

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 OF GRAHAM RUTHERFORD TAYLOR ON BEHALF OF THE CANTERBURY MUSEUM TRUST BOARD

Dated 25 May 2021

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Presented for filing by:

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INTRODUCTION

- 1 My full name is Graham Rutherford Taylor. I am a Consultant Planner and Director of Resource Management Group Ltd (RMG), a planning consultancy, based in Christchurch.
- 2 I hold the qualifications of a Bachelor of Science (Geography / Land Planning and Development) from Otago University. I am a Full Member of the New Zealand Planning Institute and an accredited Hearings Commissioner.
- 3 I have 33 years' experience as a planner working in local authorities and private consultancy within New Zealand. Over this time, I have prepared and provided expert evidence on a wide variety of resource consents, plan changes and notice of requirements, as well as preparation of, and submissions on resource consent applications and proposed plans. This has included preparing and presenting evidence at Council hearings and the Environment Court.
- 4 My experience has included significant involvement in resource consents and plan provisions concerning historic heritage relevant to this hearing. I have provided ongoing planning assistance to the Christchurch Arts Centre during its post-earthquake rebuild since 2011, including the preparation of numerous resource consent applications for ongoing restoration and alterations to multiple highly significant heritage buildings and their settings. I provided advice, submissions and expert evidence on heritage matters for the Arts Centre and Canterbury Museum during the Christchurch District Plan review, and participated in expert conferencing leading to the redrafting of much of the Chapter 9 heritage rules and definitions relevant to this hearing.
- 5 I have been involved with the Canterbury Museum Redevelopment proposal since mid-2020, and was responsible for the preparation and lodgement of the resource consent application. I have been engaged by the Canterbury Museum Trust Board to provide expert planning evidence pertaining to the proposal.
- 6 I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note (dated December 2014) and agree to comply with it. My qualifications as an expert are set out above. I confirm

that the issues addressed in this statement of evidence are within my area of expertise.

SCOPE OF EVIDENCE

- 7 The proposal is described in detail in the application and further information response, as well as various supporting documents and the Council s42A reports. Overviews of the background and need for the redevelopment, architectural design brief, effects on heritage fabric and values, cultural narrative, and landscape effects have also been provided in other expert evidence for the Museum.
- 8 Accordingly, I do not intend to repeat that in detail, but will refer to and rely on the above material in my evidence.
- 9 I am mindful that 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. The submitters in opposition also have not opposed the whole of the proposal – rather they have raised specific areas of concern which I consider are isolated from the overall matters subject to resource consent, and they have otherwise supported the proposal.
- 10 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 assessment 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.
- 11 Accordingly, my evidence focusses on the remaining areas of contention.

DOCUMENTS RELIED ON

12 I have read and am familiar with the following documents:

- Resource Consent Application for Redevelopment of the Canterbury Museum and Robert McDougall Gallery – Dated 4 December 2020
- Further Information Response – Dated 15 February 2021
- Additional Queries Response – Dated 13 April 2021
- Expert Evidence for Canterbury Museum:
 - Anthony Wright – Museum Director
 - Trevor Watt – Architect
 - Jim Gardner – Heritage Impact
 - Alan Titchener – Landscape
 - Puamiria Parata-Goodall – Cultural Narrative
- Christchurch City Council s42A reports:
 - Odette White – Planning
 - Amanda Ohs – Heritage Impact
 - Heike Lutz – Heritage Impact Peer Review
 - Andrew Marriot – Engineering
 - Jeremy Head – Landscape
 - Nicola Williams – Urban Design

13 I have also read and am familiar with the submissions lodged.

PROPOSAL

14 The proposal is described in full in the application and supporting documents. It comprises:

- Base isolation across the whole site to protect the buildings and the collections.
- New basement beneath RMG and Museum buildings including workshops and collection storage.
- The demolition of unprotected buildings, being:
 - Museum site: 1995 Garden Court infill building, 1958 Centennial building (except façade), 1977 Roger Duff Wing (excluding façade) and the 1995 whale store and staff room.
 - Robert McDougall Gallery: 1982 Canaday wing, 1962 workshop and the 1961 night entry.
- Replacement of the above with new buildings to provide increased exhibition space, storage facilities, staff areas, visitor experience areas (lecture theatre, classrooms, café, Hosting, lavatories) and plant rooms.
- Alteration to the Centennial Wing façade to provide separation from the Mountfort buildings and a second Rolleston Avenue entrance which re-purposes two existing openings and creates a third opening to form a new entry porch, drawing on the typical tripartite form commonly found in Gothic architecture.
- Reinstatement of exterior elements, including the original Benjamin Mountfort-designed flèche (slender spire) and the 1877 chimney on the Rolleston Avenue façade.
- Revealing and displaying heritage fabric that has been hidden for many years, including exposing the hidden north facades of the 1872 and 1877 Mountfort buildings, west façade of the 1870 Mountfort Building, the wall on the northern side of the original 1882 Benjamin Mountfort-designed buildings and remnants of original Benjamin Mountfort-designed 1870 and 1877 chimneys.
- Removing the blackouts and tints on the 1877 Mountfort Building windows, letting more natural light into the Museum.
- Alterations to the Roger Duff Wing façade to provide glazed separation

from the Mountfort buildings and a split-level family cafe with views across the Botanic Gardens. Precast cladding panels will be removed from the west and south facades and reused as the cladding of the new alteration and extension.

- A glazed link to the Robert McDougall Gallery.
- Improved visitor facilities, including exhibition spaces, cafes, retail areas, circulation and amenities.
- Other structural, fire, safety and security upgrades.

15 The background and need for the museum redevelopment, and the architectural design brief are detailed in the application and supporting documents, and have been canvassed in the evidence of Mr Wright and Mr Watt.

16 In short, the proposal is driven by the need to upgrade and replace the Museum's aging buildings which are no longer fit for purpose as a modern, functional museum. The present museum buildings suffer from multiple deficiencies including:

- Poor and congested access and circulation
- Fragmented building spaces and functions
- Buildings are earthquake strengthened but to only 67% of code, placing collections at risk
- Inadequate exhibition space, meaning only 1% of collections can be displayed
- Inadequate storage space and environmental control, meaning collections at risk of damage
- Building deterioration and weathertightness issues
- Inadequate building services
- Inadequate visitor space and facilities

17 The redevelopment proposal is intended to upgrade the existing facility to provide more space and to meet current international standards for Museums, especially in relation to visitor experience, exhibitions, and protection of the collection.

- 18 The proposal also incorporates the adjoining Robert McDougall Gallery (“RMG”) building, which has remained largely vacant since the opening of the new Christchurch Art Gallery in 2003, and has been unused since suffering earthquake damage in the 2010. The proposal is to link the RMG building with the new Museum additions to provide access between the two buildings, and use the RMG buildings for the display of art, in accordance with the Christchurch City Council (Robert McDougal Gallery) Land Act 2003 (“RMG Act”) requirements.
- 19 Incorporation of the RMG building in the proposal will result in benefits including repairing damage, additional earthquake protection through base isolation, removal of non-heritage additions, and enabling the re-use of an otherwise vacant unused building in accordance with its intended purpose.
- 20 I consider that the proposal will result in significant positive effects, consistent with the RMA’s section 5 purpose which includes enabling people and communities to provide for their social and cultural wellbeing, and matters of national importance concerning Maori taonga, and protection of historic heritage contained in section 6. This is further reinforced by the high level of support for the proposal contained in submissions.

PLANNING FRAMEWORK

- 21 A full assessment of the proposal against the Christchurch District Plan (“CDP”) rules is contained in the compliance assessment contained in Appendix seven to the application, and I note that with the exception of one matter (whether the changes to the Duff wing façade are an alteration or a demolition), Ms White has agreed with and adopted the assessment.

Zone Rules

- 22 The Museum and RMG buildings are located on adjoining sites which are zoned *Open Space Community Park* in the CDP. The adjacent Botanic Gardens are also located within the same zone. The zone makes specific provision in rule 18.4.1.1 P15 for cultural activities as permitted activities on the Museum and RMG sites, and also permits ancillary offices, retail activities, and food and beverage outlets under rules P9, P10 and P11 respectively. The zone also specifically provides for new buildings and alterations on the Museum and

RMG sites as a restricted discretionary activity, with discretion limited to particular matters. The built form standards also have requirements particular to the two sites.

- 23 Accordingly, the CDP provisions explicitly anticipate and provide for the use of the Museum and RMG and ancillary functions, and the erection of new buildings and alterations, and provides a planning framework by which new building proposals may be assessed.

Heritage Rules

- 24 Alongside the above zone rules, Chapter 9.3 contains rules relating to Historic Heritage. Appendix 9.3.7.2 of the CDP provides a list of heritage items within Christchurch and their level of heritage significance. Relevant to the Museum and RMG this includes:

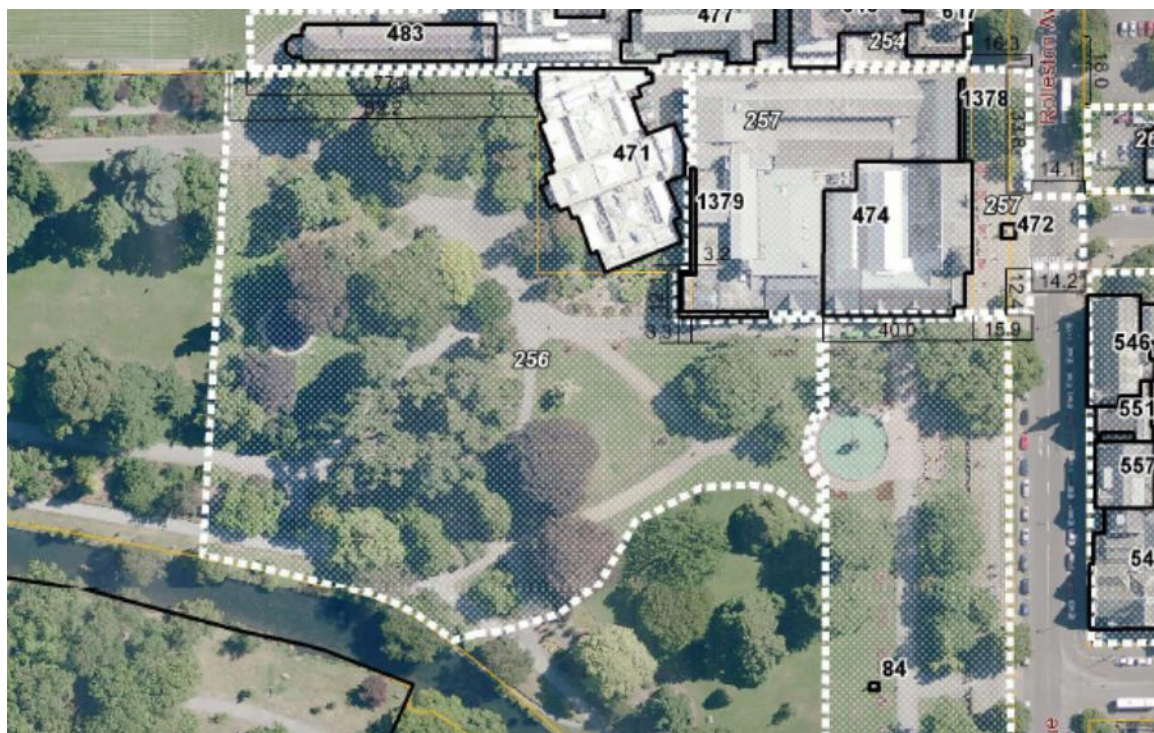
Highly Significant (Group 1) Items

- Heritage Item 474 and setting 257: Canterbury Museum (1870-1882 buildings) and setting
- Heritage Item 471 and Setting 256: RMG and setting (including scheduled interior heritage fabric)

Significant (Group 2) Items

- Heritage Item 1379 and setting 257: Roger Duff Wing south and west facades and setting
- Heritage Item 1378 and Setting 257: Centennial Wing east façade and setting

- 25 The location of the listed heritage items and their settings are shown in the CDP Heritage Aerial Map on the following page. Listed items are outlined and numbered in black. Settings are outlined in white dotted lines.



CDP Heritage Aerial Map Extract

- 26 For the three listed museum items, only exterior features are protected. In the case of the 1870 – 1882 (Mountfort) buildings this includes exterior walls, roofs, windows, exterior doors and foundations. I note also that part of the proposal will involve the revealing of original exterior walls of the Mountfort buildings, which have been subsequently enclosed by later museum additions. Other original exterior walls are also presently visible, but are presently interior to the museum buildings.
- 27 I note that some present exterior walls and roof areas will become enclosed by the new canopy, therefore will become ‘interior’ features, I consider that they will remain listed exterior features for the purpose of the rules, as they presently are external and were so at the time of listing in the plan.
- 28 In the case of the Roger Duff Wing and Centennial Wing, the protection is limited to the exterior of the listed facades only. I note that the listing, and the identification on the CDP Heritage Aerial Map does not include the roof portion of the Centennial Wing facing Rolleston Avenue, although this is being retained and retiled.
- 29 The RMG Listing includes both exterior and interior features, with interior fabric identified in a register of interior heritage fabric.

- 30 In the case of the three listed Museum items, the setting (257) comprises the Museum site and also includes areas of the Rolleston Avenue road frontage to the east of the buildings. The museum setting does not extend into Botanic Gardens land to the south.
- 31 The setting (256) for the RMG includes the gallery site, and also extends into the botanic gardens to the west and south of the site, including the area to the south of the museum Duff wing and part of the 1872 Mountfort building.
- 32 The CDP listings contain two levels of protection, with the higher being “Highly Significant” items, which include the 1870 – 1882 buildings and the RMG.
- 33 The second level is “Significant” Items which include the Centennial and Duff wing facades. They are described as having moderate (as opposed to high) degrees of authenticity and integrity. I also note that policy 9.3.2.2.3(b)(i) acknowledges that *“Significant (Group 2) heritage items are potentially capable of accommodating a greater degree of change than Highly Significant (Group 1) heritage items.”*
- 34 Under the Chapter 9 heritage rules, demolition of the non-heritage items is not controlled, therefore is a permitted activity. Some other aspects of the proposal are also a permitted activity under rule 9.3.4.1.1 P10 (heritage upgrade works to Significant (Group 2) items) and Controlled activity under rule 9.2.4.1.2 C1 (heritage upgrade works to Highly Significant (Group 1) items). *Heritage Upgrade Works* are defined in the CDP and include structural seismic upgrades, therefore including the proposed base isolation.
- 35 The erection of new buildings within the museum and RMG settings requires resource consent as a restricted discretionary activity under rule 9.3.4.1.3 RD2. *Alteration* of a heritage item is also a restricted discretionary activity under rule RD1.

Alteration Definition

- 36 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. I note that this is the one area where Ms White’s assessment differs from my own. Ms White has assessed the changes to the Duff wing as a *demolition* under rule 9.3.4.1.4 D2. Her assessment is informed by the advice of Ms Ohs,

who considers that the changes will result in significant loss of heritage fabric and form.

37 The argument hinges on whether the changes come within the definition of *alteration of a heritage item or demolition*.

38 The definition of alteration includes the following:

“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;”

39 There are two relevant parts to this clause, although I note that Ms Ohs has only focussed on the second of them (being the inclusion of partial demolition).

40 However, the first part also provides for *“permanent modification of, addition to, or permanent removal of”* heritage fabric. It therefore anticipates that heritage fabric will be permanently removed and modified. There is no statement as to the quantum of such work. The adding of the words *“includes partial demolition”* does not in my view serve to limit the extent of modification, addition or removal otherwise covered by the definition, rather it clarifies that partial demolition is included. Partial demolition is not in itself an activity covered by the rules – rather it is component part of the definition of an alteration which is. The alteration definition is wider than just partial demolition. On face value, 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 inclusion of partial demolition.

41 Ms Ohs has based her opinion on the wording of the definitions of *“partial demolition”* and *“demolition”* without reference to the preceding words above.

42 The definitions of partial demolition and demolition are similarly worded and read:

“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.”

“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.”

43 The difference between the definitions is firstly whether or not there is a complete or significant loss of heritage fabric and form. There also a second important difference, in that the partial demolition definition is further qualified by the reference to whether the lost fabric or form makes the item significant. The definition therefore anticipates loss of heritage fabric where it does not make the item significant.

44 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 the heritage fabric and form lost makes the item significant?

45 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.

46 The proposed changes to the Duff façade also include what are clearly additions and modifications, which are included in the definition of alteration. 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. Ms Ohs appears to have assessed the significance of the overall changes to the Duff wing in forming her opinion as to status.

47 I also consider that when addressing this, it is necessary to have regard to the CDP statement of significance for the item concerned, and also to have regard to whether the item is a significant or highly significant item. As outlined above, Policy 9.3.2.2.3(b)(i) acknowledges that *“Significant (Group 2) heritage items are potentially capable of accommodating a greater degree of change than Highly Significant (Group 1) heritage items.”* Accordingly, 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.

- 48 I also note that Ms Ohs has made reference to the Council's s32 reports prepared for the PCRP in 2015 as providing clarification as to what the Council was intending in the defined terms. I have two concerns with this. Firstly, the wording of the CDP definition of partial demolition is clear and should be relied on without requiring reference to another document outside the CDP as to what the 'intent' of the words might have been. Secondly, the s32 report Ms Ohs refers to was drafted in 2015, prior to the definition being inserted in the plan by the IHP decisions, therefore cannot possibly be relevant.
- 49 The above questions require a subjective judgement from a heritage professional, which I am not qualified to undertake. I am therefore reliant on the evidence of Mr Watt and Mr Gardner to inform my view.
- 50 Mr Gardner has addressed this in paragraphs 102 – 107 of his evidence. I have relied on his assessment to form the opinion that the Duff wing façade changes are an *alteration* as defined in the CDP.
- 51 I also note that if I am incorrect in my assessment, the proposal would fall to be a full discretionary activity. It would not be non-complying. I agree with the statement in Ms White's evidence that for a discretionary activity to be acceptable and granted, the work need not be absolutely 'necessary' nor must the effects be only minor or less than minor or the item remain above the threshold for listing. It is also not a requirement to demonstrate that all other design options have been exhausted or that they are impossible. These things are among a range of matters to be taken into account, they are not bottom-line tests in themselves.
- 52 Although a full discretionary activity does not include limits on discretion, I consider that given the range of other matters for which consent is required, including new buildings on the site, that the assessment of effects will ultimately consider the same range of issues in either case.

Overall Consents Required

53 I consider that the proposal should be assessed as a *restricted discretionary activity*, with the matters requiring consent as 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 alterations and/or additions to existing buildings.	Restricted Discretionary Activity	a. Scale of activity, displacement, multifunctional, non-recreational, community and 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 9.3.4.1.3 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

SUBMISSIONS

54 The application was publicly notified and 138 submissions were received. Ms White has summarised the submission points in her report and I agree with and adopt her summary.

General Comments

55 I note that 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. There is wide recognition of the existing inadequacy of the museum buildings and facilities, the heritage benefits in revealing hidden heritage fabric, ability to better display important collections and taonga, and the need to provide a modern facility to meet the future needs of the Canterbury and New Zealand people. There is wide support of the cultural narrative contained in the building design and features, and the positive effect of better and culturally appropriate protection, display and storage of important Taonga.

56 Several submissions in support have been received from notable experts and organisations concerned with preservation of historic heritage, and protection and display of the Museums important items of Maori, New Zealand and Antarctic natural and cultural history and heritage.

57 None of the submissions oppose the application in full or seek that it be declined in its entirety.

58 A wide range of reasons for support have been provided, as summarised in Ms White's report. As also noted in Ms White's report, some submissions have included additional comments or requests that go beyond the matters able to be considered as part of this resource consent application, including:

- Use/lease of the RMG building
- Collection storage in proposed basement
- Whether water feature might become redundant
- Funding
- Staffing levels

- Bus stops and street furniture
- Pedestrian / cycle conflicts
- Off-site signage
- Need for adaptive floorplan

Submissions in Partial Opposition

- 59 Four submissions have raised partial opposition to the proposal, although overall the proposal is otherwise supported by these submitters. The Christchurch Civic Trust in particular has stated that overall they are impressed with the new design concept, the spatial concept for the interior, and the revealing of hidden heritage fabric. The submission by Timothy Seay also clarifies that no objection is made to the proposed earthquake strengthening, base isolation, or the additional rooms proposed to the west façade of the museum which will project over the RMG land title.

RMG Building Use Issues

- 60 The submissions of **Annette Mauer, Christchurch Civic Trust** and **Timothy Seay** all oppose the use of the RMG buildings (including the new buildings and basement areas within the RMG site boundary) for use other than the display of art. This concern stems from the original gifting of the RMG building to the people of Christchurch for the purpose of an Arts Gallery, and the limitations on use under the Christchurch City Council (Robert McDougall Gallery) Land Act 2003 (RMG Land Act).
- 61 I note that legal advice has been provided to the Christchurch City Council by Cedric Carraceja, as attached to the s42A report. The advice 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. Rather, it is a separate legal obligation that stands in addition to and apart from any RMA requirements. Granting of a resource consent does not diminish any obligations under the RMG Land Act.
- 62 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. I also consider that

the Christchurch City Council as owner and landlord, will be required to consider this in making any decision to use or lease the building.

63 Further, I note that the proposal has been designed in such a way that demarcation is provided both within the above ground buildings and in the basement design, along the legal boundary of the RMG site, enabling uses to be separated.

64 Whilst the above submitters have opposed the use of the RMG building and site for non-art display purposes, they have not opposed the proposed base isolation within the RMG site, the demolition of non-heritage items (Canaday Wing/ workshop / night entry), or the replacement of the Canaday wing with a new structure.

65 The submission of Mr Seay does oppose the removal of heritage fabric within the RMG basement. I agree that this is a relevant consideration, as the RMG interior is listed in the CDP, and the register of internal heritage fabric includes some basement features. The removal of this fabric is addressed in the evidence of Mr Gard'ner.

Basement Collection Storage

66 The submissions of **Christchurch Civic Trust, Timothy Seay** and **Ian Payton** raise concerns regarding the storage of museum collections in the proposed basement area. This is due to concerns at potential damage to stored collections due to water egress, as the basement will be located below the water table.

67 I agree with the comments by Ms White that *“It is not the role of the resource consent process to undertake an engineering assessment as to the viability of this. Engineering assessments would be undertaken as part of a later building consent process and any dewatering would also require resource consent from the Regional Council. Also, the concern seems to be about protecting the collection items to be stored within the basement. 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.”*

- 68 I agree that museum collection items are not items that are subject to RMA and CDP control – nor should they be. If such items were, the implication would be that the RMA would potentially control the storage and handling of all publicly and privately held artifacts, which is not the case.
- 69 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 cognisance of its obligation to preserve and maintain its collections in good order. I note that it is this very reason that the museum is seeking to replace and upgrade its existing storage facilities which are presently inadequate and are resulting in damage to collections in the first place. As the custodian of the collections, it is in the Museum’s prime interest that its collections are kept safe.
- 70 Mr Watt has provided further detail in paragraphs 69 – 76 of his evidence, noting that *“The construction and detailing of the wall and floor waterproofing will be based on the UK standard which has four grades of protection depending on the functional use of the protected basement – from car parking at one end (grade 1) to data centres and archives protection at the higher end (grade 4). The project will be detailed to the higher grade 4.*
- 71 *The design of the basement will also be a ‘box within a box’ concept – with built in redundancy in the system. There will be primary protective walls and floor, as well as secondary walls and floors which are raised and separated from the primary elements. The space between would have additional protection from water ingress with pumps connected to uninterrupted power supplies (IPS).*
- 72 There 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

- 73 **Brent Rawstron** has supported the proposal, but has raised concern that the exceedance of the 15m height limit by the glass canopy will set a precedent for other applications. He acknowledges that it would be preferable not to

have a monopitch roof to stay within height limits, but considers that other methods could be used.

- 74 Firstly, I note that under RMA case law, there is no legal principle of precedent. Each application is to be considered on its merits against the relevant RMA and district plan frameworks. Further, in this case, the height rule also triggers consent as a restricted discretionary activity – it is not non-complying. Restricted discretionary activities are provided for under the RMA to provide for activities where the plan recognises that there should be a discretion to grant or refuse consent, and then identifies assessment matters under which that discretion may be exercised. The CDP therefore anticipates that applications may be made. Accordingly the granting of a consent cannot set a precedent.

Submitters in Support Seeking Changes or Conditions

- 75 **Heritage New Zealand Pouhere Taonga (HNZPT)** has supported the application. It has also confirmed that only the 1870 – 1882 Mountfort and RMG buildings are listed under the HNZPT Act. The Duff and Centennial wings are not. The submission also advises that separate archaeological authority is required for works on the site.
- 76 They have sought appropriate conditions of consent be imposed concerning:
- Glazed separation between listed 1877 building and Centennial Wing (as detailed by Mr Watt this is not in fact proposed)
 - Ensure water feature does not damage heritage fabric.
 - Ensure that final design does not detrimentally impact heritage significance of RMG
 - Require appropriate identification, recording, deconstruction, storage or disposal of heritage fabric
 - Ensure new entrance is differentiated from original heritage fenestration
- 77 Several conditions have been recommended by Ms White which I consider will meet these concerns. Mr Watt has also confirmed in his evidence that these matters can be appropriately addressed by conditions.

78 **Dr Ian and Dr Lynne Lochhead** have supported the proposal. They have supported the new Centennial Wing entrance opening which create the rhythmic continuity between the Montford and Centennial Wing designs which was originally contemplated by the designer, and the revealing of hidden heritage fabric through the removal of the 600mm ‘slice’ between the buildings, however have raised concerns and sought assurances that the new entrance door design may give rise to security concerns, and as to the potentially problematic nature of the water feature.

ASSESSMENT

General

79 As discussed earlier in my evidence, the application, expert evidence, and s42A reports contain an extensive identification and assessment of effects and relevant objectives and policies pertaining to the application. No submitters have sought that the proposal be declined. The submission points raised by the submitters in partial opposition and/or those seeking conditions are either not relevant RMA matters, or are able to be dealt with by the conditions with which the applicant agrees.

80 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 do not intend to re-address further. These include:

- Need for Museum redevelopment – improved storage, display and visitor facilities
- Improved cultural narrative and handling and display of important taonga
- Benefits of earthquake strengthening and base isolation
- Reconstruction of previously removed elements including chimney and fleche
- Demolition and replacement of Canaday wing
- Need for and design of new Centennial Wing entrance
- Improved visual interaction between Duff Wing and Botanic Gardens

- Revealing of hidden heritage fabric including exposing most facades of 1870 – 1882 Mountfort buildings (except for north façade of 1877 building facing Centennial Wing)
- Alterations to Mountfort buildings including new 1877 building ground floor opening, partial removal of 1882 roof to access new circulation, and new bridge connecting to 1882 building.
- Removal of window blackouts and tints
- Support for glazed roof enclosing heritage buildings
- Demolition of non-heritage buildings
- Agreement that adverse effects of new buildings within the various heritage settings and on the Botanic Gardens will be minor

81 My evidence focusses on the remaining matters of contention that are relevant to the determination of the resource consent application under the RMA. These relate to:

- Duff Wing alterations
- Centennial Wing “Slice”
- Overall Effects of Proposal on Heritage Buildings and Open Space
- Comments on proposed conditions

Duff Wing Alterations

82 As detailed earlier, there is difference of opinion as to whether the changes to the Duff Wing façade are deemed an “alteration” or a “demolition” under the CDP rules. For the reasons outlined, I consider them to be an alteration. However, even if the proposal is considered to be a demolition, I do not consider that this materially alters the relevant matters for consideration. It only changes from restricted to full discretionary – it is still discretionary and is not non-complying. I also note that it is not proposed to demolish the Duff Wing in its entirety.

83 Although full discretionary status infers that all effects must be considered, in this case I consider that the relevant effects can be narrowed, and it is possible to isolate consideration to effects on the Duff Wing.

84 My reason for this is that I do not consider that effects of other parts of the proposal contribute to effects on the Duff Wing facade. There are also relevant existing and permitted environmental baseline considerations including:

- The existing non-listed museum buildings (including the balance of the Duff wing) can be demolished as a permitted activity
- All museum activities are permitted
- The existing site includes museum buildings with comparable bulk across all of the site, including existing rooftop structures on the Duff Wing

85 Accordingly, I consider that in either case (restricted or full discretion), the relevant matters for consideration in relation to the Duff Wing alterations can be narrowed to the same assessment matters under the CDP. In the case of the Duff Wing these relate to the three principal areas under which consent is set out in the following table:

Rule	Matters of Control or Discretion
<u>18.4.1.3 RD9</u> New buildings and external alterations and/or additions to existing buildings.	a. Scale of activity, displacement, multifunctional, non-recreational, community and 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)
<u>9.3.4.1.3 RD1</u> Alterations to the four highly significant listed heritage items.	a. Alterations, new buildings, relocations, temporary event structures, signage and replacement of buildings - Rule 9.3.6.1.
<u>9.3.4.1.3 RD2</u> New buildings in a heritage setting	

86 There are similarities between the assessment matters pertaining to the open space rules under 18.4.1.3 RD9 and the two Chapter 9 heritage rules, with item c of the former directing assessment to matters of control and discretion under heritage chapter rules 9.3.5 and 9.3.6.

87 I also note that as consent is required under three different rules, the assessment of the Duff Wing façade changes should not be limited to the specific effects on the heritage listed façade in isolation. 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. Ms White has followed this approach in her overall assessment, which I agree with. She notes that even with the changes to the Roger Duff Wing, the other heritage buildings on the site have very strong heritage values and that the complex as a whole will still retain high significance heritage value. 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 that on balance the heritage effects of the proposal overall (including that of the Roger Duff and Centennial Wing changes) are acceptable.

88 I note that there is some conflict in expert advice as to these effects of the Duff Wing changes. Ms Ohs considers the adverse effects on the Duff Wing façade to be more than minor. She also considers that effects on the overall group of listed heritage items to be more than minor – however her reasons come back to the specific changes to the Duff (and Centennial) wing facades, and their relative contributions to the group of buildings.

89 Conversely, the Council landscape and urban design experts (Head and Williams) consider the overall effects of the proposal including the Duff Wing alterations to be positive. Mr Head has discussed the existing Duff Wing in his section 2.3, and notes that *“this part of the proposal will have moderate positive effects given the current ‘back of house’ state of this corner of the museum, the visible add-ons above it, poor connection to the Botanic Gardens, weak contrast / less deliberate juxtaposition with the 1872 Mountfort building”*. He concludes that the proposed changes to the south western corner will be the most obvious to the public, however will be seen as an improvement over the built form that exists now.

90 Ms Williams reaches similar conclusions, stating that *“The improvements to the south and western facades of the Roger Duff Building – which notably open up opportunities for human interaction between the internal program of the building and the surrounding Botanic Gardens – offer a more playful and stronger architectural edge to this corner of the Gardens.”*

- 91 These findings are consistent with the expert reports accompanying the application (Mandy McMullen), and the landscape evidence for the applicant from Mr Titchener. Mr Titchener concludes that *“the adverse visual effects of the proposed redevelopment will be minor, when considered alongside the considerable positive effects of the proposed redevelopment of the Roger Duff Wing”*
- 92 I note that Ms Ohs has referred to a statement contained in Ms McMullin’s report inferring that the proposal will have ‘more than minor’ visual effects – however I consider that this statement has been taken out of context. It relates to visual effects on the users of the Botanic Gardens due to scale and proximity – not to heritage impacts. Ms McMullin’s overall conclusion is that the Duff Wing changes will have *“Beneficial effects include improved visibility to and from the building, bringing the Museum to ‘life’ in this corner, restoring its status and strengthening the important relationship between the Museum, the Gallery and the Gardens”*.
- 93 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. I also consider that the proposed changes to the Duff Wing will result in positive effects for the Museum, by enabling improved visitor facilities in the form of the proposed café.
- 94 This leaves the disagreement between experts as to effects on heritage values.
- 95 Mr Gard’ner has discussed effects of the Duff Wing alterations in detail in paragraphs 87 – 112 of his evidence. He has included specific assessment against the identified heritage values contained in the Heritage Statement of Significance, and then against the relevant matters of control in rule 9.3.6.1, as well as assessment against the policies of the 2019 Building Conservation Plan and the ICOMOS New Zealand Charter. These documents sit outside the CDP, but are specifically referred to in assessment matter 9.3.6.1(e).
- 96 In respect of relevant assessment matters I note below some of the main points from his conclusions:

Heritage Statement of Significance

- The proposed works will have no adverse impact on historical and social significance of the Duff Wing including legibility as an element of the Canterbury Museum, and maintains the role of the building in memorialising Dr Roger Duff through the retention of the inscription on the cruciform reinforced concrete element.
- Cultural significance of the museum will be enhanced by the exhibition spaces and visitor facilities that occupy the space behind the south and west façades of the Roger Duff Wing
- The design of the altered facades to the Roger Duff Wing maintains architectural and aesthetic significance and continues architect John Hendry’s architectural language
- Technological and Craftsman significance is maintained by the majority (approx. 85%) of the historic fabric being retained. The contextual design features that reference the nineteenth century fabric such as the use of Halswell stone cladding, precast panel aggregate and the use of vertical proportions and existing rhythms is maintained in the altered design
- The contribution that the south and west façades of the Roger Duff Wing make to the wider context, in particular the southern elevations of the Gothic Revival 1872 and 1877 building remains unchanged. The Roger Duff Wing will remain legible as a Modernist design that subtly draws on its nineteenth century context without overtly replicating historic detailing or motifs.

Rule 9.3.6.1 Assessment Matters

c. Whether the proposal will provide for ongoing and viable uses, including adaptive reuse, of the heritage item

97 I agree with Mr Gard’ner who notes that the proposed development will enable the continued use of the Roger Duff Wing as a fit-for-purpose component of Canterbury Museum which will provide exhibition space and additional back of house office and plant space. I note that this is also consistent with CDP objective 9.3.2.1.1 which includes to “enable and

support ... the ongoing retention, use and adaptive re-use...”, and policy 9.3.2.2.3 which includes managing effects of use and development on heritage items in a way that *“provides for the ongoing use and adaptive reuse of scheduled historic heritage in a manner that is sensitive to their heritage values while recognising the need for works to be undertaken to accommodate their long-term retention, use and sensitive modernisation and the associated engineering and financial factors”*.

d. Whether the proposal, including the form, materials and methodologies are consistent with maintaining the heritage values of heritage items and heritage settings, and whether the proposal will enhance heritage values, particularly in the case of Highly Significant (Group 1) heritage items and heritage settings and in particular have regard to:

- i. the form, scale, mass materials, colour, design (including the ratio of solid to void), detailing (including the appearance and profile of materials used), and location of the heritage item;***
- ii. the use of existing heritage fabric;***
- iii. the extent of earthworks necessary as part of the proposal;***
- iv. the necessity of the removal or transplanting of mature trees;***
- v. the impact on public places; and***
- vi. within a heritage setting, the relationship between elements, such as layout and orientation, form and materials***

98 Mr Gard’ner notes that the southern and western elevations of the Roger Duff Wing are proposed to undergo the greatest degree of change, which responds, in part, to this element having been substantially altered since its construction in 1977.

99 The key structural elements, namely the expressed concrete frame with inscribed lettering, square section piloti (columns) and the southern section of the building’s floor plates will be maintained. Drawing on the Late-Modern architectural language of John Hendry’s design the adapted building is re-clad in reused and new exposed aggregate precast panels.

- 100 He considers that the existing projecting element of the façade is reinterpreted as a glazed box providing a strong visual connection between Canterbury Museum and the Botanic Gardens and designed to reflect the proportions and module of the original pre-cast cladding panels.
- 101 I consider that his findings are consistent with policy 9.3.2.2.3 which includes to:
- “b. Undertake any work on heritage items and heritage settings scheduled in Appendix 9.3.7.2 in accordance with the following principles:*
- i. focus any changes to those parts of the heritage items or heritage settings, which have more potential to accommodate change (other than where works are undertaken as a result of damage), recognising that heritage settings and Significant (Group 2) heritage items are potentially capable of accommodating a greater degree of change than Highly Significant (Group 1) heritage items;*
 - ii. conserve, and wherever possible enhance, the authenticity and integrity of the heritage item and heritage settings, particularly in the case of Highly Significant (Group 1) heritage items and heritage settings.”*
- 102 As discussed by Mr Gard’ner, and agreed on by Ms White, I also agree that the proposal overall is consistent with this policy, where changes are accommodated to the Duff Wing facades, but that the overall proposal conserves and enhances the authenticity and integrity of the Highly Significant (Group 1) buildings on the Museum site.
- f. Whether the proposed work will have a temporary or permanent adverse effect on heritage fabric, layout, form or heritage values and the scale of that effect, and any positive effects on heritage fabric, fabric, form or values***
- 103 Mr Gard’ner notes that the proposed works will have some impact on the Roger Duff Wing. The impact of the reconfiguration of the façade of the Roger Duff Wing and the addition of substantial glazing are ameliorated by retention of key fabric, including the expressed concrete frame, the slender piloti and the exposed aggregate cladding panels. The use of similar massing,

existing material palette and proportional system enables the intent of Hendry’s design to remain legible.

104 He considers the Late-Modern architectural expression is maintained and the Roger Duff Wing continues to act as a transitional element between the Gothic Revival forms of the Mountfort buildings to the east and the Neo-Classical language of the Edward Armstrong-designed Robert McDougall Art Gallery to the west. The commemoration of Dr Roger Duff continues through the retention of the memorial inscriptions in the cruciform concrete façade element

105 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.”*

106 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

107 Ms Ohs has raised concern with the proposed 600mm “slice” of the Centennial Wing façade, as 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.

- 108 The concern expressed with the proposed slice is that the 600mm gap is greater than necessary to achieve seismic separation, and will disrupt the continuity of the Rolleston Avenue façade. She considers that a less subtle separation would better maintain the continuity of the façade, and that the 1877 façade will still be revealed internally.
- 109 Mr Watt has provided evidence on the rationale for the gap. He notes that the disagreement is not that the separation is required, as there is general agreement that a minimum of 200mm is required to meet seismic requirements, but just the impact of the difference of separation between 200 & 600mm, the nature of this separation and resulting impact on the wider contextual setting.
- 110 He has also clarified that it is not proposed to provide a glazed connection at this point – both Ms Ohs and Ms White have referred this, however it is not proposed.
- 111 Mr Watt has discussed the design intent of the slice, as including
- *Provides the greatest opportunity to reveal the highly significant north wall of the 1877 Wing (refer BCP Policy 8.10.3)*
 - *Re-establishes and provides greater clarity to the public the original proportions of Mountfort's 1877 eastern façade and provides greater clarity that the 1958 Wing is from a different time period (refer BCP Policy 8.10.3). Even with the small elevational setback and lowered ridge line, there tends to be a lack of understanding from the general public that the total Rolleston Avenue façade is not 19th century Mountfort.*
 - *Allows the Mountfort building edge to be celebrated more as part of the additional entrance experience in the Museum.*
 - *Provides a necessary seismic joint*
 - *Resolves a complex weather-tightness junction and avoids complex connection in original Mountfort heritage fabric*
- 112 The need for a seismic joint is only one of the rationale 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.

113 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.

114 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, which “*supports and endorses iwi understanding of tapu and noa and the spiritual and physical cleansing properties of wai*”, and “*not only does it provide natural light into an otherwise dark space, it also provides the opportunity to rediscover and appreciate the original architecture*”.

115 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.

As discussed above, the junction of the 1877 building and the Centennial Wing, despite reflecting the contemporary approach of the day, is visually awkward and resulted in the truncation of the Oamaru stone quatrefoil and central buttress. The faithful historicism of Miller, White and Dunn’s design also diminishes the reading of this building as a mid-twentieth century addition rather than one that formed part of Mountfort’s nineteenth century vision. The separation of these forms with an open gap will – as well as providing the necessary seismic separation (200mm) - enable the full extent of the northern wall of the ‘Highly Significant’ 1877 building to be revealed, including stone dressings and the remnants of the central buttress.

In addition to introducing visual separation to indicate the different development phases and construction methods of the two building, this design response avoids the requirement for a sliding flashing-type seismic

junction which would require further intervention to the north wall of the 1877 building. The loss of fabric required by the 'slot' design solution is minimal (2.9m²). When compared to the extent of listed fabric of the east façade of the Centennial Wing (188m² in area), this equates to 2.6% of the listed fabric. While noting Ms Ohs' opinion to the contrary (Ohs evidence paras. 56-61) it remains my view - consistent with the policies within the Building Conservation Plan - that revealing the most significant heritage fabric within the Canterbury Museum complex represents a highly desirable outcome that more than offsets any adverse impacts on the less significant fabric of the Centennial Wing"

116 I also consider that the creation of the gap in the Group 2 listed Centennial Wing and the subsequent revealing of the northern façade of the Group 1 1877 Mountfort building is supported by and consistent with policy 9.3.2.2.3 (b) which I have outlined in the previous section, as it focusses change on the Group 2 building resulting in enhancement of the authenticity and integrity of the Highly Significant (Group 1) heritage item.

117 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

118 The effects of the new and altered buildings as a whole require consideration in terms of various sometimes competing effects. In particular, whilst the two aspects of the proposal subject to disagreement between heritage experts relate to specific concerns on particular features (Duff and Centennial Facades), the CDP rules, assessment and policies matters require consideration of the proposals in terms of wider effects, including effects on the relationship with other heritage items, the effects on the Museum and RMG Heritage Items and settings as a whole, and effects on the open space values of the Botanic Gardens.

119 I note that heritage and other experts have identified several overall positive effects, which must be weighed against the negative effects on heritage

values that may arise in respect of individual features. The positive social and cultural effects of the overall development in providing a fit for purpose museum facility for the people of Canterbury into the future are clearly evident, and widely supported and acknowledged by all submitters.

- 120 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

- 121 I have read and considered the proposed conditions recommended by Ms White. The conditions are based on those imposed on other comparable resource consents which I have been involved with, and I consider they are on the whole reasonable.
- 122 I acknowledge that given the conceptual nature of the proposal, where detailed design has yet to be undertaken, that conditions are necessary to provide validation of final detailed design elements such as fixtures, which may impact on heritage fabric. This has been provided in proposed condition 15 which sets out requirements for certification of methodologies, scope of works, specifications and plans. This creates an inherent uncertainty as it will require a subjective judgement at such time – however in the context of the application is unavoidable and I consider to be justified. It is important that any such conditions be as certain as possible.
- 123 I also consider that some conditions may require subtle re-wording for clarification, or to better accord with terminology used in the CDP.
- 124 My specific comments on conditions are as follows:

Scaffolding - Condition 7

Reword to replace reference to *“heritage elements of the building”* with *“heritage fabric of a listed heritage item”*. This is consistent with the CDP

rules which define and refer to heritage fabric, and clarifies that it applies to the listed item only.

Methodologies, scope of works, specifications and plans – Condition 15

Reword first heading to read *a. ~~All scheduled buildings~~ All Listed Heritage Items* to be consistent with CDP terminology.

Include explanatory note that the condition only applies to heritage fabric contained in listed heritage items (ie: External features of 1870 – 1882 Museum Buildings, Roger Duff Wind Façade and Centennial Wing Façade, and External and listed interior features of RMG building.) This clarifies that conditions such as a(iii) which refers to new openings and links only applies where they are to listed features, and not all parts of the building.

Reword first sentence of condition b(ii) to read *“Design, location of fixings, details of connections and specifications for the canopy structure where it connects to heritage fabric”*. This clarifies that only details affecting heritage fabric are required.

Graham Taylor

25 May 2021