambers against the criteria in Policy 9.3.2.2.8 identifies that any of the options considered, including trying to restore and integrate the façade are overwhelming. The consideration for the partial demolition for Worcester Chambers is more complex, commencing with the evidence of Mr Gray that the heritage importance of the building is overstated, but that where values are considerable these will be (largely) retained and integrated within the replacement proposal. Whilst there are significant effects from the loss heritage fabric, the magnitude of that effect is limited to the loss of the exterior brick walls

and Georgian windows from between 6.5m (Option A) and 13.3m of the west wall elevation, and 6.5m (Option A) to 11.0m of the east elevation.

Overall, the demolition of Worcester Chambers does not take the form of the loss of the entire building to make way for a new contemporary building. Demolition has been targeted to retain and restore the more significant elements of the building, as balanced against the design aspects of the replacement Hotel, costs of retention, and provision of a substantial atrium space. Accordingly, the proposal is considered to represent a substantial regeneration project, spanning several high profile land holdings within the Central City in a manner that furthers sustainable management in the Christchurch context.

***Attachment B: Flood Floor Level Certificate***

## MINIMUM FLOOR LEVEL CERTIFICATE UNDER THE CHRISTCHURCH DISTRICT PLAN

REFERENCE NUMBER: RMA/2017/2839

Pursuant to Rule 5.4.1.2 in Chapter 5 Natural Hazards of the Christchurch District Plan, the minimum floor level for new buildings, and additions to existing buildings that increase the ground floor area of the building, is certified as:

<b>Property address:</b>	65 and 69 Worcester St and 137 Cambridge Terrace
<b>Legal description:</b>	Lot 1 DP 35444, Lot 2 DP 6773, Pt Lot 2 DP 9096, Pt Lots 1, 1 DP 6773
<b>Minimum floor level:</b>	14.83m above the Christchurch City Datum
<b>Date of issue:</b>	21/11/2017

This is the minimum floor level required for a building or addition to be a permitted activity under P3 (new buildings) and P4 (additions to existing buildings) in Rule 5.4.1.1 of the Christchurch District Plan.

This certificate is valid for two years from the date of issue.

Advice notes:

- For a building or addition to be a permitted activity under the Christchurch District Plan as a whole, all other relevant rules must be complied with.
- The minimum floor level certified under the District Plan may be different to the floor level required by the Building Act 2004 which must be met in order to obtain a building consent.
- Reference to this certificate when applying for a building consent will assist with the processing of your application.

Signed for and on behalf of the Christchurch City Council:



John Higgins  
**Head of Resource Consents**