

BEFORE THE CHRISTCHURCH CITY COUNCIL

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an application by Fern Fitzgerald
Limited to demolish a Group 2
heritage listed building located at 187
Fitzgerald Avenue, Christchurch and
to carry out associated earthworks

(RMA/2023/325)

**STATEMENT OF EVIDENCE OF MICHAEL BENJAMIN CARVALHO VINCENT
ON BEHALF OF FERN FITZGERALD LIMITED**

Dated 29 August 2023

Counsel Acting: Alanya Limmer
Bridgeside Chambers
P O Box 3180
Christchurch 8140

Email: alanya@bridgeside.co.nz
Telephone: 64 21 812 811

Introduction

1. My full name is Michael Benjamin Carvalho Vincent, and I am a senior planner and Associate at Baseline Group Limited, an independent, land development consultancy with three offices throughout New Zealand. I have been employed by Baseline Group for six years. I hold the degree of Resource Studies from Lincoln University and I am a full member of the New Zealand Planning Institute (NZPI). I am a member of the International Council on Monuments and Sites (ICOMOS NZ).
2. I have nine years of experience as a heritage advisor at Heritage New Zealand Pouhere Taonga, working through the 2010/2011 Canterbury earthquake sequence. In this role, I provided heritage advice on adaptive reuse, alteration and addition and repair methodology to heritage building owners. Following the sequence of earthquakes, I was involved in over 70 site visits to earthquake damaged buildings across Canterbury and the West Coast. During my tenure I was responsible for making heritage policy submission to 17 Local Authorities in the North Island and 11 Local Authorities in the South Island.
3. In my current role I prepare land use and subdivision consents for large scale residential projects and subdivisions, as well as providing general planning advice to clients on planning matters including heritage developments.
4. My evidence relates to an application by Fern Fitzgerald Limited (**FFL**) for resource consent to demolish the building at 187 Fitzgerald Ave (**187**). In preparing this evidence I have reviewed:
 - (a) The Application;
 - (b) Responses to Council's further information requests;
 - (c) Submissions on the Application;
 - (d) The Officers section 42A report;
 - (e) The evidence of other witnesses for FFL
5. In this evidence I cover:
 - (a) An outline of the heritage values of 187 including (see Annexure A);
 - (b) Difference in significance categories in District Plan;

- (c) Current condition of the building related to damage from the 2010/2011 earthquakes;
 - (d) Consideration of the structural repair assessment for 187;
 - (e) A realistic consideration of what might happen if this demolition application is declined.
 - (f) Consideration of the Policy framework, particularly 9.3.2.2.1 and 9.3.2.2.8;
 - (g) Funding for repair via grants; and
 - (h) Responses to the Officer's Report and associated appendices.
6. Relevant to this evidence then, my expertise includes historic heritage. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note (2023). I have complied with the Code in preparing my evidence and agree to further comply with it in providing my evidence at the hearing. Except where I am relying on evidence of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Heritage values of 187 Fitzgerald Avenue

- 7. Information in this section has been sourced from the Christchurch District Plan's Statement of Significance for 187 and appears in the original resource consent application. For completeness it can be found in Annexure A.
- 8. I generally agree with the findings of this assessment by the Christchurch City Council heritage team.

Difference in significance categories in District Plan

- 9. Heritage categories are typically divided into levels of significance, to reflect local, regional, or national importance. These categories help prioritise heritage items and determine levels of protection and regulatory management.
- 10. Assessment criteria are often used to consider historical, architectural, cultural or social significance. Building or sites that meet a certain threshold based on these criteria may be assigned a specific category.
- 11. Christchurch City Council use a similar system whereby heritage values are assessed and documented in Statements of Significance.

12. Christchurch City use the following criteria through a system derived through the District Plan hearings of 2015. These categories are listed as:

(a) *Historical and social value:*

Historical and social values that demonstrate or are associated with: a particular person, group, organisation, institution, event, phase or activity; the continuity and/or change of a phase or activity; social, historical, traditional, economic, political or other patterns;

(b) *Cultural and spiritual value:*

Cultural and spiritual values that demonstrate or are associated with the distinctive characteristics of a way of life, philosophy, tradition, religion, or other belief, including: the symbolic or commemorative value of the place; significance to Tangata Whenua; and/or associations with an identifiable group and esteemed by this group for its cultural values;

(c) *Architectural and aesthetic value:*

Architectural and aesthetic values that demonstrate or are associated with: a particular style, period or designer, design values, form, scale, colour, texture and material of the place;

(d) *Technological and craftsmanship value:*

Technological and craftsmanship values that demonstrate or are associated with: the nature and use of materials, finishes and/or technological or constructional methods which were innovative, or of notable quality for the period;

(e) *Contextual value:*

Contextual values that demonstrate or are associated with: a relationship to the environment (constructed and natural), a landscape, setting, group, precinct or streetscape; a degree of consistency in terms of type, scale, form, materials, texture, colour, style and/or detail; recognised landmarks and landscape which are recognised and contribute to the unique identity of the environment; and

(f) *Archaeological and scientific significance value:*

Archaeological or scientific values that demonstrate or are associated with: the potential to provide information through

physical or scientific evidence and understanding about social, historical, cultural, spiritual, technological or other values of past events, activities, structures or people.

13. Contingent on the recognised significance (as detailed in the Statements of Significance), a building will be categorised as highly significant or significant. Also referred to as Group 1 or Group 2.
14. The former Christchurch City Plan used four categories; Group 1, 2, 3 and 4. Under the City Plan, 187 was a Group 3 building.
15. Whilst all scheduled heritage buildings are important, the distinction between the two groups recognises that some places are able to be managed in a more sensitive manner to accommodate significance. Moreover some places can accommodate more change than others.

Consideration of the structural repair assessment for 187

16. I attended the site on 12 December 2022 and undertook a perimeter inspection at that time. I also undertook a short exploration of the ground floor and first floor, subject to safe egress.
17. Following damage to the building during the 2010/2011 earthquakes, I understand the building has been unoccupied (lawfully, anyway). From my own direct observations, it is evident the building is currently disused and dilapidated and has been since at least 2022. The evidence from **Mr Loye, Tetrad**, details the current structural condition of the building and prescribes the works that would be required to restore the building to a working condition, to allow for safe occupation.
18. The structural repair work recommended by Mr Loye involves significant change to the existing structure to achieve an acceptable level of safe occupation and as stated in Mr Loye's evidence the building has a New Building Standard (**NBS**) of 10%. From my perspective and based on my experience and observation, significant items of change include:
 - (a) The foundation system will need to be replaced to re-instate the structural integrity of the building;
 - (b) Due to the age of the building, the structural capacity of the building would need to be increased to meet current building code compliance (or as near as reasonably practical). This would include upgrades to

floor loading, fire stability, and replacement of internal wall linings (lath and plaster) with new plasterboard lining;

- (c) The majority of the north and west weatherboard cladding and joinery would need to be replaced due to rot damage;
- (d) Full replacement of roof cladding, internal gutters, internal ceilings, gutter and fascia boards would also be required.

19. In summary, 187 will require major change to the original heritage fabric if the building were structurally repaired in the manner recommended by Mr Loye. This is unsurprising to me based on my experience with buildings of this age and type – including the fact its materials include untreated timber. There is no doubt the suggested structural repairs will have an impact on the existing heritage value of the building.

Current condition of the building related to damage from the 2010/2011 earthquakes.

20. I understand the building has been unoccupied since the 2010/2011 sequence of Canterbury earthquakes and, observationally, it has been subject to major degradation which stems from the aftermath. It was evident to me upon visiting the site that a chimney structure which occupied an internal space on the ground and first floor had either collapsed or had been removed following structural failure. An external chimney structure has also been removed. Chimney structures are often prominent and significant parts of historic buildings. The two chimneys at 187 would have been integral to its functioning and integrated into the framework of the building.
21. Chimneys are generally sensitive to alteration due to their integration into the building fabric. Deconstruction should be undertaken with sensitivity. In this instance it appears the chimneys was deconstructed consequential to the sequence of earthworks. In my experience of post earthquake Christchurch, removal of earthquake damaged chimneys occurs quickly without structural engineering advice in a bid to 'make safe'.
22. The building has been subject to water ingress causing further deterioration to observable timbers and lath and plaster. While the internal fabric of a building is not protected per se, it does contribute to the authenticity or integrity or both of a building in the sense that it demonstrates relevant values such as craftsmanship and technology. It's removal would constitute the loss of tangible heritage value.

23. I observed the perimeter concrete foundation to be cracked in places. The condition survey report from Tetrad notes the foundations of the building have settled, which is consistent with my observation.
24. The combination of foundation damage, internal and external damage from chimney removal, and roof-based water ingress has caused the buildings structural integrity to be compromised. The evidence of Mr Loye is consistent with this.
25. In my observation, post-earthquake this combination of factors occurred across a number of buildings (to varying extents). The rapid response to 'make safe' often resulted in irreversible damage to structural features, which, if left unchecked would cause further damage through water ingress or similar. It is unfortunate that this set of circumstances has befallen this building and the result is not a desirable outcome for the building owner.

A realistic consideration of what might happen if this demolition application is declined.

26. Heritage buildings are often subject to requirements for earthquake strengthening. These requirements often prompt a resource consent application for alteration or, in some situations, demolition. The latter often stemming from businesses vacating buildings due to concern over occupancy, and the owner not being able to accommodate a viable use. In Christchurch, the catalyst for demolition applications in the last 10 years (or so) has often been earthquake damage (or the consequences of that) and/or an inability for the owner to financially upgrade to an adequate building code standard.
27. Financial constraints arise from the sheer magnitude of works that can be required to bring a heritage building "up" to modern building code standards. For example, some 100-year-old timber buildings would not have used treated timber in construction. Similarly brick buildings could have degraded mortar and a construction methodology which is unlikely to meet modern building standards. The costs to address these issues can cause owners to apply for demolition based on cost alone.
28. By contrast, building owners who have a cyclic maintenance programme, such as painting and repointing mortar, can prevent deterioration of heritage fabric and ensure the integrity of tangible heritage values. In these situations, the cost to repair or replace damaged heritage fabric is less than the current course of required work.

29. In my experience, if unoccupied, buildings subject to failed applications for demolition, remain unoccupied. For example, the Harley Chambers Building on the corner of Worcester Boulevard and Cambridge Terrace is currently derelict, unoccupied and subject to further environmental degradation. As noted by the Officer Report, there is no way the Council can compel people to repair heritage buildings. If the costs are too high for economic repair owners do not have many choices presenting apart from to leave the building as it is. This tends not to be a palatable outcome for anyone, but it is realistic.

Consideration of policies 9.3.2.2.1 and 9.3.2.2.8

30. The quantum of works required to re-establish the building to a functioning state to meet building code requirements is significant. The report from Tetrad confirmed through the evidence of **Mr Loye** and the QS report from Logic Group, states a total replacement of materials at a minimum of 50% and a possible range between 50% to 75%.
31. Therefore, when assessing under Policy 9.3.2.2.8 and Policy 9.3.2.2.1 b, I, A–D whether the building would meet the test for scheduling *after* repair, I consider a repaired building (using the Tetrad structural report) would:
- (a) Meet “A” and “B”; but
 - (b) Not meet C and D – these criteria requiring the building to have a *moderate* degree of authenticity (physical and documentary evidence) and *moderate* degree of integrity (how whole or intact it is) to justify its significance to the district.
32. Having regard to the planning framework and my experience with heritage buildings, I consider the threshold of ‘moderate’, to be on the continuum between “low” and “high”. When considering the volume of material being removed and replaced to restore the building to a working condition to meet building code requirements, the level of invasive work is high i.e. greater than 50% of the structure. Whilst the result may yield a building that resembles the original in architectural and aesthetic terms, it is undeniable that large volume of the heritage fabric will have been replaced.
33. The aggregate of these actions may not reflect the actual authenticity or integrity of the structure. In this regard, the high invasiveness and replacement of material would result in a structure with low authenticity and integrity and therefore fail an authenticity and integrity test.

34. Best practice heritage conservation recommends a conservation plan informs any change to a building. In some situations, and in particular in regard to highly significant places a conservation plan is an appropriate way to determine a course of work for a building. A conservation plan assigns highest priority to works that ensure the authenticity and integrity of a place are maintained. They are most useful in situations where a building has not suffered significant damage.
35. In this particular scenario, we find ourselves addressing extensive damage to a utilitarian structure. The efficacy of a conservation plan is limited due to the current level of damage and the potential need to replace 50% – 75% of the materials. Such a course of action not only conflicts with the preservation of authenticity and integrity but also leads to a clear, tangible loss of heritage fabric, ultimately resulting in a significant reduction in the building's authenticity and integrity.
36. When considering clause iii of Policy 9.3.2.2.8, it is evident from the QS report and structural repair methodology the costs to retain the building is significantly high, for this reason, I agree, whilst regrettable, retention of this building imposes an unreasonable cost on the owner, and subject to conditions of consent, demolition is acceptable.

Funding for repair of 187 from Grants

37. The availability of Grants has been raised by a number of submitters as a way of obtaining financial assistance to support the gap in costings. Based on my knowledge and experience in this area, there are three funds available to private owners of heritage buildings:
 - (a) The EQUIP Fund (**EQUIP**) administered by the Ministry of Culture and Heritage;
 - (b) The National Heritage Preservation Incentive Fund (**NHPIF**), administered by Heritage New Zealand Pouhere Taonga; and
 - (c) The Heritage Incentive Grant Fund (**HIG**), administered by Christchurch City Council.
38. The owner of 187 does not qualify for EQUIP as the fund is currently suspended or NHPIF as the building is not on the New Zealand Heritage List, Rārangī Kōrero. However, they are eligible to apply to the HIG fund. I understand the applicant made an enquiry to the HIG fund administrator was

made regarding potential funding. The fund administrator advised the building is eligible, however the fund would not be able to fund a high percentage of relatively expensive repair and upgrade works.

39. I understand, the HIG Fund administers an annual funds between \$600,000 - \$900,000 depending on Annual Plan allowance. Typically, restoration and repair projects range in the tens to hundreds of thousands. In this regard, when spread across any eligible heritage project, it provides a contributory amount to assist with a portion of a repair, or restoration.
40. The cost of repair of 187 stands at \$2,070,000 (inclusive of GST) and the assessed value after repair, subdivision of the site (resource consent dependent) and sale amounts to \$1,370,000 (plus GST). This results in a deficit of \$700,000. This is a significant shortfall and unrealistic for the HIG fund to mitigate.

Response to s.42A report

41. Insofar as they relate to my area of expertise, I generally agree with the conclusions in Council's s42A and accompanying Heritage reports.
42. I agree:
 - (a) There are limited grant options, and the theoretically available option would be insufficient to make a meaningful financial difference to the repair cost.
 - (b) Repairing 187 would affect the authenticity and integrity of the building;
 - (c) The costs of repairing 187 are immense and, in all of the circumstances, are unreasonable; and
 - (d) Regretfully, demolition is the only reasonable option.
43. I support the proposed conditions of consent and associated advice notes.

A digital photographic record of the heritage item and heritage setting is to be lodged with Council's Heritage Team within three months of the completion of works. In order to adequately record changes to heritage fabric, photographs must be taken before commencement, at regular intervals during, and after completion of works. Photographs must be of printable quality, at least 1440

pixels by 960 pixels for a 4"x 6" print at a minimum resolution of 240 PPI.

44. I am not in complete agreement with Mr Wright in two respects:
- (a) A repaired structure is not certain to remain on the Schedule because of the degree of full replacement required, which in turn is likely to compromise the authenticity and integrity of 187 to a significant degree; and
 - (b) While there will be a complete loss of a heritage building, this is not necessarily equivalent to significant adverse effects because the adverse effects would be no greater than those brought about by:
 - (1) An alternative scenario that sees the building left "as is" for another lengthy period of time; or
 - (2) An alternative scenario that sees the building extensively repaired and, as a result, it no longer qualifies for heritage listing.

Conclusion

45. The building at 187 Fitzgerald Avenue is scheduled as a significant heritage structure. The heritage values it possesses cover a range of attributes. 187 has been present on Fitzgerald Avenue for over 100 years.
46. Following the earthquakes and the damage they brought about, the building at 187 has been sitting empty for approximately a decade now. Work undertaken in the immediate aftermath of the earthquakes has made the heritage fabric of the building vulnerable to deterioration. It retains inherent heritage value but that will only be realised if it is repaired rather than left longer to deteriorate.
47. Thankfully not all heritage buildings require this level of intervention to ensure building code standards and the likely costs for repair are not always as high as they are in this instance, but when they are the owner is usually limited to undertaking demolition or continuing to leave the building as it is. Either of these scenarios entail loss of heritage value to an equivalent degree.
48. In conclusion, I acknowledge the significant damage incurred by the building due to the Canterbury earthquakes and the extent of repair needed to meet current requirements. I recognise the high level of cost associated with restoring the building, as compared to the costs associated with retaining the

heritage item. Furthermore, I understand the owner's reluctant decision to pursue the demolition of this heritage-scheduled structure, considering these financial considerations.

49. I ultimately reach the view demolition is the most appropriate option in the circumstances of 187.

Michael Benjamin Carvalho Vincent

29 August 2023

Annexure A

Heritage values of 187 Fitzgerald Avenue

Information in this section has been sourced from the Christchurch District Plan's Statement of Significance for 187 taken from Appendix 9.3.7.2 Christchurch District Plan

Historical and social significance

- (a) *The commercial building at 187 Fitzgerald Avenue has social and historical significance as a late Victorian combination shop and dwelling. It was built in c1900 for Otto Lieske, a land agent (c1844-1922). Lieske had purchased the site in 1894 and after the building's construction Lieske's wife Harriet (nee Fitzsimmons, c. 1852-1945) moved her store from premises across Gloucester Street into the new building. It remained in the hands of the Lieske family, who lived above their store, until 1968. The building at 187 Fitzgerald Avenue then became a shirt factory and later an audio/television repair store. The building was damaged in the 2010 - 2011 earthquakes and remains boarded up.*

Cultural and spiritual significance

- (b) *The building at 187 Fitzgerald Avenue has cultural significance as a demonstration of the way of life of 19th and 20th century retailers, who commonly lived above or beside their business premises. The building demonstrates a societal cultural pattern of generational ownership and small-scale retailing that was once prevalent in the City. Such shops served householders who lived within walking distance. Until the mid-20th century, most people bought their daily requirements from a neighbourhood corner store such as this. Frequently the proprietor lived in adjacent accommodation, either above or behind the shop. From the 1970s, however, changes in the way people shopped saw a decline in this mode of retailing, and comparatively few such stores survive with the original use today.*

Architectural and aesthetic significance

- (c) *The building at 187 Fitzgerald Avenue has architectural significance as a representative example of a building type commonly found in suburban centres and New Zealand towns between 1870 and 1920. It is a two-storey timber building with a hipped roof and commercial classical detailing, including engaged pilasters, a string course, cornice and parapet, and a mix of paired and single sash windows with corbelled hoods. The 'corner shop' sub-type,*

with its chamfered corner, was employed just as frequently for hotels and banks, as it was for retail premises. As it stands today, 187 Fitzgerald Avenue is a relatively plain flush-weatherboard building with little architectural pretension, other than brackets under the eaves. The building may have had a veranda on the road frontage. Some original internal detail remains. Corner shops of a similar vintage are also at 147 and 167 Fitzgerald Avenue. The former is also a listed heritage item.

Technical and craftsmanship significant

- (d) The building at 187 Fitzgerald Ave has technological and craftsmanship significance for what it may reveal of late Victorian timber construction methodologies, materials, fixtures and fittings.*

Contextual significance

- (e) The commercial building has contextual significance for its contribution to the historic streetscape of Fitzgerald Avenue. The site at 187 Fitzgerald Avenue is set within a mix of commercial and residential buildings, including older housing built between the 1870s and the 1920s and modern flats. Further south on the Hereford and Worcester Street corners are other Victorian/Edwardian corner shops. The eastern quadrant of the inner city saw considerable residential development in the late 19th century and by 1900 half the street corners on the western side of Fitzgerald Avenue contained shops serving this population. The 187 Fitzgerald Avenue site is one of the few still extant. Other corner shop buildings remain around the city, although most are smaller in scale. The 187 Fitzgerald Avenue building is situated immediately adjacent to the street frontages of a small parcel of land on the northwest corner of Fitzgerald Avenue and Gloucester Street. The original building, with a later single storey section added at the rear, occupies the greater part of the land parcel. Because of its scale and prominent position on the west side of Fitzgerald Avenue, one of the four town belts that originally defined the city of Christchurch, the building has some landmark significance.*

Archaeological and scientific significance

- (f) The building at 187 Fitzgerald Avenue and its setting are of archaeological significance because they have the potential to provide archaeological evidence relating to past construction methods and materials, and human activity on the site, including that which occurred before 1900. Lambert's 1877*

map 'f' the central city shows a small structure on this property, which is located to the east of Christchurch East School (est. 1873).