

**BEFORE AN INDEPENDENT HEARINGS PANEL
IN CHRISTCHURCH**

TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI

UNDER the Resource Management Act 1991 (the **RMA**)

AND

IN THE MATTER OF of the hearing of submissions on Plan Change 14
(Housing and Business Choice) to the Christchurch
District Plan

**STATEMENT OF REBUTTAL EVIDENCE OF AMANDA OHS ON BEHALF OF
CHRISTCHURCH CITY COUNCIL**

HERITAGE

Dated: 9 October 2023

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EXECUTIVE SUMMARY

1. In this evidence I respond to the heritage-related evidence of submitters on a number of topics listed below. For the reasons discussed below, I remain of the views I expressed in my primary statement of evidence, except that I with the evidence for Carter Group Limited that the setting for New Regent Street should be adjusted to exclude the northern footpath of Armagh Street.

INTRODUCTION

2. My name is **Amanda Emma Ohs**. I am Senior Heritage Advisor in the Heritage team, Christchurch City Council (**Council**).
3. I prepared a statement of primary evidence on behalf of the Council dated 11 August 2023. My primary evidence addressed the boundaries of heritage settings, the potential for further Heritage Items to be included in Schedule 9.3.7.2 (the **Schedule**) as a Heritage Item, the heritage values of Central City Heritage Items in relation to zones and the potential for the removal of Heritage Items from the Schedule, arising from the submissions and further submissions on Plan Change 14 to the Christchurch District Plan (the **District Plan; PC14**).
4. I have the qualifications and experience set out at paragraphs 5, 6 and 9 to 12 of my primary evidence, and I repeat the confirmation that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and that my evidence has been prepared in compliance with that Code.

SCOPE OF REBUTTAL EVIDENCE

5. In preparing this rebuttal statement, I have read and considered the evidence filed on behalf of submitters, as that evidence relates to my primary evidence including:
 - (a) Mr John Brown for Cambridge 137 Limited;
 - (b) Mr Matt Bonis for Cambridge 137 Limited;
 - (c) Mr David Hill on behalf of Carter Group Limited;
 - (d) Mr Dave Compton-Moen for Carter Group Limited;
 - (e) Mr Jeremy Phillips for Carter Group Limited; and

- (f) Mr Jonathan Clease for Daresbury Limited and Church Property Trustees.
6. In this evidence I comment on the following issues raised in that evidence:
- (a) Removal of Harley Chambers, 137 Cambridge Terrace from the Schedule of Significant Historic Heritage Items in Appendix 9.3.7.2;
 - (b) Removal of Dwelling (Blue Cottage), 325 Montreal Street from the Schedule of Significant Historic Heritage Items in Appendix 9.3.7.2;
 - (c) Removal of Daresbury, 9 Daresbury Lane and St James Church, 69 Riccarton Road, from the Schedule of Significant Historic Heritage Items in Appendix 9.3.7.2;
 - (d) Amendments sought to heritage policies and definitions; and
 - (e) Amendments sought to New Regent Street interface and heritage setting.
7. Where I am relying on the primary evidence or rebuttal evidence of technical witnesses for the Council, I make that clear in this rebuttal evidence.

REMOVAL OF HARLEY CHAMBERS, 137 CAMBRIDGE TERRACE FROM THE SCHEDULE OF SIGNIFICANT HISTORIC HERITAGE ITEMS IN APPENDIX 9.3.7.2

Evidence of Mr John Brown for Cambridge 137 Limited

8. Mr Brown (Paragraph 38) does not consider that the role of G.T. Lucas as a 'prominent architect' has been well-established by the Statement of Significance.
9. While there is no requirement for an architect to be prominent in order for the building to meet the architectural and aesthetic significance criterion (with a connection with a particular designer being only one part of that criterion), I nonetheless consider that the Statement of Significance appropriately evidences that G.T. Lucas was a well-known architect with a substantial body of work (noting that the Statement is intended as high-level information supporting an assessment rather than a detailed account).
10. There is considerable information available to support that summary, which can be provided if that assists the Panel. Mr Brown in Appendix F of his

evidence, and the Smart Alliances Heritage Impact Assessment (2017) referred to by Mr Brown, both identify a large number of buildings Lucas designed in the course of his career. Research documents in the Council's heritage files, including architectural drawings and architectural periodical entries, confirm that Lucas was an architect of note in the city.. The Macmillan Brown architectural drawing collection of major architectural firms in the Canterbury region includes 158 of his drawings.

11. I disagree with Mr Brown (paragraph 39) that the technological components of Harley Chambers are the elements 'of most interest.' In terms of a heritage significance assessment under Policy 9.3.2.2.1 b., I note that all criteria are rated at 'significant' and the technological and craftsmanship criterion is not rated higher than the rest of the heritage values in the Statement of Significance. I support this assessment.
12. I note that although the Statement of Significance focusses on the interior technological and craftsmanship elements of the building, I consider that the exterior of the building, particularly the street facades, demonstrates the nature and use of materials common to the period. The decorative plaster elements of the street façades demonstrate a good quality of craftsmanship value and contribute to the 'significant' rating for the technological and craftsmanship criterion.
13. I disagree with Mr Brown (paragraph 50) where he considers that much of the interior heritage fabric of Harley Chambers cannot be stripped out and refurbished. Salvage, storage and reinstatement of heritage fabric has been a common undertaking in Christchurch for heritage buildings repaired and strengthened since the earthquakes. Examples that I have been involved with include the Christchurch Town Hall and Christ's College Hare Memorial Library. I note that from paragraph 64 of the evidence of Mr Jonathan Lyttle and Mr Michael Doig (the owners) that they hope to be able to salvage some items of the interior to re-purpose within a new building.
14. In my opinion interior heritage fabric such as the timber panelling, intact doors and stair balustrade could be salvaged and reinstated. Examples of the metal vents from the original ventilation system could be reinstated for interpretive purposes. I acknowledge that interior services such as the electrical fit out and air conditioning system would not likely be reinstated due

to necessary building upgrades for adaptive reuse of Harley Chambers. This is also addressed by Mr David Pearson.

15. I agree with Mr Brown (paragraph 50), however, that there is no requirement to salvage and reinstate the interior as it is not currently protected.
16. Mr Brown at paragraph 55 states that works required to repair and strengthen the building would impact on the interior and structural components of the building such that its technological values would be substantially reduced. In response, I note that Policy 9.3.2.2.1 'Identification, assessment and scheduling of heritage items' only requires **one** heritage value to be met at a significant level (9.3.2.2.1 b.i.A.). Although the permanent removal of interior heritage fabric would result in some reduction of the technological values associated with that fabric, I consider that the technological and craftsmanship criterion would still be met at the 'significant' level, based on the exterior fabric which would remain.
17. Although the interior contributes to the technological values, the interior is not protected and does not form part of the protected heritage item, which is confined to the exterior of the building. Technological significance and overall significance of Harley Chambers is not dependant on its interior values.
18. I disagree with Mr Brown at his paragraph 64 that the necessary repair and strengthening works would reduce the contextual significance of the place. The contextual heritage value relates to visual and physical relationships to the environment, such as a group or streetscape and landmark values. In my opinion the street façades rather than the interior are the element which contributes to the important group of co-located heritage buildings and features in this location, and which contributes to the building's familiar landmark presence on a prominent corner.
19. At paragraph 71 Mr Brown states that a number of the heritage values in Appendix 9.3.7.1 are contextually tied to the internal functioning of Harley Chambers and that these would be lost through a façade retention option. My views on the ability of a façade retention option to retain heritage values are outlined in my primary evidence. I would add that regardless of the retention of the interior, the exterior street façade expresses aspects of the original internal arrangement through the articulation of the entrances and the arrangement of windows.

20. At paragraph 73 Mr Brown identifies six façades in the heritage schedule – however I note that Duncan’s Buildings at 135-165 High Street is also a façade (in part), and the Isaac Theatre Royal is also essentially a heritage façade with a new building behind, containing original and replica fabric. The scheduling of retained facades after the earthquakes evidences the particular context of the Christchurch District in terms of the retention and scheduling of facades being accepted as positive outcomes for Christchurch as part of recovery, due to the retention of associated heritage values. This is acknowledged in the international publication ICOMOS-ICCROM Analysis of Case Studies in Recovery and Reconstruction Case Studies, 2020.¹ For local context, the Our Heritage, Our Taonga Heritage Strategy 2019-2029,² developed by the Council in consultation with the community, articulates that remaining heritage buildings are ‘precious survivors’ and ‘iconic landmarks that characterise the district and document its history’ (p.24).
21. At paragraph 74 Mr Brown states that a retained façade would only be on a heritage schedule if it was of ‘outstanding’ significance. I disagree. There is no requirement in Policy 9.3.2.2.1 for an item to be of ‘outstanding’ significance.
22. I agree with Mr Brown in his Appendix D ‘Peer Review of CCC Statement of Significance’ commentary (p.2) regarding the Cultural and Spiritual significance assessment in the Statement of Significance that it is appropriate for mana whenua to determine any cultural values associated with the building and site. I note that the source for the Mana Whenua information under this criterion is from a recognised source - Ti Kōuka Whenua on the Christchurch City Libraries website, which is noted in the references at the end of the statement of significance.³ Since the time the Statement of Significance was prepared a newer source of information is now available – Kā Huru Manu, the Ngāi Tahu Atlas⁴ – and when statements are updated (as they are on an ongoing basis outside of plan change processes) this information will be updated.
23. I consider Mr Brown's opinion that the Harley Chambers is not of a dominant scale when considering the neighbouring and more modern buildings is not

¹ https://www.iccrom.org/sites/default/files/publications/2021-03/vol1_icomos-iccrom_publication_1.pdf

² <https://ccc.govt.nz/assets/Documents/Culture-Community/Heritage/Our-Heritage-Our-Taonga-Heritage-Strategy-2019-2029.pdf>

³ <https://my.christchurchcitylibraries.com/ti-kouka-whenua/>

⁴ <https://kahurumanu.co.nz/atlas/>

relevant to the Contextual criterion (John Brown, Appendix D 'Peer Review of CCC Statement of Significance' - Contextual value, p.4). Likewise, the fact that Harley Chambers is less architecturally embellished than historic buildings opposite is not relevant – it is a fact that speaks of its construction, materials, style, use, architect and the era in which it was designed and built (as per the Architectural and Aesthetic criterion).

Evidence of Matt Bonis on behalf of Cambridge 137 Limited

24. I disagree with paragraph 16 of Mr Matt Bonis' evidence that the Statement of Significance was not updated to account for the consequences of the earthquakes. The fact that the building is earthquake-damaged is noted in the Statement of Significance under Historical and Social Significance. Assessments of condition and potential effects on heritage fabric of repair or strengthening works in terms of 9.3.2.2.1. c. are not undertaken within the Statements of Significance. The Policy appropriately separates out the heritage values assessment at 9.3.2.2.1. b. from the other matters of condition, costs and the impact of required works at 9.3.2.2.1. c. which are relevant to determining whether it is appropriate to schedule a building or feature that has been assessed as being 'significant' or 'highly significant' to the District.
25. The Statement of Significance has an error on page 1, where it states the parapet was removed – to my understanding this was not undertaken. I also consider that the Statement of Significance should be updated to acknowledge that the lift shaft has been removed.
26. In response to paragraphs 18 to 20, I note that no plan changes have been undertaken since the 2015-2016 District Plan Review. The scope of work for PC13 and PC14 included removals due to demolition, and corrections of Statements of Significance and the Schedule of Significant Historic Heritage Items to ensure accuracy and consistency.

REMOVAL OF DWELLING (BLUE COTTAGE), 325 MONTREAL STREET FROM THE SCHEDULE OF SIGNIFICANT HISTORIC HERITAGE ITEMS IN APPENDIX 9.3.7.2

Evidence of Mr David Hill on behalf of Carter Group Limited

27. At paragraph 11 Mr Hill outlines the changes to the Blue Cottage over time. He considers that *"a lot of its original features had been removed or altered"*.
28. I do not consider the changes listed by Mr Hill to affect the assessed heritage significance of the building as a Significant Heritage Item. The Statement of Significance for the cottage specifically identifies some of the changes that have occurred over time and takes them into account in the assessment as a Significant Heritage Item. I note that only the exterior is protected as the scheduled Heritage Item. My primary evidence addresses the heritage value of later changes and additions to heritage places over time.
29. Further, recognised heritage conservation principles (including those contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, 2010⁵) acknowledge that changes made subsequent to the original construction of a building or feature can contribute to its heritage value. The Conservation Plan for the cottage (Dave Pearson Architects Ltd., 2003) identifies the lean-to forms as being of 'considerable' heritage significance, and the modified fireplaces as 'some' significance.
30. In regard to paragraphs 20 and 21, I note that my evidence proposes a reduced setting for the Heritage Item, which reduces the area of Heritage Setting along the Gloucester Street frontage. If this reduced setting is accepted by the Panel, the area identified by Mr Hill as potential accessway would sit outside of the revised Heritage Setting.
31. In regard to paragraph 22, I note that the location of the Cottage and its relationship to the corner, the street and the setting are important in relation to its historical and social and contextual values, including landmark values. As a last resort, relocation of the repaired Cottage on the site would be preferable to its demolition. Depending on the orientation and location of the relocated Cottage on the site, aspects of its heritage values could potentially be maintained.

⁵ [Microsoft Word - ICOMOS NZ Charter UPDATED user statement](#)

Evidence of Mr Dave Compton-Moen on behalf of Carter Group Limited

32. In regard to paragraph 14, I note in my primary evidence that the heritage setting has been reduced. This would allow for three more units located outside of the heritage setting (based on the plan at Figure 2 of Mr Compton-Moen's evidence).

Evidence of Mr Jeremy Phillips (Planning) on behalf of Carter Group Limited

33. I disagree with paragraphs 92, 94 and 109.1 where Mr Phillips states that the Statement of Significance does not demonstrate how the historic heritage meets *"at least one of the heritage values in Appendix 9.3.7.1 at a significant or highly significant level"*, based on his view that there is a distinction between *"being of significance"* and *"being significant"*.
34. Council's Statements of Significance use the word *"significance"* to mean the place has heritage value to the extent that it meets the criterion of being *"Significant"* and *"of high significance"* to mean it has heritage values to the extent that it meets the criterion at a Highly Significant level. If a criterion has not been met, but the place still has a degree of value under the criterion, it will be identified as having *"some value"*.
35. The summary statement at the end of the Statement of Significance summarises the overall level of significance. Overall 'significance' equates to 'Significant' on the schedule, overall 'high significance' equates to 'Highly Significant' on the schedule. The Statement of Significance for this Heritage Item has identified the building as meeting the 'significance' threshold under each of the criteria and describes against each criterion how each is met. The summary statement concludes that the building is of overall significance to the district which translates to 'Significant' on the schedule.

REMOVAL OF DARESURY, 9 DARESURY LANE AND ST JAMES CHURCH, 69 RICCARTON ROAD FROM THE SCHEDULE OF SIGNIFICANT HISTORIC HERITAGE ITEMS IN APPENDIX 9.3.7.2

Evidence of Mr Jonathan Clease (Planning) on behalf of Daresbury Limited and Church Property Trustees

36. At paragraph 27 Mr Clease equates repair of earthquake damage to unsympathetic alterations that have led to a loss of heritage values. This comparison is not relevant, in my opinion. I accept that loss of original

heritage fabric can result in reduction or loss of heritage values. However, heritage values can still be expressed and embodied in a place despite unavoidable loss of heritage fabric through conservation processes of repair and reconstruction. Significant and invasive works to address earthquake damage can be acceptable in terms of heritage conservation where this follows conservation principles, processes and practice as closely as practicable, and retains heritage fabric and values to the maximum extent possible given the circumstances and limitations.

37. At paragraph 40 Mr Cleese considers that heritage values of both buildings to be degraded as a result of damage to fabric. I disagree – unless heritage fabric has been lost, damaged or destroyed beyond repair, condition is not a factor that forms part of a heritage values assessment. This is reflected in Policy 9.3.2.2.1 which addresses heritage value and significance at 9.3.2.2.1b. as distinct from to condition at 9.3.2.2.1 c.iii and iv.
38. In regard to paragraph 62, I do not consider that in the case of Daresbury, the required repair and strengthening works would constitute a replica building (a replica being a copy of an existing or former structure, as per the ICOMOS New Zealand Charter, 2010⁶). The works include salvage and reinstatement of heritage fabric, installation of new fabric and structural system, repair and a 'like for like' replacement of parts of the building in new materials where necessary. This aligns with the heritage conservation principles and processes as set out in the ICOMOS NZ Charter, 2010 and the approach Council staff have commonly seen for retention of earthquake damaged buildings in an earthquake recovery context where the achievable extent of original fabric retained is lower than can generally be achieved for non-earthquake damaged buildings.
39. I note in regard to paragraph 119 that it is unclear from the information provided as to how or when the buildings were marketed to potential buyers or users.

⁶ [Microsoft Word - ICOMOS NZ Charter UPDATED user statement](#)

AMENDMENTS SOUGHT TO HERITAGE POLICIES AND DEFINITIONS

Evidence of Mr Jonathan Clease (Planning) on behalf of Daresbury Limited and Church Property Trustees

Policy 9.3.2.2.3 Management of scheduled historic heritage

40. In regard to paragraphs 52 and 53 and the changes sought to the wording of Policy 9.3.2.2.3 'Management of scheduled historic heritage', I make the following comments.
41. Policy 9.3.2.2.1 b.ii. prioritises heritage items with high authenticity and integrity together with high levels of heritage values to the District. These are the District's most significant heritage items, and therefore some degree of hierarchy in the weighting of protection and decision-making is appropriate.
42. However, the ability of a Heritage Item to accommodate change does not equate to its relative overall heritage significance. This needs to be considered on a case-by-case basis. Regardless of whether they have an overall rating of significant or highly significant, most Heritage Items – particularly buildings, are made up of heritage fabric which varies in its degree of significance. If change is directed to fabric of lesser value, there will be less impact on heritage fabric and values. For example, if change is directed to the interior or rear of an inner-city commercial building where the architectural and contextual values are expressed on the street facades, heritage values can be retained, regardless of whether it is significant or highly significant.
43. Significant items have potential to be just as sensitive to change as highly significant items, as they have a moderate degree of integrity which could be impacted by unsympathetic alterations or loss of heritage fabric – examples include the façades which are scheduled as significant heritage items. These are the only remaining original parts of the building, and are the most prominent features, therefore loss of fabric or alteration has high potential for impact on heritage values.
44. In regard to paragraph 64 and the discussion about the objective which recognises the unique context of post-Earthquake Christchurch, I note that whilst it acknowledges that some badly damaged buildings cannot be retained, it could equally be seen as recognising the context that our heritage

buildings have incurred unprecedented damage and in some cases necessarily have to incur a significant level of change to their fabric in order to repair them and retain their heritage values to the District. As discussed above, it has been recognised by the profession that the approach in Christchurch has necessitated acceptance of a greater degree of intervention than has been associated with traditional heritage conservation practice.

Definition of alteration

45. I disagree with Mr Cleese in respect of paragraph 69 that the proposed alteration definition will not provide benefits in respect of heritage values. I consider that the first part of the definition should not be limited to impacts on heritage fabric because heritage works which do not physically impact heritage fabric can still have an impact on the form and heritage values of a Heritage Item. Heritage Items are made up of heritage fabric and non-heritage fabric and changes to the latter can impact the heritage values of the place.

Demolition rule for significantly damaged heritage items

46. In regard to Appendix 1, Matter d. of Mr Cleese's evidence, if these are supported, I consider that matter d. could be amended to include consideration of how the heritage fabric is to be re-used on site or in a new building on the site. Reuse of salvaged and stored heritage fabric from demolished buildings can provide interpretation of the District's lost heritage, and contribute to a sense of place and identity, as well as retain community connections to place.

Evidence of Mr Jeremy Phillips (Planning) on behalf of Carter Group Limited

Demolition policy 9.3.2.2.8

47. Mr Phillips at paragraph 136 considers the proposed wording may preclude the otherwise demolition of heritage items that are significantly (physically) compromised, on the basis of one or more intangible values remaining. I note that even though under Policy 9.3.2.2.1 b. places only need to meet one of the values at a significant or highly significant level, heritage items are still required to meet a minimum moderate degree of integrity to clearly demonstrate that they are of significance to the Christchurch District. This in

my opinion means that it is unlikely that a built heritage item with significance for intangible values only would meet the threshold for scheduling.

AMENDMENTS SOUGHT TO NEW REGENT STREET INTERFACE AND HERITAGE SETTING

Evidence of Mr Dave Compton-Moen on behalf of Carter Group Limited

48. In regard to paragraph 17, I agree that contrast of scale is common in urban areas with retained heritage buildings. I note that inappropriate or incompatible contrasts of scale can negatively impact on the heritage values of a place, and that these should be avoided, as per the guidance in the ICOMOS New Zealand Charter, 2010 (21.Adaptation).⁷ I consider that the 28 metre height limit as notified would provide for a more appropriate and compatible contrast of scale for New Regent Street than the 90 metres which Mr Compton-Moen supports.
49. In regard to paragraph 18, I agree that 129-143 Armagh Street is separated by a road, however I do not consider this provides sufficient separation for a 90m building in this prominent location at the north of New Regent to potentially impact on the heritage values associated with the Highly Significant Heritage Item.

Evidence of Mr Jeremy Phillips (Planning) on behalf of Carter Group Limited

50. I agree to the relief sought at paragraph 86 to adjust the setting for New Regent Street to exclude the northern footpath of Armagh Street.

Amanda Ohs

9 October 2023

⁷ [Microsoft Word - ICOMOS NZ Charter UPDATED user statement](#)