

**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 the hearing of submissions on Plan Change 14 (Housing
and Business Choice) to the Christchurch District Plan

**STATEMENT OF REBUTTAL EVIDENCE OF DAVID ALAN PEARSON ON
BEHALF OF CHRISTCHURCH CITY COUNCIL**

HERITAGE

Dated: 9 October 2023

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EXECUTIVE SUMMARY

1. This rebuttal evidence responds to submitter evidence supporting the removal of Harley Chambers from Appendix 9.3.7.2 Schedule of Significant Historic Heritage (**Schedule**).
2. The issues addressed in this rebuttal evidence are set out in paragraph 10 below.
3. Having considered submitters' evidence I maintain my position that Harley Chambers should not be removed from the Schedule.

INTRODUCTION

4. My name is **David Alan Pearson**. I am a registered architect and principal of the architectural firm known as DPA Architects.
5. I prepared a statement of primary evidence on behalf of Christchurch City Council (**Council**) dated 11 August 2023. My primary evidence addressed the submission to Plan Change 14 to the Christchurch District Plan (the **District Plan; PC14**) seeking that Harley Chambers should be deleted from Appendix 9.3.7.2 of the Schedule.
6. As stated in my primary evidence, in my opinion, Harley Chambers should not be deleted from the Schedule on the basis that it has significance under each of the criteria as found in Appendix 9.3.7.1 of the District Plan.
7. I have the qualifications and experience set out at paragraphs 8 to 15 of my primary evidence dated 11 August 2023.
8. I repeat the confirmation given in my primary evidence 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

9. 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 the evidence of:
 - (a) Mr Matthew Bonis for Cambridge 137 Limited;

- (b) Mr John Brown Cambridge 137 Limited; and
- (c) Mr Brett Gilmore Cambridge 137 Limited.

10. In my opinion, the principal issues are as follows:

(a) **Issue One (Mr Bonis)**

The aim of Policy 9.3.2.2.1 is to identify and assess whether an item should be included in the Historic Heritage schedule. The Policy acknowledges that a building's condition may compromise its heritage values but gives no guidance as to how the impact on heritage values might be evaluated.

(b) **Issue Two (Mr Brown)**

Mr Brown considers that the most significant elements of the building are the interior, including fixtures. However, the interior of the building is not protected and it is likely that it would be lost or highly modified whatever the final outcome is.

(c) **Issue Three (Mr Brown)**

Mr Brown considers that the work to repair the building will reduce its integrity. However, the majority of the work to remediate and structurally upgrade the building will be confined to the interior which is not protected under the District Plan.

(d) **Issue Four (Mr Brown)**

Mr Brown considers that if only the facades were to be retained, the building would likely not meet the criteria for scheduling. The fact is that the Schedule already includes buildings that are scheduled for their facades only.

EVIDENCE OF MR MATTHEW BONIS, FOR CAMBRIDGE 137 LIMITED

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11. Paragraph 46 of Mr Bonis' evidence makes no distinction between the removal and reduction of interior and exterior fabric. In fact, any repair strategy is likely to require substantial changes to the interior while the exterior will likely remain relatively intact as has been the case with other

scheduled buildings in Christchurch where the façade has been retained to be incorporated into a new building.

12. With respect to paragraphs 53 to 58 of Mr Bonis' evidence, the principal aim of Policy 9.3.2.2.1 is to identify and assess historic heritage for scheduling in the District Plan. The policy does not suggest that a damaged building may not have heritage value under the six listed criteria, rather it says that its condition may compromise its heritage values. However, the Policy provides no guidance as to how it might be determined that a building's condition could result in its heritage values and integrity being compromised to the extent that it would no longer retain its heritage significance. In my opinion, therefore, a damaged building could still retain its heritage values to the point where it should remain scheduled.
13. In terms of Mr Bonis' paragraph 75 (d) of his evidence, it is acknowledged that if a tower was to be constructed above Harley Chambers, it would need to be set back from the boundaries. However, that is in line with generally accepted practice that any new tower above a heritage building should be set back from the external facades and there are various examples of this having occurred throughout the country.
14. PC 14 as notified requires a tower to be set back from the boundaries by a distance of 10% of the total height of the building. As it stands, Harley Chambers is approximately 12 metres high. If a tower of six levels, that is three levels taller than the existing building, were to be constructed behind the facades, the building might then have a total height of 24 metres. My understanding is that PC 14 would require such a tower to be set back from the boundaries for a distance of 2.4 metres which does not seem too onerous in this case, as the site appears reasonably generous in area. To my knowledge, the possibility of constructing a tower on the site and how it might contribute to the commercial feasibility of retaining the facades has not been explored.
15. In paragraph 81(a) Mr Bonis quotes Mr Brown who suggests that a number of the matters of importance under Appendix 9.3.7.1 are contextually tied to the internal functioning of Harley Chambers and these would be irrevocably lost if the facades only were listed. In my opinion, elements of the external facades such as its overall form and the arrangement of window openings

can provide evidence of the building's past use and provide a connection with intangible values such as historical, social and cultural values.

16. In Appendix 9.3.7.1, 'Contextual values' are defined as those that demonstrate or are associated with a relationship to the environment. In my evidence I have described how Harley Chambers has contextual values through the association it has with other listed buildings, particularly in Worcester Boulevard. I acknowledge that the building's interior is of interest. However, the interior is not part of the listing. Although the owners are not seeking consent to demolish the building at this stage, its total demolition is almost certainly guaranteed in the event that it is delisted. If that were to occur all evidence of the building's former existence, would be irrevocably lost.
17. By contrast, I would suggest that if the facades were to be retained, the building's contextual values, being described as the way it relates to the surrounding environment, would be largely preserved.

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18. Throughout Mr Brown's evidence¹ he suggests that the building's integrity and heritage values would be substantially reduced after remediation primarily in relation to the loss of interior structural elements and the removal of all fixtures and fittings.
19. However, the interior of the building is not protected in the District Plan. There is therefore no reason why changes to interior should prevent the building from being scheduled. It is also likely that whichever option is pursued, the interior will be substantially lost or altered. For example, demolition of the building in its entirety would result in the loss of the interior, as well as any evidence of the building's previous existence.
20. At paragraph 14 of his evidence Mr Brown "regrettably" concludes that "the building would be highly doubtful as to its merits for scheduling on the basis of its reduced integrity..." This statement is unsubstantiated and ignores that fact that there are a number of other buildings in Christchurch where only the façades remain and yet have been assessed as still being worthy

¹ See for example paragraphs 11,13, 17, 55, 64-65, 71 and 85 of the Statement of Evidence of John Brown dated 20 September 2023

of being scheduled. A notable example is the former AJ Whites building on the corner of High and Tuam Streets. This building has a new structure behind the façade, and yet there appears to have been minimal change when viewed from the street.

21. At paragraphs 15 and 70 to 71 Mr Brown considers that partial demolition or façade retention reduces not only the technological interest which, he considers is the principal aspect of interest but, also the aesthetic and contextual values of the place. In my opinion, the aesthetic and contextual values would remain essentially unaffected.
22. I disagree that the principal aspect of interest is the technological interest and it is my view that the building has significance under all six of the assessment criteria. In any case, these options may reduce technological interest but, retention of façades would ensure that its contextual value which, relates to its landmark qualities due to its prominent corner location and the contribution it makes to the cityscape would remain intact. The aesthetic values of the retained facades would also be preserved. In short, removal of internal fabric would not impact on its heritage values to the point where it no longer meets the threshold for being scheduled. Once again, complete demolition would extinguish all its heritage values.
23. Throughout his evidence, Mr Brown makes no reference to any architectural values the building may have, possibly as he is by profession an archaeologist. In my primary evidence, I note the references the building makes to significant American architectural trends of the period and also how the elevations are indicative of the functions within. Although the elevations of the building are relatively plain, this is due to its modernist antecedents, rather any reduction in architectural quality. Also, in my opinion, the detail found in the building's facades also demonstrate craftsmanship values.
24. At paragraph 16 of his evidence Mr Brown considers that it would be highly unlikely that any new heritage assessment of just a retained façade would conclude that it should be included on a heritage schedule when considered against the criteria in Appendix 9.3.7.1. In my view, this opinion is completely speculative as the facades would need to be fully assessed as to their merits. As noted, other facades are scheduled in the District Plan. In my opinion, criteria such as its architectural and aesthetic values

would remain largely intact, as would some of its intangible values such as historical, social and cultural values. As noted in the evidence of Ms Amanda Ohs, for a building to be scheduled, it only has to meet one of the heritage values in Appendix 9.3.7.1.

25. At paragraph 18 Mr Brown concludes that removal of the building from the Schedule is not inconsistent with the District Plan policies including Policy 9.3.2.2.1. I strongly disagree with Mr Brown's conclusion. The stated purpose of Policy 9.3.2.2.1 is to identify and assess historic heritage in accordance with the criteria in Appendix 9.3.7.1 and to determine whether it meets the criteria for scheduling as a 'Significant' or Highly Significant' historic heritage place. It is only the two last clauses in the Policy that make reference to the building's physical condition and require consideration of engineering and financial matters.
26. Mr Brown identifies at paragraphs 33-38 of his evidence what he considers are two key aspects – the technological components of the building and its association with the architect. He also does not consider GT Lucas to be a prominent architect. Ms Ohs has a contrary opinion and considers that Mr Lucas was a prominent architect on the basis of the work he produced. I prefer the evidence of Ms Ohs. I also believe that, although the prominence of the architect can be a consideration, a building should be judged on its architectural and other tangible values.
27. At paragraph 39 Mr Brown considers that the elements of most interest are the technological components. This is a re-occurring theme in Mr Brown's evidence and ignores the fact that the building is considered to have heritage values under the other criteria.
28. Mr Brown at paragraph 42 quotes the Smart Alliances report written by Mr John Gray and in particular the opinion expressed in that report that the work to structurally upgrade the building would require extensive modification of both the interior and exterior. The work would be intrusive and invasive as to considerably reduce the overall significance of the building to the point of little value. It is difficult to know how this conclusion was reached. My understanding is that the structural upgrading work would mainly involve the building interior with little impact on the exterior other than cosmetic repairs. In my opinion, the exterior would generally retain its heritage values.

29. At paragraph 43 Mr Brown quotes the Quoin report which states, "*it is Quoin's professional opinion that the building as a whole should be deconstructed*". One of the reasons for this opinion is "*the building in the long term is unlikely to be repaired because it is not economic to do so*". Other reasons for deconstruction include the north-east corner could partly collapse and the concrete canopy could partly collapse. In my opinion, deconstructing a building because it is uneconomic to repair it is a poor reason for doing so. In this case, there do not appear to be any sound structural reasons to deconstruct it and there appears to be a consensus that it is feasible to repair the building.
30. The Centraus report quoted by Mr Brown at paragraph 44 states "*it is evident that the entirety of the original building will need to be deconstructed*" and "*restoration would require the majority of the building to be removed and replaced there will be a need for the for the extensive removal of the building in demolition*". As above, other reports suggest that it is feasible to repair the building.
31. At paragraph 56 Mr Brown lists the work that might be required to structurally upgrade the building to 67% NBS. Again, it appears that the majority of this work applies to the building interior other than the strengthening of the exterior columns which would require the removal and reinstatement of the existing plaster finish, effectively returning the building to its pre-earthquake condition. Similar work has either been done or is proposed for other buildings in the City.
32. Mr Brown then makes reference (at paragraph 59) to Policy 9.3.2.2.1 (c) (iii) regarding the physical condition of the building and whether '*work would result in the heritage values and integrity being compromised to the extent that it would no longer retain its heritage significance...*' At paragraphs 60, 61 Mr Brown disagrees with my evidence and that of Ms Ohs and considers that the heritage values of the building would be substantially reduced. In the following paragraph, he states that this is primarily in relation to the loss of interior structural elements.
33. It is not disputed that remediation and seismic upgrading work would involve a loss of interior elements, however, as previously noted, the interior is not protected. There is, therefore, no reason why this should result in the building not continuing to meet the threshold for scheduling.

Obviously if the building were to be demolished in its entirety, there would be a complete loss of all external and internal fabric and its heritage values.

34. At paragraphs 67-68 Mr Brown refers to the comment in Mr Stephen Hogg's evidence of stripping the facades back to bare substrate. It is acknowledged that there will be some loss of external plaster, although I understand Mr Hogg was referring to the removal of existing applied coatings, rather than plaster.
35. At paragraphs 73-74 Mr Brown states that it is a relatively rare circumstance when a façade will, on its own, be retained in the Schedule. In response, as noted in my primary evidence, the heritage landscape in Christchurch has changed since the earthquakes and I suggest that the retention of facades has become more acceptable on the basis that such a course of action retains what is usually the most visual and arguably the most significant part of the building, being the principal facade/s, particularly in the inner city when a building might be abutted on both sides by other buildings, meaning the other elevations were never seen.
36. Retention of the Harley Chamber façades would be no different from any other façade listed in the Schedule, such as the AJ White's building. If the facades were to be retained, they would need to be fully assessed in terms of the criteria to determine their merits for scheduling.
37. At paragraphs 77-78 Mr Brown considers that the integrity of a place may be influenced by its condition. In my opinion, that may be true where there has been substantial damage such as catastrophic collapse of a portion of the building. However, a damaged building could still retain its heritage values to the point where it should remain scheduled. I believe that to be the situation with Harley Chambers.
38. At paragraph 80 Mr Brown states that the submitter is not applying to demolish any part of the building, that is a resource consent process. I consider this to be a disingenuous statement as the building owner has clearly stated that the outcome sought from de-listing the building is so that it could be demolished without the need for a resource consent.

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39. At paragraph 27 of his evidence Mr Gilmore states that the north end of the east façade will need to be deconstructed and rebuilt, plus all of the plaster to the facade will need to be removed and reinstated as part of the repairs and strengthening. My understanding is that the column is the only portion that would likely require to be reconstructed. In addition, plaster would only need to be removed to enable strengthening work to occur, or if it is defective.
40. With respect to the possibility of constructing a new building behind the retained facades at paragraph 107, Mr Gilmore states “*the proportions of the (assumed existing) façade would compromise the architectural design and functionality of any new building behind the façade*”.
41. In my view, there is no reason why proportions of the existing building should compromise the design of a new building. While a new building could make references to an older building, it could also be quite contemporary in nature and have its own character.

David Alan Pearson

9 October 2023