

BEFORE THE CHRISTCHURCH CITY COUNCIL

IN THE MATTER of the Resource Management Act 1991 ('the Act')

AND

IN THE MATTER Of Resource Consent Application RMA/2020/2852 for the Canterbury Museum Trust Board for a comprehensive redevelopment of the Canterbury Museum complex including the Robert McDougall Gallery

BETWEEN **THE CANTERBURY MUSEUM TRUST BOARD**
Applicant

A N D **CHRISTCHURCH CITY COUNCIL**
Local Authority

**EVIDENCE SUMMARY OF GRAHAM RUTHERFORD TAYLOR ON BEHALF OF THE
CANTERBURY MUSEUM TRUST BOARD**

Dated 9 June 2021

- 1 The following summarises the main points of my evidence in chief dated 25 June 2021.

SCOPE OF EVIDENCE

- 2 With the exception of specific issues raised by some submitters, and by the Council's Heritage Planner, Ms Ohs, there is general agreement and overall support for the proposal from all submitters and expert witnesses for the applicant and the Council.
- 3 With the exception of conclusions as to the status of the Roger Duff Wing ("Duff Wing") façade alterations (which are informed by the opinions of Ms Ohs and Ms Lutz) I agree with the compliance summary, assessment of effects and recommendations contained in the s42A planning report of Ms White, which are consistent with my own assessments as contained in the application assessment of effects. I agree with her overall recommendation that consent be granted, and the proposed conditions, subject to minor amendments to aid clarification.
- 4 I also note the subsequent evidence filed by Fiona Wilkes for Heritage New Zealand Pouhere Taonga, which agrees with the conditions recommended by Ms White subject to a minor wording amendment, which I also agree with.

PLANNING FRAMEWORK

- 5 The *Open Space Community Park Zone* provisions provide for the use of the Museum and RMG and ancillary functions. The uses themselves are permitted (with the only exception being Café floor area). The erection of new buildings on the site is provided for as a restricted discretionary activity.
- 6 Alongside the above zone rules, Chapter 9.3 contains rules relating to Historic Heritage.
- 7 For the three listed museum items, only exterior features are protected. Roger Duff Wing and Centennial Wing protection is limited to the exterior of the listed facades only.
- 8 The RMG Listing includes both exterior and interior features, with interior fabric identified in a register of interior heritage fabric.

- 9 The 1870 – 1882 (Mountfort) museum buildings and the RMG building have a higher level of protection, being *Highly Significant (Group 1)* items.
- 10 The Centennial and Duff wing facades have a lower *Significant (Group 2)* listing and policy 9.3.2.2.3(b)(i) acknowledges that such items are potentially capable of accommodating a greater degree of change than Highly Significant (Group 1) heritage items.
- 11 Much of the proposal including demolition of the non-heritage items and heritage upgrade works to Significant (Group 2) items comprises permitted activities. *Heritage Upgrade Works* including the proposed base isolation are a controlled activity for the Highly Significant (Group 1) buildings.
- 12 The erection of new buildings requires resource consent as a *restricted discretionary activity* under Heritage Rule 9.3.4.1.3 RD2, and Open Space Zone Rule 18.4.1.3 RD9.
- 13 Other aspects of the proposal including setback, height, café floor area, cycle parking and alterations to heritage items are also *restricted discretionary activities*.
- 14 Overall, I consider the proposal to be a *Restricted Discretionary Activity* for the reasons set out in the table below:

Rule	Reason	Activity Status	Matters of control or discretion
Open Space (Community Park) Zone Rules			
<u>Rule 18.4.1.3 RD1</u>	Breach of internal boundary setback (south and north boundaries)	Restricted Discretionary Activity	a. Setback from boundaries – Rule 18.10.15.
<u>Rule 18.4.1.3 RD1</u>	Breach of maximum height	Restricted Discretionary Activity	a. Building height – Rule 18.10.17.
<u>Rule 18.4.1.3 RD5</u>	Exceeding maximum GFA of food and beverage activities (Max 250m ² , 515m ² proposed)	Restricted Discretionary Activity	a. Scale of activity, displacement, multifunctional, non-recreational, community and cultural facilities – Rule 18.10.2. b. Traffic generation and access – Rule 18.10.3. c. N/A
<u>Rule 18.4.1.3 RD9</u>	New buildings on the Canterbury Museum and Robert McDougall Art Gallery site (9-11 Rolleston Avenue, legally described as Pt Res 25 and Lot 1 DP 45580) or external	Restricted Discretionary Activity	a. Scale of activity, displacement, multifunctional, non-recreational, community and

Rule	Reason	Activity Status	Matters of control or discretion
	alterations and/or additions to existing buildings.		cultural facilities – Rule 18.10.2. b. Building height – Rule 18.10.17. c. 9.3.5 (Matters of Control - Historic heritage) and 9.3.6 (Matters of Discretion - Historic heritage)
Historic Heritage Rules			
<u>Rule 9.3.4.1.2 C1</u>	Heritage Upgrade Works (base isolation) of Highly Significant (Group 1) heritage items	Controlled Activity	a. Heritage upgrade works, reconstruction and restoration - Rule 9.3.5.1.
<u>Rule 9.3.4.1.3 RD1</u>	Alterations to the four listed heritage items.	Restricted Discretionary Activity	a. Alterations, new buildings, relocations, temporary event structures, signage and replacement of buildings - Rule 9.3.6.1.
<u>Rule 9.3.4.1.3 RD2</u>	New buildings in a heritage setting	Restricted Discretionary Activity	
Transport Rules			
<u>Rule 7.4.2.3 RD1</u>	Cycle parking shortfall (visitors)	Restricted Discretionary Activity	a. Minimum number of cycle parking facilities required – Rule 7.4.4.4

Alteration Definition

- 15 I consider that the changes to the Centennial and Duff wings facades both come under the definition of an *alteration of a heritage item* in the CDP. Ms White considers the changes to the Duff wing as a *demolition* under rule 9.3.4.1.4 D2. This has been informed by the opinion of Ms Ohs.
- 16 The first part of the definition of *alteration* provides for “*permanent modification of, addition to, or permanent removal of*” heritage fabric, and therefore anticipates that heritage fabric will be permanently removed and modified.
- 17 The adding of the words “*includes partial demolition*” does not in my view serve to limit the extent of modification, addition or removal. I consider that the proposed Duff wing changes are covered by the first part of the definition and it is not necessary to rely on the subsequent reference to partial demolition.

- 18 The definitions of *partial demolition* and *demolition* use similar wording, however the partial demolition definition is further qualified by the reference to whether the lost fabric or form makes the item significant.
- 19 Whether or not an activity is a partial demolition therefore requires a subjective judgement as to:
- 1) Whether there is a significant loss of heritage fabric and form? and
 - 2) Whether such heritage fabric and form lost makes the item significant?
- 20 It is necessary for the answers to both of these questions to be yes for the activity not to be considered as a partial demolition.
- 21 The significance and effect of any additions or modifications should not be taken into account when determining the significance of any heritage fabric removed, for the purpose of the partial demolition definition – only the significance of the fabric lost. The effect of any subsequent alteration is a matter for assessment under s104C and does not figure in determining status.
- 22 I also consider that when addressing this, what may be regarded as being a *significant loss* in the case of a Highly Significant (Group 1) item will differ from that of a Significant (Group 2) item, with the latter being able to accommodate a greater degree of change before any loss becomes significant.
- 23 I do not consider that reference to previous s32 reports prepared for the PCR in 2015 assists interpretation, as the wording of the definition of partial demolition is clear, and the s32 report referred to was drafted prior to the definition being inserted in the plan by the IHP decisions.
- 24 Based on Mr Gard'ner's assessment in paragraphs 102 – 107 of his evidence I consider the Duff wing façade changes are an *alteration* as defined in the CDP.

SUBMISSIONS

- 25 All of the submissions are supportive of the proposed redevelopment of the museum per-se, including the new buildings within the museum site, and the proposed base isolation. None of the submissions oppose the application in full or seek that it be declined in its entirety.

RMG Building Use Issues

- 26 Legal advice provided to the Christchurch City Council concludes that compliance with the RMG Land Act is not a prerequisite to the granting of any resource consent for the proposal, nor is it a relevant matter to be considered and determined.
- 27 Mr Wright has confirmed in his evidence that the Museum is fully aware of the restrictions under the RMG Land Act, and that it will undertake its activities in compliance with the requirements of the Act.

Basement Collection Storage

- 28 I agree with the comments by Ms White that *“The museum’s collections are not part of the heritage listing / are not considered heritage fabric in terms of the District Plan listing. The District Plan is only concerned with the protection of the heritage fabric of the buildings/listed heritage items themselves.”*
- 29 Notwithstanding this, I note that some reassurance to submitters is provided in the evidence of Mr Wright and Mr Watt. Mr Wright has reiterated the Museum Boards obligation to preserve and maintain its collections in good order.
- 30 Mr Watt has provided further detail in paragraphs 69 – 76 of his evidence. here are therefore multiple levels of protections and redundancies to ensure that stored collections are not damaged. The final design and performance of the engineering design and systems will be subject to detailed engineering design.

Building Height

- 31 Exceedance of the 15m height limit by the glass canopy will not set a precedent for other applications. As a restricted discretionary activity the

CDP anticipates that applications may be made and assessed under the CDP assessment matters.

Submitters in Support Seeking Changes or Conditions

- 32 **Heritage New Zealand Pouhere Taonga (HNZPT)** has now provided evidence supporting the proposed conditions, which will address the matters raised in submissions.
- 33 **Dr Ian and Dr Lynne Lochhead** have supported the proposal but raised concerns and sought assurances relating to new entrance door security, and operation of the water feature. I consider that the proposed conditions will address these concerns.

ASSESSMENT

General

- 34 There are several matters which are undisputed by submitters and experts including key heritage experts, which have already been assessed in the application and discussed in other evidence, which I have not re-addressed in my evidence.

Duff Wing Alterations

- 35 Although there is difference of opinion as to whether the Duff Wing façade changes are an “*alteration*” or a “*demolition*”, I do not consider that this materially alters the relevant matters for consideration. Whilst full discretionary status would infer that all effects must be considered, in this case I consider that the relevant effects can be narrowed to effects on the Duff Wing with reference to the CDP assessment matters.
- 36 Consent is required under three different rules, meaning the assessment of the Duff Wing façade changes should not be limited to the specific effects on the heritage listed façade.
- 37 It is also necessary to consider the Duff Wing changes in the context of the overall Museum site and buildings, and in terms of effects on the Open Space values of the Botanic Gardens setting. This requires a weighing of effects to reach an overall conclusion.

- 38 In the context of the application as a whole, encompassing all four heritage items, the fact that the complex as a whole will still retain high significance heritage value and taking into account all of the positive effects and benefits of the work outlined previously, I agree with Ms White that on balance the heritage effects of the proposal overall (including that of the Roger Duff and Centennial Wing changes) are acceptable.
- 39 There is some conflict in expert advice as to these effects of the Duff Wing changes. Ms Ohs considers that from a heritage impact perspective the adverse effects on the Duff Wing façade are more than minor. Conversely, the Council landscape and urban design experts (Head and Williams) consider in respect of their fields, the overall effects of the proposal including the Duff Wing alterations are an improvement over the built form that exists now.
- 40 These findings are consistent with the expert reports accompanying the application (Mandy McMullen), and the landscape evidence for the applicant from Mr Titchener.
- 41 There is therefore agreement between all experts that from a landscape and urban design perspective, that effects of the changes to the Duff Wing façade are positive. This leaves the disagreement between experts as to effects on heritage values.
- 42 Mr Gard'ner has discussed effects of the Duff Wing alterations in detail in paragraphs 87 – 112 of his evidence.
- 43 On the basis of Mr Gard'ner's assessment, I rely on his conclusion that *"While listed as a discrete Heritage Item, the Roger Duff Wing - like the Centennial Wing - does not exist in isolation of the broader Canterbury Museum complex and the impacts when assessed as part of the Listed Heritage Place as a whole are minor. Having said that, even if considered as a discrete Heritage Item, I remain of the view that the identified heritage values of the south and west façades of the Roger Duff Wing will be maintained and that the proposed alterations represent an acceptable heritage outcome that complies with the requirements of Chapter 9.3 of the District Plan."*
- 44 For the above reasons, I consider that effects of the Duff Wing alterations on:

- The listed Duff Wing heritage item; and
- The overall listed heritage buildings and setting; and
- The Botanic Gardens setting and open space values

are consistent with the relevant rules and policy framework of the CDP, and overall will have minor and positive effects.

Centennial Wing Slice

- 45 Ms Ohs has raised concern with the proposed 600mm “slice” of the Centennial Wing façade, at the junction with the 1877 Mountfort building. I note that she has not raised concerns with any other aspects of the Centennial Wing alterations, and supports the new entrance door.
- 46 Mr Watt has provided evidence on the rationale for the gap. He has also clarified that it is not proposed to provide a glazed connection at this point – both Ms Ohs and Ms White (and the HNZ submission) have referred to this, however it is not proposed.
- 47 The need for a seismic joint is only one of the rationales for the gap. He also notes that the 600mm gap only represents 1.65% of the façade (allowing for a 200mm minimum gap for seismic purposes), therefore I agree it is not significant in the context of the overall façade.
- 48 I also note that the listed façade only comprises the wall facing Rolleston Avenue, and not the roof structure. The proposal will retain the roof structure, which I consider will have a greater positive effect in retaining the integrity of the Centennial Wing compared to the loss of 400mm of gap.
- 49 I also note the cultural narrative evidence of Puamiria Parata-Goodall, which is supportive of the creation of the gap and the introduction of water into his space.

Mr Gard’ner has considered the effects of the proposed gap in the Centennial Wing façade and concludes that: *“These interventions do require the removal of some historic fabric but are, in my opinion, justified, providing a more appropriate junction between the two buildings, revealing more significant historic fabric and providing a necessary additional entrance to the*

Canterbury Museum along the proposed axis of the east-west orientated atrium.”

- 50 I consider that overall, any adverse effects of the Centennial Wing slice in the context of the extent of the listed façade, the positive impact of revealing the more significant group 1 façade, and positive cultural outcomes, are no more than minor, and consistent with the assessment and policy framework of the CDP.

Overall Effects of Proposal on Heritage Buildings and Open Space

- 51 I agree with the overall conclusion of Ms White that *“overall any adverse effects are acceptable when considered in the context of the whole Museum and RMAG complex and taking into account the significant positive effects of the proposal including the seismic and building upgrades; revealing of heritage fabric; reconstruction of missing heritage features; the intactness of the highly significant Group 1 items; and the future-proofed and enhanced reuse that the proposal will enable”*.

Proposed Conditions

- 52 I am in general agreement with the proposed conditions recommended by Ms White subject to subtle re-wording for clarification, or to better accord with terminology used in the CDP. I also note and agree with the evidence of Ms Wilkes for HNZ, which accepts the conditions subject to a further minor word change.

Graham Taylor

9 June 2021