

BEFORE THE CHRISTCHURCH CITY COUNCIL

IN THE MATTER OF The Resource Management Act 1991

and

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

DECISION OF HEARING COMMISSIONER DAVID CALDWELL
Dated 26 July 2021

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Introduction and Background

1. This is the decision of Independent Hearings Commissioner Mr David Caldwell. I was appointed by the Christchurch City Council (**Council**) under s34A(1) of the Resource Management Act 1991 (**RMA**) to hear and decide this application.
2. The application was received on 7 December 2020. A request for further information was issued on 19 January 2021 with the response received on 15 February 2021. It was publicly notified on 6 March 2021. The submission period closed on 6 April 2021. 138 submissions were received, with 131 in support, 1 in opposition and 6 partially supporting the proposal.
3. There were 4 late submissions. An extension of time was granted on 18 April 2021 in relation to those 4 late submissions. This was with the agreement of the Applicant.
4. Prior to the hearing, I was provided with the comprehensive application and accompanying documents. I have read and considered all of the documents forming part of the application. I was also able to view all of the submissions lodged. I have considered those submissions in reaching my decision. I do not expressly address each and every issue raised in the written submissions. Ms White summarised the matters raised in those submissions in her s42A Report, particularly in paragraphs [30]–[32]. Ms White also identified a number of matters/requests which Ms White considered were outside the scope of this resource consent application and cannot be addressed. These included a number of matters where that is clearly so. Those matters included allocation of funding, staffing levels, relocation of bus stops, potential street furniture, on-street priority areas/speed restrictions on cyclists in front of the museum, and remote signage. Other matters identified by Ms White included the matters concerning the use/lease of the Robert McDougall Art Gallery (**RMAG**) building and concerns regarding the ability of the basement collection and storage area to be kept watertight/earthquake resilient. I return to those two matters later in this decision.
5. I issued a Minute on 18 May 2021 containing directions in relation to evidence and legal submissions, and identifying the participants who I know or have worked with.
6. I issued a further Minute on 15 June 2021 addressing the timing for Mr Fowler to provide his written reply and advised that I would be undertaking a site visit.
7. I received a Memorandum from the Applicant seeking an extension of time to file the written reply. I agreed to an extension to Friday 25 June 2021 for that to be filed.
8. I undertook a site visit on 21 June 2021 and closed the hearing on 5 July 2021.

The Application

9. The application is, in summary:

- (a) To undertake redevelopment works to the Canterbury Museum and RMAG. These works include: base isolation across the whole site; demolition of unprotected buildings being the 1995 Garden Court Infill Building, 1958 Centennial Building (except the façade), 1977 Roger Duff Wing (excluding façade) and the 1995 Whale Store and Staffroom. In relation to the RMAG, demolition of the 1982 Canaday Wing, 1962 workshop and 1961 night entry.
 - (b) Replacement of the above buildings with new buildings providing increased exhibition space, storage facilities, staff areas, visitor experience areas and plant rooms.
 - (c) Alteration to the Centennial Wing façade to provide separation from the Mountfort buildings and a second Rolleston Avenue entrance involving repurposing of existing openings and creating a third opening to form a new porch entry.
 - (d) Reinstatement of exterior elements including the original Benjamin Mountfort-designed flèche, the 1877 chimney on the Rolleston Avenue façade and the original Mountfort designed 1870 and 1877 chimneys.
 - (e) Revealing and displaying heritage fabric, including exposing the north façades of the 1872 and 1877 Mountfort buildings, the west façade of the 1870 Mountfort buildings, and the wall on the northern side of the original 1882 Benjamin Mountfort designed buildings.
 - (f) Removing the blackouts and tints on the 1877 Mountfort building windows.
 - (g) Alterations to the Roger Duff Wing façade to provide glazed separation from the Mountfort buildings and split-level family café. This involves precast cladding panels being removed from the west and the south façades and reused as cladding on the new alteration and extension.
 - (h) A glazed link to the RMAG from the museum, with a new opening created in the rear gallery façade, and in the rear gallery space, by removal of interior and exterior heritage fabric.
 - (i) Repairs and maintenance of the RMAG roof.
 - (j) Improved visitor facilities, including exhibition spaces, cafés, retail areas, circulation and amenities.
 - (k) Structural, fire safety and security upgrades.
10. The application and AEE provided a number of technical design reports which included a concept design report from Athfield Architects, stakeholder engagement and consultation

report, heritage impact statement, heritage landscape impacts assessment and basement and base isolation structural feasibility report.

The Site and Surrounding Area

11. The application site is located at 9 and 11 Rolleston Avenue at the eastern end of Hagley Park. It is comprised of two separate legal parcels totalling 7,200m². It borders the Botanic Gardens to the south and western sides, Christ's College to the north, and Rolleston Avenue to the east. The site and its immediate surrounds are described in pages 4-6 of the Applicant's Assessment of Environmental Effects (**AEE**) and paragraphs [9]–[12] of the s42A Report.

Site Visit

12. I undertook a site visit on 21 June 2021. I was accompanied by Sarah Murray (Head of Collections and Research) and Holly, neither of whom had given evidence at the hearing. Their role was, in essence, to guide me through the buildings and to provide access to areas which are not open to the public.
13. We visited each floor of the main museum complex. I was able to gain access to the roof of the Roger Duff Wing. This enabled me to obtain a view of the roof of the RMAG. I was also able to view the roofs of the various buildings making up the museum complex and the junctions of the various roof lines of the component buildings.
14. I was given access to a number of storage areas throughout the buildings, and was provided entry into a number of the office areas and workshop areas. I was shown the storage areas containing the blue whale skeleton and various other storage areas housing the museum's collection. I viewed the components of the whare Tīpuna Hau Te Ananui O Tangaroa.
15. I then went through to the RMAG. In the RMAG, I walked around the whole of the ground floor and then went down to the basement and viewed the storage areas, the stairwell and the area previously used for offices.
16. I then walked around the exterior of the museum complex and the RMAG before walking along Rolleston Avenue towards Christ's College, and then up Worcester Boulevard past the Arts Centre.
17. The site visit was helpful in informing my decision-making, and particularly my understanding of a number of the matters which were identified by the Applicant's witnesses and reporting officers in particular.

The Hearing and Appearances

18. The hearing was held in Committee Room 1 of the Christchurch City Council. The hearing occupied 9 and 10 June 2021.

Appearances for the Applicant

19. **Mr Chris Fowler** with **Ms Meg Buddle** appeared as Counsel. Mr Fowler presented the legal submissions. He identified a key feature of the application as being the general public will be the primary beneficiary of the redevelopment proposal with important benefits in maintaining and protecting heritage values and allowing the museum to continue its work for the next 50 years. He identified what he considered to be the key issues.
20. Mr Fowler addressed the District Plan heritage listings and heritage management provisions, the Museum Conservation Plan, the inadequacies of the existing building, and the development of the concept design. He then addressed the key issues in more detail and I will return to those issues later in my decision.
21. **Mr Anthony Wright**, the director of the Canterbury Museum, addressed the proposal. In summary, he stated that the Canterbury Museum, at 154 years old, is at a crossroads. He described it as a rabbit warren of buildings which are no longer fit for museum purposes. He noted that some of those buildings are actively contributing to the degradation of the museum collections and the ability to properly welcome and provide manaakitanga to the 780,000 plus visitors per year was severely compromised.
22. He advised that the proposal was underpinned by an extensive brief for meeting all of the museum's needs of a redevelopment, a new Building Conservation Plan covering both the built environmental values and social values of the museum, and a Ngāi Tahu gifted cultural narrative, which had produced a "comprehensive and remarkable schema for redevelopment of the site".¹ He advised that if consented and built, the museum Board was confident that the redevelopment schema would deliver the spaces and flexibility to meet the museum's needs for the next 50 years on what he described as the "treasured site",² and drive visitor numbers and engagement beyond the 1 million per year mark.
23. Mr Wright spoke to a visual presentation which illustrated the museum's history and growth. He identified the current building inadequacies which were constraining public experience, including the cramped foyer, bare wiring, water and wastewater pipes through the collection storerooms, and the building inadequacies constraining public experience. He discussed the cramped and inefficient storage spaces, the spread of the collections across 29 locations, difficulties with access, the lack of a centralised environmental control system, and provided examples of degradation of collection items.

¹ Evidence of Anthony Ernest Wright dated 25 May 2021 at para [9]

² Supra at para [10]

24. He identified and discussed the non-structural micro cracks in the buildings, aged roof and wall claddings resulting in leaks, the poor and non-existent insulation of walls and roofs, and the lack of earthquake protection which combined to mean that many international exhibitions would not be loaned to the museum.
25. He stated the proposed redevelopment:
- Provided a vision that will provide fit for purpose facilities and protect the heritage buildings and the museum's future;
 - Celebrates original architecture and reflects the city founders' intentions for the exterior, including restoration of lost features;
 - Is driven by new Building Conservation Plan and comprehensive Project Brief and underpinned by cultural narrative.³
26. He stated that the proposed redevelopment would include the base isolation of all heritage and new buildings, would allow for modern technology to be integrated and the new exhibition spaces would allow the museum to tell more of the stories that are important to Canterbury as well as providing for international standard temporary exhibition spaces. He summarised the works to be undertaken on the RMAG, noting that it would be returned, as far as practicable, to its original form and design as part of the development. The work involved included earthquake strengthening and base isolation, building services upgrades, a linkage to the museum complex, improvement of visitor facilities and repair of heritage fabric.
27. He identified that an important factor with the new public atrium spaces was that they enabled the introduction of Araiteuru – a Māori 'heart'. This enabled Ngāi Tahu to tell their own stories, would provide a home to a new contemporary whare – Te Whare a Tahu, allow the return of the Whare Tīpuna Hau Te Ananui o Tangaroa, and it was at full height. He provided and commented on various visualisations before concluding that the proposed redevelopment safeguards the heritage buildings and the priceless collections. He considered the development to be essential for the Board to meet its requirements under the Canterbury Museum Trust Board Act 1993 No 4. The plans had been developed in wide consultation with a broad group of stakeholders and the proposal would enhance the visitor experience and enable the display and enjoyment of a significantly larger portion of collections.
28. **Mr Trevor Watt**, of Athfield Architects, summarised his evidence. Mr Watt is the Project Director and Lead Design Architect for the project. He has been involved as an architect on the Canterbury Museum for over 21 years.

³ Evidence Summary of Anthony Ernest Wright at [48]–[50]

29. He provided a high level review of the consultation, history and evolution of the Canterbury Museum, the context and neighbourhood, the existing building deficiencies, the project foundation documents, the cultural narrative integration, and the key design principles.
30. Mr Watt described the stages of redevelopment over the last 150 years and identified the stages of development over that time.⁴ For convenience, I list those stages here:

Museum Elements

- 1870 Mountfort Stage One
- 1872 Mountfort Stage Two
- 1875 Whare Whakairo
- 1877 Mountfort Stage Three
- 1882 Mountfort Stage Four
- 1958 The Centennial Wing
- 1977 The Roger Duff Wing
- 1995 The Garden Court building

Robert McDougall Art Gallery Elements

- 1932 Robert McDougall Art Gallery
 - 1961 – 1962 Various extensions
 - 1985 Canaday Wing & basement
31. He addressed the existing context noting that the Canterbury Museum and Robert McDougall buildings form part of one of the central city's most recognised and valued neighbourhoods – the cultural precinct of Christchurch City. Together with Christ's College and the Arts Centre, they present an important and attractive streetscape of heritage buildings, complemented by the open space and landscaping of the Botanic Gardens, Christ's College, Hagley Park, the hospital grounds and the Avon River. He advised that these all rest on pre-European sites important to Māori; Puāri Pa, Ōtākaro Waiwhetū and Waipara springs.
32. He explained the concept design and consultation timeline, identifying some of the key design aspects of the proposal as:

⁴ Evidence of Trevor Watt dated 25 May 2021 at para [9]

- Protection of collections;
 - Seismic resilience – base isolation;
 - Basement collection storage with the basement across the site of some nature resulting from the introduction of base isolation.
33. He noted the space efficiency advantages of housing all collections within larger spaces rather than multiple small rooms and that the use of the basement for collection storage and some plant room space provided an opportunity to provide for the increased space the museum needs.
 34. He discussed the construction of the museum basement which would be to a much higher standard than most basements constructed in Christchurch which are largely for carparking use. He identified the international standard for basement construction and that this would inform the design going forward, and summarised the multiple redundancies built into the system. He advised the risk of flooding and sea level change had been investigated.
 35. **Mr James Gard'ner**, a director of a Melbourne based heritage consultancy – GJM Heritage – provided his opinion on whether the proposed redevelopment was consistent with the heritage provisions of the Christchurch District Plan and whether it achieved an acceptable heritage outcome. He also commented on a number of matters raised by those submitters who objected, and commented on the s42A Report and matters raised by Ms Wykes on behalf of Heritage New Zealand. He provided a detailed assessment of the impacts of the works against the heritage provisions in the Christchurch District Plan, the heritage values articulated in the statements of significance, policies of the two conservation plans and the New Zealand ICOMOS Charter.
 36. He identified and discussed the proposed demolitions. He considered none of the demolition works would have any adverse impact on the heritage values of the site. He considered that the partial removal of the reinforced concrete floor within the 1882 building would have a positive effect and that it would reveal the original proportions of the interior volume and the arched timber roof trusses. He advised that the removal of the Garden Court involving the Centennial Wing buildings would reveal the previously hidden historic fabric of the walls and roof forms of the 1870, 1872, 1877 and 1882 buildings.
 37. In terms of the demolition works in relation to the RMAG, he considered they would have minor impacts which were mitigated by the retention or reconstruction of the basement stairs identified as being interior fabric of higher significance.
 38. He considered that the works on the 19th century museum building were minimal, with a number of them affecting either unlisted heritage fabric or enhancing the legibility and presentation of the museum.

39. He identified the works having a minor impact on heritage fabric included the creation of the new opening in the ground floor of the north wall of the 1877 building; the infilling of a later non-original first floor opening on the same wall, and the creation of new openings at the upper level of the 1882 building to provide access to the new circulation route. He then addressed the differences of opinion between him and Ms Ohs and Ms Lutz in relation to the Centennial Wing and the Roger Duff Wing.
40. Overall he concluded that the redevelopment of the Canterbury Museum complex and the RMAG as a whole would provide Christchurch with a world class museum that combines nationally important heritage buildings with 21st century exhibition spaces, environmental control, collection management and visitor facilities.
41. **Mr Alan Titchener**, landscape architect, provided his review and commentary on Ms Mandy McMullin's heritage landscape assessment which had formed part of the application. He provided a reassessment of the key landscape/visual amenity issues arising by using the NZILA's recently adopted draft Landscape Assessment Guidelines, particularly with reference to the proposed modifications to the Roger Duff Wing and the related effects on landscape/visual amenity together with brief comments on the landscape/visual amenity effects related to the proposed introduction of a gap between the Centennial Wing and the Mountfort buildings. He also responded to Mr Jeremy Head's peer review, and Ms Amanda Ohs' heritage evidence.
42. Overall he concluded that the adverse landscape and visual effects of the proposed museum redevelopment ranged from less than minor to minor. He considered the proposed redevelopment would result in a much improved facility that would fit very well both spatially and visually in this important heritage precinct.
43. **Ms Puamiria Parata-Goodall** is a descendent of Ngāi Tahu, Ngāti Māmoē, Waitaha and Ngāti Kahungunu. She is the director of Te Pākura Limited and is currently the Kaiurungi (Chair) of Ōhākī o Ngā Tīpuna (Canterbury Museum) and Chair of Ahumairaki (Lincoln University). She was previously a Board member of the Arts Centre of Christchurch Trust Board, the Canterbury Cultural Collections Recovery Advisory Group Te Matatini, Christchurch Polytechnic Institute of Technology and Waitaha Cultural Council.
44. She provided cultural narrative advice to the Canterbury Museum. By way of summary, she advised that the redevelopment was designed in partnership with Ngāi Tūāhuriri, Ngāi Tahu and their local Papatipu Rūnanga. She advised that the plans had incorporated feedback from mana whenua and include spatial designs which integrate cultural meanings and symbols. Grounded in the museum's cultural narrative, she considered the proposed redevelopment to be a significant step in building design to recognise, understand and share Māori concepts of place, significance and taonga.
45. **Mr Graham Taylor**, consultant planner, provided expert planning evidence. He has been involved with the Canterbury Museum redevelopment proposal since mid 2020 and was

responsible for the preparation and lodgement of the resource consent application. He agreed with the assessment and recommendations contained in the s42A Report, with the exception of its conclusions in relation to the status of the Roger Duff Wing façade alterations. He outlined the documents relied on, summarised the proposal, and addressed the planning framework. His evidence focused on the areas of disagreement. Overall, he agreed with Ms White's conclusion that the adverse effects were acceptable when considered in the context of the whole museum and RMAG complex and the significant positive effects. He was generally in agreement with the proposed conditions with some "subtle rewording".

Submitters

46. I heard from **Kelly Perazzolo** and **Ms Jean Bell** on behalf of the **Friends of the Canterbury Museum**. The Friends of the Canterbury Museum have approximately 150 members and regularly hold meetings. It was actively involved in the consultation process and while their focus was on the heritage of the museum, the need for its modernisation was well recognised, particularly given the 750,000 annual visitor numbers which were expected to increase to over 1 million per annum. They described the museum as a "very loved placed". They were very supportive of the development and its enabling of more heritage to be displayed.
47. **Mr Ian John Payton** spoke to his submission. Mr Payton is a research associate at Canterbury Museum working in the mollusc collection. Mr Payton identified the concerns in relation to the mollusc collection. He discussed the importance of the museum's natural history collection. He advised of the damage to the mollusc collection with shells shattering due to the inability to maintain stable temperature and humidity conditions. He noted that he personally had stopped bringing some specimens from private collections into the museum. He expressed a concern in relation to below ground storage.
48. Ms **Fiona Wykes** provided evidence on behalf of **Heritage New Zealand Pouhere Taonga (Heritage New Zealand)**. Ms Wykes had provided a written brief of evidence which had been lodged and circulated in accordance with my earlier directions. Ms Wykes provided a detailed summary of her evidence at the hearing, briefly discussing the listings of the Canterbury Museum (19th century) buildings and the RMAG as Category 1 Historic Places. She explained that category 1 is for places considered to be places of special or outstanding historical or cultural significance or value. Ms Wykes also identified archaeology as a relevant matter, noting at least the 19th century part of the Canterbury Museum was erected prior to 1900 and would therefore meet the definition of an archaeological site under s6(a) of the Heritage New Zealand Pouhere Taonga Act 2014. She confirmed that Heritage New Zealand was supportive, in principle, of the proposed works to provide increased exhibition and visitor experience, space, staff areas and storage and services facilities. She noted that the proposed redevelopments would enable the continued and more viable uses of the Category 1 listed 19th century portion of the Canterbury Museum and the RMAG. Ms

Wykes spoke about the key areas of concern identified in the submission and advised that the conditions proposed in the s42A Report alleviated those concerns.

49. In support of the submission by **Potae whanau/Pourau Inc/Waipiro A31 Trust** were **Mr Philip Hope, Mr Mark Sykes** and **Mr Dylan Hope**. They discussed the strong connection that Potae whanau have to Hau Te Ananui o Tangaroa which had previously been owned by their tīpuna, Ngāti Porou chief, Henare Potae of Tokomaru Bay. That had been in the possession of the Canterbury Museum since 1873 and in storage for almost 70 years. They noted the contact between the Canterbury Museum and Potae whanau over many decades. They considered the whare taonga demonstrated how Māori and non-Māori have collaborated successfully since 1870 and worked alongside each other to preserve heritage. They recorded strong support for the whare taonga becoming a living marae within the redeveloped museum and the belief that the living spirit would inform, inspire and bring people together for generations to come. They discussed how and why it had ended up in the possession of the museum. They discussed the relationship between Ngāti Pourou and Ngāi Tahu and the mauri of the taonga.
50. **Professor Kissling** and **Mr Ross Gray** attended on behalf of the **Christchurch Civic Trust**. The Trust acknowledged the degree of consultation and the constraints of the site. The evidence presented recorded that the Trust was not supportive of earlier expansion designs which “pierced height regulations” and considered that in this application the heritage fabric is preserved, better protected and more obviously visible.
51. The Trust was satisfied that a number of the proposed design elements had addressed some of its concerns in relation to roofing and that base isolation would provide greatly increased resilience. The Trust’s key issues related to below ground storage and the use of the RMAG.
52. In terms of below ground storage, in essence the Trust was concerned that the storage of highly valuable artifacts in a basement that penetrates the water table raised issues of managing risks.
53. In relation to the RMAG, the Trust’s position was that the gallery space in the RMAG was for hanging artwork from the city collection and for no other use. It raised concerns with the legality of the “proposed integration”. The Trust was concerned that a change to the Deed of Gift would be required and it was difficult to see how a joint concept for the museum and the RMAG could be implemented.
54. **Mr Gary Knight** and **Mr Timothy Seay** appeared in support of Mr Seay’s submission. Mr Knight provided summary legal submissions. He focused on responding to matters arising from the s42A Report. Mr Knight agreed with the legal opinion of Mr Carranceja which had been provided as Appendix 3 to the s42A Report. In essence, he agreed that I was unable to make a decision relating to compliance with s6(1) of the Christchurch City Council (Robert McDougall Gallery) Land Act 2003 (**RMG Land Act**) but submitted I was not

precluded from considering it or including a condition to specifically address it. Mr Knight submitted that extending the museum basement under the RMAG for general museum use would be ultra vires of the empowering legislation.

55. Mr Seay is the grandson of Robert McDougall. He provided a comprehensive written brief of evidence which he read and expanded on during discussions. As that written additional brief of evidence is a matter of public record, I will not traverse it in detail.
56. Mr Seay considered that expert witnesses had assessed how the proposed project would affect the heritage of various pieces of listed significant heritage fabric and then concluded that the loss of this fabric was outweighed by the advantages that the project would provide to the Gallery by way of future strengthening and provision of greater basement storage. Mr Seay discussed the ICOMOS Charter and its inclusion of future use of the heritage building as being central to the preservation of its cultural heritage.
57. Mr Seay advised that he had been campaigning for the last 4 years for Council to retain the RMAG for the city's historical art collection in accordance with the terms of his grandfather's gift. In his view, the museum did not have a "proper art collection" with only around 60 oil paintings and 300 works on paper that are of a public art gallery standard. Mr Seay discussed s6(1) of the RMG Land Act which he considered would allow the museum to display large 3D objects – in other words, as a museum. This was, in his opinion, outside the terms of his grandfather's gift. He discussed a number of the ICOMOS principles and applied those. He discussed the various 'heritage charters' and the conservation plans. He focused on cultural heritage and its relationship to use of the RMAG in particular. He provided a number of documents by way of appendices to his written brief.

Section 42A Officers Report

58. **Mr Jeremy Head**, a registered landscape architect, provided a summary of the peer review comments that he had provided and which were included in the s42A Report. He outlined his experience and qualifications and his engagement to provide a peer review of the heritage landscape assessment prepared by Ms McMullin for the Applicant. He confirmed he had been asked to consider the evidence prepared by Mr Titchener. Overall, he considered that the proposal would have an acceptable level of landscape and visual effects on its contextual setting. There may be some positive effects arising from the proposed changes.
59. **Ms Nicola Williams**, a senior urban designer employed by the Christchurch City Council, spoke to her urban design memo which informed the s42A Report. Ms Williams went through her review document and expanded on a number of matters. She discussed economic viability and the importance of drawing people in. She discussed the museum's landscape presence, noting its location at the western termination of the Worcester Boulevard which links the museum with the Arts Centre, Avon River Precinct, Cathedral Square, Christ Church Cathedral through to the east frame and Latimer Square. The

architectural rationalisation was viewed favourably. Overall she considered the redevelopment to have been informed by a good design process with extensive public consultation. She advised that the contextual and character matters, including façade reinstatement, strengthening the presence, extended glazed pop-out form of the Roger Duff Wing and the new accessible entrance off Rolleston Avenue, should be given widespread support. Any matters that she had raised or had preliminary concerns with, had been addressed.

60. **Ms Amanda Ohs** provided a summary of her evidence. Ms Ohs is a senior heritage advisor at the Christchurch City Council. She identified the positive aspects of the proposal on heritage and for the most part considered the proposal to have been well balanced. There were adverse heritage effects, in her view, that ranged from minor to significant.
61. Ms Ohs supported the works on the RMAG, the reconstruction of exterior features on the Mountford buildings and the new entrance on the Centennial Wing. She supported the uncovering of the Mountfort fabric adjacent to the non-scheduled buildings proposed for removal, but remained concerned about two aspects – the removal of a slice of the Centennial Wing façade and the redesign of the Roger Duff Wing façades. As I will discuss these two aspects in detail, I do not further summarise Ms Ohs' evidence here.
62. **Ms Odette White** had prepared a comprehensive s42A Report. At the hearing Ms White provided a summary of her views and reasons for those views in relation to landscape/visual effects, legal issues, and heritage effects. In terms of effects, her conclusion remained that the proposal would result in some potentially minor to significant adverse effects on the heritage value of the Roger Duff and Centennial façades when considered in isolation. Viewing the effects in the context of the museum and RMAG complex, and taking into account the significant positive effects, Ms White considered the effects were acceptable. Ms White outlined the objectives and policies, addressed activity status and discussed the conditions. Again, as I address aspects of Ms White's report more fully in the body of this decision, I do not further summarise it here.
63. For completeness, **Ms Heike Lutz**, a building conservation consultant, filed a statement of evidence. This was a heritage peer review. Ms Lutz provided a peer review of Ms Ohs' report. Overall, she considered that to have been thorough. In her view, it addressed all relevant matters with the reasoning being clear and comprehensible and based on conservation best practice principles.
64. Ms Lutz agreed with Ms Ohs' assessment, reasoning and resulting conclusions which were summarised in paragraph 2.2 of her evidence in chief. Ms Lutz was not available to attend the hearing, but provided some clarification and explanation through Ms White.
65. Again for completeness, **Mr Cedric Carranceja**, a senior resource management lawyer, provided, as part of his secondment to Council, a Memorandum dated 5 May 2021. This addressed the issue of whether the proposal involves activities that are unauthorised by

s6(1) of the RMG Land Act as a relevant matter to be considered and determined. He concluded that it was not and provided his reasons for that view. Mr Carranceja attended the hearing by way of telephone to hear Mr Knight's, and I understand, Mr Seay's, submissions and presentation.

Evidence Summary

66. In the above paragraphs, I have incorporated a reasonably comprehensive summary of the evidence of the various participants. Nevertheless, it is very much a summary and I will address parts of the evidence in much more detail when addressing, in particular, the matters in contention. I confirm I have considered all matters raised in the evidence and by the reporting officers, the legal submissions made, and the content of all of the submissions lodged, including from those who did not attend the hearing.

Principal Issues in Contention

67. Before identifying the principal matters in contention, I record that none of those appearing before me, and on my reading of the submissions, none of those submitting, opposed the application in full, or sought that it be declined in its entirety.

68. Mr Fowler identified the key issues as:

- (a) Do the concerns raised by the Council heritage assessment, regarding heritage effects on the Duff Wing and Centennial Wing façades, preclude grant of consent?
- (b) Regarding the Duff Wing façade:
 - (i) Are the proposed changes an "alteration" or "demolition"?
 - (ii) Are the proposed changes to heritage fabric acceptable?
- (c) Regarding the Centennial Wing façade, are the proposed changes to the heritage fabric acceptable?
- (d) Is the proposed use of the RMAG building a relevant matter?
- (e) Is the proposed basement storage of the museum collection a relevant matter?⁵

69. I consider that Mr Fowler's summary encapsulates and summarises what could be said to be the key issues in contention. I address all of those issues, although not in the order listed by Mr Fowler. There are of course a number of sub-issues which derive from them. For example, in relation to the Duff Wing façade, the question as to whether the proposed changes are an "alteration" or "demolition" goes to activity status, although, for reasons which I will address, whether the activity is a restricted discretionary activity (as was the

⁵ Legal Submissions on behalf of the Canterbury Museum Trust Board at para [9]

Applicant's approach) or a fully discretionary activity (as was Ms White's approach) appears to make little difference to the matters which I am able to consider.

Activity Status – Alteration or Demolition?

70. The issue as to activity status arises as the Applicant applied for a restricted discretionary activity consent on the basis that the changes to the Roger Duff Wing fell within the District Plan definition of 'alteration'.

71. 'Alteration of a heritage item' is defined, relevantly, in the Plan as.

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/ materials; and
- (c) Permanent addition of fabric to the exterior or interior. ...

72. 'Partial demolition' is defined as:

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.

73. 'Demolition' is defined as:

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.

74. The Applicant's reason for its approach was detailed in pages 1–2 of its Response to CCC Queries dated February 2021. Ms White summarised that rationale in paragraph [21] of her s42A Report. I adopt that as an accurate summary.

75. Mr Gard'ner addressed the Roger Duff Wing south and west façades and settings in considerable detail in his brief of evidence. It occupied some 20 pages of that evidence. I return to Mr Gard'ner's evidence in my subsequent assessment of heritage effects, but it has informed my consideration of this particular activity status issue. He addressed this issue primarily in paragraphs [102]–[106] of his evidence of 25 May 2021. He summarised his position at paragraph [61] of his Summary of Evidence dated 9 June 2021 as follows:

The proposed works retain the heritage fabric and form that make the Roger Duff Wing significant. On this basis it is my view that the proposed works fall within the Christchurch District Plan's definitions of 'alteration' and 'partial demolition'. The extent of the works cannot in my opinion be reasonably

considered to result in the "... permanent destruction, in whole or of a substantial part, which results in the complete or significant loss of the heritage fabric and form," as 'demolition' is defined.

76. At paragraph [105] of his Statement of Evidence, he stated:

In my view, limiting the permanent loss of the listed southern and western façades fabric to approximately 15%, combined with the retention of key compositional elements including the cruciform reinforced concrete frame, the recessed lower level, projecting upper mass supported on slender piloti and the overall architectural philosophy ..., means that the proposed works retain the heritage fabric and form that make the Roger Duff Wing significant. ...

77. Mr Taylor addressed this issue in paragraphs [36]–[50] of his evidence of 25 May 2021 and, relying on Mr Gard'ner's assessment, formed the opinion that the Duff Wing façade changes are an alteration as defined in the District Plan. Mr Taylor considered that whether or not an activity is a partial demolition 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?⁶

78. Mr Taylor considered that 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. He considered it is only the significance of the fabric lost which is to be considered. He considered that the effect of any subsequent alteration is a matter for assessment under s104C and does not figure in determining status.

79. Mr Taylor considered that the first part of the definition of 'alteration' which provides for "permanent modification of, addition to, or permanent removal of" heritage fabric anticipates that heritage fabric will be permanently removed and modified. In his view, the adding of the words "includes partial demolition" did not serve to limit the extent of modification, addition or removal. He considered that the proposed changes to the Roger Duff Wing were covered by the first part of the definition and was not therefore necessary to rely on the subsequent reference to partial demolition.⁷

80. Ms Ohs considered that the proposed changes to the Duff Wing façade constitute a 'demolition', rather than an 'alteration'. She considered the works do not meet the definition of 'partial demolition' and instead come within the definition of 'demolition'.⁸ She noted that the definition of 'partial demolition' relates to heritage fabric and form 'which makes the heritage item significant'. In her opinion, and based on her assessment, *the demolition proposed will result in the permanent destruction of a 'substantial part' of the Roger Duff Wing façade and the 'significant loss of heritage fabric and form which makes the heritage*

⁶ Evidence of Graham Taylor for Canterbury Museum Trust Board – 25 May 2021 at para [44]

⁷ Evidence Summary at para [17]

⁸ Report of Amanda Ohs at para [20]

item significant'.⁹ As such, she considered the proposal in relation to the Roger Duff Wing façade came within the definition of 'demolition'.

81. It is my understanding of Ms Ohs' evidence that it is the extent of the loss of the heritage fabric and form which takes the proposal outside the partial demolition and therefore alteration definition. She considered the new design results in the loss of heritage fabric and form which made the building architecturally significant as a Modernist reinterpretation of the Gothic style.¹⁰
82. Ms Lutz provided a statement of evidence by way of peer review. She agreed with Ms Ohs that the demolition did not meet the partial demolition criteria. She acknowledged that out of the entire building, only two façades are scheduled, but that the demolition proposed consisted, in her opinion, of a substantial amount of those two facades when compared with the fabric remaining. While she acknowledged the proposal to reuse a certain volume of fabric in the redesign, in her view there would still be a negative effect on the authenticity and integrity of the façades and therefore a negative effect on its heritage significance. Her view was that the changes proposed are extensive and are in alignment with the description of demolition.¹¹
83. Relying on the evidence of Ms Ohs and Ms Lutz, Ms White considered the proposal to be a discretionary activity. Ms White addressed the issue in her paragraphs [20]–[23] of her s42A Report.

Assessment

84. I have carefully considered all of the evidence in relation to this particular issue of activity status. It is one of some complexity but ultimately, in these particular circumstances, one which is not of any significant influence on my ultimate decision.
85. I accept Mr Taylor's proposition that deciding whether or not what is proposed is an alteration or demolition essentially comes down to what is ultimately a subjective decision. I accept that on the basis that the use of 'subjective' in this context did not infer that it is simply a matter of a subjective preference. It clearly needs to be an informed and evidence based decision.
86. I also agree with Mr Taylor that when determining the matter of whether the works constitute a demolition or a partial demolition it is not the merits of what is proposed, or even to a degree the significance of what is proposed, which is relevant. In other words, it is not an effects assessment. It is, however, difficult to clearly draw the line between the matters relevant to determining the alteration/demolition issue from the overall assessment for the substantive decision. It would clearly be inappropriate, in my view, to approach this

⁹ Report of Amanda Ohs – Heritage Assessment at para [25]

¹⁰ Summary of Evidence at para [21]

¹¹ Evidence in Chief Heike Lutz 11 May 2021 at para [3.6]

particular question by, for example, taking into account wider positive effects. Ultimately it is, in my view, a question of degree.

87. It is not an issue which can be determined purely on a numerical calculation. I agree with Ms Ohs that determination based purely on the percentage of heritage fabric affected would not be reflective of the planning framework.
88. In my view, the focus needs to be on the particular heritage item and particular heritage fabric itself. In my view, it would be wrong to assess this issue on the basis of the overall heritage values of the various heritage items making up the Canterbury Museum.
89. Having considered all of the evidence, I consider that the works are more aligned with the definition of 'alteration' than 'demolition'. Ms Ohs' evidence on this issue was thorough and informative, and I have carefully considered the matters she has raised.
90. Mr Gard'ner considered the proposed works limit the permanent loss of the listed south and west façade fabric and maintain the heritage values of the Roger Duff Wing through:
- The use, sighting and location of the façades;
 - The use of Modernist language including:
 - Massing and flat roofed form;
 - Use of projecting and recessing planes;
 - Repetitive precast cladding; and
 - Use of slender undecorated piloti.¹²
- and he considered that the design retains the following:
- The cruciform reinforced concrete structural frame which includes memorialisation of Dr Duff in the incised lettering; and
 - The contextual architectural devices employed by architect John Hendry including:
 - Vertical proportion of precast panels and fenestration;
 - Rhythm and module of the precast panels;
 - Use of Halswell stone rubble to the lower level; and
 - Use of Halswell stone in the exposed aggregate finish to the precast panels.¹³

¹² Para [59] of his Summary of Evidence

¹³ Supra at para [60]

91. His evidence was that the proposed works retain the heritage fabric and form that make the Roger Duff Wing significant, and it was on that basis that he formed the view that the proposed works fell within the definition of 'alteration' and 'partial demolition'.
92. Overall, and having considered all of the evidence, I accept Mr Gardner's evidence on this issue. I am satisfied that the changes will not totally or significantly destroy the heritage form or fabric and that they are, by a fine margin, within the definition of 'alteration'.

Activity Status – Overall Planning Framework

93. The reasons consent was needed was provided in a tabular form at pages 14 and 15 of the AEE. A full compliance assessment was contained in Appendix 7.
94. Both the museum and the RMAG buildings are located within the Open Space Community Park Zone. Appendix 7 to the AEE contained a detailed compliance assessment against the provisions of the Christchurch District Plan. An assessment against the Chapter 18 rules was undertaken. There appeared to be no issues between the relevant experts in relation to that assessment.
95. In relation to Chapter 9 Natural and Cultural Heritage, again a compliance assessment was undertaken by way of a compliance table which, apart from the matters addressed above in relation to the Roger Duff Wing and its status, was not subject to any dispute. Given my findings in relation to the alteration/demolition issue, the proposal must be considered as a restricted discretionary activity.
96. The nature of this proposal and the number of rules which trigger the need for consent are such that my discretion, albeit restricted, is very broad.
97. In my view, in terms of adverse effects, all relevant adverse effects are within my discretion. There is, to my mind, some limitations on my ability to consider and weigh positive effects, and particularly in regards to wider economic benefits such as attraction of increased visitor numbers to Christchurch and spending in the wider community. In any event, I received no expert economic evidence in that regard.

Actual and Potential Effects on the Environment

98. Ms White considered that the relevant actual and potential effects fell broadly within the categories of:
- Positive effects
 - Heritage effects
 - Scale of activity and Open Space zone
 - Landscape / amenity effects

- Transport effects
- Construction effects

99. A number of the identified effects were not in contention. Nevertheless, as the decision-maker, I must be satisfied in relation to those effects. I address the effects where there is no identified issue, before addressing the potentially more significant effect issues which arise in relation to two particular matters affecting heritage values.
100. After addressing those potential adverse effects, I will address the positive effects before reaching my overall effects conclusion.

Scale of Activity in Open Space Zone

101. There is a linkage between the Open Space rules and the Heritage rules as 18.4.1.3 RD9 – New buildings and external alterations and/or additions to existing building, lists the matters of discretion as:
- 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).
102. As identified by Mr Taylor, 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.¹⁴
103. Mr Taylor considered that given consent was required under three different rules, the assessment of the Duff Wing façade changes in particular should not be limited to the specific effects on the heritage listed façade in isolation. Rather, it was 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 Garden setting. I agree with Mr Taylor in so far as that I should not limit my assessment to the specific effects on the heritage listed façade in isolation. Context is important. Those effects are obviously an important part of my overall assessment but I agree it should not be limited.
104. Ms White identified that the erection of new buildings and the external alterations and additions to existing buildings on the museum and RMAG site are restricted discretionary activities under the Open Space Zone rules, as is the oversized food and beverage activity. Ms White advised that for the food and beverage activity, the maximum permitted GFA was 250m². 515m² of total café space is proposed.

¹⁴ Evidence in Chief of Graham Taylor dated 25 May 2021 at para [86]

105. Given Ms White's view that overall the activity was discretionary, she used the matters of discretion for Rule 18.10.2 as a guide for assessing both the non-compliances. Ms White set out the matters of discretion in paragraph [59] of her s42A Report and in her Appendix 2. For brevity, I do not repeat them here.
106. Ms White provided her assessment in paragraphs [60]–[62] of her s42A Report. I agree with her assessment. By way of summary, Ms White considered that, given the history of the use of the buildings for museum and gallery activities, including an existing café, there was a practical and functional need to be located on this site, it was compatible with the existing and past function of the site, and also noted that the museum, art gallery and food and beverage activities up to 250m² (GFA) were provided for as permitted activities in the zone.
107. Ms White also considered that as the new buildings and additional café floor spaces were located either behind existing buildings or within existing building footprints, the proposal did not represent a reduction in open space nor did it impede access to open space, or displace recreational facilities and activities. Ms White accepted that the proposal would provide economic benefits and enable the ongoing operation and maintenance of the facilities, and would not result in any permanent reduction in public access connections to the walking/cycling track network to and through the adjoining Botanic Gardens.
108. I adopt Ms White's assessment relating to the effects arising from the scale of the activity in the Open Space Zone.

Landscape/Amenity Related Effects

109. Again, Ms White used the relevant matters of discretion as a guide to her assessment of landscape/amenity related effects. In her opinion, the matters of discretion relating to the non-compliances in this case covered all of the relevant landscape/amenity considerations. I agree. The matters of discretion include those in building height Rule 18.10.17 as both new buildings encroach the 15 metre height limit, and the external alterations or additions also added further height, for example the additional height on the Roger Duff Wing.¹⁵
110. Ms White helpfully set out the relevant matters of discretion triggered by the proposed activities. She also identified the heritage matters of discretion in Rule 9.3.6.1(d)(v) and (vi) which were relevant to landscape related effects.
111. For the Applicant, Ms McMullin had prepared the Applicant's Heritage Landscape Assessment (**HLA**) which formed part of the application. Ms McMullin identified and assessed a number of viewpoints. Ms McMullin was not available to provide evidence at the hearing, and Mr Titchener took up that role.

¹⁵ S42A Report at para [64]

112. Mr Titchener's evidence was helpful and thorough. He applied the 7 point assessment scale recently adopted by Tuia Pito Ora (the NZILA) and concluded that the adverse landscape and visual effects would be in the range of low to low to moderate being, in RMA equivalent terms, minor.
113. Mr Titchener addressed Ms McMullin's viewpoints and properly identified an incorrect perception that he had of one of those viewpoints. He also identified that he had not undertaken a site visit at the time of preparation of his evidence. He confirmed that he had undertaken that site visit prior to appearing and that had confirmed his view.
114. In our discussions, he identified the importance of the physical and spatial context, the associative values/the stories that it tells, and sensory view – what fits well. In terms of the physical/spatial context, he considered the proposal to be a vast improvement on what was there. He considered the positive effects had been under-valued.
115. He considered that Ms Mullin's HLA in relation to the Duff Wing façade was inconclusive and failed to give due consideration and weight to the potential positive and mitigating aspects of the proposed development.
116. Overall, he concluded that potential adverse landscape and visual effects associated with the proposed development were in the range of minor to less than minor and that the development will result in a much improved facility that would fit very well both spatially and visually in this important heritage precinct.
117. Mr Head prepared a peer review of Ms McMullin's evidence and was also asked to comment on Mr Titchener's evidence. He commented that there was very little explicit discussion in Mr Titchener's evidence as to why the most adverse effects would be generated.
118. He considered that the proposed changes to the 1958 Centennial Wing would generate positive landscape effects. He considered that the proposed changes to the south-western corner of the museum (the Roger Duff Wing) would be the most obvious to the public but that the landscape effects of those changes would be positive. He noted that while the current levels of visual separation between those in the museum café and those in the gardens would be replaced by an increased degree of overlooking, those effects would be reduced by the abundant tall trees providing a sense of separation and seclusion to those in the gardens.
119. He considered there would be negligible effects on how open space is currently perceived or used around the museum and the nearby focal points would not be adversely affected by the proposal. Mr Head's opinion was that visual dominance would not be generated by the proposal, other than to a moderate-low degree when viewed from inside Christ's College. Other than that, he considered the proposal had a high level of compatibility with the character and scale of surrounding buildings.

120. Overall, he concluded that the proposal would have an acceptable level of landscape and visual effects on its contextual setting. He considered there would be some positive effects arising from the proposed changes. These included the changes to the Roger Duff Wing which would lead to a greater activation of this part of the site.
121. Ms Nicola Williams addressed her assessment which was provided as part of the s42A Report. She also discussed the Roger Duff Wing and the changes. She considered the activation through the glass would be positive. Overall, from an urban design perspective, she considered the changes positive. She commented on the townscape prescience and the linking to the Cathedral, and also addressed economic viability and the attraction of visitors in so far as it impacted on her area of expertise.
122. Ms White noted that no submissions had raised any concerns with landscape or visual effects. In terms of surrounding neighbours, Ms White recorded that Christ's College was in full support of the proposal. It was her view that there would be minimal to no adverse visual amenity effects for any other surrounding properties including those directly opposite the museum. For completeness, she considered that the proposal was acceptable in respect of safety/CPTED consideration noting that there would be improved surveillance over the gardens from the new café windows and the Roger Duff Wing, and the new portico area on the Rolleston Avenue frontage of the Centennial Wing will be closed off after hours.
123. On the basis of all the evidence received, and for the reasons that she had indicated, she considered that any landscape amenity related effects were acceptable.

Assessment

124. The expert evidence on the landscape, amenity, visual and urban design effects was very thorough and very helpful. While there will be some minor adverse effects from limited viewpoints, overall, on the basis of the evidence before me, the landscape, amenity and visual effects are positive. I agree that there will be minimal to no adverse visual effects on all surrounding properties, other than Christ's College, which is fully in support of the proposal. The changes proposed to the Roger Duff Wing in particular will lead to an activation in that part of the site.

Transport Effects

125. There is a cycle parking shortfall. Pursuant to the Plan, 74 visitor cycle parks are required and none are proposed. Additionally, as the total café floor area is over the permitted floor area in the Open Space Zone rules, traffic generation and access were matters of discretion in clause 18.10.3.
126. Ms White also addressed carparking noting that the District Plan did not require any on-site carparks be provided within the Central City. The absence of on-site carparking reflected that. She also identified that there was insufficient space on the application site to provide any.

127. In relation to traffic generation, she identified that the redevelopment would likely increase visitor numbers and that was in fact one of the desired outcomes and positive effects of the redevelopment. She noted that the museum and gallery were existing facilities and therefore were permitted activities. In her view, any increase in traffic generation and associated effects from the redevelopment would be acceptable and absorbed into the surrounding network.
128. Ms White addressed one submission that requested pedestrian priority status being given to the pavement area in front of the museum, or a restriction in cycle speeds to reduce conflict. Ms White identified that while there may be some merit in that, it was beyond the scope of the resource consent process to require changes to the public realm outside of the application site and there were separate processes for pursuing that. She considered that any transport related effects of the redevelopment would be acceptable.
129. The application identified Rule 18.10.3 (Traffic generation and access) arising from the exceedances of the GFA of food and beverage. The scale was considered to be appropriate. In terms of cycle parking, the application noted that there were several public parking facilities nearby, including secure facilities at nearby public carpark buildings and spaces in the vicinity of the Botanic Gardens.
130. I am satisfied that any traffic or wider transportation effects are, in the context of this proposal and its location, acceptable and appropriate.

Construction Effects

131. One of the issues which I raised during the hearing was whether I had sufficient information to undertake an assessment of construction effects given the conceptual nature of the application.
132. I discussed this matter with Mr Titchener and he was comfortable that there was sufficient information to enable that assessment to be undertaken. He was of the view that construction effects would be minor and acceptable.
133. Mr Head advised that he was comfortable that construction effects did not need to be more fully covered to ensure validity of the landscape assessments. He expressed confidence that the construction effects would be managed adequately by the Applicant.
134. Ms White considered that there would be some temporary adverse effects during construction in terms of nuisance, visual amenity, noise, construction traffic and potentially reduced access to the adjoining public spaces, but such was commonplace with any large construction project. It was her view that any adverse effects could be managed/minimised through conditions of consent so that at worst they would be only of a minor scale and temporary. She recommended conditions requiring a comprehensive Construction Management Plan (**CMP**) be provided for certification prior to works commencing and summarised the matters that should address.

135. I accept Ms White's opinion and summary in relation to this issue. I am satisfied that the temporary construction related effects of the development will be acceptable. There are few residential neighbours who will experience direct adverse effects related to construction, and any issues which arise can be appropriately addressed through the comprehensive CMP.

Heritage Effects

136. Given that this application involves alteration to a number of Group 1 and Group 2 listed heritage items, this was the focus of the evidence and submissions. It occupied a large part of the hearing time.

137. I have been greatly assisted by the input from submitters, heritage experts, planners, and Council, including those providing input into the s42A Report.

138. In addition to the assistance provided by the participants, and the comprehensive AEE, I have been provided with a number of heritage documents. I was provided with a full copy of the Canterbury Museum Building Conservation Plan adopted by the Canterbury Museum Trustees on 14 October 2019, and a draft Conservation Plan for the RMAG. This document was a draft Conservation Plan being a partly updated 2010 version that had not been fully reviewed or finalised. It was noted that it provided a guide in relation to the history and importance of the heritage buildings but that other information relating to the District Plan, Building Code, Council's earthquake-prone buildings policy and legislative requirements was out-of-date and should not be followed.

139. In undertaking this assessment, I have of course been guided by the relevant objectives and policies in the District Plan. I identify the key Heritage objectives and policies and record that they have informed this part of my assessment.

140. The relevant objective is Objective 9.3.2.1.1. This seeks, relevantly, that the overall contribution of historic heritage to the Christchurch district's character and identity is maintained through the protection and conservation of historic heritage across the district in a way that enables and supports ongoing retention, use and adaptive reuse; and the maintenance, repair, upgrade, restoration and reconstruction of historic heritage.

141. Policy 9.3.2.2.3 is to manage the effects of subdivision, use and development on heritage items, settings and areas scheduled, in a way that provides for the ongoing use and adaptive reuse of the 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 associated engineering and financial factors.

142. The policy recognises, subject to the above, the need for a flexible approach to heritage management with particular regard to enabling repairs, restoration and reconstruction in a

manner which is sensitive to the heritage value and protecting those with particular heritage values from inappropriate subdivision, use and development.

143. For completeness, Policy 9.3.2.2.5 is to provide for the ongoing use and adaptive reuse of heritage items and heritage settings, including repairs and maintenance, temporary activities, specified exemptions and upgrade work, signs and new buildings in heritage settings.

The Evidence

Areas of Agreement

144. There were a number of aspects of the proposal which Ms Ohs and Ms Lutz supported and where there was agreement between the heritage experts.

145. Ms White helpfully summarised those in the s42A Report at paragraphs [41]–[43]. I accept and adopt that summary. For ease of reference, I further summarise it as follows:

- Base isolation and basement. Both Ms Ohs and Ms Lutz supported the introduction of base isolation and considered that its introduction and creation of a new basement was acceptable, notwithstanding that it would permanently remove some remaining original foundation and floor fabric. It ensured the future resilience of the buildings, avoided further intervention in original walls and avoided the need for further above-ground building/additional height for storage.
- New buildings. The new buildings within the shared setting of the heritage listed parts of the complex maintained the heritage values of the scheduled items in terms of their form, scale and mass, materials and design. They were considered compatible with the heritage items and were not seen as dominating or obscuring the original form and fabric.
- In terms of the Mountfort buildings, it was agreed the Mountfort buildings should incur the least amount of change. The reconstruction of exterior elements which had been removed over time, particularly the original flèche and chimneys, aligned with the Canterbury Museum Building Conservation Plan and the International Council of Monuments and Sites New Zealand Charter 2010 (**ICOMOS**) principles, would improve the intactness of the Mountfort buildings and enable expression of the Mountfort's original design.
- Exposing the north facades of the 1870, 1872 and 1882 Mountfort buildings and the west façade of the 1870 Mountfort building, which was enabled by the demolition of adjacent non-scheduled buildings, will have a positive effect on heritage values of the Mountfort building.

- Alterations comprising new openings in the north wall of the 1877 building, partial roof removal of the 1882 building and a new connecting bridge, would enable the community to access the earliest museum buildings and engage with them in an interactive way. The openings would clearly read as a modern intervention which aligned with good heritage practice.
- Repairs and making good of uncovered heritage fabric was supported as was the removal of window tinting and blackouts on the Rolleston Avenue frontage to return the fenestration to its original appearance and function.
- Whilst the new glazed roof over the whole of the 1870, and part of the 1872 and 1882 Mountfort buildings would enclose the exterior fabric into the interior of the building, the heritage values would be maintained.
- In terms of the Centennial Wing, the new opening in the Rolleston Avenue façade and conversion of an existing window into a door, was accepted as necessary and appropriate and reflected the original architect's design for the elevation. Further it fitted appropriately with the architectural rhythm and maintained the continuity of the frontage.
- Retention of the gabled roof and north wall of the Centennial Wing retained heritage fabric beyond the extent of protection in the District Plan.

146. In terms of the RMAG:

- The base isolation, new basement, demolition and replacement of ancillary buildings, new openings at the rear of the gallery and a glazed link to the museum were supported.
- Noted there will be a loss of protected heritage fabric, including some of high significance within the basement and in the vicinity of the new opening but when balanced with uses and strengthening benefits and salvage and reinstatement of fabric of high significance, the work was considered acceptable (subject to conditions).
- Due to absence of some design detail for some of the works, conditions were recommended requiring later certification.

147. Having considered all of the evidence, and guided by the relevant objective and policies and the other relevant documents provided, I accept the expert witnesses expertise and that the areas of agreement are acceptable and appropriate. For completeness, I note they were supported by Ms Wykes. I acknowledge that some of the submitters raised concerns in relation to some of the matters agreed. I have considered those but accept the clear and thorough expert evidence in relation to those matters.

Areas of Disagreement

148. As identified earlier in this decision, the principal matters in contention in relation to the heritage aspects of the proposal related to the changes to the Roger Duff Wing façades and what was termed the “slice” at the southern end of the Centennial Wing façade.
149. Again, Ms White helpfully summarised the Applicant’s position and concerns of Ms Ohs and Ms Lutz. That summary appears in paragraphs [45]–[48] of the s42A Report. I consider that summary is accurate and I adopt it for the purposes of this decision.

Roger Duff Wing

150. Before addressing the evidence of the heritage experts, it is useful to consider the design considerations and the proposed solutions. Mr Watt of Athfield Architects, the project director and lead design architect on the redevelopment, identified the reasons for the alterations. Those included:
- The need for an upper floor extension to maximise space growth within the District Plan envelope;
 - Inclusion of seismic separation to the 1872 Mountfort Wing and improved legibility between the 1872 and 1977 building;
 - Improving the visual connectivity between the museum and the Botanic Gardens;
 - To address building fabric condition and provide enhanced long-term weather tightness and to ensure that the overall appearance of that corner of the museum was aesthetically appropriate as a long-term solution.
151. Mr Watt identified that the current façades of the 1977 building had undertaken change over time. He described them as visually busy. He identified the design challenge as how to appropriately incorporate the additional requirements and have a design outcome which was aesthetically resolved. The issue was the balance of retaining the heritage significance of the Roger Duff façade but providing a “great” long-term functional and aesthetic outcome.¹⁶
152. He discussed the condition known as “museum fatigue” which relates to the physical and mental tiredness and reduced level of attentiveness of visitors if visiting over an extended period. A museum arrangement which allows spaces where visitors can rest, relax, eat, drink and recharge improves the visitor experience and keeps them at the museum for a longer period to experience more.¹⁷ He identified this was the only feasible location for

¹⁶ Evidence of Trevor Watt dated 25 May 2021 at para [118]

¹⁷ Evidence of Trevor Watt dated 25 May 2021 at para [120]

locating a resting area with great external views and the importance of the increased glazing to the overall museum concept.¹⁸

153. Mr Watt advised that a number of options had been investigated, including the retention of the two existing eastern windows, however he considered that architecturally the composition of the façade is significantly better with those removed and replaced with either relocated existing panels or glazing. He considered that the overall elevational composition aligned with the modernist language and greater simplicity of the original Hendry façade and retained the contextual material linkage to the neo gothic Mountfort buildings.¹⁹
154. He advised that the design proposal had been reviewed by many interested groups, including the general public, architects, heritage architects, community groups and heritage groups. He noted the only contrary view was that from Ms Ohs and associated heritage peer review.
155. Mr Watt identified the importance of the Canterbury Museum Building Conservation Plan Policy 8.10.6 strategy 3 when reviewing the design options in relation to the junction with the 1872 building. He considered that as well as seismic joint integration, the additional glazing to the stairwell allowed the opportunity for a greater legibility of the form of the 1872 wing, and was also important in completion of the legibility of the Mountfort era edge.
156. Mr Gard'ner provided in-depth analysis of the Roger Duff Wing south and west façades and setting. He identified the heritage values of the façades. He noted that the exterior of the Roger Duff Wing had undergone the most substantial level of alteration over its life. These changes included:
- Removal of the planetarium and prominent dome;
 - Internal reordering to create a cafeteria;
 - Installation of new windows within the precast panels to the second floor level; and
 - Addition of staff facilities and the whale skeleton storage shed on the roof.²⁰
157. It was his view that as a result of those alterations the Roger Duff Wing had a lower level of authenticity (intactness) to its original form than the other listed heritage items. He noted that it was identified as being of lesser significance in the District Plan. It was his opinion that the Roger Duff Wing bears the least resemblance to the architect's original vision, either as built or as proposed, and that all of those factors had informed the decision to locate exhibits, visitor and staff facilities and back-of-house functions in this location by adapting the existing heritage fabric.²¹

¹⁸ Evidence of Trevor Watt dated 25 May 2021 at para [122]

¹⁹ Evidence of Trevor Watt dated 25 May 2021 at para [125]

²⁰ Evidence of James/Jim Gard'ner dated 25 May 2021 at para [88]

²¹ Evidence of James/Jim Gard'ner dated 25 May 2021 at para [89]

158. Mr Gard'ner addressed the heritage values of the south and west façades as articulated in the Statement of Significance. Again, for ease of reference, I record those here:

Historical and Social Significance as part of one of the oldest purpose-built museums in New Zealand and its long-standing association with museum director, Dr Roger Duff;

Cultural significance as part of the province of Canterbury's leading museum;

Architectural and Aesthetic Significance as a Modernist contextual addition to the nineteenth century Gothic Revival museum;

Technological and Craftsman Significance through illustrating 1970s construction techniques and their employment of Halswell stone and exposed aggregate panels as a means of referencing the materials of the nineteenth century buildings;

Contextual Significance as part of a group of Gothic Revival and Gothic Revival-inspired buildings; and

Archaeological Significance for its potential to provide evidence relating to past construction methods and materials and previous human activity on the site.

159. He noted that these were demonstrated in the extant fabric of the Roger Duff Wing through:

- The use, siting and location of the façades;
- The use of Modernist language including:
 - Massing and flat roofed form;
 - Use of projecting and recessing planes;
 - Repetitive precast cladding; and
 - Use of slender undecorated piloti;
- The cruciform reinforced concrete structural frame which includes memorialisation of Dr Duff in the incised lettering; and
- The contextual architectural devices employed by architect John Hendry including:
 - Vertical proportion of precast panels and fenestration;
 - Rhythm and module of the precast panels;
 - Use of Halswell stone rubble to the lower level; and
 - Use of Halswell stone as the exposed aggregate finish to the precast panels.²²

²² Evidence of James/Jim Gard'ner dated 25 May 2021 at para [91]

160. He disagreed with Ms Ohs' evidence that this was a distinctly Christchurch brutalist building. He considered that the wing's slender columns and thin-skin cladding suggested a late modern rather than brutalist design intent with subtle contextual references to the 19th century building rather than direct, and avoid the replication of any Gothic motifs or details which he considered was in contrast with the more recent Post-Modern architectural response such as Warren & Mahoney's extensions to Christ's College. Mr Gard'ner considered his analysis was supported by the Statement of Significance in relation to Architectural and Aesthetic Significance, which records that Hendry's design did not attempt to reproduce the Gothic detailing of Mountfort's work, but undertook a Modernist interpretation of the Gothic style through the form and rhythm of design together with the panels of Halswell stone set between concrete frames and concrete panels with a surface of Halswell stone aggregate to reference the materials of earlier building.²³
161. In his opinion, the proposed design recognised the late modern architecture with its projecting massing, slender piloti and repetitive façade elements that respond to the rhythm, materials, colours and texture of the 19th century fabric of the Mountfort-designed 1872 and 1877 buildings. He referenced the submission by Dr Ian and Dr Lynne Lochhead where they had identified (in section 2.1 of their submission dated 1 April 2021) that the wing had already undergone significant modification, that the redevelopment of the exterior of the wing harmonised with the modernist aesthetic of the original design, but also reintroduced a sense of order to the façades that had been lost as a result of incremental change over previous decades. They submitted that the reuse of original cladding materials helps to retain the character of this wing and to preserve its important commemorative function, while introducing the possibility of more effective use of interior spaces.²⁴
162. Mr Gard'ner undertook a detailed assessment of the works against the provisions of Rule 9.3.6.1. That assessment occupied some five and a half pages of Mr Gard'ner's written evidence and I will not repeat that here. I have carefully considered it.
163. Mr Gard'ner also carried out an assessment in his Table 4 as against the policies of the 2019 Conservation Plan. A further assessment in tabular form was carried out against the principles of the ICOMOS New Zealand Charter.
164. I have summarised Ms Ohs' principal evidence earlier in this decision. Again, Ms Ohs undertook a detailed and thorough assessment of the work and I have considered that fully. At the hearing, Ms Ohs helpfully focused on the areas of disagreement. Ms Ohs remained of the view that the works were not an acceptable heritage outcome that maintained the identified heritage values. She considered that the work, in addition to requiring the adaptation and loss of previously altered fabric, would also impact substantial areas of unaltered heritage fabric. She did not agree with Mr Gard'ner's opinion that the proposed

²³ Evidence of James/Jim Gard'ner dated 25 May 2021 at para [93]

²⁴ Evidence of James/Jim Gard'ner dated 25 May 2021 at para [96]

changes were consistent with the ICOMOS Charter 2010 Principle 5 – Respect for surviving evidence and knowledge, nor 6 – Minimum intervention.

165. While she acknowledged that some heritage fabric remains in-situ, key heritage fabric was removed, and salvaged heritage fabric was to be reinstated. This, along with the addition, create what, in her view, was essentially a new design. She considered that the new design results in the loss of heritage fabric and form which made the building architecturally significant as a modernist reinterpretation of the gothic style.
166. In terms of the changes that had previously been made to the Roger Duff Wing, Ms Ohs confirmed that she was aware of those when preparing her evidence, and that the changes had been in place for some time, including when the building was recently scheduled. Her opinion was that the Roger Duff Wing was not so altered that a complete reworking of it was justified.
167. This issue was also addressed in Ms Ohs' s42A Report. She identified there that because only discrete parts of the façade have been historically altered, the redesign of the whole south façade and the removal of the original fenestration, in her opinion, was not justified on grounds that it had already been significantly compromised.
168. Ms Ohs agreed that a greater degree of intervention of the significant (moderate integrity) Roger Duff Wing façade than the highly significant Mountfort buildings was in principle an appropriate heritage approach. However it was her view that although some change was anticipated, the proposed changes went beyond the scale of what is acceptable and anticipated by the Conservation Plan.
169. She considered the new design reflected the original pop-out form, but it would be lowered and fully glazed. She identified that the retention of the walls and stone cladding in-situ on the ground floor, apart from the bay which is removed to accommodate the glazed stairwell link/seismic gap, largely retained the original architectural intent of relating the lower floor of the 1970s building to the Mountfort buildings, but this intended continuity of stone was interrupted by the proposal.
170. Ms Ohs remained of the opinion that the multi-storied glazed section appeared to be a greater intervention than was necessary to provide the required seismic separation. She acknowledged the juncture between the gabled Mountfort building and the flat roofed Hendry (Roger Duff) building was not as well resolved as it would have been if they had all been built at the same time, but in conservation terms, this was an historical addition scheduled in its own right. She was therefore comfortable for it to remain as evidence of the changes to the museum complex over time and that she did not consider it detracted enough from the Mountfort building to warrant the level of change proposed.
171. She agreed that the proposed changes to the façade would retain the memorial function through the continued use of the name, although the reworking would reduce the

community's understanding of the building as a John Hendry design of 1977. She considered that even with the precast panels being reused, the design is a modern reinterpretation of the building which no longer includes any of the original fenestration.

172. Ms White and Mr Taylor both made helpful comments in relation to this issue during the hearing. Heritage New Zealand's submission in relation to the Roger Duff Wing changes focused on the design being undertaken in a manner to ensure that the significant historic heritage of the Mountfort buildings was not unnecessarily impacted.

Assessment

173. I have been assisted by considerable evidence in relation to this particular issue. I acknowledge the proposal will result in loss of heritage fabric and reasonably significant changes to the Roger Duff Wing. It may well have been possible for the Applicant to retain greater heritage integrity.
174. I agree with Ms Ohs that the loss of the two vertical windows on the first floor of the south elevation are a significant change. In my view, the contribution of those windows to the fenestration reference to the Mountfort buildings will largely be lost. I consider the glazing of the stairwell area provides some, albeit subtle, referencing to that fenestration. The glazing also increases the legibility and exposure of the western edge of the Mountfort building.
175. The reuse of materials assists in the overall appropriateness of the proposed changes as does the retention of a number of the features as discussed by Mr Gard'ner and Ms Ohs, including the pilotis which remain apparent.
176. The ground floor elevation largely remains intact, other than the changes made to glaze the stairwell and provide seismic separation from the Mountfort building.
177. Overall, in the context of a Plan which does not envisage or mandate a retention of heritage at all costs, and considering the positive effects including its use, the protection benefits through addressing some of the weathertightness and similar issues, and the retention and reuse of original materials, the changes are acceptable and are appropriate.

Centennial Wing Façade – 1958/1877 Building Junction

178. The area of disagreement related to the extent of the removal of the existing 1958 wing façade fabric to provide the separation to the 1877 Mountfort building and associated impacts on heritage significance and setting.
179. I note that there was a significant level of agreement between the various heritage experts in relation to the other works proposed on the 1958 wing eastern façade. As recorded above, the new openings in the north wall of the 1877 building, the partial roof removal of the 1882 building and the connecting bridge, were agreed as acceptable. Repairs and

making good of uncovered heritage fabric was supported as was the removal of the window tinting and blackouts on the Rolleston Avenue frontage, together with the new opening in the Rolleston Avenue façade and conversion of an existing window into a door.

180. I accept that level of agreement is reflective of appropriate heritage outcomes. I consider that those changes, overall, promote a better heritage outcome. A number of those changes appear to be more reflective of what was originally intended.
181. In terms of the 'slice' between the 1877 building and the Centennial Wing, there appeared to be a degree of uncertainty amongst some of the witnesses as to precisely what was proposed. A number of witnesses and parties clearly anticipated that the proposed gap/slice would be glazed.
182. The Applicant spent some time in clarifying what was actually proposed. I note Ms Ohs, in preparing her original report, had a proper understanding of what was proposed. She was aware at the time of the preparation of that report that it was not to be glazed, but that there was a single storey glazed link at the ground floor and a new structural glazed wall was proposed for the south wall of the Centennial Wing. Ms Lutz had understood it to be glazed, as had Ms White. They both confirmed that that misunderstanding did not impact on their opinions.
183. From a design perspective Mr Watt considered the slice would be indiscernible at most viewpoints and did not negatively interrupt the continuity of the street façade.
184. Mr Watt was also of the view that greater legibility of the Mountfort building was required.²⁵
185. Mr Gard'ner addressed this issue primarily in paragraphs [81]–[84] of his evidence of 25 May 2021. He considered that junction of the 1877 building and the Centennial Wing, despite reflecting the temporary approach of the day, to be visually awkward and to result in the truncation of the Halswell stone quatrefoil and central buttress. What he described as the "faithful historicism" of Miller, White and Dunn's design, diminished the reading of the building as a mid 20th century addition. It was his view that the separation of these forms with an open gap would enable the full extent of the northern wall of the highly significant 1877 building to be revealed, including stone dressing and remnants of the central buttress. This would enhance the building's legibility.²⁶
186. Mr Gard'ner was also of the opinion that in addition to introducing visual separation, the design response avoided the requirement for a sliding flashing-type seismic junction which would require further intervention to the north wall of the 1877 building. He advised that the loss of fabric required by the slot design solution is minimal (at 2.9m²) when compared to the extent of listed fabric of the east façade of the Centennial Wing (188m²). While noting Ms Ohs' opinion to the contrary, he remained of the view, which he considered to be

²⁵ Image 28 caption and para [108]

²⁶ Evidence of James/Jim Gard'ner dated 25 May 2021 at [83] and Summary of Evidence at para [45]

consistent with the policies of the 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.

187. Ms Ohs considered that the benefits of externally exposing the 1877 (Rolleston Avenue) north façade in the design proposed were less clear than those from exposing the north façade of the Mountfort buildings and the west façade of the 1870 Mountfort building from the demolition of adjacent non-scheduled buildings. She noted that the 1877 north façade was assessed as being of primary significance in the Conservation Plan but that the whole of the exposed wall would only be experienced from an acute angle. She acknowledged the concept plans indicated the upper levels of the wall would also be able to be viewed from the adjacent exhibition space or boardroom through a glazed wall. It was her opinion that the proposed external exposure of the north wall went beyond the Conservation Plan Policy 8.10.3 implementation strategy 5, which states *Internally, potential exists to further expose the north wall of the East Wing*. She would support the internal exposure of the 1877 north façade in a revised design which avoided the proposed removal of a slice of the Centennial Wing façade.
188. Ms Lutz in her peer review agreed with the three main points made by Ms Ohs and considered that structural separation could be achieved with less impact on heritage values and a more subtle approach. Given the 1877 façade can be partially seen from the interior there is no need to sacrifice original significant fabric to further reveal this, and the distinction between the 1877 and 1958 buildings had been achieved and required no further emphasis.

Assessment

189. I accept that there will be some interruption in the continuity of the frontage and there will be the loss of some heritage fabric. The gap/slice is larger than the 200mm seismic gap which is required, but overall, in my view, the amount of heritage fabric removed is very small, particularly when considering the total frontage of that façade. I agree with Ms White's view that the full visual impact/interruption of the size would mainly be limited to viewpoints more directly in front of it, and that it would not be readily perceived when viewed from more oblique angles. I conclude that the heritage benefits (and indeed other benefits) associated with the proposed slice/gap far outweigh the heritage costs in terms of loss of that fabric.
190. I have carefully considered all of the evidence in relation to this issue. I consider that the issues in relation to this aspect are not of the same complexity as those relating to the Roger Duff Wing.
191. I acknowledge Ms Ohs' opinion and her evidence that there was a more acceptable heritage solution which would provide the necessary seismic gap. Her view was that the

seismic wall joint show in Image 4, p20 of Mr Watt's evidence, was a more acceptable heritage solution to providing the necessary seismic gap than the 600mm slice proposed. She identified her reasoning in paragraph [19] of her summary. There may be some heritage benefits in Ms Ohs' suggestions, and I have considered that aspect carefully. Overall, however, I consider what the Applicant has proposed in this regard is acceptable and appropriate, subject of course to conditions.

Robert McDougall Art Gallery

'Use' of the RMAG

192. Mr Fowler framed this question as "is the proposed use of the RMAG a relevant matter?". He identified that three submitters, Mr Seay, the Christchurch Civic Trust and Annette Mauger, opposed the proposed use of the RMAG building as part of the Board's proposal for redevelopment of the museum. This was on the basis that the use of the RMAG was inconsistent with the provisions of the RMG Land Act.

193. In terms of the 'use' of the site, in my view that issue is not properly encapsulated in the question as posed. I did not understand Mr Fowler to be submitting that the proposed use of the RMAG building was irrelevant to my consideration of heritage effects. Indeed, Mr Fowler, when addressing the scope of my discretion to consider positive effects, submitted:

*Regarding the RMG building, the HSS records under "Cultural and Spiritual Significance" that "[t]he building is of high cultural significance **for its use** as Christchurch's public art gallery for 70 years ...".²⁷*

194. Mr Fowler went on to submit that emphasis highlights the important point that the use of these buildings is a significant heritage value that needs to be considered as part of the exercise of discretion under Rule 9.3.6.1.²⁸

195. In my view, the question is whether I am able to determine whether the proposed use is within or outside of s6(1) of the RMG Land Act.

196. Section 6(1) of the RMG Land Act provides:

Council to hold land as local purpose reserve

(1) The Council holds the land as a local purpose reserve under section 23 of the Reserves Act 1977 for the purpose of a public gallery for the display of art and decorative arts and crafts and ancillary activities.

197. For completeness, I record that s6(2) provides:

²⁷ Legal Submissions in Reply at para [29]

²⁸ Supra at para [30]

However, the purpose for which the land is held under subsection (1) must not be changed under the Reserves Act 1977.

198. I have considered the legal advice from Mr Carranceja²⁹ and his conclusions that:
- (a) Legislation other than the RMA need not be complied with for the purpose of a resource consent decision under s104 of the RMA. Other legislation (such as the RMG Land Act) is not a matter to be considered under s104 of the RMA;
 - (b) A resource consent granted under the RMA does not allow the holder to breach other legislation. Therefore the Board would not be relieved of its obligations under the RMG Land Act simply by the grant of the subject consent;
 - (c) Complying with the RMG Land Act is not a prerequisite for the Board obtaining consent under the RMA.
199. Mr Knight in essence concurred with Mr Carranceja's conclusions. He accepted that I could not make a decision relating to compliance with s6(1) but submitted that I was not precluded from *considering* it (his emphasis) and from including a condition that the Applicant must address s6(1) and ensure that any activities at the RMAG site and within its land titles comply.
200. Mr Knight submitted that I had no jurisdiction to alter the activity specified by s6(1) the RMG Land Act.

Assessment

201. I agree with Mr Carranceja's conclusions. Complying with the RMG Land Act is not a prerequisite for the Board obtaining consent under the RMA. This was accepted entirely by Mr Fowler and largely by Mr Knight. I agree that I need not, and indeed cannot, determine compliance or otherwise with the RMG Land Act. That is not a matter for me to consider under s104 of the RMA.
202. The Applicant appears to be well aware of s6(1) and the restrictions on its activities imposed by it. There was evidence, for example, that there was a clear demarcation in the basement between areas to be used for wider museum purposes and that for the RMAG. It has also entered into a lease with the Christchurch City Council which restricts the use in accordance with s6(1). I note that pursuant to s7(2) of the RMG Land Act, while Council may grant a lease or licence, it may exercise its powers to do so only for the purpose set out in s6(1).
203. In my view, the relevance of the RMG Land Act in relation to my decision-making is, if any, that it provides or could be described as a statutory backstop through the express limitations on use.

²⁹ Memorandum for Christchurch City Council dated 5 May 2021

Effects on the Robert McDougall Art Gallery

204. While there was a significant level of agreement between the heritage experts in relation to the proposed works on the RMAG, given its undisputed heritage significance, and the degree of works proposed, it is appropriate that I summarise the evidence of the heritage experts in that regard.
205. Mr Gard'ner addressed this primarily in paragraphs [120]–[124] of his evidence. He described the works to be undertaken as being primarily focused on upgrades required to reinstate the building's historic function as a gallery for the display of artworks. He described this as a 'light touch' which was consistent with the heritage listed interior spaces identified in the schedule of interior heritage fabric. He noted the RMAG was treated as a separate heritage place given its separate history, function and form.³⁰
206. The works to be undertaken were summarised by Mr Watt and by Mr Wright. Mr Wright advised that the integration and connection of the RMAG with the museum complex was part of the redevelopment project. He noted that the building was deficient in some practical aspects and the redevelopment would address improving the visitor facilities and similar, either within or immediately adjacent to the building. It was the Applicant's goal that the RMAG building would be returned, as far as practicable, to the original form and design. Mr Wright noted that there had been various additions and alterations, some of which would be removed as part of the uncovering of original heritage fabric.
207. The improvement works included earthquake strengthening by a combination of structural strengthening and base isolation, building services upgrade, linkage to the museum complex at both the basement and exhibition levels, improvement of visitor facilities and repair of heritage fabric. Mr Wright advised that all alterations would be undertaken with reference to the RMAG Building Conservation Plan and with particular attention to retention and enhancement of the original heritage elements.
208. Mr Gard'ner confirmed that the alterations to the exterior would be limited to the creation of a new opening in the east wall on the building's east/west access which would provide a physical connection for the public from Canterbury Museum and would also provide a universal access.³¹ He advised that the section of wall to be removed had been obscured by a workshop structure which was added in 1962, and its removal would have no significant impact on the significance of the heritage item.³² He advised that the impacts to the ground floor room G11 were limited to removal of the small section (2.7m x 3.3m high) of the plastered masonry wall, timber skirting and dado rail. The heritage brick would be recovered and stored for reuse. He considered that the impact on the scheduled interiors to be minor, and that all internal spaces identified as scheduled interior heritage fabric would remain legible.

³⁰ At para [120]

³¹ At para [122]

³² Summary of Evidence at para [66]

209. In terms of the removal of the Canaday Wing, Mr Gard'ner described this as a modest single storey addition occupying interstitial space between the gallery and the southern boundary of Christ's College. He noted that it was identified as being of some significance in the 2013 Conservation Plan, but that its removal would have no adverse effect on the presentation or legibility of architect Edward Armstrong's neo-classical design of the gallery itself. He considered that the proposed replacement building, which would provide visitor and back-of-house facilities, would be an equally restrained curtain-glazed building.³³
210. Mr Gard'ner provided an outline description of the RMAG and its history. He advised that it was listed as being highly significant (Group 1). It was identified as having historical and social, cultural, architectural and aesthetic, technological and craftsmanship, contextual and archaeological and scientific significance to Christchurch. Unlike the remainder of the Canterbury Museum buildings, the listing of the gallery includes scheduled interiors which are set out in the Register of Interior Heritage Fabric for Heritage Item 475. The RMAG is identified by Heritage New Zealand as Category 1 Historic Places.
211. He summarised the works to be undertaken, including the demolition of the basement, which he noted generally comprised fabric identified as non-contributory of some significance. He advised that the northeast stairs (moderate significance) and the main stairs to the basement (high significance) would be retained and/or reconstructed. He noted that the 1961 loading dock extension and night entrance was to be demolished. He considered this to be intrusive. The 1962 workshop was non-contributory but noted that the tapestry brick wall (high significance) of the original east elevation of the gallery is substantially retained. In terms of the 1973 Canaday Wing, he noted that was of some significance.
212. Ms Ohs provided the heritage assessment/statement of significance for the RMAG and setting, including the scheduled interior heritage fabric. The heritage statement of significance identifies historical and social significance as the city's former public art gallery and its association with Robert McDougall, a prominent Christchurch businessman and philanthropist who donated the \$25,000 to fund the gallery's construction. It noted its association with the Canterbury Society of Art and the association with Samuel Hurst Seager. It is identified as being of high cultural significance for its use as Christchurch's public art gallery for 70 years, and that its ties to the cultural community extend beyond Christchurch to national and international circles.
213. It is identified as having high architectural and aesthetic significance for its design by architect Edward Armstrong and as an example of interwar neo-classicism. The statement of significance records the ground-breaking natural lighting system which remains in-situ although covered. This was designed by Samuel Hurst Seager. Again, in terms of technology and craftsmanship significance, it is identified as being of high technological and craftsmanship significance for its construction detail and use of materials. Its

³³ At para [121]

contextual significance is noted in terms of its setting in the Botanic Gardens and the wider contextual significance in relation to other Christchurch art galleries.

214. Ms Wykes identified an area of concern with the level of detail in relation to the connections with the RMAG. She ultimately confirmed that with the conditions recommended in the s42A Report, the concerns were alleviated.
215. A number of submitters commented on the works proposed in relation to the RMAG. Historic Places Canterbury's submission was fully supportive of the strengthening of the gallery, noting that the *important heritage building has been out of public use for too long and incorporation into the museum including base isolation as part of the whole scheme, provides an opportunity for the building to once again become a much loved exhibition space*. It fully endorsed the plans to keep the existing exhibition spaces intact, and that the importance of the RMAG would be enhanced by the opportunities for viewing its distinctive roofscape from the museum building. It saw the removal of building services from the roof as a further advantage and another positive aspect of the planned base isolation as it allows for services to be placed underground.
216. Mr Seay's primary focus and concern related to future use of the gallery. He considered that the future use aspect had been ignored by the heritage experts despite the ICOMOS Charter specifically including future use of a heritage building as being essential to the preservation of the cultural heritage.³⁴ He acknowledged that a ruling on the gallery's future use was something which was not within my jurisdiction but considered that its future preservation is not only about the proposed physical changes to the gallery itself, but also its functional cultural heritage as a building which involves its future use. Mr Seay was also concerned about the storage of museum collections in the basement area. He opposed the removal of heritage fabric within the basement.
217. Submissions of Annette Mauger and the Christchurch Civic Trust all opposed the use of the RMAG, including the new buildings and basement areas within the RMAG site boundary, for use other than display of art.

Assessment

218. As recorded earlier in this decision, there were a number of areas of agreement between the heritage experts in terms of the RMAG. These are summarised in paragraph 146 of this decision and I do not repeat them here.
219. The RMAG is much valued and its significance and importance was recognised in all of the relevant evidence before me. Mr Gardner provided an outline description of the RMAG and its history. He advised that it was listed as being highly significant (Group 1). It was identified as having historical and social, cultural, architectural and aesthetic, technological and craftsmanship, contextual and archaeological and scientific significance to

³⁴ Submitter's Additional Brief of Evidence at para [4]

Christchurch. Unlike the remainder of the Canterbury Museum buildings, the listing of the gallery includes scheduled interiors which are set out in the Register of Interior Heritage Fabric for Heritage Item 475. The RMAG is identified by Heritage New Zealand as Category 1 Historic Places.

220. The RMAG is much valued and its significance and importance was recognised in all of the relevant evidence before me. Unfortunately, it has sat unused for public purposes for many years. From my site visit, there was obvious evidence of decay although it appeared to have come through a considerable period of unuse and the Christchurch earthquake sequence in remarkably good shape.
221. In terms of the works proposed, undoubtedly there will be some impact on heritage fabric, particularly in terms of the interior heritage fabric.
222. However, the key heritage items are to be preserved and/or reused. Overall, I find that the adverse effects on the heritage values of the RMAG are appropriate and acceptable. In my view, the changes proposed, including the demolition of the later additions, will enhance the heritage values of the RMAG, and the public's appreciation of those. A significant benefit is that this important building will once again be accessible to the public enabling a wider appreciation of what is, in my view, a remarkable building of very high heritage value. I consider the Applicant's "light touch" is respectful of the heritage values, and appropriate.

Other Effects

223. Concern was raised with the water feature along the north façade of the Mountfort building. These were whether it would actually work and whether it had adverse effects on the heritage fabric and values. The wai is a matter of some considerable importance and forms part of the cultural narrative. I consider it is appropriate. If there are any effects which arise in terms of building related issues, they can be addressed.

Positive Effects

224. One of the issues I raised with Mr Fowler was the extent that I could take into account positive effects if I were to find that this proposal was a restricted discretionary activity.
225. Mr Fowler addressed this in some detail in his reply submissions. Mr Fowler identified what he considered to be the particularly relevant criteria from Rule 9.3.6.1 and emphasised the "ongoing and viable uses" consistent with "maintaining the heritage values", whether the proposal will "enhance heritage values", any positive effects on heritage fabric, fabric, form or values and whether the site has cultural or spiritual significance to tangata whenua and the outcome of any consultation undertaken with Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga.

226. He further summarised Ms Wykes' summary of the positive features as:³⁵

- (a) Secure storage of the Museum's collection;
- (b) Improvements to protected heritage buildings;
- (c) Reactivation of the RMAG building as a public art gallery; and
- (d) Immeasurable improvement to visitor experience.

227. Mr Fowler added to those positive features the following:³⁶

The increased recognition of a cultural narrative within the built form of the Museum and with respect to exhibitions and the storytelling function of the Museum.

228. I had a useful discussion with Mr Taylor in relation to this issue. He reminded me that the discretion was not restricted to heritage matters only, and given the other rules, such as the Open Space provisions. In his opinion, they enabled a consideration of other matters, including other positive effects. He advised that the objectives and policies needed to be considered in determining what justifies the effects on the heritage features. In light of the relevant objectives and policies, he was of the view that the building upgrades were recognised, and the cultural and social benefits of that were within the discretion. He considered that the cultural benefits were within, but that the wider economic benefits "probably" strayed outside the matters of discretion.

229. Ms Ohs, in discussion, confirmed her opinion that the whole project has "huge" heritage benefits. She, properly, identified heritage benefits from the works that she had difficulties with, and in particular, the "slice". She identified that on the tangata whenua evidence there would be benefit, including the water and the connection to the sky. She identified benefits to the Mountfort buildings in not having to intervene in the façades to create the necessary seismic gap.

230. Ms White, in her summary evidence, and in discussions, reiterated what she saw as the significant positive effects. These were associated with seismic and building upgrades; the revealing of heritage fabric; reconstruction of heritage features; removal of intrusive fabric; intactness of the highly significant Group 1 item; the continued and enhanced reuse that the proposal will enable, and the improved engagement of buildings with the surrounding public spaces.

231. Overall, I accept that there are significant positive effects. Given that I have found that this is a restricted discretionary activity, I consider the discretion is reasonably wide. In my view, all of the positive effects directly related to the museum are within my discretion. I do not consider wider economic benefits to Christchurch within it.

³⁵ Reply Submissions at para [33]

³⁶ Reply Submissions at para [34]

232. One of the positive effects which requires some further discussion relates to that identified by Mr Fowler, being the increased recognition of a cultural narrative within the built form of the museum and with respect to exhibitions and the storytelling function of the museum.
233. Mr Wright identified the long relationship with Ngāi Tūāhuriri and advised that they had worked closely together to ensure the redevelopment occurred in a genuine partnership with tangata whenua, rūnanga and iwi.
234. The cultural narrative which they have gifted to the museum, on Mr Wright's evidence, weaves together with the cultural values, traditions and history of Ngāi Tūāhuriri. It recognises the rights and guarantees provided under the Treaty of Waitangi and respects the mana of local hapū, iwi and all peoples now resident in this land. The redevelopment provided an opportunity to Ngāi Tūāhuriri to lead, inform and help design the representation of past and current Māori culture and stories on display in partnership with the museum staff.³⁷
235. Ms Puamiria Parata-Goodall, a descendent of Ngāi Tahu, Ngāti Māmoe, Waitaha and Ngāti Kahungunu, provided evidence. Ms Parata-Goodall is a current Board member of the Canterbury Museum (amongst various other appointments). She has the qualifications of Bachelor of Arts (Māori), University of Canterbury and Bachelor of Māori Performing Arts, Te Whare Wānanga o Te Awanuiarangi. She has over 30 years experience in the arts, culture and heritage arena. She confirmed that she had read the Code of Conduct and that she agreed to comply with it and, very properly, identified her membership of the Board.
236. She advised that the museum's approach is embedded in the thinking outlined in the Cultural Narrative (which was provided) and the five values of whakapapa (identity), mana motuhake (independence), manaakitanga (hospitality), mahinga kai (resources) and ture wairua (spirituality, religion and faith) that the narrative identifies as important to the museum's redevelopment.
237. She considered that the values had been skilfully woven into the spatial design, and advised that redevelopment of the museum had the full support of Ōhākī o Ngā Tipuna, which is the Māori advisory group comprised of representatives of Ngāi Tahu and Ngā Maata Waka. She summarised the wānanga (consultation workshops) with representatives and outlined the Papatipu Rūnanga who had been consulted. She advised that the various wānanga had resulted in the development of a space within the museum named Araiteuru which was the heart of the plan, and offered the opportunity for Ngāi Tūāhuriri and Ngāi Tahu to re-establish themselves in their own takiwā and to rebalance key elements of the history in the city through collaborative displays and stories. She advised that whakapapa is a key component told in the patterning and design work, in the materials, the spatial layout and the relationship of functions within the facility, and that the opportunity to re-erect the whare tipuna Hau Te Ana Nui o Tangaroa, create Te Whare a

³⁷ Evidence of Anthony Wright dated 25 May 2021 at paras [85]–[87]

Tahu and ensure an appropriate ceremonial space and meeting space in the heart of the museum, was significant for mana whenua and iwi Māori.

238. In terms of some of the other specific matters, Ms Parata-Goodall identified the inclusion of pounamu in close proximity to the main entrance and on the marae ātea in front of the two whare, signalled a respectful acknowledgement of the whakamanuhiri process. The story of identity was recognised in the spatial design with the location of the taonga Māori galleries at the heart of the museum.
239. She advised that the placement of the water to the left of the main entrance supported and endorsed iwi's understanding of tapu and noa, and the spiritual and physical cleansing properties of wai. She identified the importance of the reference to puna (springs), noting that Waipapa, one of the main puna, was located in the vicinity of the museum. They are a source of sustenance for the whenua and the people. It was important that these were respected and cared for.
240. Ms Parata-Goodall's evidence is perhaps encapsulated in her paragraph [44] which I repeat:

The redevelopment is an opportunity to rebalance the history of Canterbury and provide all manuhiri with an opportunity to connect and engage with the whenua, the people and their stories. The design provides layers of interpretation that speak to elements of importance for mana whenua. It is an authentic bicultural approach based on the kawa (ritual) and tikanga of mana whenua *Mō tātou a mō kā uri a muri ake nei (for us and our children after us)*.

241. The evidence of the Potae whanau and our discussions, clearly illustrated their support, and explained the relationship between Ngāti Porou and Ngāi Tahu. Again, that evidence illustrated a full consultation process. They considered the whare taonga demonstrates how Māori and non-Māori have collaborated successfully since 1870 and worked alongside each other to preserve heritage. They were strongly supportive of the whare taonga becoming a living marae within the redeveloped museum. They too believed its living spirit will inform, inspire and bring people together for generations to come.
242. On the clear evidence before me, the cultural values, and incorporation of mana whenua values as a central part of the design process, is a significant positive effect.

Overall Assessment of Effects

243. Having considered all of the evidence, I acknowledge that there will be some adverse effects on heritage values. These relate to, in particular, the Roger Duff Wing. Those charges are, in my view, at least minor. In terms of the Centennial Wing façades, I consider the effects will be less than minor and appropriate. The newly constructed buildings will, on the basis of the evidence provided and the application documents, have less than minor adverse effects and are appropriate.

244. Overall, it is my view that the effects are appropriate in the context of the museum and RMAG as a whole. There are significant positive effects arising from the seismic and building upgrades. The revealing of heritage fabric, reconstruction of heritage features and removal of intrusive fabric are again significantly positive.
245. The overall proposal will, in my view, significantly enhance the use of the museum and RMAG complex in a thorough and well-considered manner. The cultural narrative, and its essential role in informing the redevelopment, will in my view result in significant positive cultural/tangata whenua effects.

Objectives, Policies and Other Provisions of the Plan or Proposed Plan (s104)(1)(b))

246. Before discussing the relevant objectives and policies of the District Plan, I asked Mr Fowler to address the relevance of objectives and policies if I were to find that this was a restricted discretionary activity. The matters of discretion do not expressly refer to the objectives and policies of the District Plan.
247. Mr Fowler properly identified the Environment Court's decision in *Edens* where the Court stated:³⁸

It might be argued that the listing of matters to which discretion has been restricted and the assessment criteria applicable to such matters provides all the guidance needed to make an assessment of an application for a restricted discretionary activity. Even if those provisions were drafted sufficiently well to achieve that standard, that cannot remove the requirement for proper consideration of relevant objectives and policies: the objectives are part of the plan as the most appropriate way to achieve the purpose of the RMA and the policies are the most appropriate way to achieve the objectives. **There can be no proper understanding of the matters of discretion and associated assessment criteria in a plan unless there is an understanding of the plan's objectives and policies in relation to those matters.** (Counsel's emphasis)

248. Mr Fowler's submissions confirmed my understanding of the law. Assessing effects, and particularly in this case heritage effects, cannot be undertaken in a vacuum.
249. I have touched on some of the key policies in my discussion of effects. Ms White provided a full copy of the relevant objectives and policies as Appendix 2 to her s42A Report.
250. The Heritage objectives and policies are obviously of key relevance.
251. I have addressed Objective 9.3.2.1.1, together with Policy 9.3.2.2.3 and 9.3.2.2.5, earlier in this decision.
252. Ms White provided a helpful assessment in paragraph [90] of her s42A Report. I agree that the proposal is consistent with the objective. It enables the ongoing retention and reuse of

³⁸ *Edens v Thames-Coromandel District Council* [2020] NZEnvC 13 at [119] and [120]

the heritage buildings on the site. It provides for maintenance, repair, upgrade, restoration and appropriate reconstruction.

253. Ms White considered that a. ii. (condition of buildings) seemed to allow for recognition of the condition of the building generally. I agree. In my view, that is clear. That recognises the condition of buildings, and in my view the use of the *particularly* indicates that that is not intended to be exclusive.
254. Ms White and a number of witnesses identified the museum complex, including the RMAG, is in poor condition. I agree with Ms White that the work involved in making the complex “fit for the future” unavoidably involves some impact on heritage fabric and values. Again as identified by Ms White and addressed previously in my assessment of positive effects, there are significant positive heritage effects associated with the seismic upgrade, repair, revealing of heritage fabric, reconstruction of heritage features, intactness in the highly significant Group 1 items, and ongoing reuse of the proposal. In my view, this proposal is entirely consistent with that objective.
255. I agree with Ms White’s analysis of Policy 9.3.2.2.3 – Management of scheduled historic heritage, as addressed in her paragraph [91]. I adopt her assessment for the purposes of this decision.
256. Policy 9.3.2.2.5 addresses ongoing use of heritage items and heritage settings. In my view, the proposal is entirely consistent with that policy as it directly provides for ongoing use and reuse of the museum and RMAG heritage items. Ms White, given her conclusion that the works on the Roger Duff Wing façade were not driven by the need to remediate earthquake damage, considered the works to be contrary to that policy.
257. Given my findings in relation to the alteration/demolition issue, Policy 9.3.2.2.8 is not, in my view, directly relevant. Even if I am wrong in that, I consider that the proposal in relation to the Roger Duff Wing could be said to be inconsistent with that policy, but not contrary to it. The nature of that policy is to inform the decision-making on the appropriateness or otherwise of demolition. It does not direct preservation.
258. In terms of the Open Space objectives and policies, these are identified and assessed in Ms White’s paragraph [94] of her s42A Report. I agree with her analysis and adopt it. For completeness, Mr Taylor addressed relevant objectives and policies throughout his evidence, and there appeared to be little if any disagreement with Ms White’s assessment.
259. Before leaving the Heritage objectives and policies, one of the points I discussed with the relevant witnesses was the wording of Policy 9.3.2.2.3 b. i. where it provides:

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.

260. Those discussions confirmed my view that the wording “potentially capable” indicate that a careful consideration is required. I agree that there is a hierarchy of significance. That is common practice. That is clear in the distinction between highly significant and significant. In my view, that simply recognises, subject to assessment, that the Group 2 buildings may (my emphasis) be capable of greater change.

Other Relevant Matters

261. Ms White identified the provisions of s60(2) of the Greater Christchurch Regeneration Act 2016 which requires decisions and recommendations on resource consent applications are not inconsistent with the Recovery Plans and regeneration plans. Ms White identified the Christchurch Central Recovery Plan as relevant, as it recognises that existing cultural and built heritage will continue to define the identity of Central Christchurch and provide a point of difference for visitors and residents alike. This addresses the Canterbury Museum in particular, and its contribution to the recovery of the Central City. I agree with Ms White’s conclusion that granting consent to this application directly supports the recovery plan as it will ensure that the museum and the RMAG will continue to contribute to the city’s identity; will result in recovery of the RMAG from earthquake effects; and increase the resilience of the entire complex against future events.

Precedent Effect/Plan Integrity

262. The question of precedent was raised by the submitter Mr Rawstron. He submitted in support of the proposal but identified a concern with the folding gables over the new building. He noted that as drawn, the gable tops exceed the maximum height restriction on the building by up to 1 metre. He acknowledged “a couple of pre-existing extensions above this height that were in place before the restriction was put in place”. He was concerned that “should one ignore those rules” a precedent would be set. He was concerned that the precedent would be used by other developers/restorers of other Christchurch buildings and that allowing a clear breach in the rules opened the door for the challenge of other rules in other parts of the city.

263. A number of the witnesses stated that precedent was not relevant on a restricted discretionary activity application. I asked that Mr Fowler address that point in his written reply. He did so. He properly identified that the question arose in the context of both the proposed height exceedance and the effects of the redevelopment on the Roger Duff Wing. Mr Fowler submitted that precedent issues are generally considered to be irrelevant when deciding a restricted discretionary application but there is an exception where the restricted matters of discretion give rise to the consideration of precedent issues. Mr Fowler identified *Campbell v Napier CC* and *Kirton v Napier City Council* [2013] NZ EnvC 66 at [77].

264. Precedent is not a matter which I am concerned with on this proposal. It is simply not a matter which could properly be said to arise in this context. For completeness I note that,

additionally, Ms White identified a number of unusual characteristics of the site and the proposal which set it aside from the generality of the cases.

Is the Proposed Basement Storage of the Museum Collection a Relevant Matter?

265. The Christchurch Civic Trust and Mr Seay raised concerns about the proposed underground storage of the museum's collection and the risk of inundation and damage to the collection.

266. Mr Fowler identified, in his opening legal submissions, an issue arising from the submissions regarding potential adverse effects on the museum collection. The issue was whether such effects could lawfully be considered in the context of the Board's resource consent application. He identified the matters that I may consider under s104 of the RMA identifying these (relevantly) as:

- (a) Part 2 RMA matters (s104(1));
- (b) Actual and potential effects on the environment of allowing the activity (s104(1)(a));
and
- (c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application (s104(1)(c)).³⁹

267. While 'any other matter' may seem broad on its face, he submitted that I was constrained to matters which were regulated by the RMA. Mr Fowler then addressed the relevant Part 2 matters before concluding that any potential adverse effects on the museum's collections stored in the proposed basement (or elsewhere) were out of scope of the matters that can be considered within the Board's consent application.⁴⁰

268. The Christchurch Civic Trust identified the responsibility of the museum to protect its collection and raised questions as to the certainty against water inundation. The submission further raised the question of certainty for their protection in the event of another major earthquake with liquefaction/severe vibration, not to mention potential water intrusion over time. The Trust did not support the development of a basement for the storage of items in the museum's collection and submitted that it was time for the museum to further investigate alternative storage locations – above ground.

269. In evidence, they advised that in briefings with the museum's expert advisers they had seen this matter of risk addressed quite comprehensively through essentially having boxes within boxes and flexible membrane treatment plus concrete of a type that incorporates self-sealing of cracks. Mr Seay expressed similar concerns as the Trust.

³⁹ Legal Submissions at para [73]

⁴⁰ Supra at para [80]

270. Mr Wright, while noting the belief that the matters were outside of the resource consent application parameters, traversed discussions held with Mr Seay and the Civic Trust and also identified that the Board and its management team are cognisant and very aware of the obligations they have in relation to the requirements of the museum's Empowering Act regarding the need to preserve and maintain the museum's collection in good order.
271. Mr Watt discussed the international standard for basement construction and that this would inform the design process going forward. He summarised the design of the basement as being a box within a box concept, with built-in redundancy in the system. He advised that there would be primary protective walls and floor, as well secondary walls and floors which are raised and separated from the primary elements. The space between would have additional protection from water ingress and pumps connected to an uninterrupted power supply.
272. He advised that structurally the primary walls are designed to the highest level of seismic resilience, and even if there was a crack, the likely result would be moisture seepage and the secondary protective enclosure would still remain dry.
273. He confirmed that the museum had also investigated the risk of flooding and sea level change. He noted the Christchurch City Council undertake flood modelling, particularly in relation to a 1 in 50 and 1 in 200 year events, and that the Christchurch District Plan reflects the modelling. He advised that the museum and the RMAG are not within the flood management area so the flooding risk is lower even with climate change modelling included, and the detailing of the construction will take overland and surface water protection into consideration.
274. To the degree that I am able to consider this issue, and I consider it is of at best peripheral relevance, I am satisfied on the evidence of Mr Watt, in particular, that the issue has been properly considered. The high levels of redundancy incorporated into the final design make it clear, in my view, that any risk is minimal and extremely unlikely to be catastrophic. I am comfortable that any issues can be resolved through the building consent process.

Other Relevant Non-Statutory Documents

275. The ICOMOS charter and conservation plans for both the museum and the RMAG were discussed by a number of witnesses. They have informed my decision-making.
276. The Canterbury Museum Conservation Plan was adopted by the Board on 14 October 2019. This provides guidance for the ongoing and future conservation and management of the museum buildings and future development.
277. There were a series of principles that underpinned the conservation policies. Those principles are recorded at page 101 of the plan. The plan incorporates a number of policies and strategies to implement the various policies

278. Policy 8.8.1 addresses new development. It provides:

New additions should be located outside the areas of primary significance and should maintain key views to the fabric of primary and secondary significance and their setting.

279. There are a number of strategies to implement that policy. Mr Fowler identified the most important of those as being:

1. Elements of 'primary significance' must be retained, although limited alteration or modification may be permissible if there is no reasonable alternative.
2. Elements of 'secondary significance' should generally be retained, although alteration or modification could also be considered.
3. Elements that are of 'little or no significance' may be able to be removed as long as this does not adversely affect fabric of 'primary' or 'secondary' significance.⁴¹

280. Mr Fowler also submitted that it was apparent from even a cursory read of that plan that it adopted a cascade approach to management of heritage values by seeking to locate new development in areas that can accommodate change, allowing for some alteration or modification of secondary significance buildings, and requiring retention of buildings of primary significance.⁴² I agree with that submission, noting my discussion earlier that alteration and modification of secondary significance buildings will require assessment.

Part 2

281. Ms White addressed the purpose and principles of the RMA as provided in Part 2. She identified that the use, development and protection of resources is to be sustainably managed in a way that enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety, while avoiding, remedying or mitigating any adverse effects of activities on the environment.

282. Ms White considered that the recently reviewed Christchurch District Plan was prepared pursuant to higher order planning documents, and through its preparation and the process of becoming operative, had been assessed against the matters contained within Part 2. Overall, she considered the District Plan to be the mechanism by which the purpose and principles of the Act are given effect to. She considered it was competently prepared via an independent hearing and decision-making process, in a manner that appropriately reflected the provisions of Part 2. No further assessment was therefore considered necessary.

283. The AEE, in accordance with Schedule 4 of the RMA, provided an assessment of the activity against the matters in Part 2 of the Act. That assessment noted that purpose in s5

⁴¹ Legal Submissions on behalf of the Canterbury Museum Trust Board at para [30]

⁴² Supra at para [32]

and identified s6(f) of the RMA which addresses the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance. The AEE went on to state that the protection is provided for under the provisions of the District Plan which identifies specific heritage items on the application site. It noted the District Plan provides regulatory controls which: enables and supports the ongoing retention, use and adaptive reuse; and the maintenance, repair, upgrade, restoration, and reconstruction of the identified heritage items.

284. I consider that the District Plan does largely provide a coherent and fulsome set of objectives and policies which are aimed at the appropriate matters. In light of that, I do not consider I need to expressly refer to Part 2 further, other than through the application of the objectives and policies of the District Plan.
285. For the sake of completeness, s6(f) is relevant and I am satisfied that the application appropriately recognises and provides for that matter.
286. I also consider s6(e) – the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, is, on the evidence, potentially relevant. That relationship is properly recognised and provided for by this application.
287. Overall, in terms of the sustainable management purpose of the RMA, I consider the application is consistent with promoting that purpose.

Section 108 Conditions

288. There was significant agreement between Mr Taylor and Ms White in relation to the appropriate conditions.
289. Ms White attached a comprehensive set of conditions to her s42A Report. In her evidence summary, Ms White attached an amended set. This was to address a request from Heritage New Zealand in relation to changes to condition 15.c.iii – to change “intrusion of heritage fabric” to “intrusion into heritage fabric”. She also accepted Mr Taylor’s requested changes to conditions 7 and 15, apart from the requested replacement of the word ‘scheduled’ with ‘listed’. Ms White noted that the current District Plan uses the term ‘scheduled’ and she considered it appropriate that the conditions use the term ‘scheduled’. She accepted the remainder of his requested changes.
290. Ms White also accepted some additional conditions that Ms Ohs had recommended in her summary of evidence in relation to details of the location, materials and appearance of the sliding/removable paver with compressible seals related to the base isolation; the finishing of the ‘sliced’ Centennial Wing such that it was done in a way that is identifiably new as far as practicable; and that the finishing details of the slate roof be provided for certification.
291. Ms White’s amended consent conditions were also attached to Mr Fowler’s submissions in reply. He confirmed they were supported by the Applicant.

292. I have considered the proposed conditions carefully, as noted, it is a comprehensive set. Ms White addressed, and where appropriate, incorporated, a number, but not all, of his requested changes.
293. I was initially concerned in relation to the number of certification based conditions. My concern related to condition 15 in particular. Mr Fowler addressed this concern in his submissions in reply. He attached Appendix B – Christchurch District Plan Appendix 9.3.7.5 Heritage Works Plan.
294. Mr Taylor advised that the certification consent conditions are well understood by professionals and have been applied without undue difficulty on other heritage projects within the city. Ms White and Ms Ohs confirmed that. I am satisfied that the amended conditions are sufficiently certain and appropriate.
295. Mr Knight and Mr Seay, in particular, raised the possibility of a condition, or an advice note, in relation to compliance with s6(1) of the RMG Land Act. I have considered that. I do not think a condition is necessary or appropriate. As I have noted earlier, the evidence indicates the Applicant is clear in relation to the limitations imposed by s6(1). For completeness, an Advice Note recording this is appropriate.

Conclusion

296. Overall, having considered all of the relevant statutory matters, the evidence, the submissions and the proposed conditions, I am satisfied that granting this consent accords with the relevant objectives and policies of the Christchurch District Plan and promotes the purpose of the Act.

Decision

297. Application RMA/2020/2852 for comprehensive redevelopment of the Canterbury Museum and the Robert McDougall Art Gallery is **GRANTED** pursuant to ss104, 104C, 108 and 108AA of the Resource Management Act 1991 subject to the conditions attached and marked Annexure A.



David Caldwell

Independent Hearing Commissioner

Dated: 26 July 2021

CONDITIONS OF CONSENT

1. Except where varied by the conditions of this consent the development shall proceed in accordance with the information and plans submitted with the application, including the further information and plans submitted on 15th February 2021. The approved plans include the following plan pages in the Concept Design Report prepared by Athfield Architects Ltd dated 25th November 2020:

83-109

138-148

163-166

171-180

And the following plan pages in the RFI response dated 15 February 2021:

4-10

12-13

15-21

General

2. The consent holder, and all persons exercising this resource consent, shall ensure that all personnel undertaking works in connection with this consent are made aware of the consent conditions, Heritage Temporary Protection Plan (TPP), Construction Management Plan (CMP) and the approved consent plans during the induction process and for the duration of the works. A copy of these documents shall remain on site at all times.
3. At least 10 working days prior to the commencement of works associated with this resource consent, the consent holder shall notify by email the Heritage Team Leader, Christchurch City Council (or nominee) of the commencement of works, to ensure that those conditions of consent that require prior agreement are certified in writing.

Temporary Protection Plan (TPP)

4. At least 10 working days prior to the commencement of works associated with this resource consent, the consent holders Conservation Architect or Heritage Professional (as defined in the Christchurch District Plan) shall prepare and submit by email for certification to the Heritage Team Leader, Christchurch City Council (or nominee), a Temporary Protection Plan (TPP). See advice note below.
5. Prior to commencement of works associated with this resource consent, the consent holder's Conservation Architect or Heritage Professional (as defined in the Christchurch District Plan) shall hold a site briefing of all lead contractors and supervising staff to communicate the significance of the building, the consent conditions and the Temporary Protection Plan (TPP). The consent holder shall notify by email the Heritage Team Leader, Christchurch City Council (or nominee) of the date and time of the meeting at least three working days before the meeting.
6. The consent holder's Conservation Architect or Heritage Professional (as defined in the Christchurch District Plan) will notify by email the Heritage Team Leader, Christchurch City Council (or nominee) that the initial setup of the Temporary Protection Plan (TPP) has been implemented and inspected on site including photos

showing the protection in place before any other works commence. The consent holder's Conservation Architect or Heritage Professional shall then regularly monitor the TPP to ensure that appropriate measures are being taken by the contractors at each stage of construction and advise contractors if any additional protection is required.

Scaffolding

7. Any scaffolding shall not be physically attached to heritage fabric of a scheduled heritage item and all scaffolding is to have protective caps in areas where it comes into contact with the fabric of the building. Scaffolding should be installed in accordance with the Temporary Protection Plan (TPP) which forms part of this consent.

Monitoring

8. During the construction process the works are to be monitored by the Consent Holder in conjunction with the Council's Heritage Team. At least 10 working days prior to the commencement of works associated with this resource consent, a construction programme identifying key milestones for monitoring site visits is to be submitted by email to the Heritage Team Leader, Christchurch City Council (or nominee). The construction programme will need to be updated to reflect any changes as the work proceeds. The consent holder shall liaise with the Council Heritage Team leader (or nominee) to arrange site visits at key points in the process.

Vibration Monitoring

9. The consent holder's suitably qualified and experienced Engineer, Geotechnical Engineer and Heritage Professional must monitor all heritage buildings on the site and those on adjoining sites (Christ's College and Rolleston Statue) for any effects or damage to heritage fabric caused by either settlement that may be associated with dewatering or any construction vibration generated by on-site construction or earthworks activities. If damage to the building's heritage fabric is resulting from settlement or vibration the consent holder's Engineer and Heritage Professional must prepare a methodology for mitigating any further effects from occurring as far as is reasonably practicable. The methodology must be provided to Council for certification via email to rcmon@ccc.govt.nz prior to works continuing.
10. The maximum permitted vibrations outlined in the German Standard DIN 4150-3:1999 "Structural Vibration – Part 3: Effects of Vibrations on Structures" shall be adhered to. This would include activities such as the installation of piles or excavation works. In particular, piles shall be drilled and not driven.

Photographic Record

11. That a photographic record of the affected areas of the heritage item or setting is to be undertaken prior to commencement of any work, during agreed key phases of the schedule and following the completion of the works and that this is lodged with the Council's Heritage Team for their records within three months of the completion of the work. [The consent holder's conservation architect or Heritage Professional (as defined in the Christchurch District Plan) will be responsible for undertaking, collating and producing this photographic record.] Images must be at least 1440 pixels by 960 pixels for a 4"x 6" print at a minimum resolution of 240 PPI. See advice note below.

Date stamping

12. New fabric including reconstructed elements, or introduced old fabric, shall be recorded in the project documentation and date stamped to indicate the time of its installation. See advice note below.

Professionals

13. All stone and brick deconstruction, reconstruction and making good shall be undertaken under the supervision of a suitably experienced stonemason.
14. All works on site shall for the duration of the proposed works be overseen and monitored by a suitably qualified CPEng structural engineer and Conservation Architect or Heritage Professional (as defined in the Christchurch District Plan) appointed by the consent holder. They will also be responsible for ensuring the conditions of consent are complied with at all times. At least 10 working days prior to the commencement of works associated with this resource consent, the consent holder shall provide the name and contact details for these people to the Heritage Team Leader, Christchurch City Council (or nominee) by email at least 10 working days prior to the commencement of works.

Methodologies, scope of works, specifications and plans

15. The consent holder shall provide detailed documentation from the appropriate specialists (and with a statement in support from the consent holder's Heritage Professional), which shall include methodologies, scope of works, specifications and plans where relevant, to be submitted by email to RCmon@ccc.govt.nz for certification by the Head of Resource Consents (or their nominee) at least 10 working days prior to works commencing on the following areas:
 - a. *All scheduled items*
 - i. Removal of fabric adjacent/fixed to scheduled heritage items/heritage fabric – this documentation shall demonstrate that damage to heritage fabric that is to remain is avoided as far as practicable.
 - ii. Analysis of the existing mortar mix and proposed mortar mix specifications (location, composition and colour) – this documentation shall demonstrate that the new mortar will match the surrounding in terms of its colour and composition and that efflorescence will be avoided.
 - iii. Creation of new openings and links – this documentation shall demonstrate that heritage fabric removal is minimised and that the finishing details are the least intrusive practicable.
 - iv. Temporary propping – shall demonstrate that where propping connects to heritage fabric, that damage to that heritage fabric will be avoided.
 - v. Base isolation works - shall demonstrate that damage to heritage fabric that is to remain will be avoided.
 - vi. Removal of heritage fabric including details of storage, identification, retention, disposal, reinstatement and recording. This documentation shall demonstrate that heritage fabric is retained and reused as much as practicable; and where not being reused is retained and appropriately stored as much as practicable.
 - vii. Additional buildings – this documentation shall demonstrate that where new buildings connect to heritage fabric there will be the minimum adverse impact upon heritage fabric practicable.
 - viii. The details of the location, materials and appearance of the sliding/removable paver with compressible seals related to the base isolation – this documentation shall demonstrate that the pavers/seals will be the least visually and physically intrusive practicable.

b. Mountfort Buildings

- i. For uncovered fabric, and filling of later openings – methodology for repairs and making good, including: identification of damaged stones, identification of stones requiring replacement, details of the replacement pattern of the stones, details of the final dressing and cleaning of the stone. This documentation shall also demonstrate that the stone type, size, finish and way it is laid will be consistent with the original.
- ii. Design, location of fixings, details of connections and specifications for the canopy structure where it connects to heritage fabric. This documentation shall demonstrate that connections will be in the most sympathetic locations practicable and that the canopy design will not lead to maintenance issues that could result in future deterioration or damage to heritage fabric.
- iii. Fleche and chimney reconstruction – this documentation shall demonstrate that the design is in accordance with the documented original form and materials.
- iv. Repairs, including roof – this documentation shall demonstrate that this work falls within the scope of ‘repairs’¹ as defined in the District Plan and permitted under rule 9.3.4.1.1 P2 and is supported by the consent holder’s Heritage Professional.
- v. Seismic joints – this documentation shall demonstrate that where these connect to heritage fabric, that there is the least intrusion and impact upon heritage fabric practicable.

c. Robert McDougall Gallery

- i. Demolition of basement – this documentation shall demonstrate that heritage fabric will be retained as far as practicable and protected from damage.
- ii. Reuse/reconstruction of stair fabric in new basement – this documentation shall demonstrate that the stairs will match the original in terms of their materials and design.
- vi. Repair and restoration of the roof - this documentation shall demonstrate that this work falls within the scope of ‘repairs’² as defined in the District Plan and permitted under rule 9.3.4.1.1 P2 and is supported by the consent holder’s Heritage Professional.
- iii. Lighting, HVAC, fire upgrade – this documentation shall demonstrate that there is the least physical and visual intrusion into heritage fabric practicable.

¹ Repairs - in relation to a heritage item or heritage setting, means to replace or mend in situ decayed or damaged heritage fabric, using materials (including identical, closely similar or otherwise appropriate material) which resemble the form, appearance and profile of the heritage fabric as closely as possible. It includes:

1. temporary securing of heritage fabric for purposes such as making a structure safe or weathertight; and
2. Building Code upgrades which may be needed to meet relevant standards, as part of the repairs.

² Repairs - in relation to a heritage item or heritage setting, means to replace or mend in situ decayed or damaged heritage fabric, using materials (including identical, closely similar or otherwise appropriate material) which resemble the form, appearance and profile of the heritage fabric as closely as possible. It includes:

1. temporary securing of heritage fabric for purposes such as making a structure safe or weathertight; and
2. Building Code upgrades which may be needed to meet relevant standards, as part of the repairs.

- iv. Former engraving gallery – this documentation shall demonstrate that the configuration of the space will provide for the display of art as far as practicable.

d. Centennial Wing façade

- i. Finishing of the new opening – this documentation shall demonstrate that the new opening will be distinguished from the existing openings through the use of metal trim, date stamping and a subtly different finish to the stone.
- ii. Water feature – this documentation shall demonstrate that surrounding heritage fabric will not incur damage from exposure to moisture.
- iii. Finishing of the 'sliced' Centennial wing edge' – this documentation shall demonstrate that the edge is identifiably new but with minimal visual impact upon the Rolleston Avenue façade as far as practicable.

e. Roger Duff Facades

- i. Removal and reinstatement of panels – this documentation shall demonstrate that the panels will be removed without causing damage so as to maximise their re-use; and that they will be reattached without visible fixings on their exterior.

NOTE: Condition 15 only applies to heritage fabric contained in scheduled heritage items (ie: the external fabric of the 1870-1882 Museum Buildings, the Roger Duff Wing façade and Centennial Wing façade, and external and scheduled interior features of the Robert McDougall Art Gallery building).

- 16. The heritage stonework adjacent to the water feature within the Centennial Wing shall be regularly monitored for any signs of deterioration or damage from exposure to moisture. Should any issues be detected, then steps shall be taken to prevent the risk of further of deterioration.

Construction Management Plan

- 17. All proposed works shall be carried out in accordance with an accepted Construction Management Plan (CMP). The purpose of the CMP is to ensure that any potential effects arising from construction activities on the site are effectively managed. The CMP shall be prepared by a suitably qualified and experienced practitioner.

The CMP shall include, but not be limited to the following:

- a) Site description, topography, vegetation, soils and other reference information;
- b) Details of proposed works;
- c) Roles and responsibilities, including contact details for the site manager appointed by the Consent Holder;
- d) Site establishment;
- e) Timing of works (including any staging required);
- f) An Erosion and Soil Control Plan (ESCP), including drawings, specifications and locations of mitigation measures as necessary;
- g) Construction noise management measures;

- h) Site access and Traffic Management measures;
 - i) Storage of fuel and/or lubricants and any handling procedures;
 - j) Contingency plans (including use of spill kits);
 - k) Protocols for the discovery of archaeological material;
 - l) Construction traffic management measures, including measures to be adopted in accordance with the NZTA Code of Practice for Temporary Traffic Management;
 - m) Parking areas for construction staff;
 - n) Measures for identification and remediation of contaminated soil; and
 - o) Environmental compliance monitoring and reporting.
 - p) Demonstrating how adequate and safe public access to the Botanic Gardens from Rolleston Avenue will be provided for during the construction period.
 - q) Temporary protection for landscaping and trees within the adjoining Botanic Gardens adjacent to the site.
- The consent holder shall submit this CMP to the Council, Attention: Team Leader Compliance and Investigations for certification via email to rcmon@ccc.govt.nz at least 20 working days prior to the commencement of construction work associated with this consent. This CMP is to be certified by the Team Leader or their nominee as meeting the requirements of Condition 16 prior to the commencement of any construction work and, once certified, the CMP will thereafter form part of the Approved Consent Document.

NOTE: The Team Leader (or their nominee) will either certify, or refuse to certify, the CMP within 10 working days of receipt. Should the Team Leader (or their nominee) refuse to certify the CMP, then they will provide a letter outlining why certification is refused based on the parameters contained in this condition.

- Should the Team Leader (or their nominee) refuse to certify the CMP, the consent holder shall submit a revised CMP to the Resource Consents Manager for certification. The certification process shall follow the same procedure and requirements as outlined in condition 16.
- The CMP may be amended at any time by the Consent Holder. Any amendments to the CMP shall be submitted by the Consent Holder to the Council for certification. Any amendments to the CMP shall be:
 - a) for the purposes of improving the measures outlined in the CMP for achieving the CMP purpose (see condition 16), and;
 - b) consistent with the conditions of this resource consent.

If the amended CMP is certified, then it becomes the certified CMP for the purposes of condition 16 and will thereafter form part of the Approved Consent Document.

Advice notes:

- i) The consent holder needs to ensure activities undertaken on land that is subject to the Robert McDougall Gallery Land Act 2003 occurs in a manner consistent with that

Act. This resource consent does not authorise undertaking activities in breach of the Land Act (including the purpose stated in section 6(1) of the Land Act).

- ii) A separate landuse consent under the NES for disturbing potentially contaminated ground must be obtained where necessary prior to any earthworks occurring on site.
- iii) Any new signage on the buildings or site shall either comply with the District Plan or a further resource consent obtained.
- iv) If any dewatering is to occur separate consents may need to be obtained from Environment Canterbury.
- v) Any tree removal must comply with the conditions of global consent RMA/2018/2857 or a further consent or s127 amendment obtained.

Scope of work

- vi) The applicant should not commence or should cease work on a given area if the works proposed in that area change from those in the approved consent document. Any variation should be discussed with the Christchurch City Council's Heritage Team Leader or nominee, who in consultation with Council's Resource Consents Unit will determine an appropriate consenting response. Five working days should be allowed for this process. Failure to discuss changes with the Council's Heritage Team or a Resource Consents Planner may constitute a breach of the conditions of this consent. Amended plans and information showing these changes, including any associated changes to the Temporary Protection Plan, may be required to be submitted to the Heritage Team Leader, Christchurch City Council (or nominee) for certification prior to work on that area commencing or resuming.

Submission of information

- vii) Information being submitted in relation to conditions of this consent is to be sent by email to: rcmon@ccc.govt.nz. The current nominated Heritage team contact for this consent is Amanda Ohs, ph. 9418292 or email: amanda.ohs@ccc.govt.nz, or heritage@ccc.govt.nz. Alternatively please contact Gareth Wright ph. 941 8026 or email: Gareth.wright@ccc.govt.nz, or Brendan Smyth, Heritage Team Leader, ph. 941 8934 or email: brendan.smyth@ccc.govt.nz.

TPP

- viii) A TPP sets out the risks to heritage fabric of the proposed works and how these risks will be managed to ensure no unwarranted damage occurs to heritage fabric proposed for retention. Detail should be included of how elements will be protected in situ and how elements proposed for removal are to be removed and stored for reinstatement. An example of a TPP is available from the Heritage team on request. Each plan needs to be customized to suit the heritage item, construction materials and scope of works.

Photographic Record

- ix) The intention of the photographic record condition is to maintain a record of the works with a focus on the areas undergoing change rather than individual elements. The same camera positions should be used for all photo sets before, during and after the works to enable comparison. Photographs should be of printable quality, at least 1440 pixels by 960 pixels for a 4"x 6" print at a minimum resolution of 240 PPI. They should be labelled with the position on site or in relation to the site, date and photographer's name, and submitted as individual image files, with a plan showing photograph locations. Photos should be submitted to the Council's nominated Heritage team contact electronically, either by email (noting that Council's email data

transfer limit is 20MB per email), or via a file transfer website such as wetransfer.com or dropbox.com to rcmon@ccc.govt.nz.

Date Stamping

- x) Date stamping is a term used in heritage conservation to mean marking with a date, not necessarily a stamp, and is important to clearly distinguish replicated or introduced old features from heritage fabric so changes to the heritage item can be readily understood in the future. The dating of new or introduced fabric may be undertaken by a number of permanent means. It is recommended that the date is written with a builder's pencil on masonry or timber. A small steel plate can be used on timber. A permanent marker pen may be used on steel elements, but not masonry or timber as the marking may deteriorate. Not all new fabric requires dating – where there are areas of new or introduced material, the date can be marked on examples, rather than on every piece. It should be noted that some treated timber and plasterboard is already dated. Marking should usually be in unobtrusive locations where elements are proposed for reinstatement. Dates may be prominent in some cases when used for commemorative purposes such as over the entrance to acknowledge major works to a building or a new wing.

Conservation Principles

- xi) All work should be undertaken with consideration of the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (ICOMOS New Zealand Charter 2010).
- xii) All work to be undertaken on the replacement and repair of original fabric should be undertaken by tradespeople experienced in working with these materials and heritage fabric.
- xiii) Any reconstruction of original elements is to be undertaken in a manner that replicates the original form, size, design elements, structure and profiles and using materials sympathetic to the original to the greatest extent practicable.

Archaeology

- xiv) Under the Heritage New Zealand Pouhere Taonga Act 2014, archaeological sites are defined as any place occupied prior to 1900 that may provide archaeological information on the history of New Zealand. An Archaeological Authority is required for any works that may modify or destroy an archaeological site. Heritage New Zealand therefore recommends that any proposed earthworks on this site are assessed by a consultant archaeologist. They will look at the extent of the occupation of the section in the past and the scope of the proposed works. Their assessment will determine whether an authority will be required for the project and if so, will form the basis for an authority application.

A local consultant can be found in the New Zealand Archaeological Association directory: <https://nzarchaeology.org/membership/consultant-directory>. There are no costs for making an application or obtaining an archaeological authority. Any archaeological work required, including initial site assessment and as a result of any authority conditions, will incur costs and should be planned for within the project.

Please contact the HNZPT regional archaeologist: archaeologistcw@heritage.org.nz or 03 363 1880 before commencing any work on the land. For more information visit <http://archaeology.nz>

Except where an archaeological authority has been obtained from Heritage New Zealand Pouhere Taonga, should any archaeological material or sites be discovered during the course of work on the site, work in that area of the site shall stop immediately and the appropriate agencies, including Heritage New Zealand Pouhere

Taonga and the Mana Whenua, shall be contacted immediately. This is in accordance with the Accidental Discovery Protocol set out in Appendix 3 of the Mahaanui Iwi Management Plan: <http://mkt.co.nz/mahaanui-iwi-management-plan/>

Monitoring

- xv) The Council will require payment of its administrative charges in relation to monitoring of conditions, as authorised by the provisions of section 36 of the Resource Management Act 1991. The current monitoring charges are:
- (a) A monitoring programme administration fee of \$102.00 to cover the cost of setting up the monitoring programme; and
 - (b) A monitoring fee of \$175.50 for the first monitoring inspection to ensure compliance with the conditions of this consent; and
 - (c) Time charged at an hourly rate if more than one inspection, certification of conditions, or additional monitoring activities (including those relating to non-compliance with conditions), are required.

The monitoring programme administration fee and initial inspection fee will be charged to the applicant with the consent processing costs. Any additional monitoring time will be invoiced to the consent holder when the monitoring is carried out, at the hourly rate specified in the applicable Annual Plan Schedule of Fees and Charges.

- xvi) This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the Building Act 2004. Please contact a Building Consent Officer (ph: 941 8999) for advice on the building consent process.
- xvii) This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will need to obtain separate permission from the Council as owner of the land before you may carry out the proposed activity on this site. Please contact Joanne Walton, Policy Advisor Greenspace, Network Planning Team, on 941 8999.
- iv) *Development Contributions*

Please note that a development contribution may be required under the Development Contributions Policy. The Council requires Development Contributions to be paid prior to the issue of a Code Compliance Certificate for a building consent, the commencement of the resource consent activity, the issue of a section 224 certificate for a subdivision consent, or authorisation of a service connection.

The contributions are defined in the Council's *Development Contributions Policy*, which has been established under the Local Government Act 2002 and is included in the Council's Long Term Plan. Full details of the Policy are available at www.ccc.govt.nz/dc. If you have any queries in relation to this matter, please contact our Development Contributions Assessors on phone (03) 941 8999.