

In the Environment Court  
Christchurch Registry  
I mua i te Kooti Taiao o Aotearoa

Under the Resource Management Act 1991

In the matter of an application under section 85 and clause 21 of the  
First Schedule of that Act

Between **Redmond Retail Limited**  
**ENV-2018-CHC-198**

Applicant

And **Ashburton District Council**

Respondent

And **Nigel Gilkison**

Interested Party

And **Michael Hanrahan**

Interested Party

And **Heritage New Zealand Pouhere Taonga**

Interested Party

And **Julie Luxton/Historic Places Mid-Canterbury**

Interested Party

And **Maxine Watson**

Interested Party

### **Evidence of Arlene Ruth Baird**

---

Date: 3 May 2019

Andrew Schulte (andrew.schulte@cavell.co.nz)  
Counsel for respondent



AJS-635532-117-514-V1-e

The BNZ Centre  
Level 3, 111 Cashel Mall  
PO Box 799, Christchurch  
T: +64 3 379 9940 F: +64 3 379 2408

## **CONTENTS**

- 1.0 Introduction
- 2.0 Source documents
- 3.0 Scope of evidence
- 4.0 Background
- 5.0 Heritage protection and guidance
- 6.0 Heritage values
- 7.0 Grounds for requesting deletion from Schedule of Heritage Items
- 8.0 Impact of deletion from Schedule of Heritage Items
- 9.0 Conclusions

## **APPENDICES**

- Appendix A: Aerial Photograph showing extent of original building and existing site
- Appendix B: Current Photographs
- Appendix C: Heritage New Zealand Map of Extent
- Appendix D: Summary from Heritage New Zealand list entry # 1807 Grain Store (Former)
- Appendix E: Subject building shown as part of a row of grain stores in the early 1900s
- Appendix F: Heritage Protection and Guidance

## **STATEMENT OF EVIDENCE OF ARLENE RUTH BAIRD**

### **1.0 INTRODUCTION**

- 1.1 My full name is Arlene Ruth Baird. I am a Heritage Planner and Director of the consultancy Era NZ Limited. I have held this position since 2016.
- 1.2 I hold the qualifications of BA(Hons) degree in Town and Country Planning and a Bachelor of Town Planning degree from the University West of England. I am currently studying a PGC In Heritage Conservation from University College Dublin. I am an associate member of the New Zealand Planning Institute (NZPI), an affiliate member of the International Council of Monuments and Sites (ICOMOS) New Zealand, and a member of the Design Institute of New Zealand (DINZ).
- 1.3 I have over 17 years of heritage planning experience, initially in the UK where I specialised in the restoration and adaptation of historic buildings, then in New Zealand, where I have undertaken extensive heritage planning and consultancy work for individuals, businesses and local authorities. Prior to my role as Director of Era, I was Senior Heritage Planner at Davie Lovell-Smith Limited, Christchurch.
- 1.4 I have been engaged by Ashburton District Council to provide evidence in relation to the heritage values of the former Cates Grain Store, West Street, Ashburton and the potential effects of its removal from the District Plan Schedule of Heritage Items as proposed within this application.
- 1.5 I was involved, on behalf of Ashburton District Council, in the previous two resource consent applications submitted by the applicant regarding this building. I provided a review of the heritage information accompanying the original application (LUC15/0006) in October 2016 and subsequently attended the hearing in February 2017. I also reviewed and informally commented on the second application (LUC17/0128) for relocation of the building in 2018, however this was withdrawn following the notification decision.
- 1.6 I can confirm that I am familiar with the former Cates Grain Store and my most recent site visit was on 15<sup>th</sup> April 2019.
- 1.7 I can confirm that I have read the code of conduct for expert witnesses contained in the Environment Court Practice note (2014). I have complied with the code in this evidence. Except where I state that I am relying on the specified evidence of another person, my 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.

## **2.0 SOURCE DOCUMENTS**

2.1 In preparing this evidence I have utilised and relied upon the following documents:

- Resource Management Act 1991
- Heritage New Zealand Pouhere Taonga Act 2014
- ICOMOS NZ Charter
- Heritage New Zealand list number 1807 for Grain Store (former)
- Ashburton District Plan (made operative August 2014), Chapter 12 Heritage Values and Protected Trees
- Resource consent application LUC15/0006 for demolition of heritage building, and associated documents, dated January 2015
- Resource consent application LUC17/0128 for relocation of heritage building, and associated documents, dated December 2017
- Request for Plan Change pursuant to Section 85, clause 21 of the First Schedule of the RMA, and associated documents, dated 24<sup>th</sup> September 2018

## **3.0 SCOPE OF EVIDENCE**

3.1 The purpose of this evidence is to assist the Environment Court in their consideration of the application and will address the following:

- Background of the building and its history
- Relevant heritage protection and guidance
- Assessment of heritage values
- Grounds for requesting deletion from Schedule of Heritage Items
- Impact of deletion from Schedule of Heritage Items

## **4.0 BACKGROUND**

### **The Building**

4.1 The former Cates Grain Store is located at 229-241 West Street, Ashburton. The site, which also includes car parking and loading, is set across three adjacent lots, with a total site area of 2,532m<sup>2</sup>. The ownership and lease arrangements of the site have been considered in Mr Fletcher's evidence. The site and building are orientated in a north-west/south-east direction with the south-east boundary fronting onto West Street (State Highway 1). The building forms a highly recognisable feature due to its curved roof design in this prominent State Highway location.

4.2 The building was constructed in what we will consider as two main stages. The first was pre-1900, although there appears to be some uncertainty as to the exact date. This section of the building fronts onto West Street and is two-storey, constructed of timber framed walls, stucco cladding and a dominant arched corrugated iron roof on curved timber rafters. The West Street façade has a first-floor central sash window

set under an arched vent and a flag pole which extends above the roof line. Below this, the lower street frontage contains 1960s modifications with large paned glazing and a wide central loading entrance. Throughout my evidence I will refer to this pre-1900 section as the 'original building'. Its extent is identified on an aerial photograph attached as **Appendix A** of this evidence.

- 4.3 The second building stage is thought to be in the mid-1900s, most likely around 1965 when there was a building consent for alterations. This consists of a single storey building to the rear of and attached to the original structure with a lower pitched iron roof. Side and rear concrete reinforced block walls were constructed later, in 1969/70, and an office area was constructed to the side (north) of the original building in the early 1990s. Throughout my evidence I will collectively refer to these later building stages as the 'rear building'.
- 4.4 Photographs of the exterior and interior of the building are attached in **Appendix B** of this evidence.
- 4.5 The original building is registered as a Category 2 historic place on the Heritage New Zealand list, number 1807, entered 26th November 1981. Category 2 items are historic places which are considered to be of historical or cultural significance or value. It should be noted that the extent of the list entry includes 'part of the land described as Sec 193 Town of Ashburton (CT CB15K/1325), Canterbury Land District and the building known as Grain Store (Former) thereon' as shown on the extent map. This map was tabled and approved at the HNZPT Rārangī Kōrero (heritage list) meeting of 8 March 2018 and is attached as **Appendix C** of this evidence.
- 4.6 The building is listed as a Group A item on the Ashburton District Plan heritage schedule. Group A items are considered to be of national or regional significance. These places are of special or outstanding value or representative value and the loss of these items would be a matter of national or regional significance and of interest to the wider community. The Council wishes to provide for their long-term conservation and protection. The Council's listing does not identify the extent of what is considered to be the heritage structure.
- 4.7 For the purpose of clarification, I consider the original pre-1900 building to be the section which contains significant heritage value worthy of retention. This was discussed at length and agreed upon by all parties during the original application for demolition. I note Mr Fletcher's approach is that the Council's classification applies across the whole building including the more recent additions, and I acknowledge the need to consider it that way for planning purposes as the relationship between the two parts of the structure needs to be managed so as to minimise impacts on the historic structure.

- 4.8 The building/site is also considered to be an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014, as it was associated with pre-1900 human activity.
- 4.9 The original building has a total footprint of approximately 665m<sup>2</sup> which makes up approximately 26% of the total site coverage (if considering all three lots), or approximately 44% of the total footprint of the entire building structure i.e. original and rear buildings.

## History

- 4.10 The former Cates Grain Store was built in the late nineteenth century. Numerous owners and lessees have been identified in its history and are detailed in the summary on the Heritage New Zealand list which has been attached as **Appendix D** of this evidence. Its ownership has also been detailed in Annexure 11 of the application; the Heritage Assessment Report associated with the previous relocation proposal prepared by Heritage Management Services. I will not therefore repeat those details, other than to summarise the ownership as including well-known Christchurch flour millers and grain merchants, Wood and Co; established grain merchant Hugo Friedlander; Murdoch Bruce; Buchanan's merchants; and the last occupier, Peter Cates, who owned and utilised the building from 1973 until the sale to Redmond Retail Limited (RRL) in 2015. Notably the building was used for grain storage or associated activities throughout that entire time, from construction until 2015.
- 4.11 The subject building is one of many grain stores that were constructed along West Street during this time of increasing agricultural prosperity in the district. With their size and distinctive shapes in this prominent location, they were considered to have significant architectural value. The book *Ashburton: A History of Town and County* (Ashburton Borough and County Councils, 1972) highlights the prominence of the grain stores on West Street '...across the railway line from these buildings were the first grain stores which have increased in size and have become the most characteristic feature of Ashburton's architecture'. An early 1900s photograph of these, taken from the 1903 publication of the Cyclopedia of New Zealand, is attached as **Appendix E** of this evidence. The Heritage New Zealand listing also quotes the 1903 publication of the Cyclopedia of New Zealand which states '...today Ashburton itself presents the appearance of a healthy, prosperous inland town, and that it is the centre of a rich agricultural district can be seen by a glance at the large grain stores situated in the neighbourhood of the railway'.
- 4.12 Unfortunately, most of these buildings have been demolished at some stage throughout the 20<sup>th</sup> century with the former Cates Grain Store being the only one remaining. As such it stands as a physical, tangible reminder and example of Ashburton's past and current links with the agricultural industry.

- 4.13 The building underwent a number of alterations and additions over the years to accommodate the needs of the occupying businesses.

### **The Proposal**

- 4.14 RRL requests a change to the Ashburton District Plan, under section 85 of the Act, to remove the heritage listing of the former Cates Grain Store from the Group A Schedule of Heritage Items and its associated annotation on Planning Map U53.
- 4.15 The applicant owns the building and considers the provisions of the District Plan make the land incapable of reasonable use and places an unfair and unreasonable burden on them as a landowner. If successful, the applicant's intention is to demolish the building to make way for redevelopment of the land.

## **5.0 HERITAGE PROTECTION AND GUIDANCE**

- 5.1 Heritage protection and guidance, relevant to this building, is provided through the following means:

- Resource Management Act 1991
- Heritage New Zealand Pouhere Taonga Act 2014
- Canterbury Regional Policy Statement
- Ashburton District Plan
- ICOMOS NZ Charter

Relevant sections and references which have been taken into account when forming my assessment, have been listed in **Appendix F** of this evidence.

## **6.0 HERITAGE VALUES**

- 6.1 The rear building, albeit having played a part in the life of the former Cates Grain Store, does not, in my opinion, hold significant heritage value. Therefore, the following comments only relate to the original building.
- 6.2 This summary of heritage values is based upon the criteria provided in the RMA 1991 Part 1:2 Historic Heritage, Section 66 of the HNZPT Act 2014 and their Sustainable Management of Historic Heritage guidance, Policy 13.3.1 of the Canterbury RPS, and Policy 12.1B of the Ashburton District Plan.

### **Archaeological**

- 6.3 Although the exact date of construction has not been identified, the building certainly predates 1900 and as such is considered as an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014. Being the last of many such grain stores along this road, it has the potential to contribute significant archaeological evidence and information regarding the history of the region at this time.

## **Architectural and landmark**

- 6.4 Early 1900s photographs provide evidence of the building's original design and external appearance. Alterations and additions that have occurred throughout its years of use have indisputably altered this original aesthetic, the most fundamental of these being the addition of the rear extension (refer to photographs in Appendices B/3 and B/4), the change to the lower front façade (B/1) and the insertion of internal walls to form offices (B/5). These have been practical changes to enable the building to meet the needs of the occupants and they are highly significant in their ability to tell the story of the building's life, its functions and its evolution over time.
- 6.5 Importantly, irrespective of these changes, the building still retains the overall structure and intent of its original form and holds significant architectural value in its distinctive curved-roof style (B/1 and B/2).
- 6.6 Internally the ground floor of the original building still displays the timber post and beam form, and the underside of the upper floor is still intact and visible (B/6, B/7, B/8). The steep steps and sack slide to the first floor remain in situ. Modifications to the ground floor to allow for the creation of offices in the front section of the building have altered the layout and feel of the, once open plan, internal space. However, the majority of these partition walls have been inserted between the original posts, meaning that much of the original fabric has been covered up rather than removed.
- 6.7 The stairs and the upper floor of the original building remain much in its original form with its curved timber rafters, timber flooring, mostly original sheet iron and arched roof (B/9, B10). The central portion of the roof has been replaced at some stage and timber supports have been added, but the clear architectural form of this upper section remains.
- 6.8 The row of grain stores along West Street would have been quite an architectural statement in the early 1900s, but this group value has been lost due to the gradual removal of the other grain stores. Conversely this building's architectural importance is almost of greater value now, due to it being the last remaining example of this architectural style.
- 6.9 In a similar way its landmark value has increased. A building is considered to have landmark value when it is a recognisable feature used for navigation or one that stands out from its surrounding environment. This last remaining grain store has a prominent presence on State Highway 1. Its scale and distinct curved roof are markedly different from the surrounding buildings which places it as a noticeable landmark on this busy thoroughfare.



## **Technology**

- 6.10 The former Cates Grain Store provides an insight into construction methods, materials and techniques, for example through the early use of laminated beams in the curved roof, the post and beam structure beneath the first floor and the chamfered stair treads. These demonstrate the particular techniques being used at the time of construction.
- 6.11 The building retains sufficient integrity in that significant features remain from its time of construction and the modifications and additions carried out over the years clearly show the progressing modernisation of the agricultural industry. For example, the concreting of the floors to accommodate motorised vehicles rather than horse drawn transportation used when first constructed.

## **Historic and cultural**

- 6.12 We must bear in mind that the physical values of the building are important, but only form a part of its overall heritage significance. The RMA describes historic heritage as being resources that contribute to an understanding and appreciation of New Zealand's history and cultures. The building is linked to an important time in local and regional history, standing as an excellent representation of the district's early prosperity and being associated with the early occupation of Ashburton and its establishment as a rural service town. It was a relevant part of the prosperous arable and grain industry for which Mid Canterbury was and is still recognised for.
- 6.13 The building also has a significant historic, cultural and social significance for its associations with the early grain and seed industry and links to the people who played a role in it. It was owned by or associated with a number of well-known people or businesses, such as Rollitt and Co, Wood and Co, and Hugo Friedlander who was a well-known businessman and politician in the region, serving as mayor three times between 1879 and 1901.
- 6.14 With the gradual demolition of the other grain stores and most recently the railway station, very little tangible history remains to tell the story of this era. As the last remaining grain store of this significant group of buildings, its importance as a reminder of that important era in the history of the town and wider district is significantly increased.

## **7.0 GROUND'S FOR REQUESTING DELETION FROM SCHEDULE OF HERITAGE ITEMS**

- 7.1 The applicant submitted this application on the basis that the provisions of the District Plan make the land incapable of reasonable use and places an unfair and unreasonable burden on it as a landowner. I will consider the following issues from a heritage perspective.

## **Incapable of reasonable use**

- 7.2 I am not in a position to discuss the legal aspects of what constitutes reasonable use, so I will focus my considerations on the possibilities for reuse of the building and site.
- 7.3 Firstly, considering the site and whether it is capable of development with the building in situ. The original building has a footprint of approximately 665m<sup>2</sup> which makes up approximately 26% of the total site coverage (if considering all three lots). As discussed here and during previous applications, the rear building is of little heritage value and the Council has indicated that they would be open to a proposal incorporating its demolition. Therefore, with retention and adaptation/modification of the original building and the removal of the rear section, more than three quarters of the site is available for redevelopment. This opens up multiple options for development, particularly considering the District Plan places no limit on site coverage within the Ashburton town centre, meaning that 100% building coverage is permitted. I realise that the applicant has indicated, in Mr Redmond's evidence (Redmond, p 2) that the car park lot, which is leasehold, could be sold or developed independently leaving the rear lot landlocked and of no value. However, the applicant has provided a concept drawing, in Annexure 9 of their application, and judging by the scale it appears to indicate that the development will cover all three lots. I realise that this is just indicative, but it does provide an insight into the applicant's intention to develop all three lots as a whole.
- 7.4 If alternatively, the site is considered as only including the two lots occupied by the original and rear buildings, then the heritage structure covers approximately 44% of the total footprint of the site. This still leaves scope for significant additional development within the permitted 100% site coverage, for a modern extension to be added to the rear and used in association with the upgraded heritage structure.
- 7.5 Going back to the issue of the rear section being landlocked, the original building does not cover the full width or street frontage of the site, so removal of the offices along the northern wall would reintroduce a 3m wide access to the rear part of the site. I acknowledge that this would not be sufficiently wide for large vehicles but could accommodate pedestrians for access purposes. Many of the properties along this road do not have onsite parking or loading provisions and the applicant has pointed out, in Mr Harford's evidence, that 'The Business A zone does not require provision for on-site car parking so there is the ability for a larger building space to be undertaken upon a site' (Harford, p 16).
- 7.6 Looking now at the options regarding the building itself, I fully acknowledge that the adaptation and reuse of heritage structures is often a time consuming and costly exercise. This is a fact that any prospective purchaser should take into account prior to purchase. The ownership of a heritage item brings with it a level of responsibility to

ensure the upkeep and to secure the longevity of the structure for future generations to enjoy.

- 7.7 The ICOMOS NZ Charter acknowledges that the best way to conserve a place of cultural heritage value is by enabling it to serve a useful purpose. Heritage New Zealand published a booklet entitled 'Heritage Redesign: Adapting Historic Places for Contemporary New Zealand', which is available on their website. It discusses the principles of adaptation and the 'interesting philosophical questions, technological challenges and design challenges' that may be faced. It concludes that 'Boiled down, those challenges amount to finding a way to move a building into the present day while preserving the links to the past that make it so special' (p2). The booklet provides case studies of a number of heritage buildings which have successfully undergone adaptive reuse, including wool stores, factories and warehouses, many of which were in an advanced state of dilapidation, beyond that of the subject building.
- 7.8 The possible alternative uses for this building/site under the District Plan Business A zone, have been considered within Mr Fletcher's evidence and offer a number of options. I accept that many heritage buildings are challenging to physically convert, due to their internal layout or positioning of important heritage fabric. However, in physical terms the former Cates Grain Store is not particularly complex and therefore offers a wealth of adaptation possibilities and flexibility due to its size, design and structure.
- 7.9 In principle, the layout and form of the building provides a large area of useable flexible space with options including:
- restoration to an open plan layout for a showroom or other use, up to District Plan permitted size of 500m<sup>2</sup>, by removing the mid-century partition walls and offices;
  - further modification of the interior space by adding interior partitions between the existing vertical posts, to provide smaller internal spaces, such as for use by individual stores or offices.
  - a combination of open plan and division, e.g. for restaurant use with private kitchens and staff facilities.
- 7.10 It would be physically possible for any of these options to be undertaken in a way that allows the main heritage features of the building - including the curved roof structure and the internal timber post and beam form - to be retained whilst a new use is enabled. Further options also become available when the original building is used in association with a new purpose-built extension. On my understanding of the District Plan provisions, various levels of modification to the original structure could be proposed which the Council would surely be willing to consider favourably where they enable the

long-term security of the building and the protection of the context of its heritage values.

- 7.11 The applicant has provided many reasons why conversion of the building is not financially viable, and I don't doubt their ability as experienced property developers. However, I would suggest that the building's lack of practicality *for their personal requirements* may be more of a consideration than the lack of alternatives or the building's physical condition. I accept that issues often arise with older buildings no longer being suited to modern day business practices; however, given the importance of this building, I believe that it is, or should be incumbent on the owner to show that every possible option has been considered for potential alternative future use. I don't believe this is the case.
- 7.12 In my experience the development of a heritage structure needs to be considered in a different manner to that of a normal building or site – often requiring a more long-term strategy to ensure the building's survival and viability rather than development for instant profit or short-term gain. If a developer is not willing to consider long-term options which prioritise the future security of a locally and nationally protected heritage building, then I would question why they purchased it.
- 7.13 The purpose of protection of the former Cates Grain Store by both Ashburton District Council and HNZPT, is to ensure activities are managed in a way that protects the property and avoids adverse effects. This should not be viewed as rendering it incapable of reasonable reuse. I would contest that the site *is* capable of further development with the building remaining in situ, but not necessarily the development that the applicant wishes to undertake. I am not convinced that the owners have made every reasonable effort or given much serious consideration to how they might incorporate the heritage structure into their future plans. It appears to me that it was never their intention.

#### **Unfair and unreasonable burden on the landowner**

- 7.14 The building has been included on the Heritage New Zealand list since 1981 and on the District Plan heritage schedule since at least 2001. We also believe that it may have been included on the District Plan list prior to that date, however many stored documents were lost in the Christchurch earthquakes and we have been unable to provide concrete evidence of its first date of inclusion. Suffice to say that it has held heritage status for nearly 20 years. It should also be noted that its inclusion in the 2001 and 2014 District Plans was uncontested, with no submissions being received regarding its Group A status.
- 7.15 The applicant is an experienced developer who has previously worked with traditional properties and who purchased the site in 2015, in the presumed knowledge of the building's pre-existing protected heritage status. I note that a LIM was issued in August

2014 which identified the building as a Group A heritage item and advised reference to the District Plan for further information. Yet there is no evidence that restoration of the building was ever intended. Rather the owner appears to have considered the site as a prime location for new build development. This was evident from the original application for demolition, which was submitted on 22<sup>nd</sup> January 2015, shortly before they took possession on 27<sup>th</sup> February 2015. No evidence of a consideration for reuse was provided.

- 7.16 This intention has been further emphasised by Mr Redmond's letter from the BNZ, attached as an addendum to his evidence, which referred to the mortgage finance provided in 2015 and states "The bank viewed this property as a development site and based our value assessment on 'land only' less demolition costs".
- 7.17 As experienced developers, the applicant would also have been aware of the Ashburton District Plan requirements and the fact that demolition of a Group A heritage item was a non-complying activity. Should they have been in any doubt regarding this status, a pre-application consultation with Council would have confirmed the situation. This, to my knowledge, was not undertaken.
- 7.18 Also as experienced developers I cannot imagine the applicant would have purchased a building with the intent to restore it without fully understanding the necessary upgrade works and establishing the potential costs of those. Which again leads me to believe that they were prepared to take the risk of purchasing a heritage structure with the sole intention of demolishing it to free up valuable prime location land for development.
- 7.19 The applicant's primary case for removal of the property from the heritage schedule is that the costs of upgrading the building are prohibitively expensive and that 'there is no realistic prospect of the applicant obtaining an economic return on these costs' (s85 application, p 14). There has been no change to the heritage status or the District Plan requirements during the applicant's ownership of the property and therefore if that is the financial situation now, then it was also the financial situation when they purchased.
- 7.20 I therefore find it difficult to accept that the provisions of the District Plan place an unfair and unreasonable burden on the applicant who is an experienced developer familiar with working in Ashburton, and who clearly had prior knowledge of the heritage status, District Plan requirements and implications at the time of purchase.

## **8.0 IMPACT OF DELETION FROM SCHEDULE OF HERITAGE ITEMS**

- 8.1 The applicant has made it evident that upon deletion of the building from the District Plan Schedule of Heritage Items, they intend to demolish it to make way for new development. Therefore, by considering the impact of deletion from the Schedule, I will also be considering the loss of the heritage building.

- 8.2 I note that the applicant has relied upon heritage assessments prepared for previous applications, i.e. for the initial application (LUC15/006) within the applicants Annexure 4 and for the relocation of the building (LUC17/0128) attached in the applicant's annexure 11. No heritage assessment has been made regarding the impacts of removal of the building from the District Council's heritage list.

### **Loss of tangible heritage**

- 8.3 Under section (6)(f), the RMA identifies the protection of historic heritage from inappropriate subdivision, use, and development as a matter of national importance. The heritage significance of the former Cates Grain Store has been established and identified by its inclusion on the Heritage New Zealand list and the Ashburton District Plan Schedule of Heritage Items. As a Group A heritage item, it is considered to be one of the most important heritage structures within the district. The purpose of its identification as such, is in order to ensure its long-term protection.
- 8.4 The impact of demolition of a heritage item is hard to quantify. As more heritage buildings are lost, we increasingly lose touch with the history and origins of our surroundings. The former Cates Grain Store building provides a direct continuous link with the establishment of the town and with the prosperous arable and grain industry which Mid Canterbury is still renowned for.
- 8.5 It is useful to refer back to the ICOMOS NZ Charter regarding why we seek to retain and conserve heritage items. It states that places of cultural heritage value can be appreciated in a number of ways – in their own right; to inform us about the past and the cultures of those who came before us; to provide tangible evidence of the continuity between past, present, and future; to underpin and reinforce community identity and relationships to ancestors and the land; and to provide a measure against which the achievements of the present can be compared. The former Cates Grain Store building, due to its longevity, continual use as a grain store and association with notable people and the grain industry, manages to achieve all of the above values. The loss of this building would therefore result in the loss of those ongoing meanings and functions for present and future generations.
- 8.6 Upon the loss of such a building, these values become a documented rather than physical presence. The perceived importance of historical detail is diminished when there is no physical evidence remaining. In other words, the retention of this building is much more than a physical structure, but rather a reminder and a symbol of the history, people and activities that have moulded our past.

### **Landmark value**

- 8.7 The former Cates Grain Store is a landmark structure having remained in that position, as a constant feature for over 120 years while the environment surrounding it has

gradually changed. The loss of the building would therefore result in the landmark value loss of this prominent recognisable structure.

### **Sense of identity**

- 8.8 The Canterbury Regional Policy Statement, amongst many of the other heritage objectives, policies and guidance, refers to a sense of identity. It states that 'inappropriate use, development or subdivision can lead to loss or degradation of historic heritage values that make a significant contribution to a regional sense of identity'. This is an important and often overlooked aspect of heritage significance.
- 8.9 A valued element of people's sense of belonging is linked to their feelings of identity i.e. where they choose to live, how they relate to their surroundings, and how they associate with the past, present and future of a place. Ashburton has an established identity as a rural service town and visual agricultural associations, such as this building, provide a physical reminder of that identity.
- 8.10 The cumulative loss of such buildings results in the gradual decline of the appreciation of the town's agricultural origin.

### **Prior knowledge and precedent**

- 8.11 In my opinion, one of the most concerning aspects of the potential removal from the District Plan schedule, is the fact that the applicant bought the property in the knowledge of the building's heritage status and yet with the intention of demolishing it to free up prime centrally located land for development.
- 8.12 There is no evidence that restoration of the building was ever intended, and it appears that the applicant was prepared to take a risk on successfully obtaining consent to demolish. That having failed, they are now attempting an alternative approach by applying for removal from the District Plan's heritage schedule. It would be a concern if this is the way the system was intended to operate. Heritage status does impose controls, as is the case with other designations within a District Plan. The ability to render that control 'unreasonable' to enable the owner to activate a preferred development option, would appear to undermine the whole purpose of such controls.
- 8.13 I would request that serious consideration is made to the implications of such an approval, in the knowledge that the delisting will clear the way for demolition of this heritage building.
- 8.14 There is also a much wider-reaching implication. The precedent, or example that such a decision would set is one that would sit uncomfortably both on a local and on a national level. It could potentially open the door for developers to purchase heritage protected buildings with the sole intention of demolition and profitable redevelopment.

This in turn would diminish the strength of heritage protection afforded within District Plans throughout the country.

- 8.15 The demolition of Group A heritage buildings is a non-complying activity within the Ashburton District Plan for good reason – these are considered to be the most important buildings or items within the district and are therefore afforded a stronger level of protection.

## **9.0 CONCLUSION**

- 9.1 The act of removing the building from the District Plan's schedule of heritage items will allow its demolition without the requirement of further resource consent.
- 9.2 The building has been established as having significant heritage values which include, but also reach far beyond the physical structure. The building also possesses heritage significance associated with its history of use, social values and links, and as a landmark in Ashburton. In my opinion, the loss of these heritage values for financial gain is unacceptable.
- 9.3 I do not consider the inclusion on the District Plan heritage schedule makes the land incapable of reuse. Nor do I consider that the applicant has satisfactorily proven that it does, as they have not fully considered all possibilities of adaptive reuse, where the building could potentially be modified for the purposes of an alternative use to enable its retention. I consider that delisting and demolition is the *preferable* option for the applicant rather than the *only* option.
- 9.4 I do not consider the inclusion on the District Plan heritage schedule places an unfair and unreasonable burden on the applicant as owner of the land. It is inconceivable that the applicant would not have been aware of the pre-existing heritage status, the District Plan requirements and, as experienced developers, the potential costs incurred in upgrading such a building. If the applicant was not prepared to upgrade and reuse this Group A heritage structure, they should not have purchased the property.
- 9.5 A Court decision to allow the delisting of a pre-existing heritage protection for financial reasons will not only allow *this* heritage building to be demolished but will also diminish the strength of District Plan heritage protection and potentially set a damaging precedent for the loss of other heritage items, within this district and in other parts of the country.



## **APPENDICES**

Appendix A: Aerial Photograph showing extent of original building and existing site

Appendix B: Current Photographs

Appendix C: Heritage New Zealand Map of Extent

Appendix D: Summary from Heritage New Zealand list entry # 1807 Grain Store (Former)

Appendix E: Subject building shown as part of a row of grain stores in the early 1900s

Appendix F: Heritage Protection and Guidance

Aerial Photograph showing extent of original building and existing site



- Red line indicates the three-lot site area incorporating Lot 3 DP 81368, Sec 193 TN of Ashburton and Pt Sec 194 TN of Ashburton, totalling an area of approximately 2,532m<sup>2</sup>.
- Blue line indicates the original pre-1900 building, with a footprint of approximately 665m<sup>2</sup>.



1. South-east elevation (road frontage onto West Street) April 2019 [Source: A Baird]





2. North-east elevation (adjacent to existing car park) April 2019 [Source: A Baird]



3. South-west elevation (adjacent to neighbouring property) April 2019 [Source: A Baird]



4. North-west elevation of original building (where the rear building has adjoined) April 2019 [Source: A Baird]



5. Ground floor showing post and beam form and office insert April 2019 [Source A Baird]





6. Ground floor showing extent of post and beam form and underneath of first floor structure April 2019 [A Baird]



7. Ground floor showing extent of post and beam form and entrance to rear building April 2019 [Source A Baird]



8. Ground floor post and beams April 2019 [Source A Baird]





9. Upper floor showing curved timber rafters and timber supports April 2019 [Source A Baird]



10. Section of replaced roof cladding April 2019 [Source A Baird]



Map of Extent



Extent includes part of the land described as Sec 193 Town of Ashburton (CT CB15K/1325), Canterbury Land District and the building known as Grain Store (Former) thereon

## Summary taken from Heritage New Zealand list entry # 1807 Grain Store (Former)

“The Grain Store (Former) building at 229 West Street, Ashburton, built in the late nineteenth century, stands as a good example of Ashburton’s past and current links with the agricultural industry. It has architectural value in its distinctive style, particularly with its curved roof, and an interior which features considerable amounts of native timber, including kauri. It has historical significance for its associations with the early grain and seed industry.

The building was constructed before 1900, although the exact date is not known. Early owners of the site from 1879 through until 1891 include John and Matthew Oram, and the partnership of George Jameson and Albert Roberts. It is not clear if there was actually a building on the land parcel TS 193 at the time of the dissolution of the Jameson and Roberts’ partnership in 1883, though a warehouse and grain store was on their adjoining land parcel TS 194 on the corner of Burnett and West Streets. Albert Roberts continued the business until 1891, the successors being Rollitt & Co. Throughout the 1890s Rollitt & Co advertised for farmers to store grain at their ‘New Grain Stores, West Street, Ashburton’ and by this time the current building was built, possibly incorporating an earlier structure. By this time there were a number of grain stores lining West Street, as the Cyclopaedia of New Zealand reflected in their 1903 publication, ‘...to-day Ashburton itself presents the appearance of a healthy, prosperous inland town, and that it is the centre of a rich agricultural district can be seen by a glance at the large grain stores situated in the neighbourhood of the railway’.

Fronting onto West Street, the two storeyed Grain Store (Former) building is constructed of timber framed walls, stucco and corrugated iron cladding and has a dominant arched corrugated iron roof on curved timber rafters. The upper part of the principal façade contains a central sash window with fixed side panes, topped by a round arched ventilator, from which a flag pole extends vertically above the roof line. The ground floor of this street facing façade contains large paned modern glazing and a wide square loading entry door, being modifications carried out in the mid twentieth century.

In 1901 the building was in the ownership of well-known Christchurch flour millers and grain merchants, Wood and Co, and then from 1901 to 1924 it was owned by established grain merchant Hugo Friedlander. Murdoch Bruce took over in 1924 and in 1965 the property was transferred to Buchanan’s (Merchants) Ltd. By the 1980s the building was taken over by Peter Cates Ltd and was operated by that firm until it was sold in 2015. Over the years the other grain stores on West Street and the railway station itself have been demolished. The West Street façade of the surviving Grain Store was altered in the mid-1960s, with the ground floor wall being demolished and replaced with a new wall, windows and doors. Interior alterations have also been made. The building was added to at the rear in the mid-1900s and side and rear in the 1960s or 1970s but these additions are not part of the extent of the List entry. In 2017, an application for demolition of the building was declined.”

Subject building shown as part of a row of grain stores in the early 1900s



Grain stores on West Street, Ashburton [Source Cyclopedia of New Zealand volume 3, 1903]

## Heritage Protection and Guidance

**Resource Management Act 1991****F.1** *(Part 1:2) Historic heritage:*

- (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- |                    |                     |
|--------------------|---------------------|
| (i) archaeological | (iv) historic       |
| (ii) architectural | (v) scientific      |
| (iii) cultural     | (vi) technological; |

- (b) includes –

- |   |   |
|---|---|
| (i) historic sites, structures, places, and areas; and        |   |
| (ii) archaeological sites; and                                |   |
| (iii) sites of significance to Maori, including wahitapu; and | (iv) surroundings associated with the natural and physical resources. |

**F.2** *(Part 2:6) Matters of national importance:*

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (6)(f) the protection of historic heritage from inappropriate subdivision, use, and development.

**F.3** *(Part 5:85) Environment Court may give directions in respect of land subject to controls*

- (1) An interest in land shall be deemed not to be taken or injuriously affected by reason of any provision in a plan unless otherwise provided for in this Act.
- (2) Notwithstanding subsection (1), any person having an interest in land to which any provision or proposed provision of a plan or proposed plan applies, and who considers that the provision or proposed provision would render that interest in land incapable of reasonable use, may challenge that provision or proposed provision on those grounds—

- (a) in a submission made under Schedule 1 in respect of a proposed plan or change to a plan; or
  - (b) in an application to change a plan made under clause 21 of Schedule 1.
- (3) Subsection (3A) applies in the following cases:
  - (a) on an application to the Environment Court to change a plan under clause 21 of Schedule 1:
  - (b) on an appeal to the Environment Court in relation to a provision of a proposed plan or change to a plan.
- (3A) The Environment Court, if it is satisfied that the grounds set out in subsection (3B) are met, may,—
  - (a) in the case of a plan or proposed plan (other than a regional coastal plan or proposed regional coastal plan), direct the local authority to do whichever of the following the local authority considers appropriate:
    - (i) modify, delete, or replace the provision in the plan or proposed plan in the manner directed by the court:
    - (ii) acquire all or part of the estate or interest in the land under the Public Works Act 1981, as long as—
      - (A) the person with an estate or interest in the land or part of it agrees; and
      - (B) the requirements of subsection (3D) are met; and
  - (b) in the case of a regional coastal plan or proposed regional coastal plan,—
    - (i) report its findings to the applicant, the regional council concerned, and the Minister of Conservation; and
    - (ii) include a direction to the regional council to modify, delete, or replace the provision in the manner directed by the court.
- (3B) The grounds are that the provision or proposed provision of a plan or proposed plan—
  - (a) makes any land incapable of reasonable use; and
  - (b) places an unfair and unreasonable burden on any person who has an interest in the land.

(3C) Before exercising its jurisdiction under subsection (3A), the Environment Court must have regard to—

(a) Part 3 (including the effect of section 9(3); and

(b)

the effect of subsection (1) of this section.

(3D) The Environment Court must not give a direction under subsection (3A)(a)(ii) unless—

(a) the person with the estate or interest in the land or part of the land concerned (or the spouse, civil union partner, or de facto partner of that person)—

(i) had acquired the estate or interest in the land or part of it before the date on which the provision or proposed provision was first notified or otherwise included in the relevant plan or proposed plan; and

(ii) the provision or proposed provision remained in substantially the same form; and

(b) the person with the estate or interest in the land or part of the land consents to the giving of the direction.

(4) Any direction given or report made under subsection (3A) has effect under this Act as if it were made or given under clause 15 of Schedule 1.

(5) Nothing in subsections (3) to (3D) limits the powers of the Environment Court under clause 15 of Schedule 1 on an appeal under clause 14 of that schedule.

(6) In this section,—

**provision of a plan or proposed plan** does not include a designation or a heritage order or a requirement for a designation or a heritage order

**reasonable use**, in relation to land, includes the use or potential use of the land for any activity whose actual or potential effects on any aspect of the environment or on any person (other than the applicant) would not be significant.

(7) *[Repealed]*

F4 *Schedule 1, Part 2, clause 21: Requests*

- 1) Any person may request a change to a district plan or a regional plan (including a regional coastal plan).
- (2) Any person may request the preparation of a regional plan, other than a regional coastal plan.
- (3) Any Minister of the Crown or any territorial authority in the region may request a change to a policy statement.
- (3A) However, in relation to a policy statement or plan approved under Part 4 of this schedule, no request may be made to change the policy statement or plan earlier than 3 years after the date on which it becomes operative under clause 20 (as applied by section 80A(2)(a)).
- (4) Where a local authority proposes to prepare or change its policy statement or plan, the provisions of this Part shall not apply and the procedure set out in Part 1, 4, or 5 applies.
- (5) If a request for a plan change is made jointly with an application to exchange recreation reserve land (as permitted by section 65(4A) or 73(2A)), the application must be—
  - (a) processed, with the request for a plan change, in accordance with this Part, other than clauses 27 and 29(4) to (8); then
  - (b) decided under section 15AA of the Reserves Act 1977.

**Heritage New Zealand Pouhere Taonga Act 2014**

F.5 *(Part 1:4) Principles*

All persons performing functions and exercising powers under this Act must recognise—

- (a) the principle that historic places have lasting value in their own right and provide evidence of the origins of New Zealand's distinct society; and
- (b) the principle that the identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage should—
  - (i) take account of all relevant cultural values, knowledge, and disciplines; and
  - (ii) take account of material of cultural heritage value and involve the least possible alteration or loss of it; and

- (iii) safeguard the options of present and future generations; and
- (iv) be fully researched, documented, and recorded, where culturally appropriate; and
- (c) the principle that there is value in central government agencies, local authorities, corporations, societies, tangata whenua, and individuals working collaboratively in respect of New Zealand's historical and cultural heritage; and
- (d) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga

**F.6** *(Part 3:42) Archaeological sites not to be modified or destroyed*

- (1) Unless an authority is granted under section 48, 56(1)(b), or 62 in respect of an archaeological site, no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site.
- (2) Subsection (1) applies whether or not an archaeological site is a recorded archaeological site or is entered on—
  - (a) the New Zealand Heritage List/Rārangi Kōrero under subpart 1 of Part 4; or
  - (b) the Landmarks list made under subpart 2 of Part 4.
- (3) Despite subsection (1), an authority is not required to permit work on a building that is an archaeological site unless the work will result in the demolition of the whole of the building.

**F.7** *(Part 4: 66) Criteria*

- (1) Heritage New Zealand Pouhere Taonga may enter any historic place or historic area in the New Zealand Heritage List/Rārangi Kōrero if it is satisfied that the place or area has aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological, or traditional significance or value.
- (2) Heritage New Zealand Pouhere Taonga may assign the status of Category 1 or Category 2 to any historic place, having regard to the nature of the places to which those categories may be assigned (as described in section 65(4)(a)).
- (3) Heritage New Zealand Pouhere Taonga may assign a status under subsection (2) only if it is satisfied that the place has significance or value in relation to 1 or more of the following criteria:



- (a) the extent to which the place reflects important or representative aspects of New Zealand history:
  - (b) the association of the place with events, persons, or ideas of importance in New Zealand history:
  - (c) the potential of the place to provide knowledge of New Zealand history:
  - (d) the importance of the place to tangata whenua:
  - (e) the community association with, or public esteem for, the place:
  - (f) the potential of the place for public education:
  - (g) the technical accomplishment, value, or design of the place:
  - (h) the symbolic or commemorative value of the place:
  - (i) the importance of identifying historic places known to date from an early period of New Zealand settlement:
  - (j) the importance of identifying rare types of historic places:
  - (k) the extent to which the place forms part of a wider historical and cultural area.
- (4) Additional criteria may be prescribed in regulations made under this Act for the purpose of assigning Category 1 or Category 2 status to a historic place, provided they are not inconsistent with the criteria set out in subsection (3).
- (5) The Council may enter any wāhi tūpuna on the New Zealand Heritage List/Rārangi Kōrero if it is satisfied that the wāhi tūpuna—
- (a) has strong traditional associations with 1 or more ancestors significant to an iwi or a hapū; and
  - (b) is integral to the identity or cultural well-being of the iwi or hapū; and
  - (c) is a distinct and cohesive place or area.
- (6) Additional criteria may be prescribed in regulations made under this Act for entering historic places or historic areas of interest to Māori, wāhi tūpuna, wāhi tapu, or wāhi tapu areas on the New Zealand Heritage List/Rārangi Kōrero, provided they are not inconsistent with the criteria set out in subsection (3) or (5) or in regulations made under subsection (4).

## Canterbury Regional Policy

### F.8 *Issue 13.1.1 – Loss or degradation of historic heritage*

Inappropriate use, development or subdivision can lead to loss or degradation of historic heritage values that make a significant contribution to a regional sense of identity.

F.9 *Objective 13.2.1 — Identification and protection of significant historic heritage* Identification and protection of significant historic heritage items, places and areas, and their particular values that contribute to Canterbury's distinctive character and sense of identity from inappropriate subdivision, use and development.

F.10 *Objective 13.2.3 Repair, reconstruction, seismic strengthening, on-going conservation and maintenance of built historic heritage*

The importance of enabling the repair, reconstruction, seismic strengthening, and ongoing conservation and maintenance of historic heritage and the economic costs associated with these matters is recognised.

F.11 *Policy 13.3.1 — Recognise and provide for the protection of significant historic and cultural heritage items, places and areas*

To recognise and provide for the protection of the historic and cultural heritage resource of the region from inappropriate subdivision, use and development by:

- (1) identifying and assessing the significance of the historic and cultural heritage resource according to criteria based on the following matters:
  - (a) Historic
  - (b) Cultural
  - (c) Architectural
  - (d) Archaeological
  - (e) Technological
  - (f) Scientific
  - (g) Social
  - (h) Spiritual

- (i) Traditional
  - (j) Contextual
  - (k) Aesthetic
- (2) work with Ngāi Tahu to identify items, places or areas of historic heritage significance to them.
  - (3) having regard to any relevant entry in the Historic Places Register in the process of identifying and assessing the historic heritage resource.
  - (4) considering historic heritage items, places or areas of significance or importance to communities in the process of identifying and assessing the historic heritage resource.
  - (5) recognising that knowledge about some historic heritage may be culturally sensitive and support protection of those areas through the maintenance of silent files held by local authorities.

F.12 *Policy 13.3.4 - Appropriate management of historic buildings* Recognise and provide for the social, economic and cultural well-being of people and communities by enabling appropriate repair, rebuilding, upgrading, seismic strengthening and adaptive re-use of historic buildings and their surrounds in a manner that is sensitive to their historic values.

## **Ashburton District Council**

### **F.13 *Objective 12.1: Historic Heritage***

To protect significant historic heritage in the District, including historic buildings, places and areas, wahi tapu sites and areas and archaeological sites, from adverse effects of subdivision, land-use and development.

### **F.14 *Policy 12.1B***

In determining items to record, the District Council will have regard to whether the site or item:

- is identified on the NZHPT register of historic places as a Category I or II historic place, historic area, wahi tapu or wahi tapu historic area; or has an historic association with a person or event of note, has strong public association for any reason, or provides a focus of community or local identity or sense of place;
- has value as a local landmark over a length of time;

- reflects past skills, style or workmanship which would make it of educational, historical or architectural value;
- has the potential to provide scientific information about the history of the area;
- is unique or rare, or a work of art;
- retains integrity or significant features from its time of construction or later periods when important alterations were carried out;
- forms part of a precinct or area of historic heritage value;
- is representative of its class in relation to design, type, technology, use, or similar;
- contributes to the distinctive characteristics of a way of life, philosophy, religion or other belief and/or is held in high esteem by a particular group or community;
- is of importance to the Takata Whenua, and the appropriateness of making this information available to the general public;
- has the potential to contribute information about the human history of the area or provides archaeological information

#### F.15 *Policy 12.1C*

To use methods and rules in the District Plan to protect historic heritage listed in the heritage schedule from adverse effects of land-use, subdivision and development.

#### F.16 *Policy 12.1E*

To encourage the use of protected buildings while ensuring that their valued features are not impaired or destroyed.

#### F.17 *Policy 12.1G*

To encourage owners to retain historic heritage values through considering a range of mechanisms, including opportunities for alternative uses of the site or building, provision of development incentives or reductions in rating for properties where historic heritage values are protected through a legal mechanism.

#### F.18 *Rule 12.7.5 Non-Complying Activities*

The following activities shall be Non-Complying Activities: b) The partial demolition of a Group A listed heritage building / item. c) The demolition of a Group A listed heritage building / item.

## ICOMOS

F.19 The International Council on Monuments and Sites (ICOMOS) NZ Charter sets out principles to guide the conservation of places of cultural heritage value in New Zealand. It provides support for decision makers in statutory or regulatory processes.

### F.20 *The purpose of conservation*

The purpose of conservation is to care for places of cultural heritage value. In general, such places:

- (i) have lasting values and can be appreciated in their own right;
- (ii) inform us about the past and the cultures of those who came before us;
- (iii) provide tangible evidence of the continuity between past, present, and future; (iv) underpin and reinforce community identity and relationships to ancestors and the land; and
- (v) provide a measure against which the achievements of the present can be compared.

It is the purpose of conservation to retain and reveal such values, and to support the ongoing meanings and functions of places of cultural heritage value, in the interests of present and future generations.