

**ANNEXURE F – LETTER FROM CATES GRAIN AND SEED LTD
– 19TH JANUARY 2015**

19th January 2015

To Whom It May Concern

Re – Building Located at 229 West Street, Ashburton

As previous owners and current occupiers of this building we wish to express our support of the current owner's application for demolition.

Our company, the successor to a number of Grain and Seed companies on this site, continues to operate its Grain and Seed business from 229 West Street, with our office and warehouse facilities located within the building. The building has been substantially altered by our company and previous occupiers to meet changing business needs, with only a very small part of the building being original.

Following an independent earthquake evaluation dated 5th May 2011 it was calculated that building was 11.41% of New Building Standards and was deemed to be an earthquake risk and earthquake prone.

Given the long association and the high profile of the site, the Directors and shareholders went to extreme lengths to investigate with their consultants, ways of strengthening the building to enable them to continue on the site. Following this work it became clear that not only was the repair work uneconomic and risky, but the store would not be economically functional for our business following the strengthening.

The Directors therefore decided from all the information provided, that the strengthening work required to bring the building up to code was uneconomic in terms of our business.

The remedial and repair work would have significantly impacted on the available storage space in our warehouse and also defeated any remaining heritage value in the building.

It was therefore the view of the directors that the building was no longer a suitable site from which to conduct our grain and seed business.

Given all the available information the directors of Cates Grain & Seed Ltd support the application for demolition of this building.

Yours faithfully



Stuart Begg
Director



Corey Hastie
Director

Plant 
Research (NZ) LTD.

 PULSE
EXPORTS
(NZ) LIMITED

A member of:

 NZGSTA

 ICD GROUP
International Commodity Distributors Ltd

ANNEXURE G – INSURANCE EMAIL - VERO

Redmonds

From: "Atlas Insurance" <oneatlas@xtra.co.nz>
To: "Redmonds" <redfurn@xtra.co.nz>
Sent: Wednesday, December 03, 2014 4:41 PM
Subject: FW: Cates Grain & Seed Building Insurance 229 West Street Ashburton
Hi Barry

As discussed.

Cheers Croydon

From: DUXFIELD, Catherine [mailto:Catherine_Duxfield@vero.co.nz]
Sent: Wednesday, 3 December 2014 9:16 a.m.
To: 'Atlas Insurance'
Subject: RE: Cates Grain & Seed Building Insurance 229 West Street Ashburton

Hi Croydon,

Based on the age of the building I regret that this is not a risk that we would want to offer Natural Disaster/Earthquake cover on unless the building was 100% up to code/NBS, had been Earthquake Strengthened, had a recent DEE report and Valuation, and we were aware of the clients long term intentions for this risk.

Kind regards
Cath

Catherine Duxfield | Business Development Manager

Vero Insurance New Zealand Ltd | 1 Washington Way, PO Box 240, Christchurch 8140
DDI 03 361 6522 | CELL 021 429013 | FAX 03 365 7870 | EMAIL catherine_duxfield@vero.co.nz | www.vero.co.nz



vero

From: Atlas Insurance [mailto:oneatlas@xtra.co.nz]
Sent: Tuesday, 2 December 2014 5:16 p.m.
To: DUXFIELD, Catherine
Subject: Cates Grain & Seed Building Insurance 229 West Street Ashburton

Hi Cath

Please advise if we can obtain Earthquake/Natural Disaster insurance for Building situated 229 West Street Ashburton.
Built approx 1870.
Suggest you Google it for building description.

Thank you
Regards Croydon

Atlas Insurance Brokers Ltd

12/3/2014

ANNEXURE H – CATES GRAIN AND SEED – INSURANCE POLICY



Coverage Summary / Schedule

Aon New Zealand

CHC 02XTZ 105161632

Cates Grain & Seed Ltd
PO Box 337
Ashburton 7740

Contact
Lynda South

Telephone
03 345 9800

Email
lynda.south@aon.com

Address
PO Box 2058
Christchurch 8140

Period of Insurance: 30/06/2014 to 30/06/2015

Important Notice:

This Coverage Summary / Schedule has been prepared for general reference only. Nothing contained herein prevails over the terms, conditions & exclusions of the policy. Please check and ensure all information on the Cover Summary / Schedule is correct. If you require any changes please contact your broker.

CPF Commercial

Business Assets

Insured:

Cates Grain & Seed Ltd

Situation:

229 West Street, Ashburton

Property Insured:

Buildings

	Sum Insured	Basis of Cover
\$	421,000	I

Basis of Cover

R = Reinstatement

I = Indemnity

D = Declaration Conditions

Sum Insured Limitations:

Alterations, erection, installation of buildings and/or plant - contract value	\$	100,000
Curios or works of art - limit per item	\$	10,000
Capital additions and newly acquired property (additional to sum insured shown in policy document)		
- any one situation	\$	10,000
- limit in total	\$	10,000
Property in transit - any one loss	\$	10,000
Money Section A - any one loss	\$	10,000
Money Section B - any one loss	\$	1,000
Refrigerated goods - any one loss	\$	1,000
Stolen keys - any one loss	\$	2,500
Stock - the amount subject to premium adjustment	\$	N/a
Subsidence and landslip - any one loss	\$	500,000
Demolition and removal of debris - any one loss	\$	Included

Coverage Summary / Schedule

Aon New Zealand

CHC 02XTZ 105161632

Hazardous substance emergencies - any one event \$ 50,000

Earthquake Cover Included: Yes

Excess:

Any cause not specified below	\$	1,000
Burglary	\$	1,000
Theft	\$	2,500
Money	\$	1,000
Subsidence and landslip	\$	10,000

Natural Disaster:

The excess shown below for each region will apply to the aggregate of:

- a) all natural disaster damage claims under the Business Assets Policy and
- b) all natural disaster damage claims under the Business Interruption Policy arising from any one event at each common site

Region	Excess excluding pre 1935 building risks	Excess on pre 1935 building risks
The regions of Auckland, Northland, and the Districts of Dunedin City and Clutha	2.5% of the Business Assets site sum insured	10% of the Business Assets site sum insured
The rest of New Zealand	5% of the Business Assets site sum insured	10% of the Business Assets site sum insured
The minimum site sum insured excess is \$2,500 or any different amount shown in the schedule		

ANNEXURE J - PLANNING MAP U53

ANNEXURE K - LLUR



Customer Services
P. 03 353 9007 or 0800 324 636

PO Box 345
Christchurch 8140

P. 03 365 3828
F. 03 365 3194
E. ecinfo@ecan.govt.nz
www.ecan.govt.nz

Dear Sir/Madam

Thank you for submitting your property enquiry in regards to our Listed Land Use Register (LLUR) which holds information about sites that have been used, or are currently used for activities which have the potential to have caused contamination.

The LLUR statement provided indicates the location of the land parcel(s) you enquired about and provides information regarding any LLUR sites within a radius specified in the statement of this land.

Please note that if a property is not currently entered on the LLUR, it does not mean that an activity with the potential to cause contamination has never occurred, or is not currently occurring there. The LLUR is not complete, and new sites are regularly being added as we receive information and conduct our own investigations into current and historic land uses.

The LLUR only contains information held by Environment Canterbury in relation to contaminated or potentially contaminated land; other information relevant to potential contamination may be held in other files (for example consent and enforcement files).

If your enquiry relates to a farm property, please note that many current and past activities undertaken on farms may not be listed on the LLUR. Activities such as the storage, formulation and disposal of pesticides, offal pits, foot rot troughs, animal dips and underground or above ground fuel tanks have the potential to cause contamination.

Please contact and Environment Canterbury Contaminated Sites Officer if you wish to discuss the contents of the LLUR statement, or if you require additional information. For any other information regarding this land please contact Environment Canterbury Customer Services.

Yours sincerely

Contaminated Sites Team

Statement from the Listed Land Use Register



PO Box 345, Christchurch

General enquiries: 03 365 3828

Fax: 03 365 3194

Email: ecinfo@ecan.govt.nz

Customer services: 03 353 9007

or: 0800 EC INFO (0800 324 636)

Website: www.ecan.govt.nz

Date:

11 August 2014

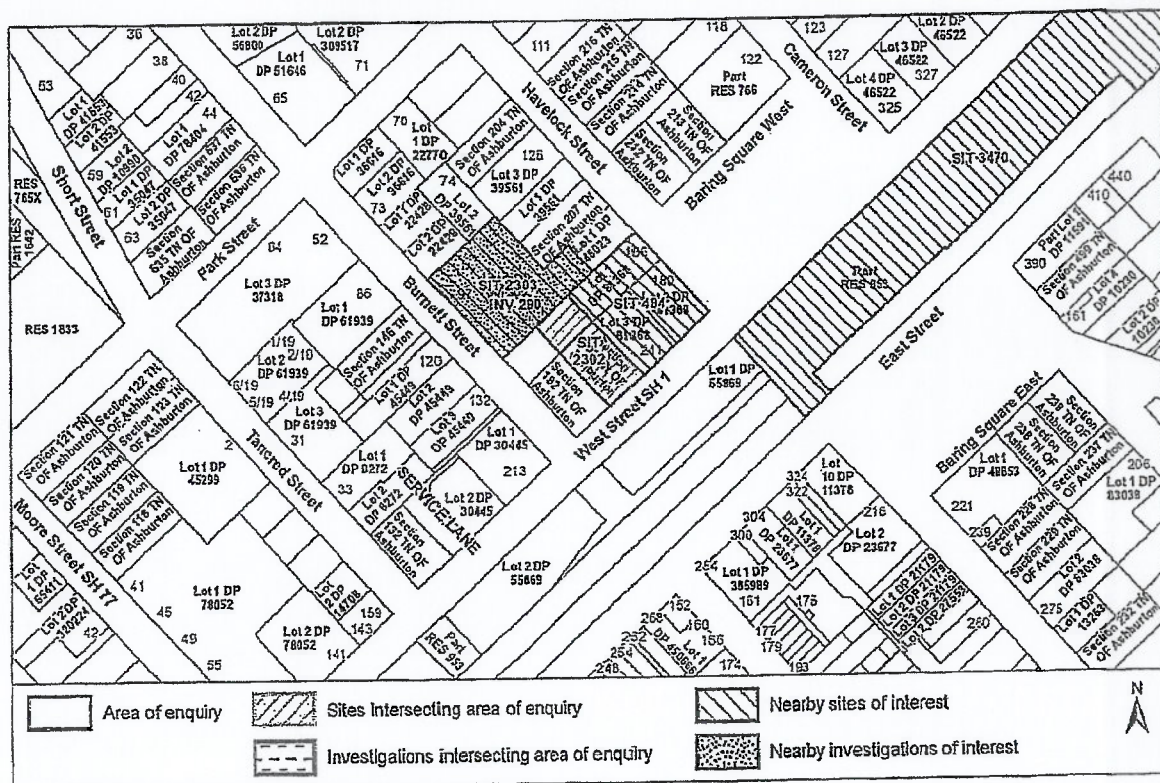
Land Parcels:

• Pt Section 194 TN OF Ashburton

Valuation No(s): 2454034700

• Section 193 TN OF Ashburton

Valuation No(s): 2454034700



Summary of sites:

Site ID	Site Name	Location	HAIL Activity(s)	Category
2302	Cates Investments Ltd	229-239 West St, Ashburton	A1 - Agrichemicals	Not Investigated
484	Ashburton Public Library	180 Havelock St, Ashburton (Cnr West and Havelock Sts)	A17 - Storage tanks or drums for fuel, chemicals or liquid waste	Not Investigated
2303	Ashburton Trading Society Limited	97 Burnett Street, Ashburton	F7 - Service stations; F7 - Service stations; A17 - Storage tanks or drums for fuel, chemicals or liquid waste	Partially Investigated
3470	Toll/Tranzlink Container Transfer Site	200 West Street, Ashburton	F6 - Railway yards	Not Investigated

Please note that the above table represents a summary of sites intersecting the area of enquiry within a 100m buffer.

Information held about the sites on the Listed Land Use Register

Site 2302: Cates Investments Ltd (Intersects enquiry area.)

Site Address:

229-239 West St, Ashburton

Legal Description:

Pt Section 194 TN of Ashburton and Section 193 TN of Ashburton

Current: ENQ 62923

Produced by: Sheree Dougherty 11 August 2014

Page 1 of 4

Site Category:	Not Investigated
Definition:	Verified HAIL has not been investigated.

Land uses (from HAIL):	Period From:	Period To:	HAIL land use
	?	?	Agrichemicals (including commercial premises used by spray contractors for filling, storing or washing out tanks for commercial agrichemical application.

Notes

17 Jan 2001 Info held by Environment Canterbury from 1994 indicates that in the past the site has been used in the manufacture and/or storage of agricultural chemicals. (Source: Potentially contaminated site sheet).

30 Jan 2001 Site details sheet returned by and letter returned by Brian Wilson. It has been altered to indicate that there is only chemical storage on site. Site details sheet lists class 3(b) agricultural chemicals stored on the site (refer to hard copy file notes for details). All chemicals are stored in an above ground cage in 5 and 60 L containers. Maximum of 60 L of any one chemical is stored on site.

Investigations

There are no investigations associated with this site.

Site 484: Ashburton Public Library (Within 100m of enquiry area.)

Site Address:	180 Havelock St, Ashburton (Cnr West and Havelock Sts)
Legal Description:	Lot 1 DP 81368; Lot 2 DP 81368; Lot 3 DP 81368

Site Category:	Not Investigated
Definition:	Verified HAIL has not been investigated.

Land uses (from HAIL):	Period From:	Period To:	HAIL land use
	?	?	Storage tanks or drums for fuel, chemicals or liquid waste

Notes

20 Jan 1998 One underground storage tank (UST) on site. Contains 3(c) product.

Investigations

There are no investigations associated with this site.

Site 2303: Ashburton Trading Society Limited (Within 100m of enquiry area.)

Site Address:	97 Burnett Street, Ashburton
Legal Description:	Lot 1 DP 307505

Site Category:	Partially Investigated
Definition:	Verified HAIL has been partially investigated.

Land uses (from HAIL):	Period From:	Period To:	HAIL land use
	?	?	Service stations including retail or commercial refuelling facilities
	?	?	Service stations including retail or commercial refuelling facilities
	?	current	Storage tanks or drums for fuel, chemicals or liquid waste

Notes

21 Feb 2001 A service station historically operated at the site, under the name of Wrightcars service station. The oil company, product storage information, and its date of closure are unknown. Hydrocarbon stained soils were encountered on-site during excavations carried out in 2002.

The site is occupied by Ashburton Trading Society (ATS), a retail farm merchandise store. The hazardous substances stored at the site include class 3, class 5, class 6.1, class 8, and predominantly class 9 chemicals. Approximately 81,000 L of chemicals are stored at the site at any one time. All storage areas comply with HSNO Act, including appropriate segregation and bunding, the staff are trained, and an emergency plan is in operation.

2 Dec 2008 The information held on our files for this site was appraised on 29 February 2008 and the LLUR site category changed to partially investigated. Although we hold report information about the small areas of staining observed during excavation, at present there is no information about the other HAIL activities on site (i.e. the Service Station).

14 Jul 2009 During trench excavations along Burnett Street for a new sewer line in 2008 contractors (Sicion) observed slickly stained soil, with odour described as oily, in the vicinity of the former service station. Excavated material was stockpiled with 'new' soil used to backfill the trench. Information supplied by Ashburton District Council and Environment Canterbury.

Investigations

13 Mar 2002 INV 290: Hydrocarbon contamination at the Ashburton Trading Society site
URS New Zealand Limited

Summary of Investigation(s)

During excavation works at the site in February 2002 several areas of stained soil (also noted to be emitting hydrocarbon odours) were observed. A single soil sample was collected from 1 m below ground level (bgl) at one of the stained areas and yielded elevated total petroleum hydrocarbon (TPH) concentrations. In order to determine the extent of the contamination more soil sampling was undertaken. On 1 March 2002, 8 soil samples were collected from the stained soils and submitted for TPH analysis. Two of the samples yielded elevated TPH concentrations. One of these collected from the north end of the site, yielded a TPH concentration in the C10-C14 band (3,700 mg/kg) that exceeded the Ministry for the Environment (1999) "Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand" Tier 1 soil acceptance criteria for a commercial/industrial land use (1,900 mg/kg). This sample was subsequently analysed for Polycyclic Aromatic Hydrocarbons (PAHs) and yielded elevated concentrations that comply with the MfE Tier 1 soil acceptance criteria. This PAH result takes precedence over the TPH result. The concentrations yielded by the limited sampling complied with relevant soil acceptance criteria, but further sampling would be necessary to investigate the stained areas/hotspots appropriately. One of the three stained areas had six samples taken, while the other two had one sample taken from each. Groundwater was not sampled, however, the soil samples that were collected and analysed for TPH and PAH complied with the acceptance criteria for the protection of groundwater. It is reported that this site was used as a service station approximately 12 years ago. It is assumed that hydrocarbon products were stored in USTs at the site although it is not known for how long and the details of the USTs (e.g. the capacity, location or number of tanks) is also not known. It is not known whether an assessment or a site investigation was undertaken following the removal of the USTs. No assessment has been made of other activities undertaken at the site that may have the potential to cause contamination, e.g., a garage/workshop associated with the service station or the storage of chemicals during the sites' use as a farm retail supply warehouse. It is reported that the site is to be sealed with a concrete slab, which will protect receptors from dermal, ingestion and inhalation routes of exposure, but the risk to groundwater quality has not been fully investigated.

Site 3470: Toll/Tranzlink Container Transfer Site (Within 100m of enquiry area.)

Site Address: 200 West Street, Ashburton

Legal Description: Pt RES 953

Site Category: Not Investigated

Definition: Verified HAIL has not been investigated.

Land uses (from HAIL):

Period From	Period To	HAIL land use
?	current	Railway yards including goods-handling yards, workshops, refuelling facilities or maintenance areas

Notes

14 Sep 2007 Railway yard/depot. Site visited by Environment Canterbury's Pollution Prevention Officer in June 2007. Railway goods handling site, used for transfer between the road and the rail transport of goods.

Investigations

There are no investigations associated with this site.

ANNEXURE I – BUILDING CONSENTS

BUILDING CONSENTS

BUILDING PERMITS

ASHBURTON DISTRICT COUNCIL
BUILDING PERMIT APPLICATION FORM.

P.O. Box 94
ASHBURTON

Owner
Name PETER CATES LTD
Address 229 WEST ST
ASHBURTON

Builder
Name BRADFORD CONSTRUCTION COMPANY LIMITED
Mailing address P.O. Box 214
ASHBURTON.

Property on which building to be erected / demolished

Site
Street No. 229
Street name WEST ST
Town / district ASHBURTON
Section area _____

Legal description
Valuation No. 21540 347
Lot _____ D.P. _____
Town section 193
Survey district _____
Ward _____

Hereby apply for permission to—

~~ERECT~~ A
~~ALTER~~ A Existing (service comm)
ADD TO

According to locality plans, detailed plans, cross sections and specifications of building deposited herewith

Proposed use of building Office

Particulars of building Foundations REINFORCED CONCRETE

Walls SOLID PLASTER ON BLY.

Roof Colour steel Trimbleck

Area of ground floor 48.25 sq.m. Area of outbuildings 1 sq.m.

Signature of applicant _____ Name of plumber Arthur Carter Ltd.

Has building site been filled? yes/no

Estimated values
Building 39750
Plumbing ..
Drainage 200.00
Total \$ 39950

Fees applicable		
Account No.		
90270	Building permit	\$ 200 00
90400	Street damage deposit	\$ 1
90330	Building research levy	\$ 45 20
90280	Plumbing and drainage	\$ 75 00
	Combined sewer	\$ 1
90390	Sewer connection	\$ 1
90380	Water connection	\$ 1
90350	Vehicle crossing levy	\$ 1
90370	Stormwater connection	\$ 1
90391	Sewer connection - Melfven	\$ 1
90381	Water connection -	\$ 1
	TOTAL	\$ 320 20

Receipt No. 120577

Date paid 29.6.92

Authorised Officer

pg Hart

Date issued
17.9.92

Permit No.
K04340

File No.
10585

Building Inspector

18-8-92

John

As discussed, could you
please proceed with the
Permit Application based on
the revised attached drawing

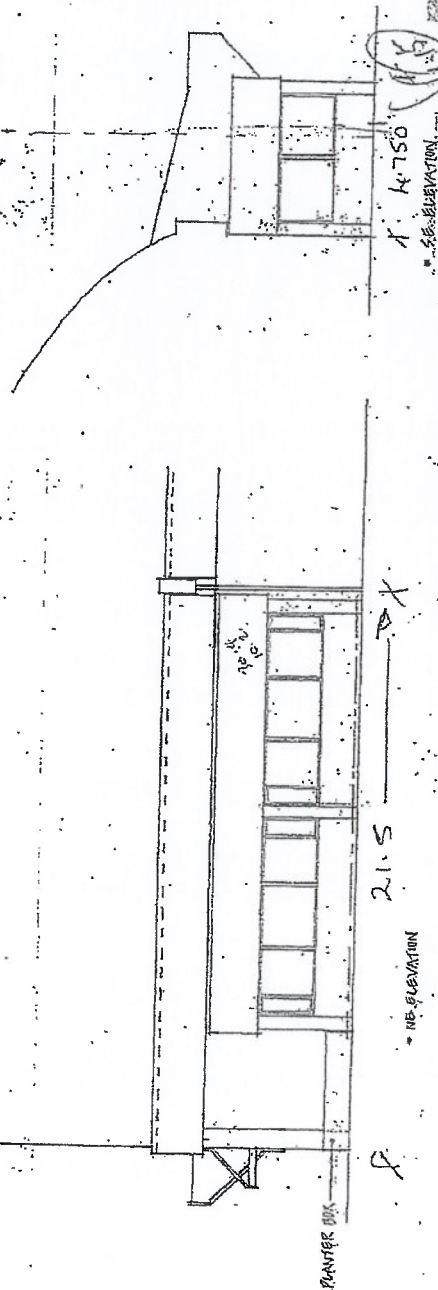
Regards

BRADFORD CONSTRUCTION COMPANY LIMITED

P.P.

(I.F. Paterson)

OFFICE COPY



PETER CATES Ltd

Edmund Kemnitz

2025104



Argyle & Co.
Barristers & Solicitors

ALISTER DAVID ARGYLE, LL.B. (Hons.)

11 September 1992

The Building Inspection Department
Ashburton District Council
Baring Square West
ASHBURTON

Manager.....	Dist Clerk.....
Engineer.....	Inspector.....
Financial Controller.....	
14 SEP 1992	
FILL. REF..... 6/4/4	
ASHBURTON DISTRICT COUNCIL	

Legal House,
160 Havelock Street,
Ashburton.

P.O. Box 433
Phone: (03) 308-8228
Fax: (03) 308-8656
DX: 15503

Dear Sir

re: CATES INVESTMENTS LIMITED

We enclose herewith the requisite undertaking from our client company to enable the building permit to issue for its proposed office alterations.

Yours faithfully
ARGYLE & CO

per:

A.D. ARGYLE

Peter Cates Limited
West Street
ASHBURTON

10 September 1992

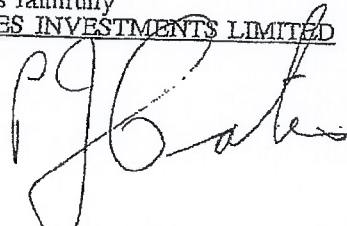

The District Manager
Ashburton District Council
Havelock Street
ASHBURTON

Dear Sir

Cates Investments Ltd, registered proprietor of 69 West Street, Ashburton (being all that parcel of land containing 1011m² being Section 193 Town of Ashburton and being all of the land comprised and described in Certificate of Title Register 15K Folio 1325 and also being Lessee under Memorandum of Lease 254965/1 affecting Section 210 Town of Ashburton being part of the land comprised and described in Certificate of Title Volume 483 Folio 201), in consideration of your Council granting a building permit to enable additions to the office of our company's premises which extend into the land held by the company under the said Memorandum of Lease 254965/1 hereby undertakes not to dispose its estates in either of the said parcels of land except in conjunction with the other parcel of land unless, prior to doing so, the company has first installed a fire wall between its existing building and the office additions.

Yours faithfully
CATES INVESTMENTS LIMITED

per:

MEMO TO PROPERTY OFFICER

Re: Peter Cates Limited - Building Extension

Bradford Construction Company Limited have applied for a building permit to erect an addition to the existing building of Peter Cates Limited. I note from the information supplied by the builder that this extension will encroach over the parcel boundary on to land which the applicant company leases from this Council. There seems to be some proposal that this matter can be regularised by a Section 641 certificate which will hold both parcels in the same ownership. However, you will note that the applicant company is the lessee only and it may well be that the Council is reluctant to see this parcel of land tied with that of the neighbouring seed dressing business.

I will be pleased to have your comments on this at your convenience.

M.A. SINGLETON
Planning Officer

14 August 1992

6/4/4

J. Bruce

26 August, 1992

The Manager,
Bradford Construction Co. Ltd,
P.O. Box 214,
ASHBURTON

Dear Sir,

PROPOSED ADDITION FOR PETER GATES LIMITED

We have inspected the plans and specifications for the abovementioned proposal and our comments are as follows:

1. We cannot issue the building permit until negotiations between your client and this Council have been finalised regarding boundary adjustments.
2. The boundary walls will require a three hour fire rating. Fire windows can only be ten percent of external walls.
3. Site plan must show drainage.

Should you have any enquiries, please contact this office.

Yours faithfully,

J. BRUCE
Building Inspector

JB:PC

930137

Recd of note 4

BUILDING INSPECTOR'S
FIELD SHEET

AUTHORITY

Stats. No. **K 04340**
No. **10585**

Ashburton District Council

Inspector: M _____ File No. _____

Receipt No. **120517**

Date Permit Issued **17 / 9 / 92**

OWNER

Name Peter Cates Ltd

Mailing Address 229 West St
Ashburton

BUILDER

Name Bradford Const Co Ltd

Mailing Address P.O. Box 211
Ashburton

PROPERTY ON WHICH BUILDING IS TO BE ERECTED/DEMOLISHED

SITE

Street No. 229

Street Name West St

Town/District Ashburton

Ward _____

LEGAL DESCRIPTION

Valuation Roll No. 24547 / 347

Lot _____ D.P. _____

Section T. 2. 193 Block _____

Survey District _____

DESCRIPTION OF PROPOSED WORK AND MAIN PURPOSE OF USE

Add to building (service comm)

FLOOR AREA Whole Sq. Metres 113.25

DWELLING UNITS Number Erected _____

ESTIMATED VALUES \$	Building	<u>39,750</u>	<u>00</u>
	Plumbing		
	Drainage	<u>200</u>	<u>00</u>
	G.S.I.		
TOTAL		<u>39,950</u>	<u>00</u>

NATURE OF PERMIT (TICK BOX)

☐ NEW BUILDING
-- exclude domestic garages and domestic outbuildings

☐ FOUNDATIONS ONLY

☒ ALTERED, REPAIRED, EXTENDED, CONVERTED, RESITED
-- include installation of heating appliances

☐ NEW CONSTRUCTION

☐ OTHER THAN BUILDINGS -- include demolitions

☐ DOMESTIC GARAGES
AND DOMESTIC OUTBUILDINGS

FEES APPLICABLE

Building Permit	\$ <u>200.00</u>	Water Connection	\$ _____
Street Damage Deposit	\$ _____		\$ _____
Building Research Levy	\$ <u>45.00</u>		\$ _____
Plumbing	\$ <u>15.00</u>		\$ _____
Drainage	\$ _____		\$ _____
Sewer Connection	\$ _____		\$ _____
Vehicle Crossing Levy	\$ _____	G.S.I.	\$ _____
M.S. Plumbing	\$ _____	TOTAL	\$ <u>320.00</u>

Receipt No. 120517

Date of Payment 29 / 10 / 92

Authorised Officer P. Hart

Special Conditions: _____

At least 24 hours notice to be given so that Inspector may
be inspected immediately prior to pouring of concrete.

Notice to be given for a Prelining Inspection

do not build over drains

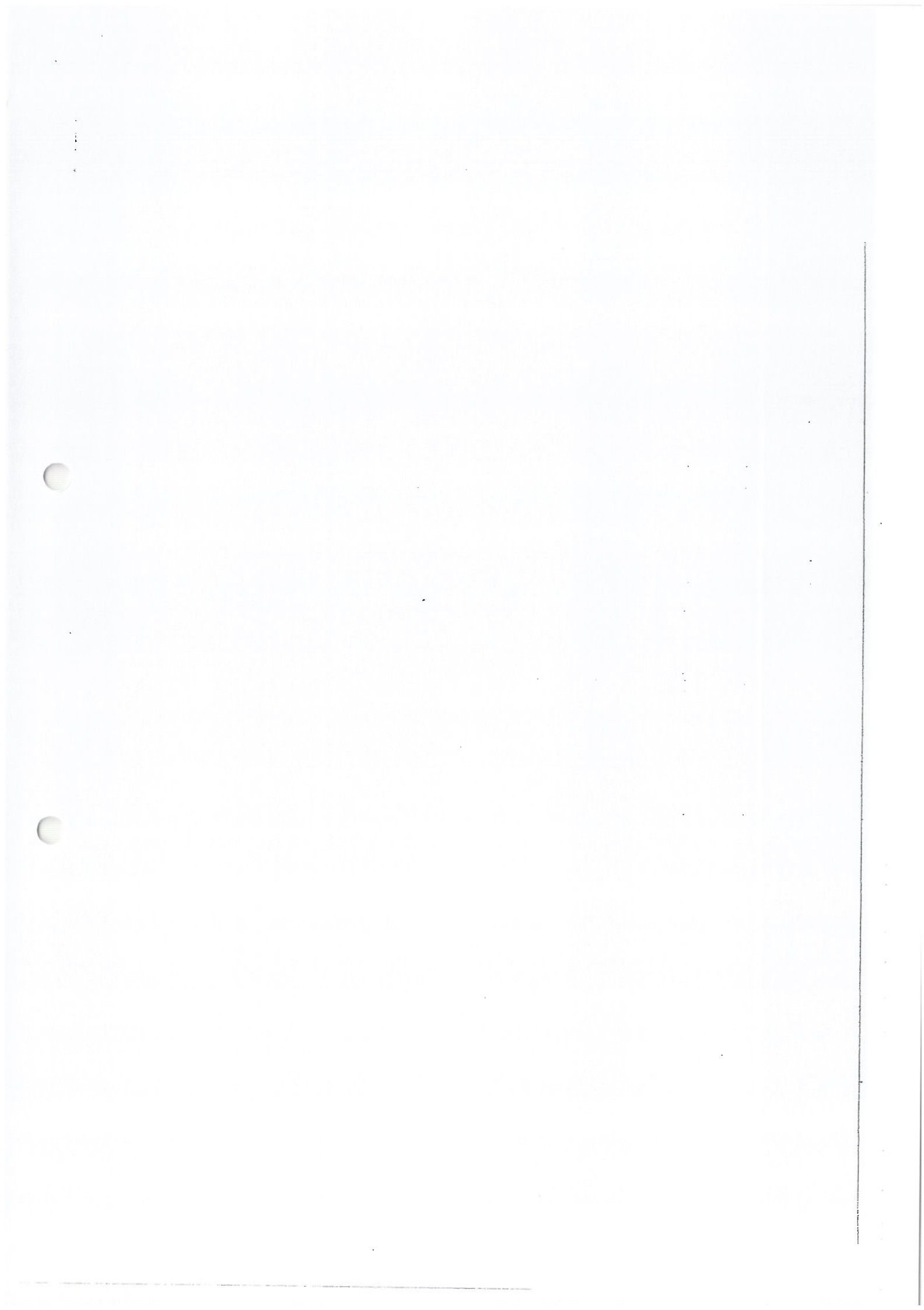
Date Inspected	REMARKS (e.g. stage reached with work)
<u>27/10/92</u>	<u>Foundation etc OK</u>
<u>30/11/92</u>	<u>Prelime 16% on 28/11</u>

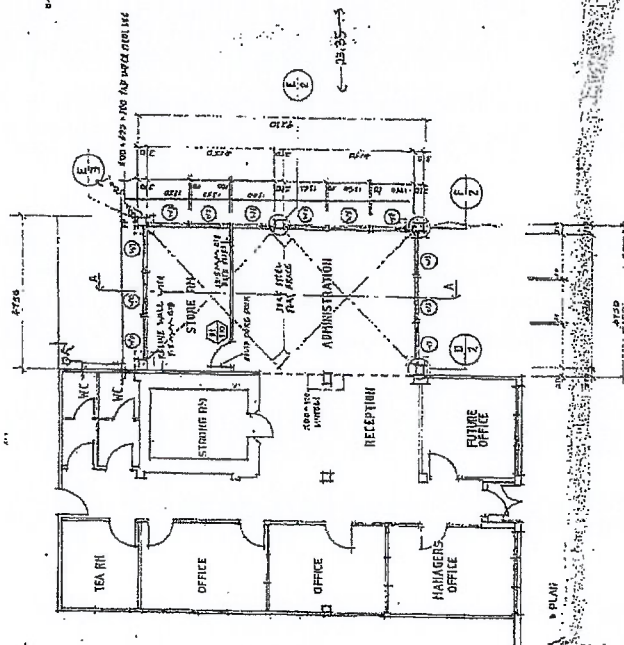
(CONTINUED OVER)

[illegible]

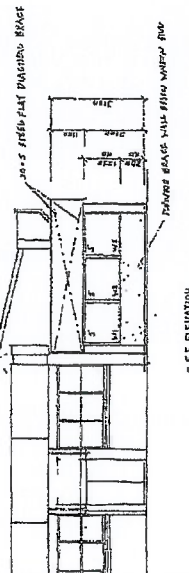
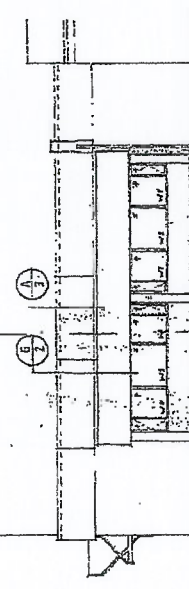
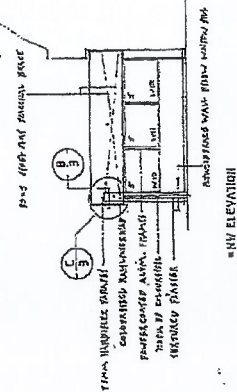
Alfred S. Wells

Date 7/4/93.






Impulse Kennedy
not shot

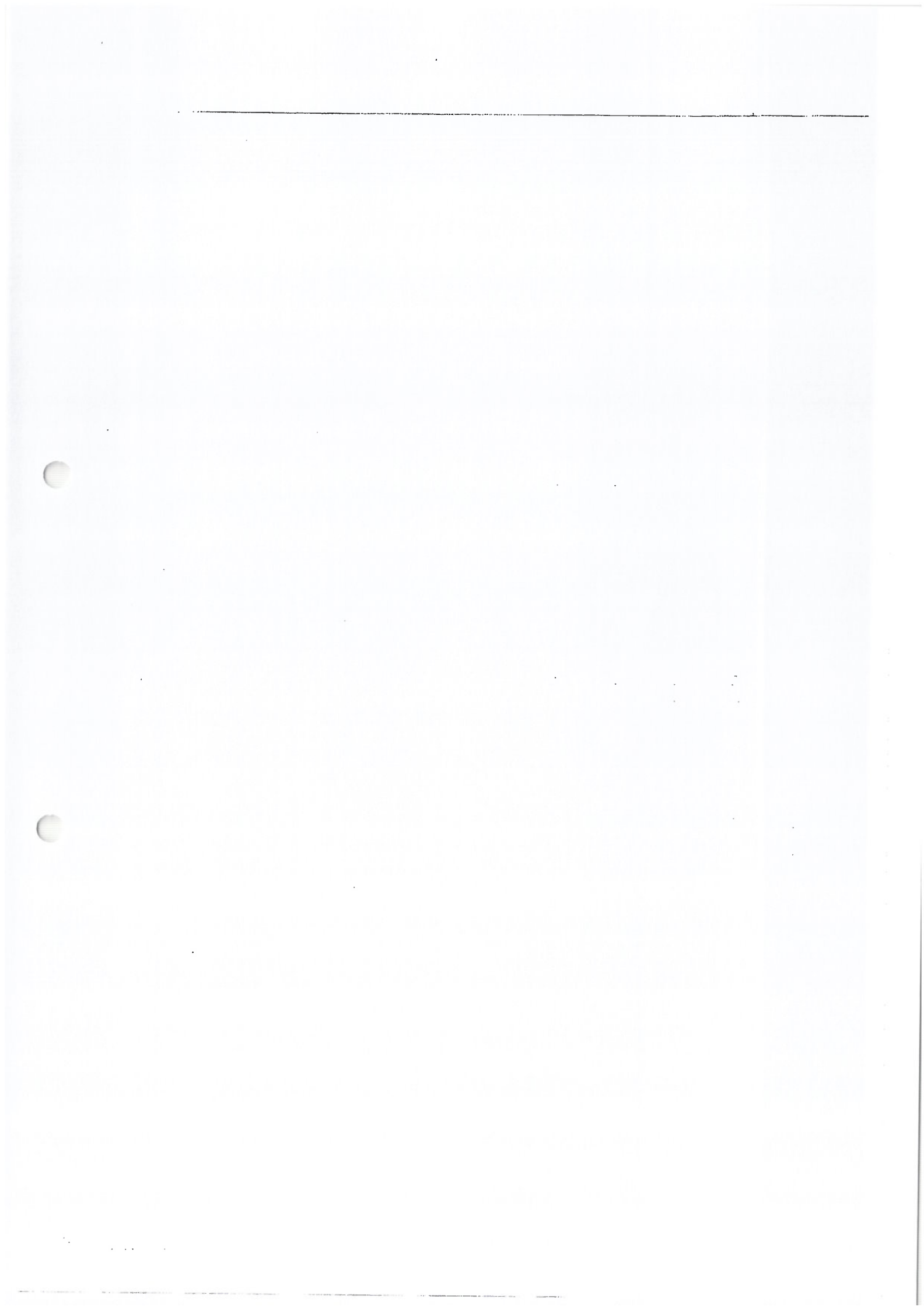


REPRESENTATIVE


SKWEWS HEY USSHER
ARCHITECTS
 22 CENTURY TOWNSHIP - RD. 1005 - #41
 14101/14106/14107 14108/14109/14110
 DATE: JUNE 91
 DRAWING NO: 14111/14112/14113
 DATE: JUNE 91

SCALE	CONTENT	DRAWING
1"=20'	PLAN	1
1"=40'	ELEVATION	
1"=50'	SECTION	
FILE 1574	OF 3	

SUBSIDIARY LISTING





BOROUGH OF ASHBURTON

BUILDING PERMIT APPLICATION FORM

Dated this 6th day of MAY 1983.

To: The Health and Town Planning Officer:

I hereby apply for permission to alter ^{erect} ~~add~~ EXISTING PREMISES

at No. 233 WEST STREET Street/Road

for Mr. PETER CATES LIMITED

according to Locality Plan and detailed plans, elevations, cross sections, and specifications of building deposited herewith.

Estimated Value: Building: \$ 30,590-00
Plumbing and Drainage: \$ 2,460-00
TOTAL: \$ 33,050-00

Name of Plumber/Drainlayer is MR. RAY LAMBERT

Particulars of Building: Foundations N/A
Walls N/A
Roof N/A

Area of Ground Floor sq m. Area of Outbuildings sq m.

Particulars of Land: Lot No. D.P. or Town Section No. R3-P-194

Proposed purposes for which every part of building is to be used or occupied (describe separately each part intended for use or occupation for a separate purpose):

CAR-PARK

Owner: PETER CATES LTD Builders: BRADFORD CONSTRUCTION COMPANY LIMITED

Address: P.O. Box 337 Address: P.O. Box 214
ASHBURTON ASHBURTON

OFFICE USE ONLY:

Valuation Ref. No. 2454/347 Receipt No. 10188 Date: 6-5-83

Building Permit Fee \$ 80-00
Research Levy \$ 34-00
Plumbing & Drainage \$
Water Connection Fee \$
Sewer Connection Fee \$
Stormwater Connection \$
Bridge Blocks \$
Footpath Deposit \$ W.B.
TOTAL: \$ 114-00

Permit No.

A78556

Date Issued.

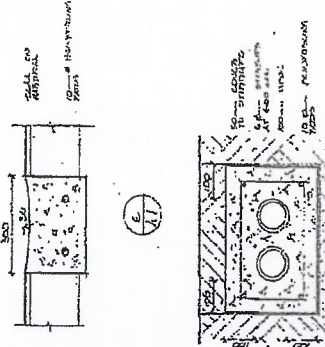
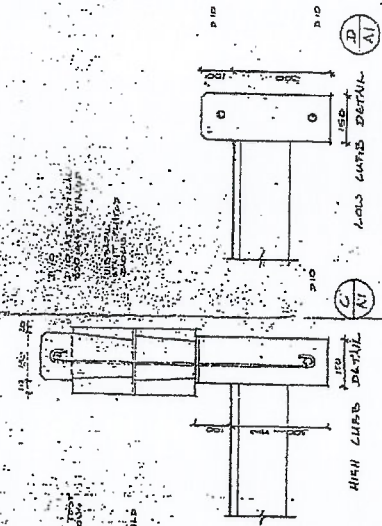
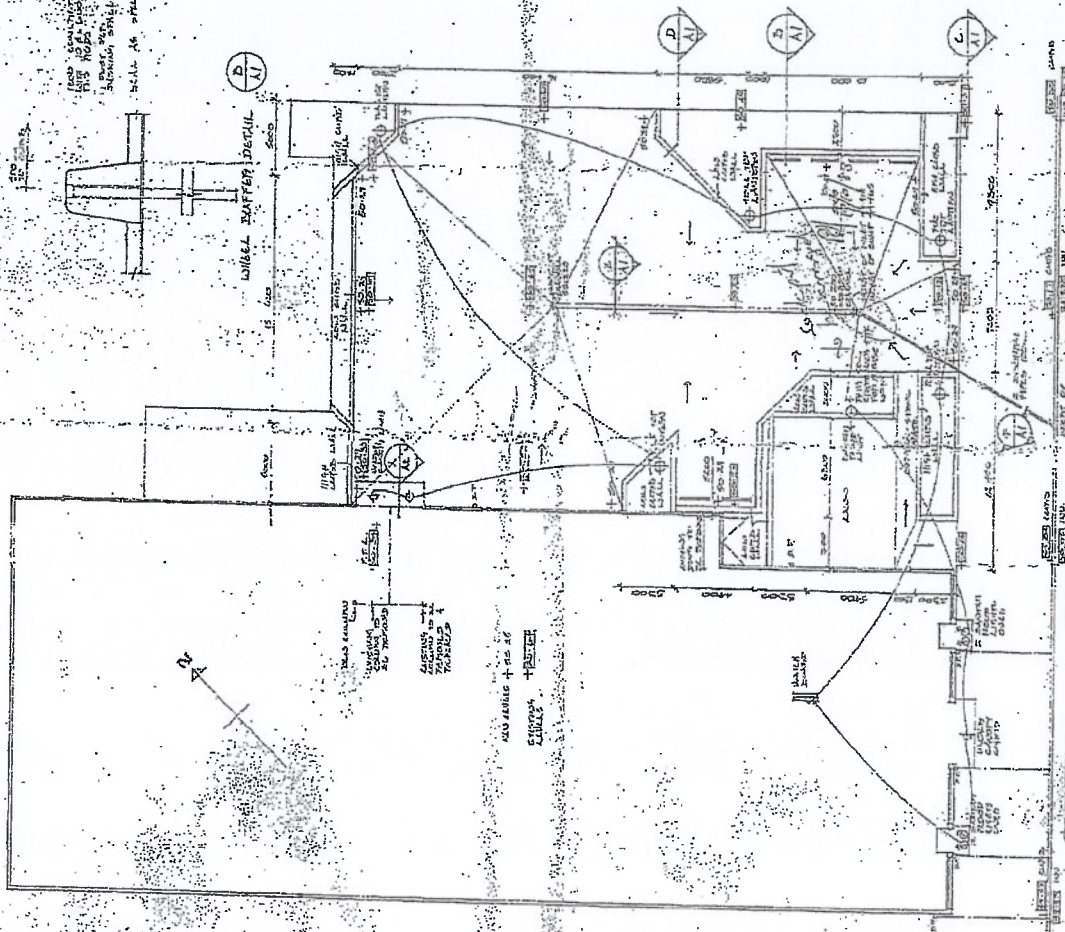
10-5-83

File No.

62/54 ✓

OWNER: <u>PETER CATES, JR.</u>		Address of Property: <u>235 West St</u>		Sewer
ADDRESS:				Water
BUILDER: <u>BRADFORD CONSTRUCTION</u>	Legal Description: <u>1 S 19 5 1/4 P 194</u>		Stormwater	
PLUMBER:			Footpath Dep.	
10-20-83	Permit No. <u>AYS 5-6</u>	Receipt No. <u>10188</u>	File No. <u>62/54</u>	Inspected by:
10-5-83	<u>ALTERATIONS TO GRAY STORE</u>			<u>PH</u>
11-7-83				
12-11-83				

This drawing is copyright of the owner.



Scale: 1/8" = 1'-0"
 Date: 2-2-83
 File: 4/4

STEWIS-ARCHER ASSOCIATES
 1000 W. 10th St.
 P.O. Box 485
 Phone: 603-221-1111

1/8" = 1'-0"

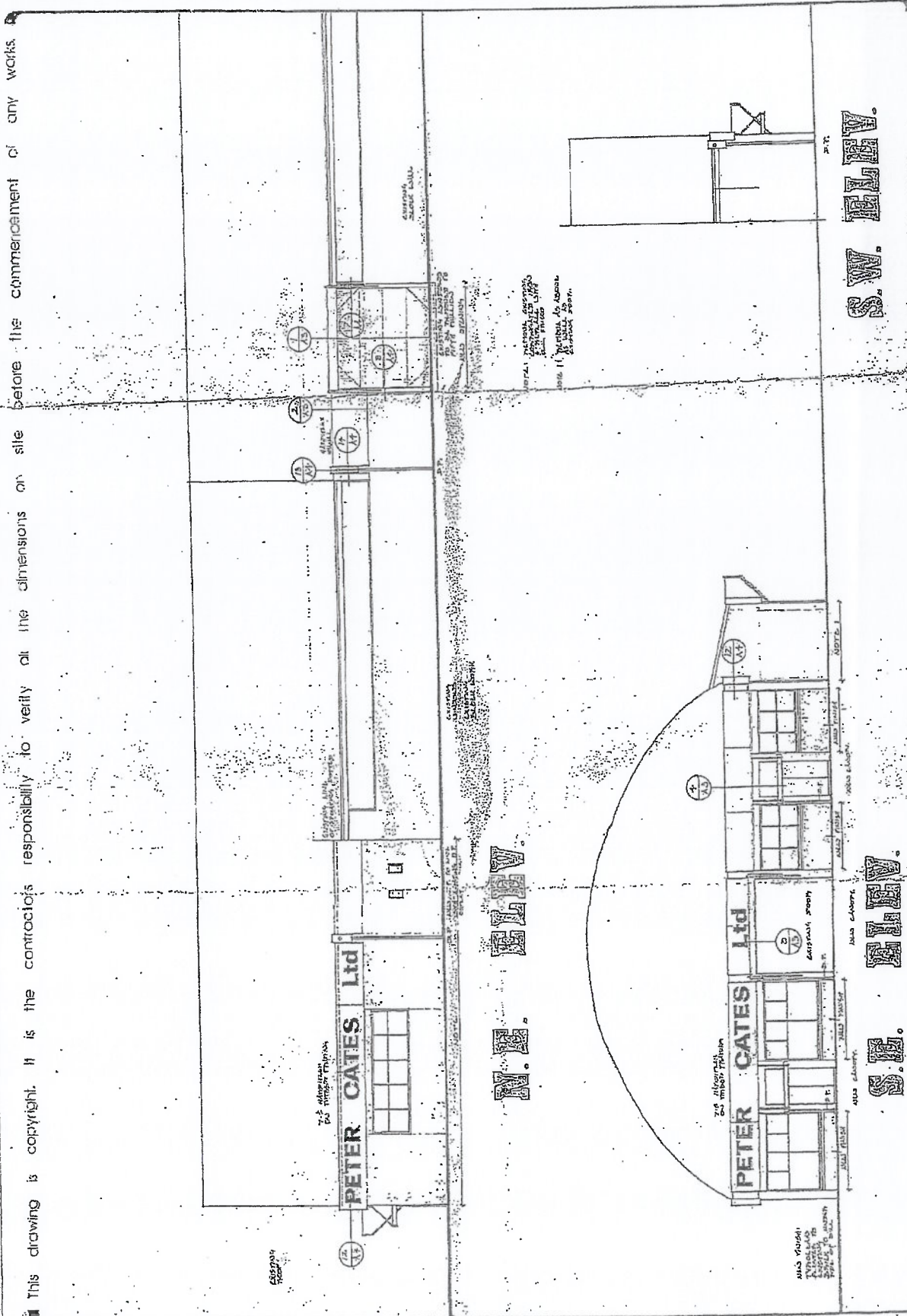
STEWIS-ARCHER ASSOCIATES
 1000 W. 10th St.
 P.O. Box 485
 Phone: 603-221-1111

1/8" = 1'-0"

A1

PETER CATS LTD

This drawing is copyright. It is the contractor's responsibility to verify all the dimensions on site before the commencement of any works.



PETER CATES LTD.

71-75, CATS
WEST ST
WILMINGTON

scale: 1/100
date: DEC '52
file: 4/4

S.W. ELEV.

SKEWS-ARCHER ASSOCIATES
Architects and Engineers
10, CHESTER CHURCH
PO BOX 195
WILMINGTON
Phone: 68092

A2

[illegible]

PLER CATES LTD

scale: 1/60,210 m
 date: 20.1.82
 file: 414

11.02.73 L.21.5
 11.02.73 L.21.5
 11.02.73 L.21.5

Architectural drawings of the rear elevation of the Port of Portland building. The drawings include various elevations and structural details:

- Elevation A1:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".
- Elevation A2:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".
- Elevation A3:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".
- Elevation A4:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".
- Elevation A5:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".
- Elevation A6:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".
- Elevation A7:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".
- Elevation A8:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".
- Elevation A9:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".
- Elevation A10:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".
- Elevation A11:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".
- Elevation A12:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".
- Elevation A13:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".
- Elevation A14:** Shows a section of the building with a gabled roof and a chimney. Dimensions include 10'-0" and 10'-0".

The drawings are labeled with "REAR ELEVATION" and "PORT OF PORTLAND".

PORTER CATES LTD

scale: 1-10, 5, 20
date: Dec '82
file: 414

skews-Archer associates
Architects and landscape designers
02-Orford Ice Church
P.O. Box 495 Phone: 68092

ASHBURTON BOROUGH COUNCIL

Building Application Form

Dated this 11 day of 10 1973

To the Health and Town Planning Officer:

I hereby apply for permission to Alter ^{Erect} BUCHANAN Grain Store
~~Add~~

At No. WEST STREET Street/Road,

for Mr Buchanans Merchants according to
locality plan and detailed plans, elevations, cross sections,
and specifications of building deposited herewith, in duplicate.

Estimated Value:	Building	<u>\$ 7921</u>
	Plumbing & Drainage	<u>\$ 30</u>
	Total	<u>\$ 7951</u>

If Value over \$20,000:

Estimated month of Commencement _____ Year _____

Estimated month of Completion _____ Year _____

Particulars of Building: Foundations _____
Walls Concrete Blocks
Roof _____
Area of Ground Floor _____ sq.ft.
Area of Outbuildings _____ sq.ft.

Particulars of Land: Lot No. _____ D.P.No. _____

Or Town Section 193 pt. 194

Proposed purposes for which every part of building is to be used
or occupied (describing separately each part intended for use or
occupation for a separate purpose: _____

Yours faithfully,

Owner: Buchanans Merchants Ltd Builders: Lynn Structures Ltd

Address: West St Address: 81 Alfred Terrace Road
ASH ASH

OFFICE USE ONLY: Date: 11 / 10 / 73 Valuation No. 24541347
Receipt No: 40127.

File No.

Permit Fee \$ 30-00 I.C. \$ _____

Research Fee \$ 4-00 U.V. \$ _____

C.V. \$ _____

Permit No: F-42546

ASHBURTON BOROUGH COUNCIL

Building Application

Form

Dated this 22nd day of September 1969.

To the Borough Inspector:

Sir,

I hereby apply for permission to Erect Low Black Wall
Add

At No. 69, Heat Street Street/Road, for MR. BUCHANAN'S (MERCHANTS) LIMITED
 according to locality plan and detailed plans, elevations, cross
 sections, and specifications of building deposited herewith, in
 duplicate.

Estimated Value: \$ 2000 Building
 \$ — Plumbing and
 \$ 3000 Drainage
 Total

Particulars of Building: Foundations Concrete Walls Con Block
 Roof Iron

Area of Ground Floor 1 room 20 feet sq.ft.

Area of Outbuildings — sq.ft.

Particulars of Land: Lot No. — D.P. No. CT. V39 F227
 Or Town Section 193/Pl 194 P.E.R.S. —

Proposed purposes for which every part of building is to be used or
 occupied (describing separately each part intended for use or
 occupation for a separate purpose: —

Nature of Section Sub Strata: —

Yours faithfully,

Owner: BUCHANAN'S (MERCHANTS) LIMITED Builders: Self

Postal Address: 100 Broad St Postal Address: —

ASHBURTON

OFFICE USE ONLY: Date: 22 : 9 : 69 Valuation No. 24541347

Receipt No.: 12548

\$ 14-00 I.V. \$ 25450

Permit No. 3354 U.V. \$ 11550

C.V. \$ 37000

File No.

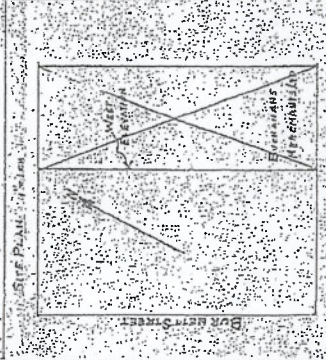
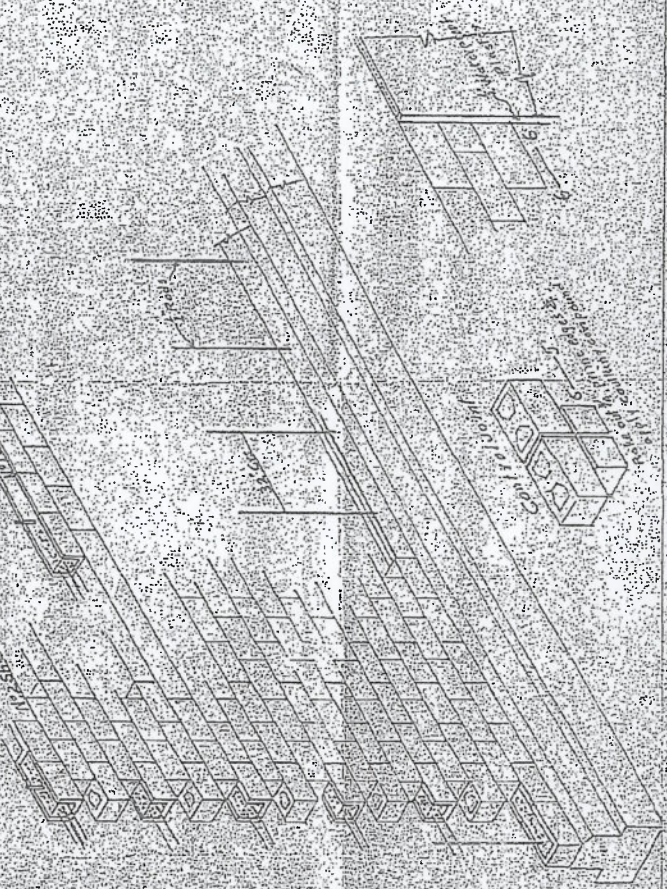
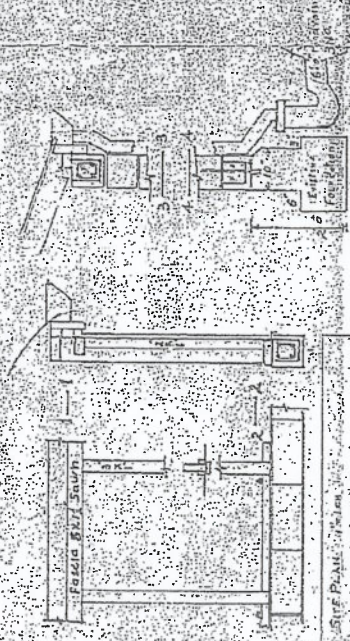
62/54

8 CONCRETE BLOCK WALL FOR BUCHANANS' MERCHANTS LTD.



BUCHANANS' MERCHANTS LTD.

West Elevation Scale 1/4"



WEST STREET

770 Application for Permit for Plumbing or Drainage Work

To the Borough Health Inspector,
Ashburton Borough Council,

I, the undersigned D. F. Rumneyfield, hereby
apply for permission to have the work described herein carried out in the
premises situated in West Street.

Name and address of person for whom work is to be carried out:

Charles Bruce
West St

Proposed Work: D

Estimated Cost of:

(a) Plumbing £ : :
(b) Drainage £ 2 : 0 0

Dated this 2 day of 2 1966

TOTAL £ 2 : 0 : 0

Signature D. F. Rumneyfield

Enclosed Permit Fee of 1/-

PERMIT FEES

Estimated Value of Work*		Fee Payable	
		£	s. d.
Not exceeding £5	£5	0	1 0
Exceeding £5 but not exceeding £10	£10	0	2 6
3-8-66 " £10	£25	0	5 0
" £25	£50	0	10 0
R7279014 " £50	£100	1	0 0
" £100	£150	1	10 0
" £150	£200	2	0 0
11- " £200		£2, plus 10s. for every £100 or part thereof in excess of £200.	

*In assessing the value of the work, no single fitting shall be deemed to
have a value exceeding £50.

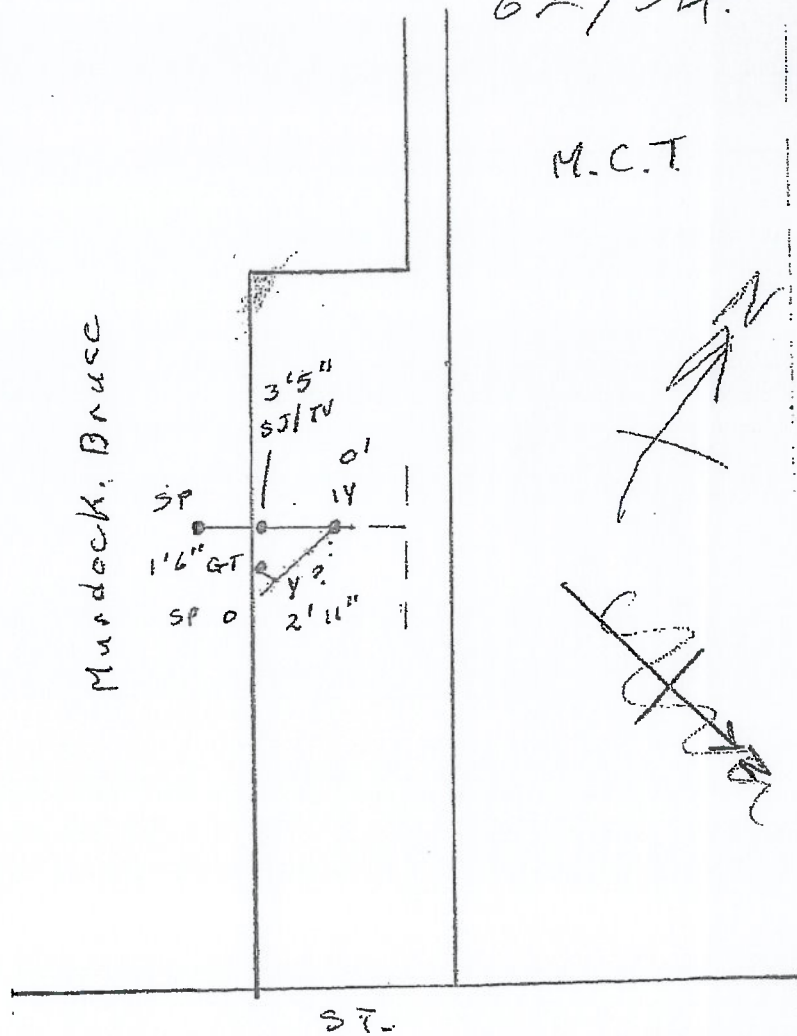
HB2016 PRINT

Murdock, Bruce 10/6/66
D. Summerfield Pad West St.

62/54.

M.C.T

Murdock, Bruce



ASHBURTON BOROUGH COUNCIL

Building Application
Form.

62/54

13-10-1965

To the Borough Inspector:

Sir,

I hereby apply for permission to _____
at No. NES Street/road, for Mr. Hardbelle Bruce Pk.
of Ashtons according to locality plan and
detailed plans, elevations, cross sections, and specifications
of building deposited herewith, in duplicate.

Particulars of Land: Lot No. _____ D.P. No. _____
Or Town Section _____
Length of boundaries _____
Area _____

Particulars of Building: Foundations Concrete Walls _____
Roof _____
Area of Ground Floor _____ sq.ft.
Area of Outbuildings _____ sq.ft.

Estimated Value: Building £ _____
Plumbing and Drainage £ _____
Total £ 7500

Proposed purposes for which every part of building is to be used
or occupied (Describing separately each part intended for use or
occupation for a separate purpose: _____

Proposed use or occupancy of other part of building: _____

Nature of ground on which building is to be placed and of the
subjacent strata: _____

BUILDING FEE

£24-

Form No 2084
R.N. 71892

14/10/65

HOUSING FEE

10/- Form 2085

R.N. 71893

14/10/65

Yours faithfully,

Owner: Middleton Bros & Co Builder: Mr. Hutchinson & Co. Ltd.
Postal Address: West St Address: P.O. Box 116
Ashtons Ch Ch.

2 months standing fee 14/- 10-10-10 (a/c)

Per J. Hutchinson

THOMAS & WARD

REGISTERED ARCHITECTS

GUARDIAN BUILDING - BURNETT STREET - ASHBURTON

G. H. WARD A.N.Z.I.A.

Telephone 7747

24th. June 1965.

The Town Clerk,
Borough Council Office,
Ashburton.

Dear Sir,

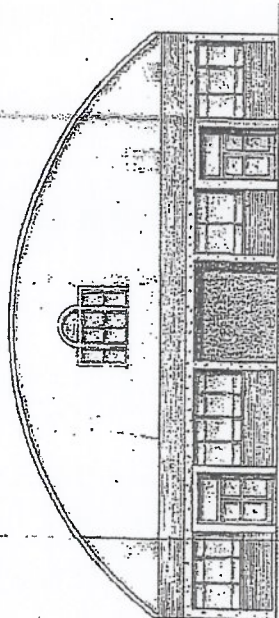
Re: Premises in West Street, Ashburton,
for Murdock & Bruce and Co.,

Further to your letter of 3rd. May 1961, I wish to apply on behalf of my clients for approval of amendments to proposed alterations.

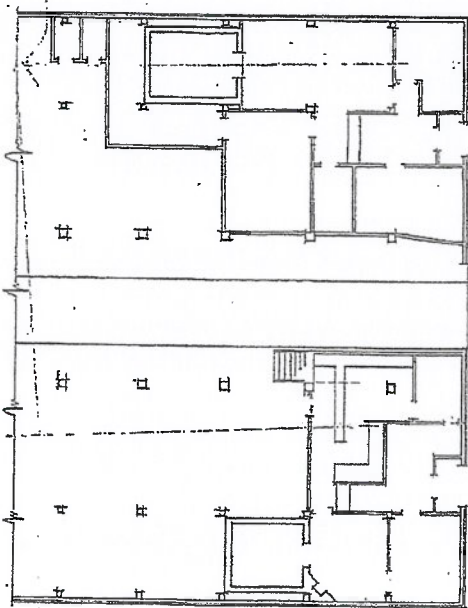
The basic alterations are the same as those approved by your Council previously, but the layout of the Offices has been altered slightly.

Yours faithfully,
Thomas & Ward.

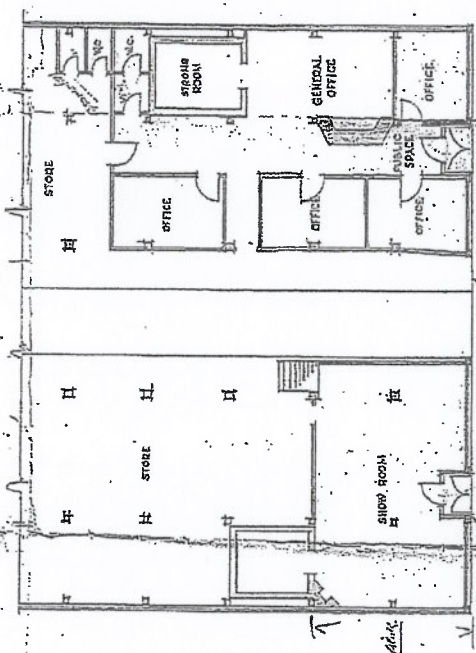
per: *A. H. Ward*



VIEW from WEST STREET



EXISTING



PROPOSED

New concrete & brick frontage

Lot 74600

THOMAS & WARD REGISTERED ARCHITECTS 104 WARD ST. ASHBURTON DORSET	PROPOSED ALTERATIONS TO PREMISES WEST ST. ASHBURTON for MURDOCH BRUCE & CO. LTD.	FILE SHEET 1
SCALE: 3/16" = 1'-0"	SKETCH PLAN	27-6-05

REMARKS: ...



ASHBURTON BOROUGH COUNCIL

Building Application
Form.

62/54

15-10-1965

To the Borough Inspector:

Sir,

I hereby apply for permission to
at No. 125 Street/Read, for Mr. Howard Bruce Key
of Bathurst according to locality plan and
detailed plans, elevations, cross sections, and specifications
of building deposited herewith, in duplicate.

Particulars of Land: Lot No. _____ D.P. No. _____
Or Town Section _____
Length of boundaries _____
Area _____

Particulars of Building: Foundations Concrete Walls _____
Roof _____
Area of Ground Floor _____ sq.ft.
Area of Outbuildings _____ sq.ft.

Estimated Value: Building £ _____
Plumbing and Drainage £ _____
Total £ 7500

Proposed purposes for which every part of building is to be used
or occupied (Describing separately each part intended for use or
occupation for a separate purpose: _____

Proposed use or occupancy of other part of building: _____

Nature of ground on which building is to be placed and of the
subsequent strata: _____

BUILDING FEE

£24-
to Council No 2094
R.N. 71592

14/10/65

HOUSING FEE

10/- Council No 2085
R.N. 71593

14/10/65

Yours faithfully,

Sender: Middleton Bros & Co Builder: Mr. Bathurst
Postal Address: West St Address: P.O. Box 116
Bathurst N.S.W.

2nd to Building fee 10/- Total 10-0 (paid)

Per J. Bathurst

THOMAS & WARD

REGISTERED ARCHITECTS

GUARDIAN BUILDING - BURNETT STREET - ASHBURTON

G. H. WARD A.N.Z.I.A.

Telephone 7747

24th. June 1965.

The Town Clerk,
Borough Council Office,
Ashburton.

Dear Sir,

Re: Premises in West Street, Ashburton,
for Murdock & Bruce and Co.,

Further to your letter of 3rd. May 1961, I wish to apply on behalf of my clients for approval of amendments to proposed alterations.

The basic alterations are the same as those approved by your Council previously, but the layout of the Offices has been altered slightly.

Yours faithfully,
Thomas & Ward.

per: G. H. Ward.

62/54

Application for Permit for Plumbing or Drainage Work

To the Borough Health Inspector,
Ashburton Borough Council.

I, the undersigned William A. Co, hereby
apply for permission to have the work described herein carried out in the
premises situated in West Street.

Name and address of person for whom work is to be carried out:

Proposed Work:

Estimated Cost of:

(a) Plumbing £ : :
(b) Drainage £ 30 : +

Dated this 21 day of May 1965

TOTAL £ 30: - - - -

Enclosed Permit Fee of 10 -

Signature _____

PERMIT FEES

Estimated Value of Work⁴

Fee Payable

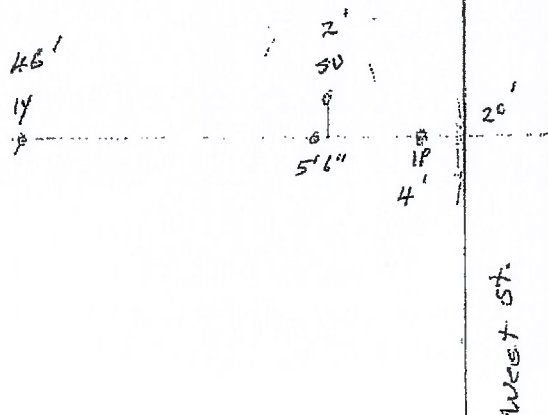
				£	s.	d.
Not exceeding	£5	....	.....	.....	0	1 0
Exceeding	£5 but not exceeding	£10	....	.....	0	2 6
	"	£10	....	.....	0	5 0
	"	£25	....	.....	0	10 0
274	"	£50	....	.....	1	0 0
	"	£100	....	.....	1	10 0
63	"	£150	....	.....	2	0 0
	"	£200	....	.....	£2,	plus 10s. for every
						£100 or part thereof
						in excess of £200.

"In assessing the value of the work, no single fitting shall be deemed to have a value exceeding £50.

Murdock Bruce & Co West St
Drainlayer (Russell.) 7/12/21

Book 2
Page 38

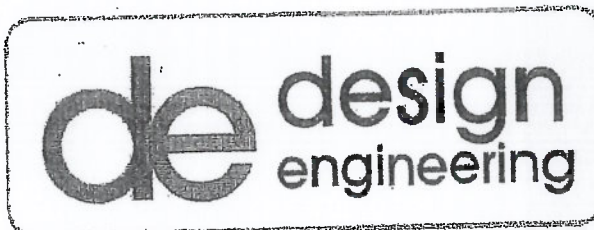
62/54



No1 Wharf
Ritchie Street
P.O. Box 642
Timaru, New Zealand

Phone: (03) 688-6713
Fax: (03) 688-6722
Mobile: (021) 737-474
Email: admin@detim.co.nz
www.designengineering.co.nz

COPY



Certification, Compliance & Consulting Engineers



5 May 2011

Stuart Begg
General Manager
Cates, Grains and Seeds
Ashburton

Dear Stuart

Initial Evaluation Report of 229 West St, Ashburton Property

Introduction

Design Engineering (SI) Limited was engaged by the client to provide an Initial Evaluation Report to whether the property is considered as an earthquake-prone structure. This evaluation has been carried out upon instruction by the Ashburton District Council to comply with their Earthquake-Prone policy. (Refer to the letter dated 15th December 2010)

Initial Evaluation Report

1. The seismic calculation was based from the recommendation of the New Zealand Earthquake Engineering Society (NZSEE) as attached. (see pages 3-6 to 3-15)

Conclusion Recommendation

1. The result of the analysis is only 11.41% of the Percentage of the New Building Standard (%NBS). This is considered to be both earthquake risk and earthquake prone. (see page 3-15)

Yours faithfully

Jhonnal Calleja

BSc, NZCE, MIPENZ (Civil, Struct)
CPEng, IntPE (NZ)
email: jhonnal@detim.co.nz
mob. 0226270401

Timaru Office
No. 1 Wharf, Ritchie Street
PO Box 642, Timaru
Phone: (03) 688 6713 / Fax: (03) 688 6722

Christchurch Office
28f Acheron Drive, Riccarton
Christchurch
Phone: (03) 348 6713 / Fax: (03) 348 6723

Dunedin Office
32a Cresswell St.
Dunedin
Phone: (03) 477 1713 / Fax: (03) 477 1765

Table IEP-1: Initial Evaluation Procedure - Step 1

Page 1....

Table IEP-1 Initial Evaluation Procedure Step 1
(Refer Table IEP - 2 for Step 2, Table IEP - 3 for Step 3, Table IEP - 4 for Steps 4, 5 and 6)

Building Name: CATE'S GRAINS & SEEDS
Location: 220 WEST ST ASHBURTON

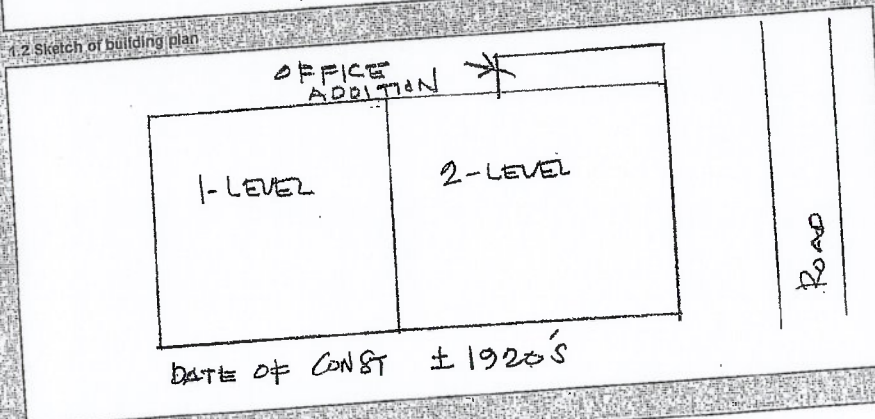
Ref: _____
By: JK
Date: 19.4.11

Step 1 - General Information

1.1 Photos (attach sufficient to describe building)

SEE ATTACHED

1.2 Sketch of building plan



1.3 List relevant features

ALL STRUCTURE & FRAME ARE TIMBER
ALL CLADDING (WALL) ARE MASONRY BLOCKS

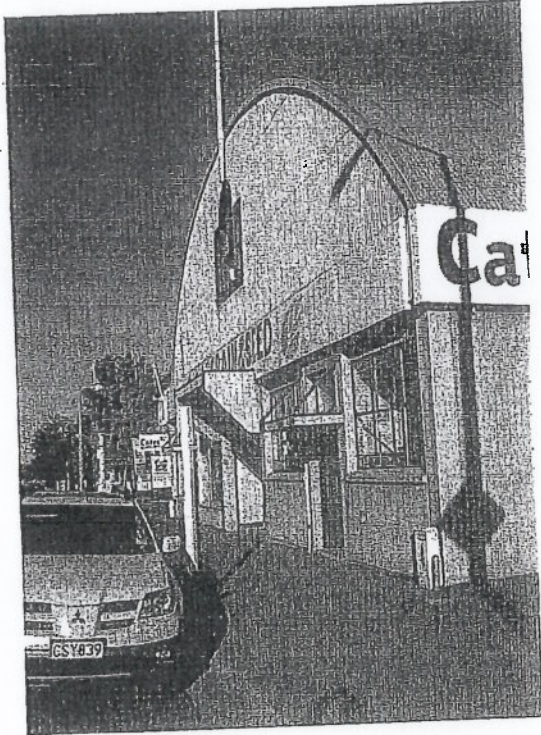
1.4 Note information sources

Visual Inspection of Exterior
Visual Inspection of Interior
Drawings (note type) PLAN
Specifications
Geotechnical Reports
Other (list)



Cates, grains and seeds

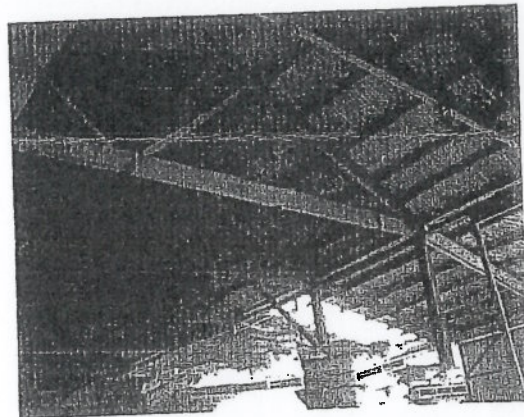
Initial Evaluation Procedure



Building Frontage



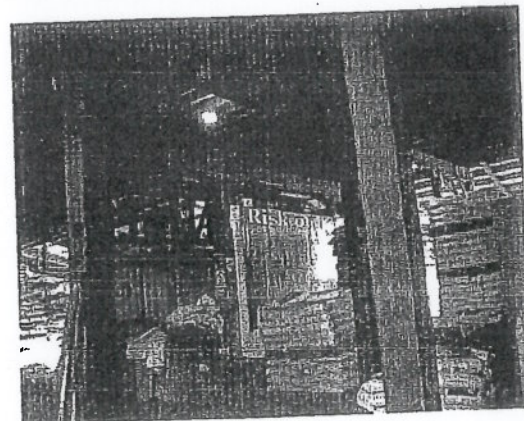
Right side with office addition



One-storey structure



Left side masonry wall



Two-storey structure

Table IEP-2: Initial Evaluation Procedure - Step 2

Page 2

Table IEP-2: Initial Evaluation Procedure Step 2

(Refer Table IEP-1 for Step 1; Table IEP-3 for Step 3; Table IEP-4 for Steps 4, 5 and 6)

Building Name	Ref.
Location	By
Direction Considered: <input checked="" type="radio"/> a) Longitudinal <input type="radio"/> b) Transverse	Date
(Choose worse case if clear at start. Complete IEP-2 and IEP-3 for each if in doubt)	

Step 2 - Determination of (%NBS)₀2.1 Determine nominal (%NBS) = (%NBS)_{nom}

a) Date of Design and Seismic Zone

Pre 1935

1935-1955

1955-1976

1976-1992

1992-2004

Seismic Zone: A

B

C

Seismic Zone: A

B

C

b) Soil Type

From NZS1170.5:2004, C13.1.3

From NZS4203:1992, C14.2.2

(for 1992 to 2004 only and only if known)

A or B Rock

C Shallow Soil

D Soft Soil

E Very Soft Soil

a) Rigid

b) Intermediate

tick as appropriate
See also notes 1, 3

See also note 2

2.25 Seconds

c) Estimate Period

Can use following:

 $T = 0.09h^{0.75}$ $T = 0.14h^{0.75}$ $T = 0.06h^{0.75}$ $T = 0.06h^{0.75}$ $T = 0.03h^{0.75}/A^{0.5}$ $T < 0.45 \text{ sec}$

for moment-resisting concrete frames

for moment-resisting steel frames

for eccentrically braced steel frames

for all other frame structures

for concrete shear walls

for masonry shear walls

Where h = height in m from the base of the structure to the uppermost seismic weight or mass. $A = 2A_1/D + L_1/7$ A_1 = cross-sectional shear area of shear wall l in the first storey of the building, in m² L_1 = length of shear wall l in the first storey in the direction parallel to the applied forces, in mwith the restriction that $L_1/7$ shall not exceed 0.9 $h = 7.0$ d) (%NBS)_{nom} determined from Figure 3.32.5 (%NBS)_{nom}

Note 1: For buildings designed prior to 1955 and known to be designed as public buildings in accordance with the code of the time, multiply (%NBS)_{nom} by 1.25.
For buildings designed 1955-1976 and known to be designed as public buildings in accordance with the code of the time, multiply (%NBS)_{nom} by 1.33 - Zone A
1.2 - Zone B

Note 2: For reinforced concrete buildings designed between 1976-84 multiply (%NBS)_{nom} by 1.2

Note 3: For buildings designed prior to 1935 multiply (%NBS)_{nom} by 0.8 except for Wellington where the factor may be taken as 1.

1

2.8

2.0 (%NBS)_{nom}

Continued over page

Table IEP-2: Initial Evaluation Procedure – Step 2 continued

Page 3...

Table IEP-2 Initial Evaluation Procedure Step 2 continued

2.2 Near Fault Scaling Factor, Factor A

If $T \leq 1.5$ sec, Factor A = 1

- a) Near Fault Factor, $N(T,D)$
(from NZS1170.5:2004, Cl 3.1.6)

1

- b) Near Fault Scaling Factor

 $N(T,D)$

Factor A = 1

2.3 Hazard Scaling Factor, Factor B

- a) Hazard Factor, Z , for site
(from NZS1170.5:2004, Table 3.3)

0.2

- b) Hazard Scaling Factor

For pre 1992
For 1992 onwards

 $1/Z$
 Z_{1992}/Z
(Where Z_{1992} is the NZS4203:1992 Zone Factor from accompanying Figure 3.5(b))

Factor B = 5

2.4 Return Period Scaling Factor, Factor C

- a) Building Importance Level
(from NZS1170.5:2004, Table 3.1 and 3.2)

2

- b) Return Period Scaling Factor from accompanying Table 3.1

Factor C = 1

2.5 Ductility Scaling Factor, D

- a) Assessed Ductility of Existing Structure, μ
(shall be less than maximum given in accompanying Table 3.2)

2

$$k_M = \frac{(\mu - 1)T_1}{0.7} + 1 = 1.35$$

- b) Ductility Scaling Factor

For pre 1976
For 1976 onwards

 k_M (Where k_M is NZS1170.5:2004 Ductility Factor from accompanying Table 3.3)

Factor D = 1.4

2.6 Structural Performance Scaling Factor, Factor E

- a) Structural Performance Factor, S_p
from accompanying Figure 3.4

0.7

- b) Structural Performance Scaling Factor

 $1/S_p$

Factor E = 1.43

2.7 Baseline %NBS for Building, (%NBS)_{nom}
(equals (%NBS)_{nom} $\times A \times B \times C \times D \times E$)

16.30

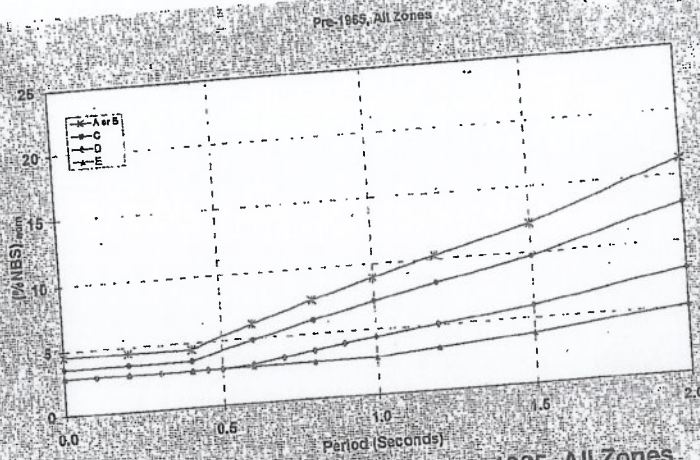


Figure 3.3(a): (%NBS)_{nom} Pre-1965, All Zones



Figure 3.3(b): (%NBS)_{nom} 1965-76, Zone A

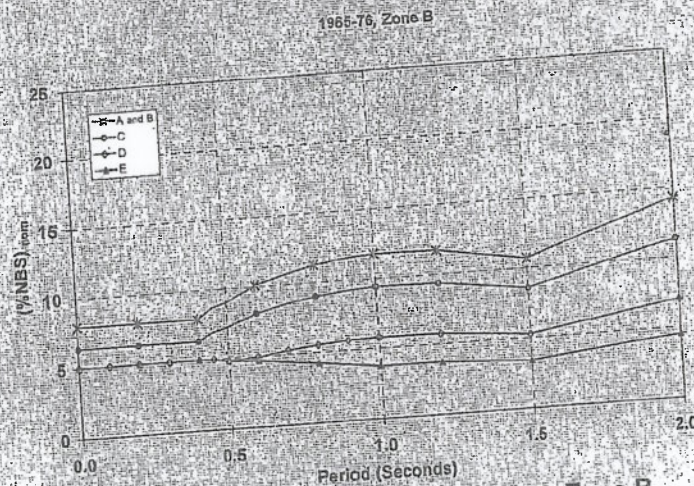
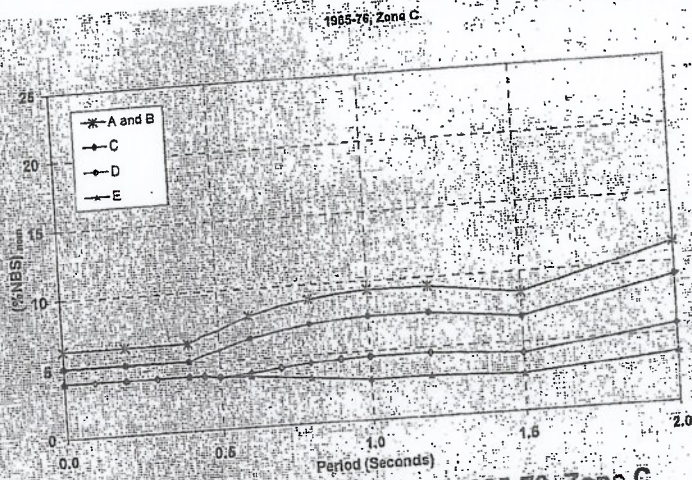
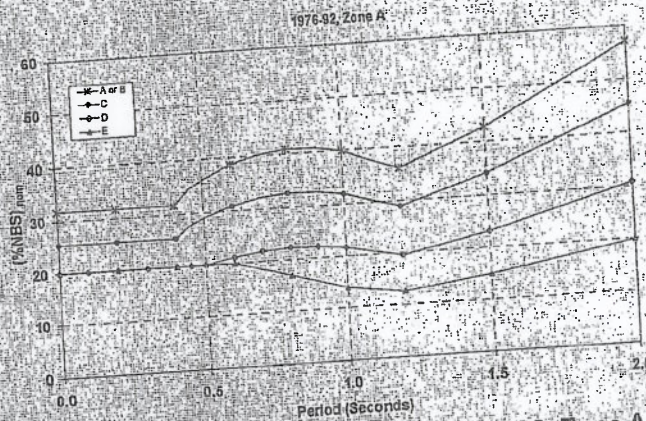
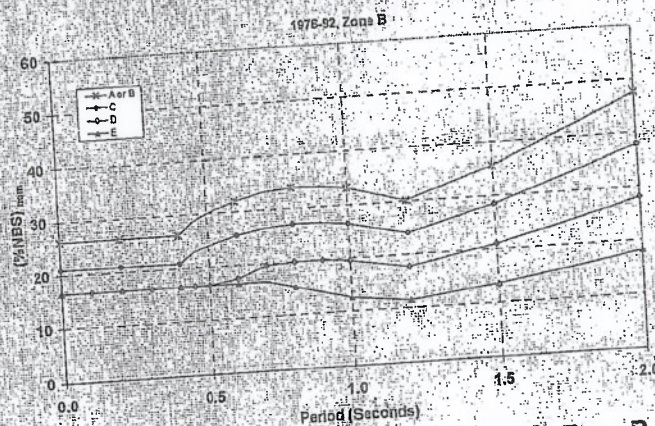
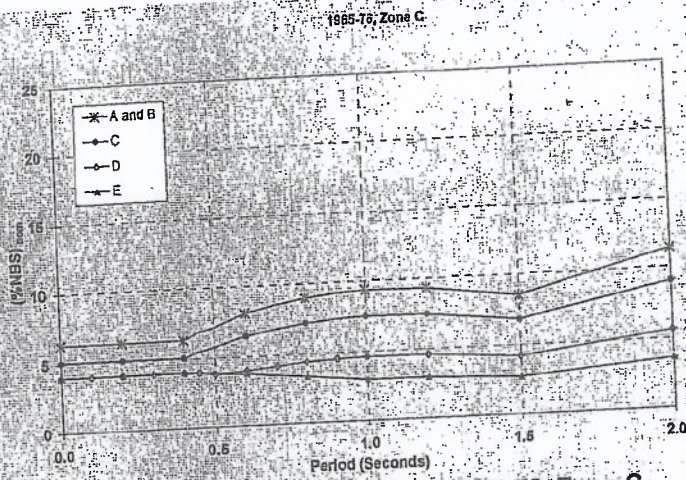
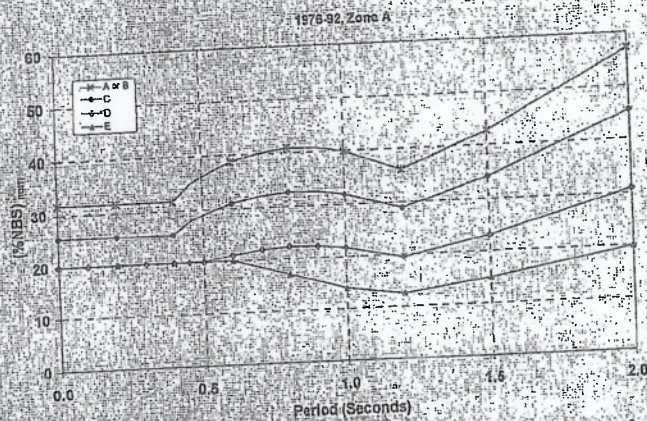
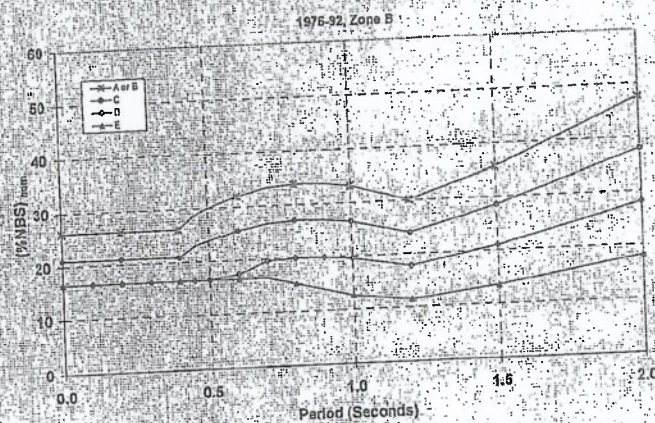


Figure 3.3(c): (%NBS)_{nom} 1965-76, Zone B

Figure 3.3(d): $(\%NBS)_{nom}$ 1965-76, Zone CFigure 3.3(e): $(\%NBS)_{nom}$ 1976-92, Zone AFigure 3.3(f): $(\%NBS)_{nom}$ 1976-92, Zone B

Figure 3.3(d): ($\%NBS$)_{nom} 1965-76, Zone CFigure 3.3(e): ($\%NBS$)_{nom} 1976-92, Zone AFigure 3.3(f): ($\%NBS$)_{nom} 1976-92, Zone B

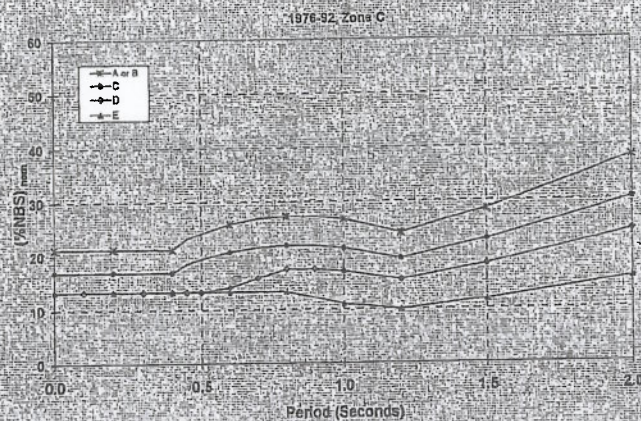
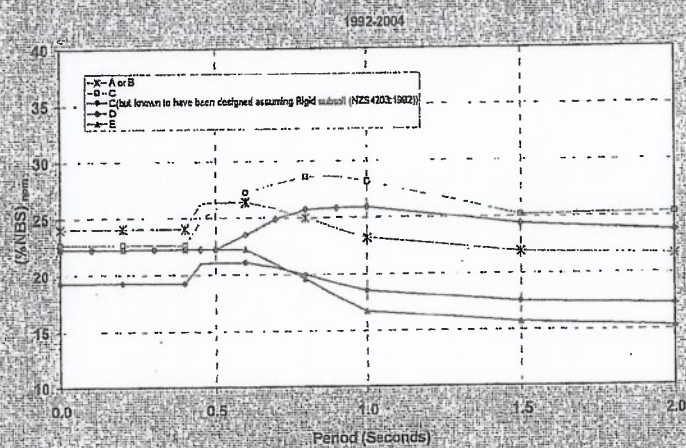
Figure 3.3(g): (%NBS)_{nom} 1976-92, Zone CFigure 3.3(h): (%NBS)_{nom} 1992-2004Figure 3.3: (%NBS)_{nom} for Different Building Design Vintages

Table 3.1: Return period scaling factor

Importance level	Comment	NZS1170.5:2004 Return Period Factor, R		Return Period Scaling Factor, C			
		Annual Probability of Exceedance	Return Period Factor, R	Pre 1965	1965-76	1976-92	1992-04
1	Minor structures (failure not likely to endanger human life)	1/100	0.5	2	2	2	1.2
2	Normal structures and structures not falling into other levels	1/500	1	1	1	1	1
3	Major structures (affecting crowds)	1/1000	1.3	0.8	0.8	1.1	0.9
4	Post-disaster structures (post-disaster functions or dangerous activities)	1/2500	1.8	0.6	0.6	1	0.7
5	Exceptional structures are outside the scope of the IEP, special study required						

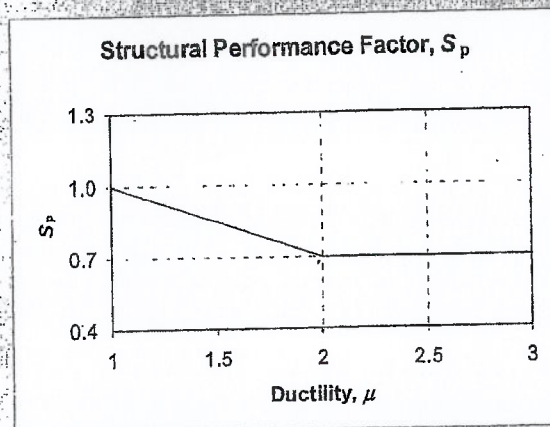
Where R is the return period factor appropriate to the current use of the building, as shown in Table 3.5 of NZS 1170.0:2002

Table 3.2: Ductility factors to be used for existing buildings

Structure Type	Maximum allowable ductility factor for IEP			
	Pre-1935	1935-65	1965-76	1976-2004
All buildings	2	2	2	6

Table 3.3: Ductility scaling factor

Soil Type	Structural Ductility/Scaling Factor, k_d							
	1.0 or less		1.25		1.50		2	
	A, B, C & D	E	A, B, C & D	E	A, B, C & D	E	A, B, C & D	E
Period, T								
≤ 0.40s	1	1	1.14	1.25	1.29	1.50	1.57	1.70
0.50s	1	1	1.18	1.25	1.36	1.50	1.71	1.75
0.60s	1	1	1.21	1.25	1.43	1.50	1.86	1.80
0.70s	1	1	1.25	1.25	1.50	1.50	2.00	1.85
0.80s	1	1	1.25	1.25	1.50	1.50	2.00	1.90
≥ 1.00s	1	1	1.25	1.25	1.50	1.50	2.00	2.00



Where S_p is the Structural Performance Factor from NZS1170.5:2004, Cl 4.4.2.

Figure 3.4: Structural performance factor, S_p

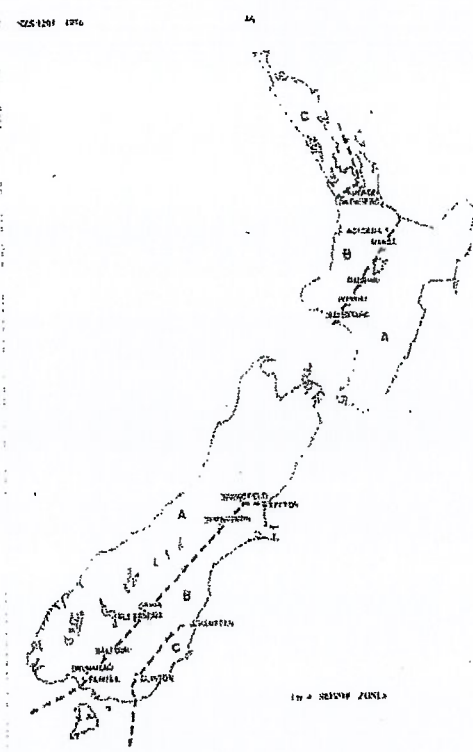


Figure 3.5(a) NZS 4203:1984,
NZS 4203:1976 and
NZS 1900:Chapter 8 sim.

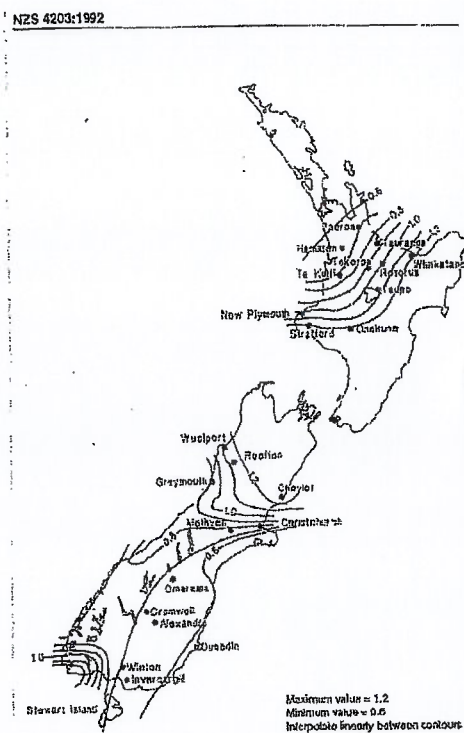


Figure 4.6.2 - Zone factor, Z

Figure 3.5(b) NZS 4203:1992

Figure 3.5: Extracts from previous Standards showing seismic zoning schemes

THE RESOURCE MANAGEMENT ACT 1991

BEFORE THE:

Commissioner

IN THE MATTER OF:

Cates Grain and Seed Ltd and C J
Redmond (Redmond Retail Ltd)
application for Resource Consent
in the matter of the former Cates
Grain and Seed Building

SITE

229-241 West Street
Ashburton

EVIDENCE OF

Jennifer Susan May ONZM,
BAHons, MICOMOS

HEARING DATE

2 February 2017

1. Qualifications and experience

1.1 My full name is Jennifer Susan May. I am the Director of Heritage Management Services Ltd. I have held this position since January 2002.

1.2 I hold a BA and a BA (Hons First Class) from the University of Canterbury with a major in architectural history.

1.3 I have 24 years' experience in heritage management. Prior to my role as Director of Heritage Management Services Ltd, I was employed in heritage planning and policy by the Christchurch City Council from 1992 until 2002, where I held the position of Team Leader and Senior Heritage Planner. Following the Canterbury earthquakes, I acted for the Council as the Principal Heritage Consultant to the Heritage Earthquake Recovery Team.

1.4 I am a full member of the International Council on Monuments and Sites ('ICOMOS') New Zealand / Te Mana O Nga Pouwhenua O Te Ao and I have been awarded Professional Heritage Certification (21 December 2016) under the criteria for certification in the Christchurch District Plan.

1.5 I have attended a number of professional development courses relating to heritage conservation nationally and internationally since graduating from the University of Canterbury.

1.6 I have been engaged by C J Redmond (Redmond Retail Ltd) to provide evidence in relation to the heritage values of the former Cates Grain and Seed Building, 229-241 West Street Ashburton.

1.7 I confirm that I am familiar with the former Cates Grain and Seed Building and its site and have made a site 8th December 2016 with the owner.

1.8 In preparing my evidence I have relied on the following information:

- Skews Architects Condition Report 8th August 2016 (attached to evidence of Mr Bill Skews)
- TM Consultants Seismic Assessment July 2015
- Cyclopedia of New Zealand Vol.3 Canterbury published 1903

- W H Scotter *Ashburton A History of Town and County* 1972
- NZ Historic Places Trust Buildings Record for Cates Investments Ltd Building June 1983
- Heritage New Zealand <http://www.heritage.org.nz/the-list/details/1807>
- ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value 2010
- Ashburton District Council S12 Historic Heritage Values and Protected Trees
- Ashburton District Council District Plan (2014) S32 assessment Heritage Item 9 Peter Cates Grain Store
- Ashburton District Council District Plan (1994) assessment Heritage Item 32 Cates Grain Store:
<http://www.ashburtondc.govt.nz/SiteCollectionDocuments/Planning%20Guidance%20and%20Resource%20Consents/Notified%20Resource%20Consents/LUC150006/Heritage%20Building%20Information.pdf>
- Arlene Baird of Davie Lovell Smith Heritage Review Report of the Resource Consent Application October 2016
- Ashburton Guardian, Vol V, Issue 1554, 10 May 1887
- The Ashburton Guardian Vol. VII Issue 2293 20 January 1891
<https://paperspast.natlib.govt.nz/newspapers/AG18910120.2.6>
- Ashburton Guardian, Vol XXI, Issue 4928, 29 September 1899
- Ashburton Guardian, "Historic Cates Building unscathed after quakes" 29 June 2012
- Ashburton Guardian, "Grain store Likely to go" 30 January 2015
- The Press Vol XL issue 5942 29 September 1884
<https://paperspast.natlib.govt.nz/newspapers/press/1884/9/29/3>
- The Press 10 March 1883 Vol.XXXIX Issue 5452

1.9 For completeness, I confirm that I have read the code of conduct for expert witnesses contained in the Environment Court's Practice Note 2014. I have complied with the practice note when preparing my written statement of evidence, and will do so when I give oral evidence before the Commissioner.

1.10 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence at 1.8.

1.11 Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2. Overview:

2.1 I have been asked to comment on the matters before the Commissioner with respect to the heritage values of the building subject of the Land Use Consent application (LUC15/0006) to demolish a Group A heritage building (H9) listed in the Ashburton District Plan and within Business Zone A. Legal description is town sec 193 pt 194 Ashburton Town.

2.2 The building is listed by Heritage New Zealand Pouhere Taonga (HNZPT) as a Category II Historic Place (No1807). The listing (then registration) was approved by the then New Zealand Historic Places Trust on the 26th of November 1981.

2.3 Neither the Ashburton District Council Plan or the HNZPT listing specify the extent of what is listed and I note that the rear of the building is a modern addition. However for the purpose of the application the Ashburton District Council reporting planner Mr Stewart Fletcher notes that the building will be considered as a whole. While I concur with this approach I am of the opinion that the historic heritage values of the building generally lie more with the original front section.

2.4 The proposal by Cates Grain and Seed Ltd and C J Redmond seeks to:

- Demolish/remove the former Cates Grain and Seed Store building;
- To erect a new building on the site. There is no intent expressed in the application as to the proposed design for a new building or to retain or incorporate any part or features of the existing 19th century section of the building.

2.5 The resource consent application was lodged in 2015 and publically notified which attracted 5 submission all of which opposed the proposed activity to demolish the building. The principal concerns of the submitters (as summarised in Mr Fletcher's evidence), are the need to recognise the importance of the retention of heritage within a community and the need to uphold the rules objectives and policies as defined in the Ashburton District Scheme rules and as listed by NZHPT. The rules and heritage listings

are there to offer recognition and protection of historic heritage and as such there is an expectation that the principles of the District Plan through the RMA will be upheld. This all comes at the expense and debate of the need to meet public expectation but with regard to private rights. However the applicant does recognise that the building was purchased by his company with a clear understanding of its listed historic heritage status.

2.6 My assessment is a general, qualitative account of the significance of the heritage value of the building with general regard to the assessment matters for listing by HNZPT and Ashburton District Council. The planning matters outlined in the Ashburton District Council District Plan are clearly outlined in the original application by Mr David Harford, Urbis Resource Management and Planning Consultants and reporting planner Stewart Fletcher for Ashburton District Council. While I will consider the appropriate heritage matters in the plan it is not within my area of expertise to comment on the planning matters. My assessment of the heritage values will however take into consideration the reasons for the listing by the HNZPT and the Ashburton District Council.

2.7 A full heritage inventory, which assesses the relative significance of each individual element and space, has not been undertaken by the Ashburton District Council or the owner of the building. However while a full heritage inventory may increase our understanding of the heritage appreciation of the buildings, it would not in my opinion, result in any major revision of the following assessment overview of the heritage values and conclusions reached in this evidence.

3 Heritage Values:

3.1 The following summary of the heritage values of the former Cates Grain and Seed building has been formulated based on the nationally accepted criterion for the assessment of heritage items, the criteria used in Policy 12 1B of the Ashburton District Council's District Plan, (ADCDP) the listing criteria of HNZPT and with consideration of the principles of the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value 2010.

3.2 Policy 12.1B of the ADCDP notes that in "...determining items to record, the District Council will have regard to whether the site or item....", it will take regard of the following matters that the item to be considered:

- *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;*
- *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.*

3.3 Under S66 of the Heritage New Zealand Pouhere Taonga Act 2014, Heritage NZ may only assign a Category 1 or Category 2 status to a historic place 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; or
k the extent to which the place forms part of a wider historical and cultural area.

3.4 Section 6 (f) of the RMA states that the Act will provide for “*the protection of historic heritage from inappropriate subdivision, use, and development.*”

3.5 In order to address the assessment criteria matters of the ADCDP and HNZPT, my heritage values statement will be considered under the following headings:

- Historical, Cultural and Social Significance
- Architectural and Aesthetic Significance
- Group/Context and Landmark Significance
- Technological and Craftsmanship Significance
- Archaeological Significance

3.6 Historical, cultural and Social Significance

The actual date of the erection of the former Cates Grain and Seed building has been hard to define and further research on this matter has been undertaken and all evidence would suggest that the building was certainly in operation before 1900. A summary of the certificates of title show that the site was owned in 1879 by J and M Oram and then by the Jameson Brothers with the title transferred the next year to George Jameson and Albert Roberts who solely owned the site/building and business from 1883 to 1891 when Roberts passes/sells his business to Rollitt and Co. *The Press* of 1883 noting the sale of their partnership and providing a description of the building on the site. However the description would suggest that this may not be the current building on the site.¹ (see Fig.1)

By 1892 the BNZ Bank are noted on the title which may indicate a mortgage transaction to build a new building. Rollitt and Co., Canterbury Roller Mills, were lessees of the building/site and noted this in the *Ashburton Guardian* of January 1891.² (see Fig.2) The *Ashburton Guardian* of 1887 contains a good description of the

¹ The Press 10 March 1883 Vol.XXXIX Issue 5452, p.3

² The Ashburton Guardian Vol. VII Issue 2293 20 January 1891, p.2
<https://paperspast.natlib.govt.nz/newspapers/AG18910120.2.6>

Friedlander Brothers buildings adjacent and which at that date occupied one and a half sections on the corner of Burnett and West Streets. These according to the article in the Ashburton Guardian of 1887, had been designed by D H Brown who was associated with the Canterbury Roller/Flour Mills and Belford Mill Timaru.

ASHBURTON.
TUESDAY, MARCH 20TH,
At 12 o'clock.
TO MERCHANTS, CAPITALISTS AND
OTHERS.
IMPORTANT SALE
OF A
VALUABLE FREEHOLD TOWN
PROPERTY
(Centrally Situated).
M^R T. BULLOCK has received instructions from Messrs Jameson and Roberts, in consequence of a dissolution of partnership, to
SELL BY PUBLIC AUCTION,
AT
THEIR WAREHOUSE, WEST STREET,
ASHBURTON,
Without Reserve,
THEIR VERY VALUABLE FREE-
HOLD PROPERTIES,
As follows—
T.S. 193, having a frontage of 82 feet 6 inches on West street, and running back 132 feet. T.S. 194, having 66 feet frontage on Burnett street, and running back 165 feet, on which is erected a commodious and substantially built Warehouse and Grain Store, 198 feet long, one part of it 70 feet and the other 82 feet wide, with railway line running through the entire length of the building, and capable of storing 35,000 sacks of grain. There are also convenient and well-arranged offices facing West street.
These business premises are centrally situated, and without exception one of the most valuable in Ashburton.
Terms at sale.
Sale at 12 o'clock.
9-10 2510 T. BULLOCK, Auctioneer.

Messrs Rollitt and Co., of the Canterbury Mills, have entered into possession of the premises in West street, for many years owned by Mr Albert Roberts, and in which he has carried on the business of grain merchant. It is Messrs Rollitt and Co.'s intention to carry on business in these premises on the same lines as followed by Mr Roberts, namely, the purchase, storage, and sale of grain, making advances on grain stored with them, supplying sacks and other requisites, and in fact the usual business of grain merchants in all its branches. As Messrs Rollitt and Co. are large buyers of wheat for their mills, no doubt the extension of their business will be of advantage to themselves and the farmers of the district.

Fig.1 (left) The Press 10 March 1883 Vol.XXXIX Issue 5452, p.3

Fig.2 (right) The Ashburton Guardian Vol. VII Issue 2293 20 January 1891, p.2

The building and site then pass briefly to Wood and Co well known flour millers and grain merchants of Addington in Christchurch in 1901; then from 1901 to 1924 to Hugo Friedlander. Following two more changes of ownership the building and site are purchased in 1973 by Peter Cates Ltd who have owned the building for the purpose for which it was built until the sale in 2015 making this firm the longest owner/operators. Peter Cates Grain and Seed Limited continue to operate today in Ashburton from new premises.

The ADCDP S32 material by Arlene Baird in 2014 for the former Cates Seed and Grain Building states "The Friedlander brothers, Hugo, Max and Rudolph began their partnership in 1876 as store keepers and grain merchants. They constructed this building and established The Grain and Seed Company in Ashburton in 1896." There is no clear evidence or reference for this date within the S32 material provided and as the ownership certificates of titles note, the Friedlander brothers did not acquire the site

until 1901 and owned it for only 23 years³. I note at this point that while Arlene Baird (who is the author of the 2014 ADCDP S32 assessment as well as the October 2016 review report for the Ashburton District Council), addresses the construction date inconsistencies in her review of the Resource Consent application (LUC15/0006), she does not note the inconsistencies in the ADCDP S32 assessment material which is the basis for ascribing the Group A status, a level I find hard to reconcile given the level of available S32 material on which the decision was made and the reduced tangible evidence within the building. This is not to say that it does not reach the minimum threshold for listing, I believe it is clear that it does, but not at a Group A level in my opinion. This level of listing appears to be inconsistent with the Category 2 listing by HNZPT.

HNZPT date the construction date to 1887 and the 1994 listing of the building by the Ashburton District Council attributes 1877 as the date. Thus given the conflicting opinions one can only assume that the former Cates Grain and Seed building was built and in operation at some period within those late nineteenth century dates.

I note that much is made of the Friedlander ownership by Ashburton District Council and HNZPT and while acknowledgment of the not insignificant role the brothers played in the industry in South Canterbury and in the life and development of Ashburton in the late nineteenth and early twentieth centuries is justified, I consider their tenure is only a small part of the buildings life; they appear not to have been the builders or designers and were owners for only one fifth of its life.

There is no argument that the building has a significant social, cultural and historical history and I concur with Arlene Baird's comments to this end in her review of the consent application in particular noting point 7. The building is a significant tangible reminder of the cultural and social importance and significance of agriculture in the development of Ashburton as a town.

³ This date may have been taken from the Cates website which states "*The original Grain and Seed Company which operated from the Ashburton premises now occupied by Cates Grain & Seed Ltd, was established in 1896 by Freidlander Bros. Over the years the business continued although the name changed, along with ownership to Murdoch Bruce Ltd and later Buchanans Merchants Ltd. Peter Cates Ltd was established in 1973 and moved into the West Street, Ashburton grain and seed store which was vacated when Buchanans Merchants ceased trading.*" (<http://www.cates.co.nz/>)

While most of this block of West Street buildings, including the railway yards and its associated buildings, remained well into the 20th century in their 19th century form, little tangible heritage now remains today to tell of this history. The recent demolition of the Ashburton Railway Station building, also a Group A listed building in the ADCDP, has considerably affected the reading of the social cultural landscape and contextual history associated with this area leaving the Cates building a somewhat isolated tangible albeit diminished reminder of the past as illustrated in Figures 3-5 below.

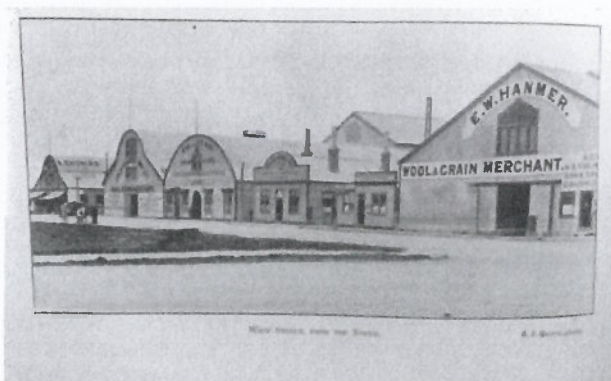


Fig.3. C1901 Cyclopaedia of New Zealand Vol.3 Canterbury published 1903, p.812



Fig.4. c1924 image Ashburton Museum

Fig.5. (below) 8 December 2016; image J May



3.7 Architectural and Aesthetic Significance

As noted above, the designer and builder associated with this building has remained elusive. Given the research to date there is a likelihood that D H Brown who designed the Friedlander buildings corner of Barnett and West Streets may have had a hand in the design given his experience and regard in this field⁴ and his association with the Rollitt and Co, Canterbury Roller Mills may have been the earliest tenants. The builders of the Friedlander buildings were Mendleson and Co of Ashburton⁵ and given the similarities

⁴ Ashburton Guardian, Vol V, Issue 1554, 10 May 1887

⁵ W H Scotter *Ashburton A History of Town and County* 1972 p.112

in construction an assumption could be drawn that they were associated with this building.

The Skews Condition Report outlines the construction and built form and notes that the building while retaining its original use until 2015 has undergone considerable change to meet changes in operation overtime.



Fig. 6 detail C1901 Cyclopedia of New Zealand Vol.3 Canterbury published 1903, p.812



Fig. 7 8 December 2016; image J May

The principal façade bears no resemblance to the original form at ground level. As shown in figures 6 and 7 above all that remains is the upper portion with the fenestration and air vent. The ground floor section of the façade has been rebuilt both in form and material. The original four sets of paired hooded windows, office entry and arched loading entry have been replaced (c1965) with large paned modern glazing and a wide square loading entry door and hood set into the once elegant arched entry. It is not clear what date this alteration was undertaken but it was still in its original form in the late 1920s.



Fig. 8. detail of c1924 image Ashburton Museum

It is noted in the Baird 2014 ADCDP S32 assessment under Notable Features, that significance is ascribed to the front canopied entrances. These are late 20th century unsympathetic additions which have considerably diminished the aesthetic architectural understanding of the principal façade and I cannot agree that these contribute significantly in any way to the architectural reading of the building or indeed contribute to its assessment as a Group A heritage item in the ADCDP.

As noted in the Skews report and outlined in the application attachments, the rear of the building is a later addition and to the east are later office additions. These fundamental changes appear to have taken place between 1965 and 1993 and are constructed in neither form nor materials that reflect the original construction but are clearly additions that are of their own epoch.



Fig. 9 8 December 2016; image J May

The rear addition is a large pitched roof section that unsympathetically intersects the curved roof form of the original building both internally and externally. While this may be ascribed some heritage value this later addition is of simple utilitarian form that reflects a need for expansion at a particular time. It does not, in my opinion, add anything to the overall architectural aesthetic heritage values of the building.

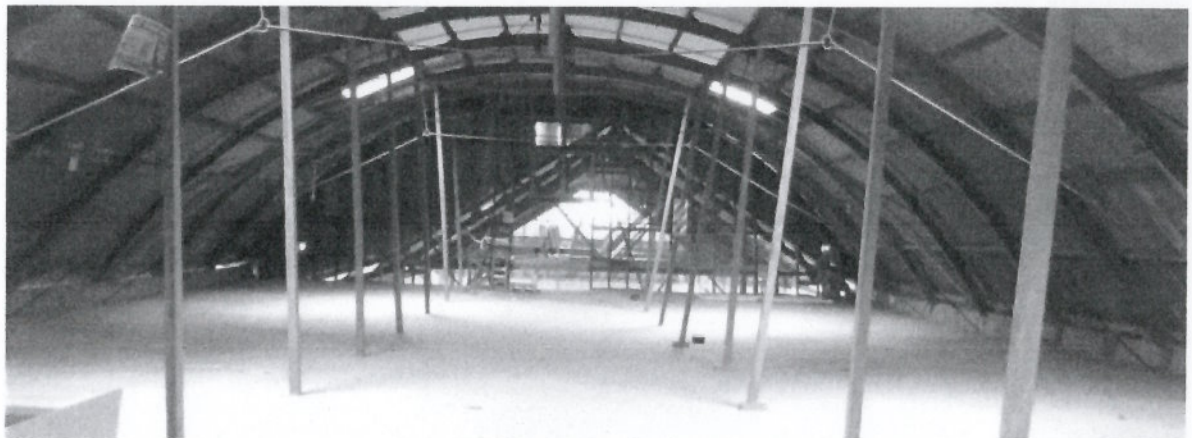


Fig. 10 8 December 2016; image J May

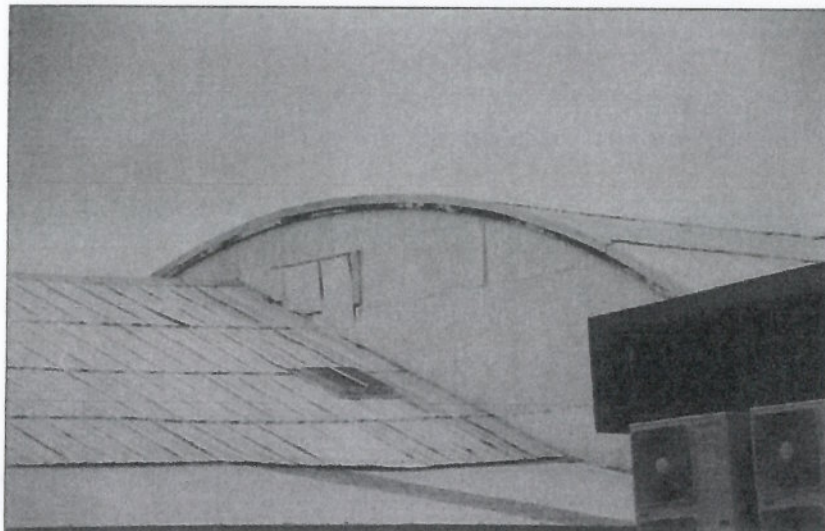


Fig. 11 external view

The wall of the west elevation has been replaced in block and render (Fig. 13) and internally the principal façade at ground floor level has been replaced in brick and external render (Fig. 12).

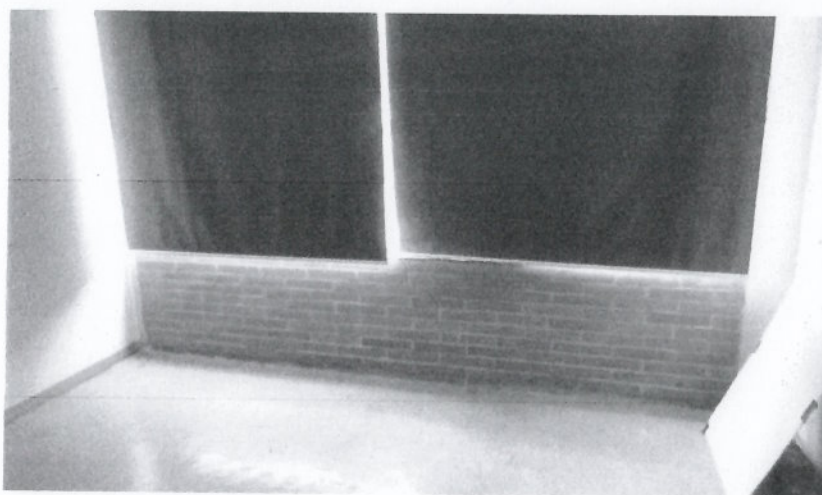


Fig. 12 8 December 2016; image J May



Fig. 13 8 December 2016; image J May

Internally the ground floor of the original building has been considerably altered over time as detailed in the Skews report so I will not repeat this here. My considerations of the changes are the effects this has on the heritage values of the architectural aesthetic. In my opinion it is now only possible to read the original form on the ground floor in part. Offices have been added, the floor has been concreted to accommodate changes in access from horse and dray to motor vehicles, but the original post and beam form and underside to the upper level flooring remain insitu. The stairs to the upper floor and sack slide also remain in situ. All are aspects that speak of its original form and use. (Figures 14 and 15)



Fig. 14 8 December 2016; image J May



Fig. 15 8 December 2016; image J May

While the change is intrusive in these areas and has either removed or covered original form and material it can be argued that they have some social historical significance in their own right as the tangible evidence of the history of the building and its use. The appropriateness and value ascribed to change in heritage buildings is one that has been debated long and hard.

The upper floor (Fig. 16) of the original section remains much in its original form but as does the ground floor, it suffers from deferred maintenance and deterioration over time (Fig.17) and indifferent approaches to its survival. Figure 16 shows the insertion timber supports and props to assist the tie beams to support the curved roof structure – in places bending with the strain placed on them. This image also shows that the central portion of the iron clad roofing has been replaced. Despite this, the form and materials in this area are of architectural and aesthetic heritage value.



Fig. 16 8 December 2016; image J May

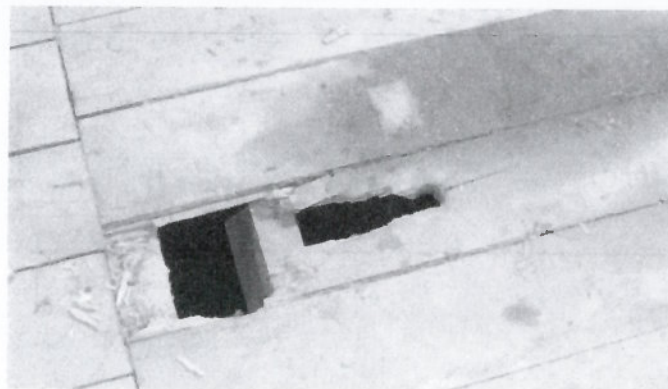


Fig. 17 8 December 2016; image J May

3.8. Technological and Craftsmanship Significance

The former Cates Grain and Seed Store offers, through the very nature of the front section which is of late Victorian construction, the opportunity to exam the

technological and craftsmanship significance employed by those involved in its original construction. As noted above in 3.7 this has in part been obscured or removed over time through alterations. The upper floor provides evidence of early construction methods such as the use of laminated beams to provide the form of the curved roof (Fig. 18), detail employed in the fixing of the timber work to the side walls (Fig.19) and chamfered detail on the stair treads (Fig.20).



Fig. 18 8 December 2016; image J May

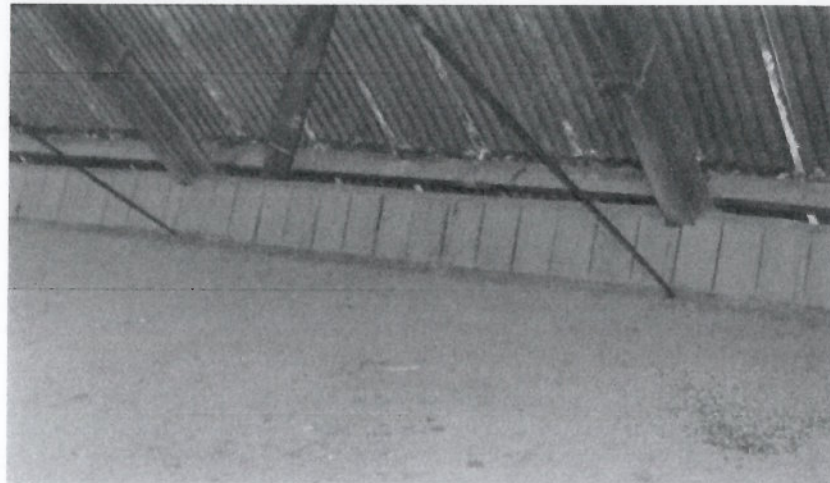


Fig. 19 8 December 2016; image J May



Fig. 20 8 December 2016; image J May

The ground floor also provides some evidence of early construction methods and materials in particular the column/post construction and flooring of the upper floor. (Fig.21)

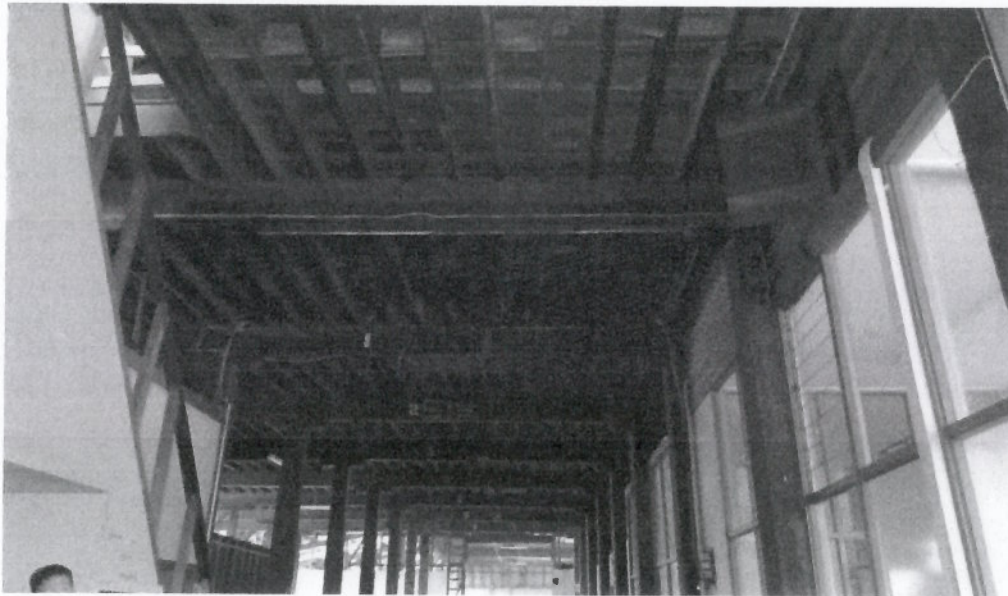


Fig. 21 8 December 2016;image J May

3.9 Group/Context and Landmark Significance

The group/context and landmark significance of the building has diminished through the steady demolition over the twentieth and early 21st century of the buildings around it and the railway yards and associated buildings opposite the site. It remains as a sole survivor of its type in this area. While the group/context significance has diminished this ironically has increased the landmark significance of the building. Despite the significant changes to the building over time, and that the original form of the principal façade remains only in the upper floor, by virtue of now being the sole survivor of its type the landmark significance is now somewhat self-evident. It is the sole survivor of a once thriving industry in this precinct and reminds us of the past role of West Street which housed a number of agricultural merchants and seed and grain related activities opposite the railway and its associated yards.

3.10 Archaeological Significance

Development of this area of West Street as a series of buildings associated with agricultural business, that is largely wool, grain and seed merchants, well predates 1900, the date which under the HNZPT Act (2014) deems it to be of archaeological significance. The potential for archaeological evidence on the site and in the vicinity of the current building is therefore high as is the potential for built archaeological evidence

associated with the construction of the areas of the building that predate 1900. The applicant is aware that an archaeological authority may well be required under the HNZPT Act (2014) for any in ground work or demolition associated with the building.

4. Conclusions

4.1 The retention of any heritage building may place financial hardships on the property's owner/occupier's enjoyment and practical use of the heritage item once the use for which it was built ceases to occur in the building. This does not mean that a viable new use and adaptive reuse change cannot be found and instated. This however places financial constraints/hardships on the owner who may face considerable costs in order to meet required change for adaptive reuse and to comply with current building code matters. Invariably it falls into the need to measure and mitigate public expectation of the retention of listed heritage with private right of an owner to manage and ensure the site is financially viable. Thus the reality is that this does place a financial hardship on the owner.

4.2. The conundrum is balancing the need to secure and ensure a future for heritage buildings with practical and viable solutions for adaptive reuse and restoration that do not destroy the tangible heritage values nor are economically impossible. With regard to the former, a structural upgrade has been proposed by Mr Tim Gwatkin of TM Consultants. The structural upgrade as proposed and the need to meet current building code requirements will have a detrimental effect on the heritage values of the building but if managed in accordance with accepted best practice advice and in line with the ICOMOS NZ Charter (2010), adaptive reuse can be well managed. The ICOMOS NZ Charter provides in S21 principles for adaptive reuse noting in the first instance that the *"...conservation of a place of cultural heritage value is usually facilitated by the place serving a useful purpose."* Such a use has not been defined for the building and to this end it is difficult to ascertain the effects of change on the heritage values or the full costs involved in achieving an adaptive reuse.

4.3 Initial costs for an upgrade for this building will be presented by others but suffice to say if the public expectation of the retention of listed heritage is to be met there may be a need for public funding. This matter is discussed in the evidence of Mr David Harford at 3.26-3.28.

4.4 I am of the opinion that the former Cates Seed and Grain Building does have heritage value as has been well expressed by others presenting evidence and reports for this Hearing. It is important to remember that ascribing heritage value is not limited to the physical but as noted above covers a wider area of tangible and intangible values. As discussed above the physical or tangible heritage value of this building, despite the continued use for the purpose for which it was built, has been eroded over time through changes in operation and technology. Despite this I believe there is enough physical evidence in photographic records to reinstate the principal façade to more appropriately represent its original form and that there is enough heritage value in the 19th century section of the building that could be retained in any structural or adaptive reuse. However while this ideal may be able to be achieved, the most critical factor in heritage retention in the private sector, in my opinion, is financial viability.



Jennifer Susan May

18th January 2016

5"

Resource Management Act 1991

Ashburton District council

Application for Resource Consent No LUC15/0006

Notice of Decision by Hearings Commissioner David Mountfort

Summary of Decision

That the Application be declined

Application Reference: LUC15/0006
Applicant: CJ Redmond Ltd
Site address: 241 West Street, Ashburton
Legal Description: Section 193 and Pt Section 194 Town of Ashburton and Lot 3 DP 81368
Proposal: The demolition of a Group A listed heritage building
District Plan Zoning & Notations: Business A, Group A Heritage Building
Activity status: Non Complying
Submissions: 3 in opposition
Date of Hearing: 2 February 2017

Introduction

1. This is an application by CJ Redmond Ltd to demolish a building known as the Cates Grain and Seed Building, which is a Group A heritage listed building in the Ashburton District Plan and has a Category 2 listing in the Heritage New Zealand Register.
2. I have been appointed by the Ashburton District Council to hear and decide the application and submissions.

The site

3. The site contains 8532m² and is at 241 West St, on the fringe of the Ashburton Central business District. The site contains the listed building and an open sealed parking and loading area. West Street is part of State Highway 1 through Ashburton.

The proposal

4. The building is a former grain store, built in the late 19th century and has associations with the early grain and seed industry which contributed then and still does to the prosperity of Ashburton. The building is also associated with prominent early citizens who were active in the industry and in community affairs. It has a distinctive architectural style, particularly with its curved roof, and an interior which features considerable amounts of indigenous timber, including kauri. The building is in relatively poor condition, due to the ravages of time, including borer damage to some of the timbers and corrosion to the roof. The roof has sagged and has been temporarily propped. It is classified as an earthquake prone building. The building also features a number of more recent additions and alterations in a style unsympathetic to the original architectural design. It is currently vacant. It would require significant repair, strengthening, fire protection and refurbishment to enable it to be occupied for any ongoing use. All of these facts are set out in full in the application, the Council's report and the evidence, which I adopt and do not need to repeat, except as discussed below.
5. The applicant regards the building as uneconomic to repair and upgrade and seeks to demolish it.

The submissions

6. Submissions were lodged by Historic Places Mid Canterbury, Heritage New Zealand, Mr Nigel Gilkenson, Ms Julie Luxton, and Ms Maxine Watson.

The hearing

7. I conducted a hearing at the Council offices on 2 February 2017. The following people appeared at the hearing:

Applicant

Aidan Prebble
Barry Redmond
Chris Redmond
Jenny May
Bill Skews
Tim Gwatkin
Stu Harrison
David Harford

Legal counsel
Owner

Heritage consultant
Architect
Structural Engineer
Quantity Surveyor
Planning consultant

Submitters

Nigel Gilkenson
Maxine Mossman

On behalf of herself and Historic Places Mid
Canterbury

Ashburton District Council

Stuart Fletcher
Arlene Baird

Planning Consultant
Heritage consultant

The planning framework

8. I note in passing there is no relevant permitted baseline with which the effects of this application can be compared, as there are no circumstances in which a Group A heritage building can be demolished as of right under the Ashburton District Plan.
9. In this case the site is zoned Business A. This is a zoning which covers the inner commercial area of Ashburton and provides principally for small-scale retail activity. The building could be used for that purpose, or some other appropriate purpose but would require substantial repairs, strengthening and upgrading. A large extension to the rear of the original building and another extension on the north east side do not appear to have any heritage values and the Council and submitters would not oppose their demolition and replacement. Nor do they seek replacement of more recent alterations such as the concrete block side walls which have replaced the original stucco walls.

Rules

10. On the basis of the building being identified as a Group A heritage structure, Rule 12.7.5(c) specifies that its demolition is a non-complying activity.

The Submissions

11. the reasons for the submissions include the following:
 - The building is in reasonable condition and could be readily brought up to the required standards.

- The building is a unique and important part of Ashburton's heritage and is worthy of preservation.
- The building is a notable landmark, with a distinctive arched form.
- It is the last remaining grain store on West St. It was once one of a group of similar buildings located in proximity to the railway. The grain and seed industry played a significant role in the early development of Ashburton.
- The building is associated with notable early settlers who played significant roles in Ashburton.
- Alternatives to demolition have not been sufficiently explored.

The issues

12. I summarise the issues which were discussed in the application and at the hearing as follows.

- How significant are the heritage values of the building?
- The costs of repairing and upgrading of the building.
- The extent to which alternatives to demolition have been explored.
- Legal issues, particularly around the objectives and policies of the district plan and the impact of section 104D of the Resource Management Act 1991.

Heritage values

13. All parties seem to agree that the building has heritage values, because of its association with the early rural-based economy of Ashburton and with prominent early residents of Ashburton. The significance of those values is not however agreed. In particular Ms May for the applicant considered that the connection to the Friedlander family has been overstated, as their association with the building may have been relatively brief. She questioned the Category A status of the building, on the basis that this category is for nationally significant buildings and places and this building's significance is more local. Finally, she stressed that restoration and retention of heritage buildings is heavily reliant on affordability and being able to find users who are willing and able to fund the necessary work. In the absence of willing owners and tenants, the feasibility of restoring such buildings is doubtful. She agreed that funding assistance from public or charitable sources for such projects is very limited and little may be available in this case. Ms May is a very experienced expert in this field and her views are worthy of very careful consideration.
14. Other witnesses for the applicant also assert that the building has been significantly altered and added to in an unsympathetic manner which detracts from its heritage values. In particular the replacement of the original side walls with concrete block, the more modern extensions and the partial subdivision of the interior into office space are seen as detractors. In addition, structural and fire safety upgrading to the interior of the building would severely modify the interior. The building would either have to be fitted with sprinklers, at considerable expense, or all the exposed timber which provides considerable charm would have to be sheathed in fireproof materials. Parts of the wooden columns and the mezzanine floor are borer-infested and require replacement. Suitable timber is difficult to source and is very expensive.
15. For the submitters, Mr Gilkenson pointed out that it is only the original building, which is only about half of the whole building, is worthy of preservation, and that it would be capable of being redeveloped in conjunction with new building on the rear or side of the site.
16. For the Council Ms Baird said that the building has archaeological, architectural, landmark, and historical values because of its association with the agricultural grain and seed industry and with prominent early people. She was surprised Ms May thought it should not have Category A status, because under the district plan this is for regionally as well as nationally significant buildings. She accepted that only the original part of the building, which is the front section, has these values and

was not seeking restoration of the whole building. The rear half of the building could be demolished and redeveloped. Nor did she expect full restoration to original form, accepting that some compromise would be necessary. Enough of the original form and fabric remain to be worthwhile. Total demolition would be a final loss. She was not convinced alternative uses for the building had been adequately explored.

17. For the submitters, Ms Mossman said Ashburton was steadily losing its historic buildings, with only 17 remaining of which 4 are at risk. She said towns need their historic buildings. They teach history in a very effective way and promote knowledge and respect for the past. She saw restoration as environmentally friendly and sustainable.
18. Mr Gilkenson said that although there would have to be loss or modification of original fabric, this would not come close to the effects of demolition. He accepted the proposals put forward by Mr Skews, the architect for the applicant. He said that the heritage values are entirely in the original building. He said that the streetscape and the industrial heritage is more important than the interior of the building. He considered that the building could be adapted for retail or office use. He confirmed the difficulties in obtaining public funding for restoration of privately owned buildings.

Amenity

19. For the Council Mr Fletcher said that if the building was restored it would have significant positive amenity effects as well as its heritage values. However he said that a new building would probably also have positive amenity effects, and on balance the loss of amenity would be less than minor. He reiterated that it was only the original part of the building that is of value, even although the whole of it is covered by the Category A listing.

Costs of Repair and Upgrade

20. I heard a considerable amount of evidence about the potential costs¹ of repairing and upgrading the building from Mr Skews, an architect, Mr Gwatkin, a structural engineer, Mr Harrison, a quantity surveyor and Mr Gilkenson. In the end the total cost to both strengthen and refurbish the entire building was estimated to be approximately \$2.6 million for the whole building, or approximately \$2 million just for the original building (the latter being an estimate rather than a fully-costed total). By comparison Mr Redmond said the cost of a similar sized replacement building would be in the vicinity of \$3.5 million. He said that it would be impossible to obtain bank finance for the restoration of such an old building, or to find a tenant who would be prepared to pay the necessary rental to cover the costs even if finance was available. However a new development would be more appealing to the market and would be an economic proposition in his opinion.
21. I have no reason to doubt the accuracy of these costings. They were prepared by experts and I was given no expert evidence to the contrary. However I think the parties may have been talking about different things with regard to the costs of restoring the original building. The costings seemed to envisage restoration as close as possible to the original form, and include items such as replacing the concrete block side walls and foundations. However the submitters did not appear to be calling for that and were prepared to accept partial restoration. In fact the only really important feature for them appears to be the arched roof, with everything else negotiable. In his closing submissions Mr Prebble stated that the costs of restoring just the original part of the building as suggested by the submitters would be almost the same as restoring the whole building. Given that the whole building is twice the size of the original building it is hard to see how that could be, unless the restoration of the original building was to be more extensive than the submitters were calling for.
22. Whether a more limited restoration of the original building would amount to something the market would find attractive and be prepared to pay for is another question altogether. Mr Redmond

¹ In this text I use the word "restoration" to include everything that would have to be done to the building to meet building standards and make it marketable, including items such as partial demolition, strengthening, replacing damaged materials, fire safety and general refurbishment and refitting.

①
certainly did not appear to think so, but I consider that this has not been thoroughly explored, because I think the parties may have been talking past each other on this point. I have not seen any description of what a partial restoration that meets building standards would have to include, or what it might cost.

23. Relying on the costings of his experts, Mr Redmond concluded that restoration of the building was not economically viable. Mr Redmond is a very experienced property developer and landlord and has been operating in the Ashburton market for many years. He described several approaches he had made to potential tenants, and discussions he had with various parties, as well as his general sense, based on his knowledge of the local market, of what could be viable in Ashburton.
24. I can appreciate why Mr Redmond came to the conclusions he did. However there are several aspects of his evidence that concern me. Firstly, he has not attempted to sell the property. It seems that the company wishes to retain it as a leasable investment. Therefore all his investigations and enquiries were based on restoring the building and leasing it. It is at least possible that had it been offered on the market that someone else may have been interested in it and able to make it viable. Nor does he appear to have involved anyone else in marketing the property, either for sale or lease.
25. Secondly, I am unaware of how comprehensive Mr Redmond's researches may have been. He gave me three examples, being a vehicle sales business, a hospitality business and a retail furniture business. I have no idea whether these are just examples or represent the totality of his investigations.
26. Thirdly, Mr Redmond's evidence really amounts to expert evidence on the marketing of a restored building and the economic viability of restoration. I accept that he has expertise in this field because of his long experience. However it is a very well-established principle in law that a person cannot give expert evidence in support of their own cause, because of their obvious conflict of interest. As a result I am left with no independent expert evidence from someone such as a valuer on the economic viability of restoring the building or its marketability after restoration. The evidence of the technical experts, which I do accept establishes the cost but not the viability of a very comprehensive restoration. Ms May said that economic viability is crucial for such a project, but properly did not give her opinion as to whether this would be viable, as to do so would be outside her expertise.

Conclusion on Adverse effects on the environment.

27. I consider that the loss of this building would have significant adverse environmental effects for the reasons stated by the Council witnesses and submitters. In the end I do not think the applicant and its witnesses disagreed fundamentally with this. Their approach was based more on the economic impracticability of restoring the building, regardless of its value.

Statutory considerations

Resource Management Act 1991

28. When considering an application for resource consent and any submissions received, the consent authority must have regard to the matters listed in Sections 104B and 104D of the Resource Management Act 1991. Subject to Part II of the Act, which contains the Act's purpose and principles, including matters of national importance, the consent authority shall have regard to:

Any actual and potential effects on the environment of allowing the activity.

Any relevant provisions of a plan and of a national environment standard.

Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

29. I have already found that there would be significant adverse effects on the environment if this proposed demolition proceeds.

Relevant Objectives, Policies, and other Provisions of a Plan or a Proposed Plan (S.104 (1) (b))

30. The Ashburton District plan contains a set of objectives and policies relating to historic heritage. I set these out in full as they were extensively referred to in evidence and legal submissions and need to be assessed carefully.

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.

Policy 12.1A

To identify and record, in consultation with the Historic Places Trust, Arowhenua Runaka, historical societies within the District and the local community, significant historic heritage items in the District Plan.

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;*
- 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.*

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.

Policy 12.1D

To recognise and protect sites of significance to Takata Whenua, in a manner which respects and accommodates tikanga Maori.

Policy 12.1E

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

Policy 12.1F

To promote public awareness and support for the conservation of historic heritage in the District.

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.

Policy 12.1H

To ensure the protection of heritage items listed in the schedule which are under threat from demolition, removal or major modification by the use of Heritage Protection Orders, as necessary, and in conjunction with other agencies where appropriate.

Policy 12.1I

To recognise the NZHPT as a consenting authority for all pre-1900 archaeological sites.

31. The Council witnesses, Mr Fletcher and Ms Baird consider that the proposal is contrary to these objectives and policies, particularly objective 12.1. For the applicant, Mr Harford considered this would not be the case, because he came to the conclusion that the effects would be minor. In his closing submissions Mr Prebble said that the proposal is not contrary to the objectives and policies when these are considered together as a whole.
32. Considering first Objective 12.1, I have no doubt that the proposal is contrary to it. This is a very straightforward and directive objective. It makes no allowance for mitigating factors. It is difficult to see how any demolition of a Category A listed building could not be contrary to it. In his assessment of this objective Mr Harford tried to off-set mitigating factors such as the economic viability and the challenge to the Category A status of the building. This is not the place to do that. Subject to s104D, there may be opportunity to carry out such an offset when reaching an overall judgement on the application at the end of the process. Nor am I prepared to factor in the challenge to the Category A status. It is what it is. It is part of an operative District Plan, having gone through the plan making process. This was not an opportunity to change it, and any case the topic was too briefly discussed for me to reach any firm conclusions on it. It would require a fully documented change to the District Plan to alter it.
33. Policies 12.1A and 12.1B simply establish the listing system and describe what should be included. Their relevance is to the plan making process, and the actions they describe has been carried out. They therefore support and implement Objective 12.1 and cannot be said to diminish its application to this proposal. The same can be said for Policy 12.1C, which is to use rules and methods in the district plan to protect heritage items listed in accordance with policies 12.1A and B. That has been done, and a non-complying rule was created. These 3 policies are neutral on whether or not the proposal is contrary to the package. Essentially they are means of implementing the objective, and they were completed when the plan became operative.
34. Policy 12.1 D, which relates to tangata whenua is not relevant to this application.
35. Policies 1.1E, to encourage appropriate use of protected buildings, Policy 12.1F to promote public awareness and Policy 12.1G which encourages owners to use a number of different approaches most closely fit Mr Prebble's description of being less directive. I think that these three policies are helpful suggestions that may offer solutions to achieve the objective in some situations. They have not proved to be helpful in this situation. Policy 12.1E is actually irrelevant here. I am not attempting to work out if a proposed use of the building is appropriate, as no use is proposed. The owners do not wish to use the building at all. Policy 12.1F is also irrelevant. Increasing public awareness will do nothing for the objective in this situation. Similarly Policy 12.1G has also not provided a way forward. All this means is that other ways would have to be found if the objective is to be achieved. Suggestions that would have achieved the objective, but have not been taken up are not enough to prove that the objective does not mean exactly what it says.

36. Policy 12.1I, which recognises the role of Heritage New Zealand simply states the obvious and is irrelevant to this application.
37. Policy 12.1H is to use Heritage Protection Orders to protect heritage that is under threat 'as necessary' and where appropriate'. In his opening submissions Mr Prebble says that "the overall theme of the policies recognises the HPO process as the means to ensure protection if necessary" and that it is a clear statement that if protection is to be ensured, it may require public funding if the building is incapable of reasonable use. I do not agree with this. It is not an overall theme at all. It is one of a number of different options listed in the policies. Mr Prebble seems to see it as a means of last resort, that the Council is obliged to use if the other means fail. To me a problem with that is that it elevates this policy to the same status as the objective itself. Another problem is that neither the objective nor this policy actually describe the Heritage Protection Order as the fall back which must be employed if all else fails. In fact the policies do provide a clear alternative in Policy 12.1C, the use of rules, which has led to the non-complying activity status. Nor do I think the Council can bind itself in advance at the plan making stage to the use of Heritage Protection Orders in cases that it is not yet aware of, as this would be a decision to commit Council funding, which is an entirely different process under other legislation. If the policy is attempting to say this, then it would be ultra vires in my opinion.
38. In fact this policy is unnecessary. It offers nothing that is not in the RMA itself. If the policy was not in the plan, the Council could still use the HPO mechanism, if it chose to do so. It is not obliged to forecast this in the district plan.
39. In passing I observe that all of these policies in fact to me seem much more like methods in the language of the RMA, as they are all actions of different sorts which may contribute to achieving the objective. Nothing turns on that because they are actually policies and have to be applied as such.
40. Mr Prebble's whole argument seems to be a lowest common denominator approach. At the risk of oversimplifying, it seems to be that the objective and all the policies have equal status and if the proposal is not contrary to any of them it is not contrary to the whole package. To me, the objective sits above the policies, which are simply a range of different means which might be employed to achieve it. In fact, all but Policy 12.1B seem to me to be statements of the obvious, which could have been just as easily applied whether or not they are included in the plan. Only Policy 12.1B, which relates to reasons for listing heritage items contains any specific or detailed guidance.
41. I have also searched through the rest of the District Plan to see if there are any other objectives and policies which bear on the matter. All I found were
Objective 5.1: Business Area Development and Effects
Growth, maintenance and consolidation of business areas, provided that adverse effects on the environment are avoided, remedied or mitigated.
Policy 5.1A
Maintaining and enhancing the function, integrity, convenience and viability of the inner commercial areas of Ashburton, Methven and Rakaia, and small villages.
42. As these are dependent on avoiding, remedying or mitigating adverse effects on the environment they do not advance the matter at all.

Conclusion on Objectives and policies.

43. I conclude that the proposal is contrary to the only relevant objectives of the district plan. It is not contrary to the policies, because all of these are open-ended, and do not point to any particular conclusion. However nor do they modify the objective or reduce or amend its plain and ordinary meaning. They are simply a group of ways the objective may be achieved. I return to this in discussing s104D of the RMA below.

44. I acknowledge that this is a very tough objective and puts the applicant in this case in a difficult position. I will return to this below.
45. Parties also referred to the objectives and policies of the operative Canterbury Regional Policy Statement regarding heritage. I considered these and found them to be quite similar to the district plan provisions. I do not consider these provisions would lead to any different result. In any case those provisions are not included in the assessment under s104D of the Resource Management Act which I discuss below.

Part 2 of the Resource Management Act

46. Part 2 of the RMA sets out the purposes of the Act. In section 5 one of these purposes is enabling *people and communities to provide for their social, cultural and economic well-being and their health and safety*, noting that this purpose is constrained by the need to avoid remedy or mitigate adverse effects. Section 7 also draws attention to
- *(b) the efficient use and development of natural and physical resources;*
 - *(c) the maintenance and enhancement of amenity values;*
 - *(f) maintenance and enhancement of the quality of the environment;*
47. I am not satisfied that the proposal achieves these purposes and principles. It will provide for the well-being of the applicant, but will not avoid remedy or mitigate adverse effects. Amenity may be restored if a suitable replacement development is provided. In the absence of the matters I have referred to, I am unable to reach an overall judgement that demolition would better achieve the purposes of the RMA.

Gateway test

48. Under Section 104D, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor, or that the application is for an activity that will not be contrary to the objectives and policies of the district plan or the proposed district plan. In planning jargon this is known as the "gateway" or "threshold" test because it is a preliminary test which needs to be satisfied before the application can be considered on its overall merits. It will be apparent by now that I do consider the proposal to be contrary to the objectives of the operative District Plan. Whether or not it is contrary to the objectives and policies of the plan seen considered as a whole is a more difficult question. Case law has established the "contrary to" is a strong test, and that the application would need to be contrary to the general thrust of the objectives and policies as a whole, or at least significantly contrary to some provision which is particularly important to the case. In this case the proposal could not be said to be contrary to the policies when those are considered in isolation from the objective.
49. Mr Prebble's argument is subtle. Essentially he says that the policies are less directive, and therefore taken as a whole the proposal is not contrary to the package of objectives and policies. His whole argument seems to be a lowest common denominator approach. At the risk of oversimplifying, it seems to be that the objective and all the policies have equal status and if the proposal is not contrary to any of them it is not contrary to the whole package. To me, the objective sits above the policies which are simply a range of different means which might be employed to achieve it. In fact, all but Policy 12.1B seem to me to be statements of the obvious, which could have been equally applied whether or not they are included in the plan. Only Policy 12.1B contains any specific or detailed guidance.
50. I do not have to make an overall finding under section 104D, because of decision on the merits of the case, so will not do so. Had I needed to make such a decision, I would probably have found that the proposal is contrary to the whole package of objectives and policies, simply because Objective 12.1 is so strong, the policies under it neither add to nor detract from it, and there seem

to be no other relevant provisions. My hesitation on this is simply because I am not certain in law about the implications of the proposal not being contrary to what I regard as a weak and mostly irrelevant and unnecessary set of policies that do not seem to affect the strength of the objective in any way.

Concluding Comments

51. Even if I had found that the application must fail under section 104D, I record that I would have declined it on the merits, because of my concerns about the economic viability argument described above. The applicant did a great deal of work on this. However, because a partial restoration of only the original building, with the retention of some of the more modern fabric has not been considered and costed, and because of my concerns about the evidence on alternative uses, as discussed earlier, I was not fully convinced that the applicant had made the case for demolition of the building.
52. Mr Prebble said that there have been other examples of consent having been granted for the demolition of Category A Heritage buildings. The one example he gave is the demolition of the Ashburton Railway Station, which was granted by the Environment Court². I have read that decision. It clearly treats the application as a discretionary activity and does not refer to section 104D at all. Mr Prebble said that the status changed during the process from discretionary to non-complying during the prolonged consent process (in a brief footnote in his closing submissions). That may be so, but the Court did not refer to it. There are subtleties in the RMA about the extent to which rules which are modified during the evolution of a hearing can be applied. I am not prepared to speculate about why the Court did not discuss that, especially with such brief information. Other examples were alluded to but not specified. The only other case that I am personally aware of is the demolition of the Tucker building, a little further along at 159 West St. That was a Category B item, so the application was for a discretionary activity. Section 104D did not apply. As well that building was a brick masonry building, significantly damaged in the Canterbury earthquakes and built partly over the boundary of the neighbouring property. There was clear and independent evidence of the costs of restoration and the very poor economic returns that would result.
53. Mr Prebble said that if the proposal was found to be contrary to the objectives and policies of the district plan then this would amount to a de facto prohibited activity. He said that if this was the intention then the Council would have made such proposals prohibited in the plan. In my experience, Councils use the prohibited activity category very sparingly, and only in the most clear cut and compelling circumstances, because it is so absolute. There is often a preference to retain a non-complying category, to provide an opportunity for exceptional cases to be considered on their merits.
54. I recognise that it puts the applicant in a difficult position. It may consider it to be an impossible position. I acknowledge that it has proved very difficult to find another use for the building, given its condition and the very high restoration costs.
55. However I do not consider it would be an impossible position. There is another process the applicant could have followed, and still could. That is the plan change request process set out in the First Schedule of the RMA. There could be a number of approaches to this. I believe the objective is very demanding, some would say unrealistically so. A plan change request could seek to introduce some recognition in the objectives and policies that buildings actually cannot be saved if there is no realistic prospect of them being restored and reused. A request could be to change the Category A listing to Category B which would result in a discretionary activity status. The non-complying activity status itself could be requested to be changed to discretionary, which would remove the s104D hurdle and allow for a merit-based consideration.

² 2011 NZ EnvC 224

The decision

56. My decision therefore is that the application is declined, for the reasons stated throughout this decision.

D. L. Mountfort

David Mountfort
Hearings Commissioner
15 March 2017

"6"

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2017-CHC

IN THE MATTER of the Resource Management Act 1991 ('the Act')
AND

IN THE MATTER of an appeal pursuant to section 120 of the Act

BETWEEN **REDMOND RETAIL LIMITED**

Appellant

AND **ASHBURTON DISTRICT COUNCIL**

Respondent

NOTICE OF APPEAL TO ENVIRONMENT COURT
Dated 6 April 2017

Russell Moon & Fail
Lawyers
PO Box 22
Ashburton 7740
Telephone 03 308-3191
Solicitors: GJG Hart/JJ Grieve
Counsel: AJ Prebble

TO: The Registrar
Environment Court
PO Box 2069
Christchurch

Name of Appellant and details of decision

- 1 Redmond Retail Limited (RRL) appeals a decision of the Ashburton District Council (the Council) to decline an application for resource consent for a non-complying activity to demolish a Group A listed heritage building at 241 West Street, Ashburton (the building).
- 2 RRL is the owner of the building and was the applicant for resource consent.

Date of receipt of decision

- 3 A copy of the decision was received on 16 March 2017

Name of decision maker

- 4 The decision was made by a Commissioner appointed by the Council.

Decision being appealed

- 5 RRL appeals the whole of the decision of the Council to decline resource consent to demolish the building.

Reasons for the appeal

- 6 The proposal to demolish the building is classified as a non-complying activity under the Ashburton District Plan.
- 7 The Council erred in finding that the proposed activity was contrary to the objectives and policies of the District Plan in terms of sections 104(1)(b) and 104D(1)(b) and in doing so failed to recognise that it cannot expect to find support for a non-complying activity in the District Plan (*Arrigato Investments Limited v Auckland Regional Council*, [2001] NZRMA 481).
- 8 The Council erred in its interpretation of Heritage objective 12.1. In its decision, the Council recognised that it is difficult to see how any demolition of a Group A heritage building could not be contrary to the objective (paragraph 32). The Council's strict interpretation of the objective fails to recognise and reflect the non-complying activity status of the demolition application. The consequence is that the strict interpretation has the practical effect of making the objective itself a de facto prohibited activity rule for any Group A listed heritage building.

- 9 It erred in concluding that, had an overall finding been required under section 104D, the proposal would have been declined as contrary to the whole package of objectives and policies in the District Plan because objective 12.1 is so strong.
- 10 The Council erred in finding that, even if it was satisfied that section 104D(1)(b) was met, the proposal would have been declined on the merits because of concerns about the economic viability argument put forward by RRL.
- 11 In particular, it erred in concluding that there had been insufficient consideration by RRL of the option for partial restoration of the original building only (and demolition of the balance of the building) and insufficient consideration of alternative uses (adaptive reuses) of the building.
- 12 In support of the appeal, RRL further says that:
- 12.1 the proposal is not contrary to the objectives and policies of the District Plan and an overall judgement as to whether the proposed activity achieves the purpose of the Act should have been made;
 - 12.2 the costs of the required earthquake strengthening and associated refurbishment of either the original building only or the original building and extensions are estimated as being not less than \$2,000,000 and \$2,500,000 respectively;
 - 12.3 the building is essentially uninsurable for any change of use unless the earthquake strengthening works are carried out;
 - 12.4 there are no heritage funds that will provide any meaningful contribution to the costs of earthquake strengthening and associated refurbishments;
 - 12.5 there is a lack of demand and therefore a commercial return for such a refurbished heritage building in Ashburton;
 - 12.6 if the earthquake strengthening works cannot be economically carried out, then it is likely that this will result in a continued deterioration of the condition of building; and
 - 12.7 when the proposal is assessed on the merits, collectively these factors outweigh the requirement to protect the historic heritage of the building.

Relief sought

- 13 RRL seeks:

13.1 That the decision to decline the application be set aside and that the application be approved subject to such conditions as may be considered appropriate by the Court.

13.2 The costs of and incidental to this appeal.

Attached documents


14 The following documents are attached to this notice of appeal:

14.1 A copy of the decision;

14.2 A copy of the resource consent application; and

14.3 A list of names and addresses of persons to be served with a copy of this notice is set out in Annexure "A" to this notice of appeal.

DATED at Ashburton this 6th day of April 2017



JJ Grieve
Solicitor for Redmond Retail Limited

ADDRESS FOR SERVICE OF THE APPELLANT:

Redmond Retail Limited
c/- Russell Moon & Fail
Lawyers
PO Box 22
Ashburton 7740
Telephone: 03 308-3191
Contact person: Jaxon Grieve
Email: jaxon@rmf.co.nz

Advice to recipients of copy of notice of appeal

How to become a party to proceedings

If you wish to be a party to the appeal, you must lodge a notice in form 33 with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Contact details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar.

The Christchurch address of the Environment Court is:

Level 1, District Court Building

282 Durham Street

Christchurch

8013

Telephone: (03) 3650905 or 03 363 8546

Facsimile: (03) 365 1740

7



URBIS
ASHBURTON
(2012) LIMITED

RESOURCE MANAGEMENT PLANNING

Application for Land Use Consent

Redmond Retail Ltd

**Relocation of a heritage
building to 86 Maronan Road,
Ashburton**

**Peter Cates Grain Store
Ashburton**

December 2017

Ashburton District Council

Reference: 330

Revision: Final

TABLE OF CONTENTS

1.0	introduction	4
1.1	Current Site Information	4
1.2	Activity Classification	5
2.0	Site and Surrounds	7
2.1	The Application Sites and Surrounds	7
3.0	Proposal.....	13
4.0	District Plan Assessment	15
4.1	District Plan Status	15
4.2	Zoning	15
4.3	Compliance Assessment.....	15
4.4	Activity Status.....	20
5.0	Assessment of Effects.....	21
5.1	Assessment of Effects – Heritage Buildings/items.....	21
5.2	Assessment of Effects – Relocated Buildings.....	25
5.3	Assessment of Effects – National Environmental Standards.....	28
5.4	Effects Summary.....	28
5.5	Consideration of Alternatives	29
6.0	objectives and policies	30
	Part II of the Resource Management Act	34
6.1	Section 5	34
6.2	Section 6	34
6.3	Section 7	36
7.0	Sections 104 & 104D - Consideration of Applications.....	37
8.0	Notification –Sections 95 and 95A-F.....	39
9.0	Conclusion	41

Annexure A: Form 9

Annexure B: New Zealand Gazette Land Notice

Annexure C: Relocation Site Plan

Annexure D: Location Plan

Annexure E: Planning Map

Annexure F: LLUR

Annexure G: Heritage Assessment – Jenny May

QUALITY ASSURANCE

Project Reference: 330


Title: Application for Land Use Consent

Client: Redmond Retail Ltd

Filename: 330 Relocation of a heritage building – Peter Cates Grain Store

Version: Final

Lodgement Date: December 2017

Prepared By: 
David Harford

1.0 INTRODUCTION

Section 88(2)(b) of the Resource Management Act 1991 requires that any application for a resource consent should include an assessment of any actual or potential effects that the activity may have on the environment and the ways in which any adverse effects may be mitigated.

Section 88(2)(b) also requires that any assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment and shall be prepared in accordance with the Fourth Schedule to the Resource Management Act 1991.

Form 9 as required by Section 88 of the Resource Management Act 1991 is provided as Annexure A to this application. The body of this application addresses the character of the land, the proposed land use activity and the relevant provisions of the District Plan. It also includes an assessment of effects on the environment as required by the Fourth Schedule to the Resource Management Act 1991.

A resource consent application was sought by the applicant seeking demolition of the Cates Grain Store building at 229-241 West Street Ashburton. LUC 15/0006. The application was declined by the Ashburton District Council following a resource consent hearing. The applicant subsequently appealed this decision to the Environment Court. This process is on-going via Court assisted mediation.

This outcome of the mediation included the applicant establishing a working party to explore the funding of an option to relocate the building to the Plains Historic Village at 86 Maronan Road Ashburton. This application for resource consent is part of that process.

1.1 Current Site Information

Building Site Address:	229-241 West Street, Ashburton
Legal Description:	Section 193 & Pt Section 194 Tn of Ashburton
Certificates of Title	CB 15K/1325 and CB 20K/251
Site Area:	1518m ²
Property Owners	Redmond Retail Ltd
District Plan Zone:	Business A

Notable Features	Heritage Building-Category A Ashburton District Council
New Location Site Address:	86 Maronan Road, Ashburton
Legal Description:	RS 41245 Recreation Reserve NZGZ 1999 p3770
Certificates of Title	n/a
Site Area:	7.79ha
Property Owners	Crown land – Dept of Conservation
District Plan Zone:	Open Space A – Scheduled Activity S32
Notable Features	Tinwald Domain - Recreation Reserve

1.2 Activity Classification

Operative Ashburton District Plan

Heritage Rules

Non-Complying activity arising from non-compliance relating to:

12.7.5 Non-Complying Activities

a) The relocation of a Group A listed heritage building/item to another location within the property or to another property

Relocated buildings

15.7.1 Permitted Activities

c) The relocation of any building to the site of Scheduled Plains Historic Village in the Open Space A zone.

There is an inconsistency in the Ashburton District Plan. While the relocation of any building into the Historic Village is permitted, the relocation of a Group A listed heritage building is a non-complying activity.

Due to the heritage rule in the District Plan the relocation therefore falls to be assessed as a non-complying activity.

Scheduled Activities

The proposal breaches Scheduled Activity permitted standard 8.5.2 and therefore falls to be a restricted discretionary activity under 8.5.4.

Restricted discretionary activity arising from the proposal not being listed in the permitted activities list in 8.6.7.1 below and is not specifically listed as a controlled activity.

The proposal does not comply with the permitted height for a building of 8m and nor the recession line at the boundary with RS 41244.