

BEFORE THE PALMERSTON NORTH CITY COUNCIL

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER AN APPLICATION BY THE ANGLICAN DIOCESE OF WELLINGTON FOR THE REFURBISHMENT, STRENGTHENING AND EXTENSION TO THE HERITAGE-LISTED BUILDING KNOWN AS ALL SAINTS CHURCH, 338 CHURCH STREET, PALMERSTON NORTH

STATEMENT OF REBUTTAL EVIDENCE OF JOHN EDWARD BROWN ON BEHALF OF THE ANGLICAN DIOCESE OF WELLINGTON

(HISTORIC HERITAGE)

DATED 18 JANUARY 2021

INTRODUCTION

1. My full name is John Edward Brown. I have over 25 years of professional experience as a heritage specialist, in both the private and public sectors.

Qualifications, experience and involvement in the proceedings

2. My relevant qualifications, experience and involvement in the proceedings are set out within my statement of evidence (evidence in chief) on behalf of The Anglican Diocese of Wellington dated 10 December 2020 (**EIC**).

Code of Conduct

3. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence in Court. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

SCOPE OF EVIDENCE

4. This rebuttal evidence is provided in respect of the following matter:
 - (a) An application by The Anglican Diocese of Wellington under the Resource Management Act 1991 for the refurbishment, strengthening and extension to the heritage-listed building known as All Saints Church, 338 Church Street, Palmerston North.
5. I have been engaged by The Anglican Diocese of Wellington to provide rebuttal evidence in response to the S42a Officers Report prepared by Mr Ryan O'Leary on behalf of Palmerston North City Council (**PNCC**) as it relates to historic heritage. Also the statements of evidence of Ms Chessa Stevens and Mr Ian Bowman on behalf of PNCC, and the submission of Dr Jacobs on behalf of Heritage New Zealand Pouhere Taonga (**Heritage NZ**).

6. My EIC contains evidence on matters raised by submitters (101 in total), namely the 98 submissions in support and three in opposition. This included the submission made by Ms Dangerfield, on behalf of Heritage NZ.
7. I participated in the expert conferencing for historic heritage in December 2020 and am signatory to the Joint Witness Statement (**JWS**). This was undertaken remotely between Dr Jacobs, Ms Stevens and I on 4 December 2020. Mr Bowman has provided evidence but did not attend expert conferencing.

HISTORIC HERITAGE ISSUES

8. The expert conferencing sought to address matters of contention as directed by the commissioners in Minute 1, dated 12 November 2020. Matters of agreement and disagreement are set out in the JWS.

Matters of agreement

9. In my opinion the matters of agreement in the heritage evidence and as set out in the JWS can be summarised as following:
 - That All Saints Church is assessed as being of high historic heritage significance for a range of both tangible and intangible values, as summarised in Table 5 of my Heritage Impact Assessment (Brown 2018 Appendix G of the application)¹;
 - There is no hierarchy in the Resource Management Act (**RMA**) and the Palmerston North City Council District Plan (**PNDP**) which gives priority to one heritage value over another value, when assessing heritage significance or effects on historic heritage²;
 - That the proposal to seismically strengthen and upgrade the church would result in a critically beneficial outcome for heritage values³;

¹ JWS pg4

² JWS pg4

³ Ms Stevens SOE para 60; Dr Jacobs SOE para 25; submission no. 13 HNZ (Dangerfield) pg 4

- It is important to return the building back into use to safeguard its future and that a continuation of use as a place of worship and continued association of the place with the Anglican Church is beneficial to the heritage values of the place⁴;
- That partial demolition and alteration of the church façades will result in an adverse effect on the physical (or tangible) values associated with the place, largely due to the partial demolition of the baptistery⁵;
- That the proposed additions provide an active street frontage, key landscape views towards the church tower from the Square are retained and the dominance of the tower is respected in the new design⁶;
- The proposed additions are architecturally modern and distinctive, with no risk of them being misinterpreted as an original part of the building⁷;
- Consent conditions are an essential mechanism, if the proposal is granted resource consent, to ensure the quality of the detailing and construction for the design⁸; and,
- That 'do nothing' is not a good heritage outcome, in fact "all experts agree emphatically that the building continuing to be unstrengthened and unused is not a good heritage outcome"⁹.

Matters of disagreement

10. In my opinion the matters of disagreement in the heritage evidence and set out in the JWS can be summarised as following:

⁴ JWS pg 5 & 10

⁵ JWS pg 8

⁶ JWS pg13

⁷ JWS pg 14

⁸ As set out in JWS pg 10 -13

⁹ JWS pg10

- Whether partial demolition of the existing church will result in overall retention of significant heritage values¹⁰;
- If the proposed additions are sympathetic to the heritage values of the church (architecturally and from an urban design perspective¹¹), including:
 - If it enhances the quality and design of the church visually
 - Respects the scale of the church and avoids visual dominance
 - Respects the architectural style and character of the church
- The degree to which other factors, such as the policies set out in the Conservation Plan¹², are met; and,
- The extent to which the Applicant has considered alternative options and the 'authenticity' to which they have been considered¹³.

11. I consider that many of the areas of disagreement result from a difference in approach by heritage experts to the assessment of effects within the Resource Management Act context in which the application is being made. My approach has included a genuine regard to the full range of heritage values identified for the place, including values stated by stakeholders ('non experts' and specifically the church community). I have given full consideration to the positive and negative effects likely to result from the proposal, as is required under section 104 of the RMA, which requires councils to assess any actual and potential effects to the environment.

12. With reference to the JWS, and evidence prepared for PNCC and HNZ, I further explain my reasons for disagreement with regard to the following specific matters of contention arising from:

¹⁰ JWS pg 5

¹¹ JWS pg 7, 13 and 14

¹² JWS pg 9

¹³ JWS pg14

- a) Differences in the heritage effects assessment approach;
- b) The scope for specialists to rely on hypothetical alternative proposals as opposed to an assessment of effects of the actual application submitted;
- c) The degree to which the proposed change to the church fabric is reversible or irreversible;
- d) Whether the proposal is enabling of retention or renewal of the church in accordance with the assessment criteria set out in PNDP R17.7.2 a);
- e) The compatibility of the proposed church additions in accordance with the assessment criteria set out in PNDP R17.7.2 b) and whether the proposal reflects the architectural style and character of the building set out in R17.7.2 c);
- f) Other assessment criteria set out in the PNDP with respects to visual dominance (R17.7.2 d.); street elevation and alteration to features of heritage significance (R17.7.2 e.); and setting of the building (R17.7.2 f.);
- g) The degree of impact and level of effects on historic heritage values and significance;
- h) Whether the proposed mitigation of adverse effects is sufficient to reduce the severity of those effects;
- i) The weight given to beneficial effects (Such as PNDP R17.7.2 g.);
- j) Whether the Conservation Plan is appropriately considered (PNDP R17.7.2 h.), and;
- k) Compatibility with the objectives and policies of the PNDP, in particular the degree to which the overall significant heritage values are retained.

Differences in the heritage effects assessment approach

- 13. Ms Stevens, Mr Bowman, and Mr O’Leary have all stated that they have separated out what they consider to be ‘functionally separate’ elements of the

proposal. For example, Mr O'Leary specifically notes that while he considers that all elements and consents are properly considered as Discretionary activities (i.e. 'bundled'), as above, he also considers that the strengthening and the external additions can be viewed as functionally discrete elements of the proposal, and his assessment of the proposal reflects that distinction¹⁴.

14. Fundamentally this is different from my approach, which has considered the application as a whole, insofar as it relates to my area of expertise. In my opinion, the assessment of the application in this manner is a matter of concern. I consider this to be 'cherry picking' particular elements to suit a preconceived notion, not actually the application submitted, which should be fully considered by the Council. In my view, this approach potentially sets up an assessment process where adverse and beneficial effects are not holistically considered.
15. As noted in the JWS, most of the heritage experts are in general agreement that the baseline assessment of heritage values I have provided in Table 5 of my HIA is appropriate. The heritage values for the church are summarised in my EIC.
16. Mr Bowman, however, considers that my method for assessing effects is inappropriate, preferring a matrix he has provided in the annexure of his report. I disagree that there is any material difference in our approach. I have used the same five-point scale as Mr Bowman¹⁵ for assessment in relation to magnitudes of effect, though the wording is different. My wording is taken locally from the planning guidance on assessment of effects endorsed by the Ministry for the Environment, New Zealand Planning Institute, Resource Management Law Association, New Zealand Institute of Surveyors, Local Government New Zealand and New Zealand Institute of Architects¹⁶.
17. When applying the matrix referred to in Mr Bowman's evidence, the 'scoring' is simply a determinant of one value (heritage significance) multiplied by another value (level of impact). It is the same as the process that I have followed, and it has been a typical one for environmental assessment of effects in the UK and Europe since I have been working professionally in the heritage sector. It is

¹⁴ O'Leary S42a para 2.22

¹⁵ Bowman SOE Annexure A pg 29

¹⁶ <https://www.qualityplanning.org.nz/node/564>

coincidentally the same process and scale as used in Health and Safety risk assessments in New Zealand to identify, 'avoid' remedy or mitigate' the risk of an undesired or dangerous outcome arising from an activity.

18. We both agree that the church has high heritage values across multiple criteria. Replacing the words with numbers, we would give the same result – for example, high heritage values (4) x level of impact (4) = 16. I note that my wording in the HIA describes this scale of effect as 'significant' (adverse or beneficial). Mr Bowman's wording in the table at pg 29 of his evidence is given as 'moderate', but he then translates this into 'significant' in his conclusion at paragraph 32, which I find confusing (see para 22 below).
19. My assessment process is to establish the historic heritage values of a place, identify how the proposed activities will affect those values (positive and negative for each identified value) and then make an assessment under the statutory heritage provisions of the district plan. The methodology is outlined in my EIC and HIA. Conversely, Ms Stevens has not followed such a process.
20. Ms Stevens has not provided her own assessment of effects against each value outlined in the PNDP, using either the method proposed by Mr Bowman, or that which I have used. Instead she has made reference to the method I have used, and disagreed with it in part, while agreeing with it in relation to some parts of the application associated with seismic strengthening¹⁷. Ms Stevens then jumps straight into the assessment criterion and policies of the district plan. In my opinion, this approach is not robust enough and has greater potential for heritage values and effects to be overlooked.
21. This issue has been further compounded as Mr Bowman has relied on Ms Stevens assessment in part. As outlined in para 18 (above) Mr Bowman disagrees with my assessment and says he adopts Ms Stevens's assessment, which is "critically significance adverse" and "unacceptable".¹⁸ This appears to contradict his own table which assesses the effects to be moderate. He also

¹⁷

Stevens

¹⁸ Ref

disregards my assessment of the PNDP provisions on the basis that he disagrees with my assessment of effects and prefers Ms Stevens.¹⁹

22. Dr Jacobs has explained his approach to assessment, which does not adopt any systematic method of assessment of individual values outlined in the PNDP to a scale of effect, and instead states that in this case, heritage assessment particularly focuses on effects to physical fabric because:

‘its special or outstanding significance rests on and is directly linked to the building fabric itself; any loss thereof will have an especially negative effect on architectural and aesthetic values and further accentuated by All Saints’ Category 1 recognition²⁰.

23. In my opinion, the assessment of the application without giving equal consideration to each value as it relates to the identified effects on historic heritage is a matter of concern. This immediately sets up a potential assessment approach where assessment of both adverse and beneficial effects is not holistically and equitably considered. It also does not sufficiently acknowledge the statutory values criteria set out in the PNDP.

24. Experts for the Council have commented that these criteria are considered to be ‘out of date’ by many years²¹ or that although current to the PNDP, they present some issues²², and the inference is that the experts then use this as the reason to give less weight to them. I note that the contents table of the PNDP states that the historic heritage provisions were last reviewed in 2013. My assessment was undertaken in 2018, and this is within the normal expected lifespan of a district plan. I therefore have not disregarded the PNDP criteria in the same manner as other experts when undertaking the required statutory assessment.

25. Of further note, is the heavy reliance of PNDP experts on non-statutory guidance documents that are 13 – 11 years old. For example Heritage NZ Fact Sheet 12 dates to 2007, prior to the HNZPTA 2014. The ICOMOS NZ Charter was last

¹⁹ Ref

²⁰ Jacobs SOE para. xx

²¹ Bowman SOE para 22.

²² Stevens SOE para 30

reviewed in 2010, based on earlier documents. It is beyond the scope of this evidence to expand on this point, however I believe it is fair to say that conservation principals, policies, guidance and the planning framework has developed since this time. As practitioners we understand the importance of keeping up with developments in our field of expertise, for example I refer to the quote from Conservation Principles in Practice prepared by the Institute of Historic Building Conservation, in my EIC at para 102.

The scope for specialists to rely on hypothetical alternative proposals as opposed to an assessment of effects of the actual application submitted

26. Ms Stevens, Mr Bowman and Mr O’Leary have all taken a view that seismic strengthening of the church alone would achieve the opportunity of reuse, while maintaining tangible and intangible values. They consider that the partial removal of the Baptistery and the new addition is not necessary to achieve this.
27. Firstly, it is self-evident that heritage values of the church would be maintained by seismic strengthening alone, but that is not the application submitted to the Council to be assessed. I question if this approach is appropriate. Furthermore, in my opinion, the PNDP in its explanation at Policy 1.6 clearly expresses that in the case of churches, there is no need to provide an explanation for alternatives²³.
28. In my reading of the heritage evidence, it appears that Ms Stevens and Mr Bowman in their assessments for PNCC are relying on the notion that there is another outcome, where only seismic upgrade of the church is undertaken, which they consider is a preferable outcome to the one which has been submitted to the Council. Mr O’Leary is quick to dismiss another hypothetical alternative presented by the Applicant – the risk of demolition - as irrelevant, because it is not being applied for and would require resource consent in any case²⁴.

²³ Brown EIC para 67

²⁴ O’Leary S42a para 4.32 In relation to R17.7.2a

29. The statutory process for both hypothetical alternatives is the same in that both alternatives require resource consent under the PNDP. Neither alternative is applied for. I am therefore at a loss as to why Mr O'Leary would seemingly acknowledge the advice of experts around one alternative, and then summarily disregard the reasons provided by the Church over another alternative outcome.
30. A 'real world' analysis clearly indicates that at a minimum, because of the legally established framework enacted by changes to the Building Act following the Christchurch earthquakes, partial demolition and modification of the church fabric as it currently exists is inevitable, whether brought by this application or another, unless there is a change to the law, as noted in my EIC²⁵.
31. The economics of seismic strengthening, as noted in my EIC²⁶, indicates that the cost of strengthening to retain, as opposed to demolition to remove risk (removal of the risk being the aspect required by law) will always result in pressure for owners to seek demolition consent in order to limit personal cost and to realise their property asset value, be it a church site or any other. This is a fact widely reported in many such cases since the change of law. In the Palmerston North central area, the loss of Trinity Methodist Church on Broadway in 2003²⁷ and just last year the St Pauls Wesley Methodist Church due to earthquake risk exemplify this reality.
32. My own professional experience as both a council team leader concerned with resource consents for historic heritage places, and as a consultant for the public and private sector, confirms this. I receive enquiries on a regular basis around the possibility of demolishing scheduled places which are earthquake prone and feel certain the Council and Heritage NZ does also. Mr O'Leary should in my view acknowledge this risk as the reality of the existing environment, rather than to dismiss it as irrelevant.
33. In the JWS, both Dr Jacobs and Ms Stevens state that they do not believe the consideration of alternatives undertaken by the Applicant to be 'authentic'²⁸. I

²⁵ Brown EIC para 91

²⁶ Brown EIC para 92

²⁷ <https://manawatuheritage.pncc.govt.nz/item/a5d1d71c-602c-48d9-b65e-eded0e081aa5>

²⁸ JWS Pg 14

cannot speak to the mindset of the Applicant from the beginning of the project inception, and this has been addressed in other evidence, but I do not agree with this choice of words. It is not my experience of the Applicant's process over the past two years.

34. I think this expression of opinion indicates a potential for bias in the subsequent assessment, and does not, in my view, sufficiently acknowledge and respect the values attributed to the place by this particular community, or the iterative changes made through the long design process which have been materially presented in the evidence of the Applicant. This process clearly demonstrates a shift from one possible outcome – an application for total demolition and rebuild, through to a more substantial street addition, and then finally the fully considered proposal in front of us. The commissioning of the Conservation Plan, appointment of several heritage experts to guide their process, and consultation with the community and statutory bodies, indicates that heritage outcomes have been genuinely considered over the years by the Church.
35. I refer to the following clauses from ICOMOS Nara document on Authenticity 1994, which is a founding document for the Burra Charter 1997 and the ICOMOS NZ Charter 2010:

Clause 6. Cultural heritage diversity exists in time and space, and demands respect for other cultures and all aspects of their belief systems. In cases where cultural values appear to be in conflict, respect for cultural diversity demands acknowledgment of the legitimacy of the cultural values of all parties.

Clause 7. All cultures and societies are rooted in the particular forms and means of tangible and intangible expression which constitute their heritage, and these should be respected.

Clause 8. It is important to underline a fundamental principle of UNESCO, to the effect that the cultural heritage of each is the cultural heritage of all. Responsibility for cultural heritage and the management of it belongs, in the first place, to the cultural community that has generated it, and subsequently to that which cares for it. However, in

addition to these responsibilities, adherence to the international charters and conventions developed for conservation of cultural heritage also obliges consideration of the principles and responsibilities flowing from them. Balancing their own requirements with those of other cultural communities is, for each community, highly desirable, provided achieving this balance does not undermine their [i.e. the communities'] fundamental cultural values.

36. This document underpins the definition of 'authenticity' provided in the ICOMOS NZ 2010 charter:

'Authenticity means the credibility or truthfulness of the surviving evidence and knowledge of the cultural heritage value of a place. Relevant evidence includes form and design, substance and fabric, technology and craftsmanship, location and surroundings, context and setting, use and function, traditions, spiritual essence, and sense of place, and includes tangible and intangible values. Assessment of authenticity is based on identification and analysis of relevant evidence and knowledge, and respect for its cultural context'²⁹

37. To state the seemingly obvious point, this building was built by the church and for the church to deliver its spiritual mission. The church has generated the values of the heritage place, subsequently cares for it, and still wants to use it as a place of community and worship in continuation of that authentic condition.
38. In my opinion we are not acting appropriately or responsibly as experts if we do not give sufficient regard to the expressed values of the church community, and to the authenticity of their approach to this proposal for better use. The reinstatement of the church structure as a place of worship for the Anglican congregation and wider community goes to the heart of its authentic use, historical association, community values and commemorative tradition.

²⁹ ICOMOS NZ Charter 2010 – definitions

The degree to which the proposed change to the church fabric is reversible or irreversible

39. Mr Bowman has concluded that the proposed changes are adverse, permanent and irreversible in his assessment³⁰. Dr Jacobs also takes this view, giving this as a primary reason why he does not support the application³¹.
40. Ms Stevens has however identified in her assessment that the Baptistry can be reconstructed – “Using new fabric to reinstate those parts of the building that would be demolished by the proposed works would be possible”³². She qualifies this with a preceding statement³³ saying she does not believe that is the intent of the Diocese.
41. I agree that the interventions into the fabric could be reversed at some future point, and the existing form reconstructed in a manner which is acceptable from the perspective of the ICOMOS NZ 2010 charter.³⁴ There would be some loss of authenticity of fabric as noted in Ms Stevens statement, but in my view this would be minor, as the original form of the Baptistry and other elements could be accurately reinstated from retained materials and reconstructed with new materials with reference to original drawings, photographs, similar physical components located elsewhere on the church and any recorded changes established via a condition of consent.
42. While the proposal might indicate this would be unlikely, and therefore ‘permanent’, the future is never certain. The proposal is not irreversible in the same way that, for example, the destruction of an archaeological site through development, or the total demolition of a structure as a result of fire or earthquake damage, is irreversible.

³⁰ Bowman SOE para 31

³¹ Jacobs SOE para. 22

³² Stevens SOE para 116

³³ Stevens SOE 115

³⁴ Brown EIC para 90

Whether the proposal is enabling of retention or renewal of the church in accordance with the assessment criteria set out in PNDP R17.7.2 a);

43. Ms Stevens accepts³⁵, as does Mr O’Leary³⁶ that the retention and renewal of All Saints’ for better use by the church will be more likely if the Application is approved in full for the purposes of PNDP assessment criterion R17.7.2 a):

‘The reasons for the proposal including (without limitation) the extent to which any alteration or addition would enable a better or economic use of the building and/or land, and the extent to which the retention and/or renewal of the building would be more likely if the application was approved’.

44. However, Ms Stevens qualifies this by stating:

‘this factor should not, in my opinion, weigh heavily on the overall assessment because I consider it remains open to the Diocese to choose to put the building to a useful purpose, including an economic use, even without the partial demolition and proposed extension³⁷.

45. As noted above, this is not the assessment before the Council, and in my opinion, as a result of apparently favouring a hypothetical alternative, Ms Stevens has discounted the likely reality that this assessment criterion is met by the submitted application.

46. Mr O’Leary states that he does interpret the PNDP assessment criterion R17.7.2 a) to mean retention of the building *per se*.³⁸ This is because in his view the applicant has not proposed demolition (even though this has been raised by the applicant as a potential alternative outcome). Regardless, the criterion is an ‘either/or’ and renewal is in my opinion unquestionably more likely than if the application were not approved. It also logically follows, that having been invested in at some cost, it would be retained.

³⁵ Stevens SOE Para

³⁶ O’Leary SOE para 4.32

³⁷ Stevens SOE para 69

³⁸ O’Leary SOE para 4.32

47. Similarly, Dr Jacobs acknowledges that intangible values will be supported by new additions and reuse of the church, but he does not specifically refer to the PNDP assessment criterion R17.7.2 a) as being met. He caveats support of the new additions subject to a free-standing design, and then specifically identifies that he cannot be supportive of the application because of the partial demolition of the Baptistery³⁹. However, no such caveats are specified in this assessment criterion.
48. Overall, the views adopted by the other specialist appear to be contrary to the intent of the PNDP assessment criterion R17.7.2 a), which considers the extent to which any alteration or addition would enable a better or economic use of the building if the application was approved, which in my opinion it will - on the simple basis that it is currently empty and an earthquake risk. The proposal therefore meets this criterion.

The compatibility of the proposed church additions in accordance with the assessment criteria set out in PNDP R17.7.2 b) and whether the proposal reflects the architectural style and character of the building set out in R17.7.2 c)

49. The PNDP assessment criterion R17.7.2 b) considers:
- ‘Whether the external alterations and additions would be compatible with the aspects of the original fabric of the building which contribute to its heritage significance, but visually distinct enough to be recognized as new work.’
50. Dr Jacobs states that he can support the new additions subject to design modification so that it does not bear on the existing church structure. In her submission for Heritage NZ, Ms Dangerfield supports the addition and considers its form, scale and massing to be appropriate, as noted in my EIC⁴⁰. There is therefore general agreement between myself and Heritage NZ on the compatibility of the new external alterations and additions.
51. Ms Stevens considers that the additions proposed in the Application are visually distinct, and would be easily recognised as new work, which in my opinion

³⁹ Jacobs SOE para.

⁴⁰ Brown EIC para xxx

demonstrates we agree this criterion is partly met. She also acknowledges that the Applicant has “tried” to achieve a level of transparency with the addition, and a connection with the building’s architecture in the new design⁴¹. However, Ms Stevens does not agree that the design of the proposed addition is “compatible” (as required by R17.7.2.b.) with the existing church building overall⁴². Her reasons for why the proposed design are not compatible, are ironically, also what makes the new additions visually distinct as directed by the assessment criterion. She states:

- The arrangement of the columns, and the curved form of the walls and roofline of the proposed addition are juxtaposed uncomfortably against the strong linearity of Clere’s Gothic exterior in this case.⁴³
- Similarly, the use of timber and glass for the addition, where the exterior of the church is predominantly brick, is incongruous⁴⁴

52. Ms Stevens also introduces the term “harmonious” into the assessment, as recommended by HNZPT Info Sheet 12, but this is not in the PNDP assessment criterion. This may explain some of the difference in opinion in this regard. Definitions from Oxford Languages (Google) for “compatible” defines it as “(of two things) able to exist or occur together without problems or conflict”. Harmonious is more evocative as it has several meanings and is often more subjective. Definitions from Oxford Languages (Google) for “harmonious” include “tuneful; not discordant”; “forming a pleasing or consistent whole”; and, “free from disagreement or dissent”.

53. It is well established that there is no simple rule for achieving quality of design in new work, however quality is known to be enduring even though fashion and taste may change. Even the most subservient design or a pastiche of the ‘real thing’ can ruin the appearance of a historic building and be considered “compatible” or “harmonious”. The tension created between old and new can be quite breath-taking, but it would not meet the ‘harmonious’ test put forward by

⁴¹ Stevens SOE 24

⁴² Stevens SOE 82

⁴³ My emphasis. Stevens SOE 23

⁴⁴ My emphasis. Stevens SOE 24

Ms Stevens. It is acknowledged the design approach the Church has taken is a bold option and will inevitably receive mixed reviews, as well as requiring great skill and vision to pull it off. However, I do consider that the distinctively old and new elements are able to exist together without problem. Furthermore, in my opinion this is a valid design response in respecting the architectural style and character of the building, as set out in PNDP assessment criteria R17.7.2 c);

Other assessment criteria set out in the PNDP (R17.7.2 d., R17.7.2 e, R17.7.2 f.).

54. On the whole I do not agree with Ms Stevens assessment of the new additions against the criteria set out in the PNDP with respects to visual dominance (R17.7.2 d.); street elevation and alteration to features of heritage significance (R17.7.2 e.); and setting of the building (R17.7.2 f.). The focus of the assessment is skewed towards a maximum resistance to any physical/ visual change to the existing baseline, when the focus under the RMA should be on an assessment of the actual and potential effects that may result from the proposal on heritage values.
55. Ms Stevens refers to the images provided in the Applicant's RFI response, and further considers that they demonstrate that the proposed addition becomes visually dominant when the building is viewed from the north and west⁴⁵.
56. Ms Stevens notes that the height of the gabled end of the nave and the tower, are not disrupted by the addition, which is generally single storey. But that this is breached by the curved roof form that encloses the gable of the west porch. Ms Stevens considers that this feature, in particular, is incompatible with the scale of the church, and increases the visual dominance of the addition⁴⁶.
57. An image sequence is provided in the RFI response dated 17 April 2020. I understand these to be points taken from various locations agreed with PNCC. I have selected the following images (Figure 1), where I consider the new additions to be most visually discernible of the views provided.

⁴⁵ Stevens SOE para 82.

⁴⁶ Stevens SOE para 83.

58. I note that this image sequence does not include a view directly opposite, nor does it include proposed sculptural tree elements as shown in the fly-through. I also note that the existing street trees are also not included in the fly-through, which is a conceptual rendering without surrounding detail.
59. In my opinion, although some street elements are not represented, the image shows clearly that the main body of the church, and the tower, by virtue of height, scale, volume and different architectural expression, are still strongly discernible and visually dominant. The extension reads simply as a modern extension to a historic building. Such modern extensions are commonplace internationally, nationally, regionally, and locally in the context of Palmerston North CBD.
60. During conferencing, the experts agreed the church tower was the most visually dominant element of the building and this is not interrupted by the design. Therefore the conclusion that the addition is therefore visually dominant seems incongruous, both with the JWS statement⁴⁷, and when considering the more detailed graphical illustrations prepared by the applicant (above).
61. Ms Stevens also refers to Heritage NZ Info Sheet 12 on alterations, and she states:
- ‘Alterations should generally be positioned at the rear or set back from significant elevations, with additions to significant façades being avoided. This is reflected in R17.7.2e. Contrary to this, the proposed alterations to All Saints’ are entirely positioned on the two most prominent elevations: the street elevation (north), which is the most visible and highly articulated elevation of the building; and the west elevation, which is the second-most visible within the surrounding streetscape due to the large open space on the western side. In this way, the proposed additions partially obscure and conceal these elevations.’⁴⁸
62. Guidance around the location of additions in this Heritage NZ guidance is noted, but the document is necessarily generic and does not take into account the existing environment relevant to the application, including existing constraints,

⁴⁷ JWS pg xx

⁴⁸ Ref

or the added use benefits for the location of the additions in this situation. For example, the very reason why the extension is focused on the street frontage is because the Church aims to create a more welcoming and accessible environment for the community, so there is a very obvious functional reason for this design approach – in that they want the main entrance of the church to be more be visible.

63. In contrast to Ms Stevens opinion, the formal submission prepared by Alison Dangerfield on behalf of Heritage NZ, the authors of the guidance document, states:

“The Church will remain almost completely visible from the street and The Square – even though this is a large addition on the front of a category 1 heritage building. While the additions do impact on the front view, they are unlikely to change the viewer’s appreciation of the Church.

The additions are not overlay damaging, obscuring or out of proportion to the building. The form and design of the additions is certainly dissimilar, but the scale and materials are respectful to the building.

64. It is notable the Mr O’Leary gives no weight to the submission by Ms Dangerfield in his consideration of whether visual dominance is ‘avoided’.
65. Dr Jacobs considers the design of the addition to be ‘whimsical’ and generating of some adverse effects, but supports it as acceptable subject to design modification so that is free standing⁴⁹.
66. I disagree with the view of PNCC and I agree with the position submitted by Heritage NZ regarding the visual effects in relation to the proposed new additions, which is in line with my assessment of effects set out in my HIA.

⁴⁹ Jacobs SOE para 21



Figure 1. Visual interpretation provided in applicants RFI dated 17 April 2020, showing a key view point towards the church and the visual impact of the new addition from this location

The degree of impact and level of effects on historic heritage values and significance

67. Ms Stevens disagrees with the assessment of adverse effects given in Table 2 of my HIA and her view is:

‘that the adverse effect of the proposal on design values, representative/townscape values, and authenticity is ‘critical’ (rather than moderate or significant) and permanent. Pursuant to the rating scale used in the Heritage Impact Assessment, ‘critical’ rating refers to “unacceptable adverse effects that cannot be avoided or mitigated. Most, or key, statutory objectives are not met”, and I assess that as appropriately describing the effects of the proposal on the identified values’.⁵⁰

68. Ms Stevens agrees with my assessment of the beneficial effects in the HIA insofar as it relates to the seismic strengthening aspect of the proposal⁵¹. Nevertheless, the positive effects of the proposal do not appear to be reflected in her assessment, which focuses on a narrow interpretation of design values, representative/townscape values, and authenticity. This is why Ms Stevens concludes that the proposal is ‘critical’ and therefore unacceptably adverse, whereas I do not.

69. Mr Bowman considers that in his assessment, the most common magnitude of impact is moderate (adverse), the significance of impact of the proposal is moderate/large adverse, permanent and irreversible: In other words the proposal is significantly adverse⁵². As discussed above, in my opinion Mr Bowman is then being inconsistent with his own assessment in adopting the view of Ms Stevens, who has rated the magnitude of impact at a higher level than his own table.

70. Importantly, the wording accompanying both approaches to assessment recognises that while there is substantive change, this is not change to the

⁵⁰ Ref

⁵¹ Stevens SOE para xx

⁵² Bowman SOE para 32

degree that the site is 'totally' (my term being critically) altered. This is important because as noted in my EIC, the relevant test of the PNDP policy for enabling development at section R17.7.2 is not whether 'substantive' change has occurred, but whether it has occurred such that heritage values have been retained or not 'overall'.

71. Furthermore, I do not agree with some of the levels of effect presented in Mr Bowman's table at para 31 of his evidence. In my opinion, Mr Bowman in his assessment appears to disregard any positive effects, despite acknowledging for example that the seismic upgrade is acceptable. In reaching his conclusions on effects to emotional or commemorative values, he appears to have disregarded the clearly expressed view of the local community, as demonstrated by the public submissions, who are authentically invested in the intangible values of the place.
72. Dr Jacobs also does not agree entirely with Mr Bowman and Ms Stevens on effects relating to the setting or visual dominance, because he clearly states that if not for the removal of the Baptistery, he could support the application, subject to modification of the canopy design to be free-standing. Similarly, Ms Dangerfield supports the new additions.

Whether the proposed mitigation of adverse effects is sufficient to reduce the severity of those effects.

73. Ms Stevens at paragraph 146 of her evidence states:

While I commend the Applicant for retaining the font and for integrating the stained-glass windows into their proposed design for the extension, preventing them from being destroyed, this can only offer mitigation for loss of those individual elements. Displacement of the font and particularly the windows, and complete removal of the baptistery wall, will result in the permanent loss of historic fabric and directly impact on the design values of the church and this cannot be avoided or appropriately mitigated by relocating the font and windows.

74. Mr Bowman at paragraph 36 of his evidence agrees that the proposed mitigation of recording, re-use of the stained glass and relocation of the font:

'does not mitigate in any substantive way the significantly adverse effects on the heritage values of the building'⁵³

75. The mitigation for adverse effects is not limited to the relocation of the font and the stained glass. I also consider that the iterative design change upgrading of the roof and seismic retrofit are mitigating factors applicable to the whole application. The protection of a valuable interior, with ceiling, hammerbeam roof, and important memorials
76. This differs from the approach of Ms Stevens, Mr Bowman and Mr O'Leary, who have elected to separate the benefits of the seismic retrofit and building upgrade out from the whole and treat them separately.
77. I agree that there are certain adverse effects which cannot be avoided by the proposal. This is evident from my HIA and agreed in the JWS. The RMA and the PNDP policy R17 1.6 do not require this as noted in my EIC, but specifically makes reference to 'avoid, remedy or mitigate' as being equally valid methods of addressing adverse effects through the use of the word 'or'.
78. Mitigation is neither required to avoid adverse effects, nor to remedy them, but instead seek to reduce the severity of those effects where they must occur in order to achieve the intended outcome. An example would be the archival recording of changes to the building fabric prior to and during removal.
79. In my opinion, mitigation is provided through the nature of the application itself, including design response and iterative change to earlier designs, re-use of material that might otherwise be lost, critical seismic upgrading, and additionally through any conditions of consent that may be applied.
80. As noted in the JWS and expert conferencing I agree that conditions of consent would be appropriate to further mitigate any adverse effects, and recommendations for these have been broadly set out in the JWS⁵⁴. As raised by Dr Jacobs and set out in the matters of agreement relating to conditions, I

⁵³ Bowman SOE para 36

⁵⁴ JWS pg xxx

would support a condition seeking a free-standing design component, so that the structure does not fully bear onto the church.

The weight given to beneficial effects

81. Another reason why different conclusions have been reached is, in my opinion, the weight given to the assessment of beneficial effects, or more precisely, the lack of weight given, by Council and Heritage NZ experts.
82. For example, the benefit to the ongoing preservation of the building where external alterations are required as part of safety improvements in relation to seismic performance, fire safety and physical access. (Assessment Criterion R17.7.2 g.)
83. Mr Bowman acknowledges that seismic retention is acceptable, but provides no analysis of positive benefits, focusing only on adverse effects⁵⁵. Additionally, this analysis relates to HNZ values criteria according to the table provided.
84. Ms Stevens in her conclusion states that seismic strengthening of All Saints' Church will enable its ongoing use which, in turn, will facilitate its preservation; and it is therefore considered to have a positive effect on the heritage values of the building overall⁵⁶.
85. This is also my view, but the positive benefit of this outcome is subsequently discounted by Ms Stevens:

'However, the Application as it stands also includes partial demolition and additions to the building. Based on the above assessment, it is evident that these interventions exceed what is necessary to return the building to use as a church and a venue for other events; and will

⁵⁵ Bowman SOE para 31

⁵⁶ Stevens SOE para 121

negatively impact on the building's significant heritage values. The mitigation being offered cannot avoid or mitigate this impact⁵⁷.

86. Adverse effects must be acknowledged, but so too must the benefits, which are considerable when assessed against the existing environment as is required by the RMA,
87. Intangible values, as well as tangible values, are unequivocally retained authentically on this location, through continuation of use and through seismic strengthening to enable that use.
88. These 'enabling characteristics' of the proposal are acknowledged by all experts for Heritage NZ and for PNCC in evidence and in conferencing, although with various caveats and to varying degrees. I do not however, on my reading of the relevant documents, see that they have been systematically applied as part of the assessment process.
89. For example, experts for PNCC⁵⁸ and Heritage NZ have indicated that the proposed removal of the Baptistery fabric and modifications for additional access on the west elevation are unnecessary with regard to the assessment criterion in relation to Criterion R17.2.2 g).
90. Criterion R17.2.2 g) does not ask the assessor to consider negative effects or to disregard any works as 'unnecessary', but directs the assessor specifically to consider the positive benefits of any works which are relating to fire safety, physical accessibility, or seismic strengthening:

'g. the benefit to the ongoing preservation of the building where external alterations are required as part of safety improvements in relation to seismic performance, fire safety and physical access'

The JWS is unequivocal in identifying these benefits. Mr Bowman accepts them, while Ms Dangerfield identifies a critical benefit to the heritage values, as she considers

⁵⁷ Stevens SOE para. 122

⁵⁸ Stevens SOE para x; Jacobs SOE para x

the seismic upgrading 'essential'⁵⁹ and she does not qualify or caveat this with any other statement. I agree with this assessment and the JWS.

Whether the Conservation Plan is appropriately considered

91. The draft conservation plan commissioned by the Anglican Diocese of Wellington is not a statutory document, though I agree it is relevant to one of the PNDP assessment criterion R17.7.2 h.), and I have reviewed it and relied upon it as part of my HIA.

92. Ms Stevens does not agree that the Conservation Plan has been appropriately considered or reflected in the design. Neither does Mr Bowman⁶⁰, the author, nor Dr Jacobs, as noted in the JWS. Mr O'Leary adopts the position of Ms Stevens and Mr Bowman⁶¹.

93. Ms Stevens states:

'The proposed partial demolition directly contravenes the Conservation Plan, which clearly articulates that the external elevations and the baptistery have the highest level of significance, and intervention in these areas should be the minimum necessary for ongoing conservation and use of the building'⁶²

94. I also agree that some of the proposed changes to the building elevations are not consistent with some aspects of the policies in the draft conservation plan. The fact that the proposal does not seek to adopt all the policies set out in the plan does not mean it has not been appropriately considered by the Applicant.

95. In my professional experience, I have rarely worked on a heritage project where there were not competing values and issues to be considered. Also 'enabling development' is an established conservation principal (which is reflected in some of the assessment criteria of the PNDP), whereby the future of significant places

⁵⁹ Submission 13 HNZ – Dangerfield, pg 4

⁶⁰ Bowman SOE para 35.

⁶¹ O'Leary S42a para xxx.

⁶² Stevens SOE para xx

are secured for public benefit and this outweighs the disbenefits of breaching other policies (such as the conservation plan).

96. The JWS records that experts consider the objective of the Conservation Plan to return the church to use, and keep it in use as a place of worship, are 'broadly met'⁶³.

Compatibility with the objectives and policies of the PNDP, in particular the degree to which the overall significant heritage values are retained

97. I have discussed key objectives and policies in my EIC, noting it broadly supports application. The main disagreement addressed here is whether the adverse effects resulting from changes to the baptistery on its own, would be sufficient to diminish the assessed level of value as a category 1 place in the PNDP.

98. Dr Jacobs supports the new additions provided that they are designed to be free-standing, but considers that the removal of the Baptistery:

'irrevocably alters the massing and organisation of the façade and eliminates a and eliminates a major, original spatial component of the church interior'⁶⁴.

99. I agree that the massing and organisation of the façade will be altered as a result of the proposal. When considering the comparison of the existing fabric vs the proposed state as illustrated in my EIC⁶⁵, I have concluded that:

- a) the arrangement of the Baptistery is still discernible in elevation due to the presence of the three Gothic arches converted to doors.
- b) The liturgical purpose for the font is not lost, and,
- c) the unique fabric of the font and windows are retained.

⁶³ JWS Pg xxx

⁶⁴ Jacobs SOE para 22.

⁶⁵ Brown EIC Appendix 1

- d) status is lost, and this is discussed further below in relation to overall effects.
 - e) I agree that the existing volume of the internal spatial component is lost, and this is why I recommended the designers introduce the 'oculus' to reflect this space in the new structure, by way of mitigation.
 - f) I do not agree however, that in the final outcome, this modification would result in an overall reduction of values so that the Category 1.
100. On reading of the evidence provided, I noted above that the approach of the council and its experts is to compartmentalise the effects on tangible and intangible values and give greater weight to the adverse effects on tangible values. As noted in my EIC and agreed in the JWS⁶⁶, this contrary to the PNDP and RMA which makes no such distinction. In addition to this it is my view that this compartmentalising is also undertaken without due consideration of the benefits to either group of values as noted above, which are also present despite the acknowledged adverse effects. This is an incorrect assessment approach in my opinion, but this also explains why we have come to different conclusions as to the outcome.
101. In the JWS Dr Jacobs and Ms Stevens have indicated that overall, it is unlikely that the church would be removed from the list. However, they consider that it might be reduced in status from a Category 1 place to a Category 2 place, because of the effects on the authenticity of the design by Jersey de Clere.

In discussing the nature of R17 Objective 1 of the PNDP ('To ensure that buildings and objects of cultural heritage value to Palmerston North are appropriately protected and conserved'), Ms Stevens states that:

- a) the 'the word 'appropriately' is at the centre of this objective, and may be debated;

⁶⁶ JWS pg xx

- b) that (with reference to King Salmon) 'inappropriateness' in Part 2, Section 6 of the Resource Management Act 1991 should be assessed by reference to what it is that is sought to be protected or preserved; and,
 - c) In this case, it is the heritage value of All Saints' that is sought to be protected or preserved; specifically, its tangible (physical) values'.
102. I agree that the word 'appropriately' may be debated. Both tangible and intangible values are identified in the PNDCP, and the experts in the JWS agrees that no one identified value has a priority defined in the plan. The objective itself clearly makes no such distinction. It is not limited to preserving physical values specifically. In my opinion this statement demonstrates a potential bias in favour of physical tangible values over other values to be assessed.
103. Ms Stevens at paragraph 124 of her evidence states that, in relation to the first requirement of Policy 1.4:
- 'While the partial demolition that is proposed may, as part of the addition, improve the diversity of use options, it will result in an overall loss of significant heritage values, and therefore would not be consistent with this Policy. In these circumstances the Policy dictates that the partial demolition is not appropriate'.
104. Given the number of categories under which the heritage values criteria (regardless of system) are considered to be high, I cannot agree with this opinion. Specifically, the Spiritual significance (a long-standing place of worship for the Anglican Christian faith) and Historical Significance (associated with the Anglican Church's historical and continuing ecclesiastical presence in Palmerston North) values, which are in fact enhanced by continued occupation and use.
105. It is also questionable in relation to Architectural quality (as an example of Victorian Gothic Revival in brick masonry, reflecting honesty in construction – and of the work of the eminent New Zealand architect, Frederick de Jersey Clere) will reduce in integrity - this is especially evident when the more altered church of St Matthews at Hastings associated with de Clere is also Category 1 as noted in my EIC. The Townscape/landmark value (has a pivotal importance in the

Square townscape) will also remain largely unaffected from the most important locations, as confirmed in the JWS.

106. I note that another, architecturally not dissimilar church on the New Zealand Heritage List is 'only' assessed as Category 2 (Figure 2)⁶⁷. To the non-expert, I am not sure the distinction of significance would be readily apparent visually based on:

- a) Associations with designer (Robert William England & Edward Herbert England – less noted?)
- b) its physical representativeness as an early 20th century masonry church in the 'Free Gothic' style (in terms of gothic period a less favoured aesthetic?);
- c) The elevational composition and planning of the tower, porch and baptistery (the same plan arrangement, but a spire substitutes for the taller tower element);
- d) Other contextual factors, such as the association of the church with nearby places of worship,
- e) Commemorative association with place of worship (Presbyterian faith);
- f) contribution to the townscape; and;
- g) the authentic survival of fabric (possibly retains its original roof, whereas All Saints Church does not?).

107. If the reasoning expressed by Dr Jacobs and Ms Stevens were to be true, then it follows that the authenticity of the architectural form designed by de Clere and as it stands today (minus the original roof form) was the only reason that Category 1 status was given, and subsequently that this whole reason for rating would be irreparably demeaned through the partial demolition of the Baptistery, despite the vast majority of the designed form including the interior and the

⁶⁷ <https://www.heritage.org.nz/the-list/details/1809>

liturgically essential marble font, and all unique construction elements (stained glass) being retained, enhanced and seismically strengthened.

108. By way of contrast, the Cathedral of Christ Church has not been downgraded from its Category 1 status, despite considerably greater loss of fabric as a result of the Christchurch earthquakes. Nor would I expect it to be, given the recognised intangible values to the local community, Christchurch and the nation.

I suspect that the statements made by Dr Jacobs and Ms Stevens, reveals an underlying bias in the assessment process towards the physical fabric. Dr Jacobs has in fact expressly acknowledged this in his evidence, as noted previously. Ms Stevens has also alluded to this bias through her interpretation of PNDP Objective 1 and the notion that 'specifically, the objective relates to tangible and physical values'. Overall, in my opinion there is inadequate acknowledgement that the use of the place is integral to its heritage values as a church, which should be retained, and that alterations and additions to enable this are acceptable in this context. Resource consent applies to an activity, after all.



Figure 2. St Andrew's Presbyterian Church, 130 Havelock Street, Ashburton (Google Streetview. Accessed December 2020). Grade 2 listed. It should be noted that proportions are distorted due to the limitations of the Streetview camera perspective and method of image capture.

CONCLUSION

109. I have considered the matters of disagreement, and I remain unchanged in my opinion on these matters. In my view, the adverse effects are clearly recognised and understood by the applicant, but they are also clearly offset in the proposal by the enhanced resilience of the Church, both physically and spiritually.
110. I have considered the matters of disagreement, and I remain unchanged in my opinion on these matters. In my view, the adverse effects are clearly recognised and understood by the applicant, but they are also clearly offset in the proposal by the improved resilience of the Church, both physically and spiritually. My conclusions are the same as set out in my EIC at para 100:
- a) The adverse effects of the proposal on historic heritage values are primarily related to architectural values, and that this is mitigated through reversible design, reuse of existing building elements, and seismic upgrading which would not otherwise occur.
 - b) The Project does not diminish the overall historic heritage values of the place, and the Church will still maintain its heritage status as a Category 1 building of cultural heritage value in the PNDP.
 - c) The provision of new additions provides for the long-term continuation and enhancement of historical, community and spiritual qualities which are strongly associated with the cultural heritage values of the place.
 - d) The proposed conditions presented by Mr Forrest are appropriate and will further ensure the adverse effects of the proposal are avoided remedied or mitigated, while maintaining the heritage values of the place.
111. In addition to this, I have agreed through the JWS what I consider to be appropriate further conditions to provide for additional mitigation, which might also be adopted should consent be granted.

112. In my view the difference in opinion between experts arises from the individual approaches to the heritage assessments undertaken. In particular the experts for PNDP and HNZ have sought to separate out positive elements arising from the seismic upgrade and disregard them in their assessment of effects. They have also given primacy to the architectural values over other values recognised for the church, contrary to the PNDP and the RMA. This is not in my opinion an appropriate way to assess the application which should be considered in the whole and not cherry picked to advocate for a desired alternative outcome.
113. None of the activities would be classed as a prohibited activity in the PNDP and therefore in my opinion the application as submitted should be fairly assessed on its merits, with appropriate acknowledgment of the real-world environment.
114. I therefore disagree with the reasons that PNDP and HNZ has given to decline the application, for the above reasons and as set out in my HIA, which acknowledges the partial loss of the baptistery, but considers that overall, this is outweighed by the heritage benefits.

John Brown

A handwritten signature in blue ink, appearing to read 'John Brown', with a stylized flourish at the end.

Dated 18 January 2021