

**BEFORE THE INDEPENDENT HEARINGS COMMISSIONER APPOINTED BY
THE CHRISTCHURCH CITY COUNCIL**

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of an application for resource consent under section 88 of
the RMA by Cambridge 137 Limited for demolition of a
heritage building and construction of a hotel

APPLICANT Cambridge 137 Limited

**STATEMENT OF EVIDENCE OF JOHN BROWN ON BEHALF OF
CAMBRIDGE 137 LIMITED**

HERITAGE

2 October 2024

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INTRODUCTION

- 1 My full name is John Edward Brown.
- 2 I have prepared this brief of evidence to support the application for resource consent by Cambridge 137 Limited to demolish the current Harley Chambers and to construct a new 11 storey hotel in its place (**Application**).

Qualifications and experience

- 3 I am a Director at Plan.Heritage Ltd, an independent heritage planning consultancy.
- 4 I hold the qualifications of BA Archaeology (Hons) from University of Newcastle-upon-Tyne and an MA Archaeology (Distinction) from University College London. I am an Associate Member of the Chartered Institute for Archaeology, a supporting member of Institute for Historic Building Conservation and a member of International Council on Monuments and Sites New Zealand. I am also a member of the New Zealand Archaeological Association.
- 5 I have 30 years' experience working in a variety of academic, public sector and commercial roles relating to historic buildings, archaeology and heritage planning. I have worked previously in the United Kingdom and also on projects in Hungary and Israel.
- 6 Since arriving in New Zealand in 2011 I have been employed in the areas of historic heritage, special character assessment, and archaeology as they relate to the planning framework established by the Resource Management Act 1991 (**RMA**), and to the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**).
- 7 From 2011 to 2015 I managed the built heritage implementation team at Auckland Council, dealing specifically with the assessment of resource consents for historic heritage buildings and places and special character assessments. In 2015 I established Plan.Heritage as an independent heritage consultancy, providing heritage policy and planning advice to a range of public and private client sectors. I currently provide expert advice to Queenstown Lakes District Council (**QLDC**), Auckland Council, and Far North District Council among others.

- 8 I am familiar with the site at 137 Cambridge Terrace and undertook a specific site visit on 9 August 2023. I have also visited the area more recently on 16 April 2024.

Code of conduct

- 9 While the resource consent application is not before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. Accordingly, I have complied with the Code in the preparation of this evidence, and will follow it when presenting evidence at the hearing.
- 10 Unless I state otherwise, this assessment is within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 11 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence. The reasons for the opinions expressed are also set out in my evidence.

Scope of evidence

- 12 I have prepared this evidence on behalf of Cambridge 137 Limited in relation to the resource consent application to demolish the Harley Chambers building and construct a new hotel at 137 Cambridge Terrace.
- 13 I have been previously provided evidence in relation to the Plan Change 14 process in support of a submission by Cambridge 137 Limited which sought to remove the building at 137 Cambridge Terrace (Harley Chambers) from the Christchurch District Plan in Appendix 9.3.7.2 'Schedule of Significant Historic Heritage'.
- 14 The Independent Hearing Commissioner's recommended de-listing the existing Harley Chambers.¹ Following this, a decision has been made by the Christchurch City Council (**Council**) that Harley Chambers is now no longer a heritage listed building. It is now a permitted activity to demolish the building.² Accordingly, the focus of my evidence is now on the

¹ Independent Hearings Panel - Plan Change 14 Housing and Business Choice Recommendations Report – Part 3 of 8. Section [117]-[123].

² Christchurch City Council minute of 18 September 2024 whereby the Council accepted the recommendations of the IHP report, formally de-scheduling Harley Chambers.

heritage character effects of the proposal, given the relationship with other nearby heritage buildings.

- 15 Accordingly, I have structured by evidence to address the effects on historic heritage by considering:
 - (a) The effects of the new proposed hotel development on the setting of neighbouring and nearby heritage places; and
 - (b) Commenting on the submissions and section 42A report dated 24 September 2024 (**section 42A report**).
- 16 In preparing my evidence, I have reviewed the following documents:
 - (a) Heritage New Zealand Pouhere Taonga (**HHNZPT**) Listing Summary;
 - (b) The Council's Heritage Schedule;
 - (c) Smart Alliances 2017 Heritage Impact Assessment (**2017 Assessment**);
 - (d) Submission of Cambridge 137 Limited for PC14 and associated evidence and specialist reports;
 - (e) Assessment of Environmental Effects (AEE) prepared by Planz Consultants - Cambridge 137 Limited March 2024 *Demolition of a heritage building and construction of a hotel* resource consent application and the associated specialist reports and appendices.
 - (f) The Heritage Impact Assessment I prepared for the Application and is appended to the Application (**HIA**) as **Appendix 5**;
 - (g) The section 42A report; and
 - (h) Submissions presented in Appendix A of the section 42A report

HERITAGE EFFECTS OF THE PROPOSAL

- 17 The heritage effects of the proposal have been assessed as part of the Application in the HIA.
- 18 As the HIA identifies, at the time the key environmental effects with respect of historic heritage were:

- (a) Adverse effects on historic heritage values associated with the demolition and removal of the Harley Chambers Building;
 - (b) The appropriateness of proposed design, to mitigate any adverse effects;
 - (c) Opportunities to mitigate demolition through site interpretation or salvage of materials; and
 - (d) The appropriateness of new development when considering the surrounding context including neighbouring heritage sites.
- 19 Given the de-listing that has occurred, the focus of my evidence is on the appropriateness of new development when considering the surrounding context including neighbouring heritage sites. I do also make some specific comments in relation to the section 42A report recommendations for an advice note in acknowledgment that the building still retains some heritage value.

Surrounding context

- 20 As is described in the HIA, in addition to the subject site, there are also several recorded heritage site within 100m of the site subject to the Application. These include:
- (a) 69 Worcester Street – Worcester Chambers (significant);³
 - (b) 129 Cambridge Terrace – Canterbury Club (highly significant);⁴;
 - (c) 129 Cambridge Terrace – Canterbury Club Hitching Post (significant);⁵
 - (d) 129 Cambridge Terrace – Canterbury Club (significant);⁶
 - (e) 153 Oxford Terrace – Captain Robert Falcon Scott Statue and Setting (significant);⁷
 - (f) 159 Oxford Terrace – Former Municipal Chambers and Setting (highly significant);⁸

³ CDP App.9 ref 571, Setting; Significant.

⁴ CDP App.9 ref 76, Setting 305; Highly Significant; HNZ List ref 1837 Cat 2.

⁵ CDP APP.9 ref77; Setting 554; Significant; HNZ List ref 1839 Cat 2.

⁶ Gaslight; CDP App9. Ref 1344; Setting 554; Significant; HNZ List ref 1838 Cat 2.

⁷ CDP App9. Ref 572; Setting 579; Highly Significant; HNZ List ref 1840 Cat 2.

⁸ CDP App9. Ref 415; Setting 581; Highly Significant; Interiors; HNZ List ref 1844 Cat 1.

- (g) The Worcester Street Bridge – Worcester Street Bridge and Setting (highly significant);⁹ and
 - (h) The rear of 66 Gloucester Street – Former CSA / CoCA Gallery)¹⁰ (significant) is currently visible but may be obscured by future development.
- 21 Within 100m of the subject site there are 8 sites included on the New Zealand Heritage List / Rārangī Kōrero of nationally significant places (Figure 16) administered by Heritage New Zealand Pouhere Taonga (HNZ). This includes the subject site, which is registered as a category 2 historic place¹¹ and the Canterbury Club opposite which is also a category 2 historic place.¹² Associated with the Canterbury Club and sharing the same setting, are the Hitching Post and Gaslight noted above. The other four sites are further away and across the river, also referred to above.

Effects of the proposed hotel development

- 22 Given this context, in my HIA I also considered the effects of the proposed new hotel development on the wider streetscape, and the setting of adjacent and neighbouring heritage buildings. This assessment is included in section 8 (when discussing effects on the setting) and section 9 (in relation to heritage setting and District Plan policies) of my HIA.
- 23 In my opinion, the proposed new design introduces considerable height to the site but this level of development is seen in the general vicinity and does not in itself detract from the identified heritage values of nearby sites, including the heritage listed Worcester Chambers adjacent and the Canterbury Club opposite.
- 24 This is because the design itself provides a clear connection between the height of the Harley Chambers building through the use of a podium level and also sets back the taller portion of the building from Worcester Chambers to provide appropriate 'breathing space'. Further, the

⁹ CDP App9. Ref 586; Setting 580; Highly Significant; HNZ List ref 1833 Cat 2.

¹⁰ CDP App.9 ref 1354.

¹¹ HNZ List ref 3111.

¹² HNZ List ref 1839.

proposed design acknowledges the architectural language with a modern interpretation of the 'Chicago' style of tall commercial buildings.

25 In the context of the wider area and considering the broad setting for neighbouring historic sites, the new development is not unduly dominant, as there is sufficient space between this site and others especially with the presence of the river. There are also a number of other tall buildings of similar height in the city centre, so the presence of this building is assimilated generally. Therefore, I assess the new design as having little adverse effect on the context and values of neighbouring heritage sites.

26 I also note that Ekin Sakin, Principal Advisor for Urban Development for the Council was supportive of the setback of the hotel from the Worcester Chambers Building in her report attached to the section 42A report as **Appendix E**:

*'The proposed set back of the building and the canopy from Worcester Chambers is welcome which would provide views to the side elevation of the heritage building that were not possible previously. I regard this as a positive effect of the proposal'*¹³

27 I agree with this position. The proposed setback provides good 'breathing space' and visibility for the Worcester Chambers Building in this regard.

COMMENTS ON SUBMISSIONS

28 In total the section 42A report records 33 submissions. The majority (27) are in support of demolition. The reasons given by submissions are summarised in the section 42A report at paragraph 25.

29 While many of the submissions are not 'heritage' related, I note of interest that the retention of the Harley Chambers is seen as 'a reminder of the Earthquakes', 'an eyesore' and 'no longer 'serving' the city are indications that it does not retain strong social values from a heritage perspective.

30 There are two submissions that specifically address heritage issues. These are:

(a) The neutral submission by NZHPT; and

¹³

Scott Blair Technical Memo to section 42a report. Pg 11

- (b) A submission by Amanda Nelson that opposes the Application on the basis that “Demolition would mean an iconic Art Deco style building, unusual in Christchurch, is lost to us forever. This building is solidly constructed and well-designed. The city has very few from this era and it would be devastating to see yet another one lost.”

31 I address each of these as follows.

Submission by NZHPT

- 32 Submission 31 from Heritage New Zealand Pouhere Taonga does not oppose the demolition, but is seeking conditions on the demolition of Harley Chambers, regarding historic building recording and the display of parts of the heritage fabric by condition on any grant of consent.
- 33 These submissions are consistent with the recommendations of the Council officer, Amandah Oh, and my own recommendations for mitigating adverse effects arising from demolition made in the HIA.
- 34 In my opinion, the relief sought by HNZPT would be achieved through the applicant's adopting of recommendations proposed in the section 42A report for there to be an advice note to this effect. If the actions required by the advice note were implemented it would enable retention of historical context and enable visitors to the site to understand the historic nature of the previous development, should the application be granted.

Submission by Amanda Nelson

- 35 Submission 29 Amanda Jane Nelson opposes the demolition of the Harley Chambers on loss of heritage grounds.
- 36 I agree that demolition would result in some adverse effects, but note that statutory control of these effects no longer forms part of the District Plan. I consider that advice note for salvage and building recording, as well as the provision of interpretive material within the new development, provide adequate mitigation for the demolition, given this planning context.

COMMENTS OF SECTION 42A REPORT AND CONDITIONS

- 37 I note that in the section 42A report, the reporting officer, Scott Blair, has reached the following conclusions:

'The IHP's recommendation and Council acceptance of the delisting [i.e. removal from the Council Schedule] of the Harley Chambers in the District Plan was on the basis that it was uneconomically viable to retain the building – not on the basis that it has no heritage value. There was no evidence before the IHP that stated there was no heritage value (although there was evidence the heritage value had degraded).'

- 38 This is consistent with my assessment of the building's heritage values summarised in the HIA. I also note that the Harley Chambers has been formally removed from the Council Schedule (it currently remains on the HNZPT National List / Rārangī Korero as a category 2 building¹⁴), which confers no statutory protection. Removal from this list is a separate process under the HNZPTA 2014.
- 39 Given this, I agree with the recommendation in the section 42A report for building recording and salvage of materials proposed as an advice note.
- 40 Appendix I sets out the recommended conditions of consent and advice notes relating to heritage and archaeology.
- 41 I note and support the advice notes in relation to archaeological potential, recognising that this is managed through the HNZPTA 2014, rather than the RMA consenting process.



John Brown

2 October 2024

¹⁴

Ref 3111.