Marton Civic Centre Heritage Planning Risk Assessment

304 - 318 Broadway, Marton

Abraham and Williams Building
Davenport Brothers Building
Davenport Building

22 May 2023

PREMIER PLANNING

Contents

Introduction

Premier Planning has been engaged by Rangitikei District Council (RDC) to evaluate the risks associated with potential resource consenting pathways to secure approval under the Rangitikei District Plan (RDP) and Resource Management Act 1991 (RMA) for a new civic centre in Marton.

RDC is considering redeveloping the following three properties, hereafter referred to as the subject site, for civic centre purposes:

- 304-310 Broadway, known as the 'Abraham and Williams Building' – legally described as Lot 2 DEEDS 11. The lot measures 805sqm.
- 312 Broadway, known as the 'Davenport Brothers Building' – legally described as Lot 1 DP 6521. The lot measures 210sqm.
- 314 - 318 Broadway, known as the 'Davenport Building' and the 'Cobbler Building'. For the sake of simplicity this building will be hereafter referred to as the 'Cobbler Building'. Legally described as Part Lot 1 A 3126, Lot 2 DP 6521, Part Lot 1 A 3126. The lot measures 662sqm. The Cobbler building is two distinct buildings. The corner building was constructed in 1913 with an addition constructed along High Street, attached to the original building at the upper level only, in 1914.

The overall land area measures 1687sqm.

The report identifies potential resource consent application pathways available to RDC and the issues and consent application requirements likely to be associated with each pathway.

It is understood that RDC is at the pre-concept design stage of the development process, with design plans not yet prepared for the subject site. Accordingly, this report does not provide any advice in respect to:

- the planning merits, or otherwise, of redeveloping the subject site for civic purposes;
- the potential costings associated with the identified resource consent application pathways; or
- potential timeframes associated with resource consent application pathways.

The report is confined to considering the issues and challenges associated with the heritage status of the subject buildings, and therefore it does not consider any other planning matters that may require consideration as part of an application seeking resource consent, for example archaeology, land contamination, urban design, environmental sustainability, amenity, signage, traffic, vehicle parking and loading, earthworks or flooding.

Subject Site

The subject site comprises three double storey attached commercial buildings located on the western side of Broadway, Marton. All three properties are owned by RDC.

The Cobbler Building, 314 - 318 Broadway, sits on the corner of Broadway and High Street. The Cobbler building is two distinct buildings. The corner building was constructed in 1913 with an addition constructed along High Street, attached to the original building at the upper level only, in 1914.

304-310 Broadway and 310 – 312 Broadway have sole street frontage to Broadway.

The three buildings form part of a terrace of double storey commercial buildings. The buildings are located in the commercial core of the Marton town centre.

Subject site

The site is in the Commercial Zone as defined in the RDP. The eastern and southern periphery of the site is within the Flood Level 2 overlay of the RDP. The Pedestrian Veranda Area, as defined in the RDP, adjoins the site's eastern and southern boundaries (the verandas of the buildings project over the Pedestrian Veranda Area).

Heritage Status

New Zealand Heritage List/Rarangi Korero

The subject buildings are all registered on the New Zealand Heritage List/Rarangi Korero. List entries are attached at Appendix 1.

Abraham and Williams Building – was placed on the New Zealand Heritage List/Rarangi Korero as a Category 2 Historic Place (no.1240) on 2 July 1982. The building is listed in Schedule C3 Historic Heritage of the Rangitikei District Plan as heritage item H18 (map no. 82).

Davenport Brothers Building – was placed on the New Zealand Heritage List/Rarangi Korero as a Category 2 Historic Place (no.1244) on 2 July 1982. The building is listed in Schedule C3 Historic Heritage of the Rangitikei District Plan as heritage item H22 (map no. 82).

Cobbler Building – was placed on the New Zealand Heritage List/Rarangi Korero as a Category 2 Historic Place (no.1243) on 2 July 1982. The building is listed in Schedule C3 Historic Heritage of the Rangitikei District Plan as heritage item H21 (map no. 82).

Rangitikei District Plan

Abraham and Williams Building –listed in Schedule C3 Historic Heritage of the Rangitikei District Plan as heritage item H18 (map no. 82).

Davenport Brothers Building – listed in Schedule C3 Historic Heritage of the Rangitikei District Plan as heritage item H22 (map no. 82).

Cobbler Building – listed in Schedule C3 Historic Heritage of the Rangitikei District Plan as heritage item H21 (map no. 82).

The subject buildings are located in the Marton Heritage Precinct, listed as Schedule C3B Historic Heritage of the RDP. There are a total of 16 buildings listed in Schedule C3B.

Heritage Assessments

Heritage assessments for each building were undertaken in 2014 by Ian Bowman, architect and conservator. These assessments formed the basis for the inclusion of the subject buildings in Schedule C3B of the Rangitikei District Plan.

The assessments, included at Appendix 2, conclude (bolded text as originally authored):

*Abraham and Williams Building – **locally** significant as an example of the work of local architect W T Higgins who has demonstrated a proficiency in the Edwardian Free Classical style.*

*Davenport Brothers Building – **locally** significant as a primary contributor to the group of buildings of a similar period, scale, height, style and use of materials that forms the architectural character and built heritage of Marton.*

*Cobbler Building – **regionally** significant as a quintessential example of the Edwardian Free style. The building is a substantial and highly creative work of architect Robin Hood, whose practice encompassed the Manawatu, Rangitikei, and Palmerston North. In its corner location, scale, form, style and materials, the building is a landmark in the highly consistent and homogenous urban form of Marton.*

In 2016 Opus (now WSP) undertook a heritage assessment of all buildings within the Marton Heritage Precinct, titled *Marton – Community Civic Centre & Heritage Precinct Report.* The WSP assessment graded all three buildings as 'Significant Heritage Value'.

In 2019 RDC commissioned WSP to provide concept designs for a civic centre for the subject site. This commission culminated in the issue of a report titled *'100% Design Report for Marton Civic Centre'* (16 August 2019). The report included a heritage assessment of each building, assessing the heritage significance of both the interior and exterior. All of the upper floor street facades were graded 'exceptional' heritage significance. The majority of internal structural walls were graded 'high' heritage significance, with the qualifier that these should not be altered or removed 'unless it is vital to ongoing building use'.

Seismic Rating

In 2019 RDC engaged WSP to undertake an engineering assessment of the subject buildings. WSP produced a report titled *'Detailed Seismic Assessment – Marton Civic Centre – Corner of Broadway and High Street, Marton'* dated 11 July 2019 (DSA). The DSA is included at Appendix 3.

The DSA was to determine the overall condition, seismic performance and seismic ratings of the buildings. The DSA was informed by an inspection of the buildings.

The DSA was also informed by a heritage assessment undertaken by WSP.

The DSA concludes that the buildings have a seismic rating of 15% NBS. The report states:

'*The buildings are considered high risk structures and pose a relative risk to life safety that is 25 times higher as compared to a new building in accordance with the Guidelines.'*

The DSA states that a building with an earthquake rating less than 34% NBS fulfils one of the requirements for the Territorial Authority to consider it to be an Earthquake-Prone Building (EPB) in terms of the Building Act 2004.

The DSA assesses the seismic rating of various structural elements, including amongst other items, the street facades, side walls and parapets. These elements are identified in the supporting WSP heritage assessment as being of either exceptional (street facades and parapets) or high (side walls) heritage significance.

The DSA sets out the strengthening works required for each structural element.

The seismic ratings (%NBS) and respective structural strengthening works of the street facades, side walls and parapets are as follows:

Structural Element	Cobbler Building	Davenport Brothers	Abraham and Williams
Facade	25% Strengthening: • Concrete skin wall internal to façade • Create seismic gap between 1913 and 1914 Cobbler buildings	30% Strengthening: • Concrete skin wall internal to façade • Steel frame internally at ground level to sup[port front openings	20% Strengthening: • Concrete skin wall internal to façade • Steel frame internally at ground level to sup[port front openings
Side Walls	55% Strengthening: • Remove wall lining and install timber strong-backs and ply lining or concrete skin wall to internal face	40% Strengthening: • Remove wall lining and install timber strong-backs and ply lining or concrete skin wall to internal face	25% Strengthening: • Concrete skin wall to internal face.
Parapet	15% Strengthening:	15% Strengthening:	25% Strengthening:

	• Brace URM for OOP by concrete skin wall anchored to URM or tie it to side walls with steel framing	• Brace the URM parapet with concrete skin wall or tie it to side walls with steel framing	• Brace URM for OOP by concrete skin wall anchored to URM or tie it to side walls with steel framing

The DSA did not analyse financial costings for the strengthening works, including those outlined in the above table, as this was beyond the project brief.

Of note is the commentary contained in the subsequent 2019 WSP report *'100% Design Report for Marton Civic Centre'* in respect to the strengthening works required to the street facades:

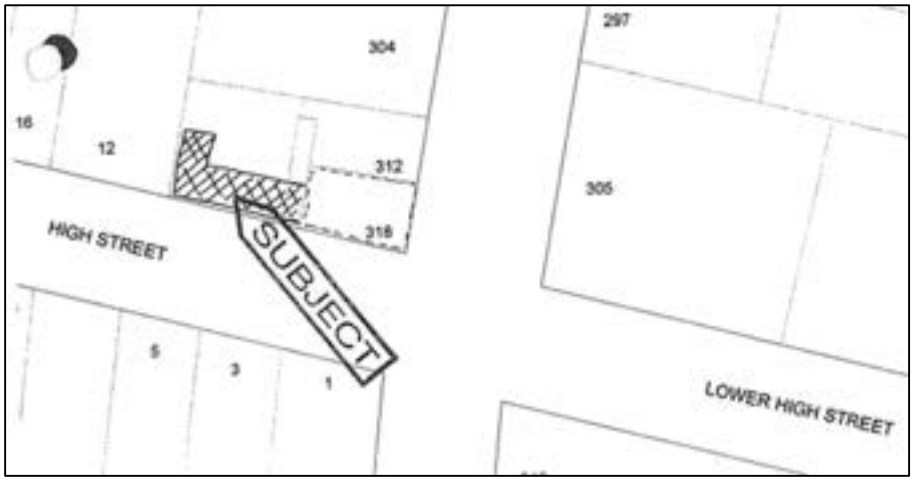
Largely all of the facades are considered of significant value apart from the shopfronts along Broadway, which have been materially altered from their original design. The structural work involved to bring these facades up to Building Code is not insignificant, but has also been undertaken successfully on numerous occasions'.

Site Planning History

The subject buildings have been the subject of two previous land use consent applications seeking demolition, in 2004 and 2014.

2004 Application

In 2004 land use consent (RDC reference 040002) was sought to demolish the 1914 portion of the Cobbler Building. The extent of proposed demolition is shown hatched below:



Application processing details are summarised as follows:

- The application sought land use consent for demolition and a replacement single storey commercial building;
- The application was not supported by a Heritage Impact Assessment (HIA);

- In the absence of a supporting HIA, RDC commissioned a HIA;
- The HIA was undertaken by Ian Bowman, architect and conservator;
- The applicant requested public notification;
- Eight submissions were received in response to notification, five supporting and three opposing.
- HNZPT submitted on the application, asserting:
    - *The proposed demolition will involve the total loss of a main part of the building and therefore, the adverse effects of the heritage values of the building are more than minor. The proposal does not avoid, remedy or mitigate any adverse effects';*
- The processing planner recommended declining the application;
- A hearing was held on 12 July 2004;
- A Commissioner Panel of three, chaired by an independent hearing commissioner, declined the application on 23 July 2004.
- The applicant lodged an appeal in the Environment Court against the Commissioner Panel's decision.
- The applicant subsequently withdrew the appeal on 7 July 2005.

The Commissioner Panel's decision is included at Appendix 4.

The Panel decision, at paragraph 59, states:

Based on the evidence before it the Committee finds that the demolition of the High Street portion of the Cobbler Building would have significant adverse effects on the environment.

At paragraph 66 the Commissioners state:

The Committee finds that the demolition of the High Street portion of the building would constitute an inappropriate form of development. It is a matter of national importance to protect the Cobbler Building from such development and the Applicant's proposal clearly does not do so. Consequently the Committee finds that the proposal is contrary to section 6 of the Act.

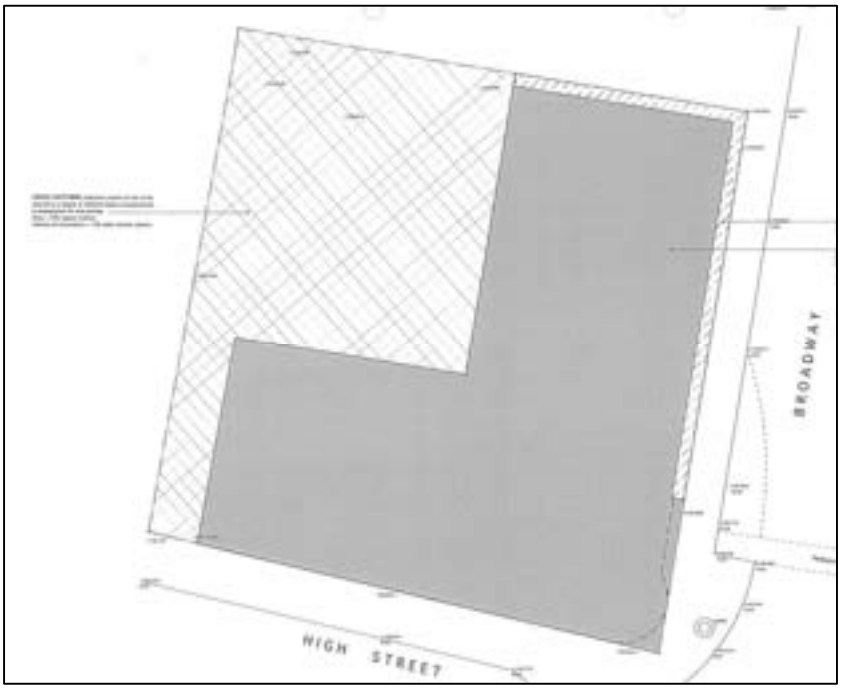
At paragraph 71 the Commissioners state:

The Cobbler Building is a registered Category II Historic Place. Consequently, the Committee finds that the proposed demolition of the High Street portion of the Cobbler Building would be inconsistent with the purpose of the Historic Places Act 1993.

2014 Application

- In 2014 land use consent (RDC reference 140029) was sought to demolish the Cobbler Building, Davenport Brothers Building and Abraham and Williams Building, whilst retaining the street facades of the Davenport Brothers Building and Abraham and Williams Building. The application included the reinstatement of the original curved corrugated iron veranda to the Davenport Brothers Building, with the later veranda to be removed. The replacement double storey development was to principally accommodate commercial offices but was designed in a manner providing flexibility for retail purposes.

The extent of proposed demolition is shown below in dark shading:



Application processing details are summarised as follows:

- The application was not supported by a HIA;
- The application was supported by seismic assessments for the Abraham and Williams Building and Cobbler Building;
- The application was not supported by any strengthening cost analysis;
- The application included an assessment of alternatives limited to two options:
    - Refurbish existing buildings
    - Partial demolition with Broadway facades retained
- The application was publicly notified at the applicant's request, further to not providing a heritage impact assessment as requested under s92 of the RMA;
- 14 submissions were received in response to notification, seven opposing, four supporting, two neutral, and one part support/oppose;
- The application was withdrawn subsequent to notification with submissions unresolved and no hearing held.

The views of HNZPT were sought by the processing officer prior to application notification. HNZPT stated (amongst other comments):

- Heritage New Zealand has concerns about the design of the new building on the Davenport (Cobbler) Building site in terms of the context it would provide for the remaining heritage along High Street and Broadway. The proposed treatment of the High Street frontage is a particular concern.
- It is acknowledged that the upper storey facades of Davenport Brothers Building and Abraham and Williams Building will be retained. However it is disappointing that more of the three buildings on the site have not been included in the proposal.
- On balance, Heritage New Zealand is very concerned about the negative heritage effects of the proposal, which at this stage are considered to outweigh the positive effects.
- If the application is notified, we intend to lodge a submission.

District Level Statutory Provisions

Pursuant to Rule B10.6-1 of the RDP, relocation or demolition of a heritage item is a discretionary activity. Council's discretion is therefore unrestricted.

Pursuant to B10.4-1 of the RDP, the alteration of a heritage item is a restricted discretionary activity. Likewise, any new building on a site listed in Schedule C3A is a restricted discretionary activity. Council's discretion is limited to:

a) the effect on the heritage values of the activity;

b) the cultural effects associated with the loss of heritage values, including any diminution in the relationship between Tangata Whenua and their sites of cultural significance;

c) the benefits of the activity, including maintenance of the ongoing viability of the remaining heritage item.

The RDP identifies historic heritage as a resource management issue at Issue 16:

Achieve the management and protection of historic heritage while ensuring that new possibilities and new uses of that heritage are not constrained in a way that impedes the social, economic and cultural wellbeing of communities.

Policies to address the issue include:

A3-2.1 *Ensure known examples of historic heritage are recognised in the District, and listed in Schedule C3A.*

A3-2.2 *Enable the protection, conservation and adaptive reuse of historic heritage and the protection and conservation of heritage values listed in Schedule C3A and C3B of the Plan.*

A3-2.3 *The historical, cultural and physical heritage values of buildings contained in Schedule C3B are recognised and provided for in resource consent decision-making.*

A3-2.4 *Interior heritage values and exterior heritage values (other than those physical heritage values listed in Schedule C3B) are given regard to in resource consent decision making.*

A3-2.5 *Proposals to redevelop, modify, demolish or partially demolish heritage buildings in the Marton heritage precinct (as listed in Schedule C3B) shall assess the effects on overall precinct values.*

A3-2.6 *Proposals to redevelop, demolish or partially demolish buildings in the Marton heritage precinct (as listed in schedule C3B) shall be assessed by a design panel facilitated by Council to inform resource consent decision making processes (see further below).*

A3-2.7 *If, after considering the economic feasibility of all reasonably practicable options, all adverse effects of a proposal cannot reasonably be avoided, remedied or mitigated, heritage offsets for any remaining adverse effects will be considered.*

Heritage Design Panel (A3-2.6)

Policy A3-2.6 of the RDP states that proposals to redevelop, demolish or partially demolish buildings in the Marton Heritage Precinct shall be assessed by a design panel facilitated by Council to inform resource consent decision making processes. Note 1 to Policy A3-2.6 states that the panel is:

- Formed on a case-by-case basis for each project.
- Council funded.
- An expert panel, comprised of at least three experts and a Council appointed facilitator, including, but not limited to:
  - Nominee from the New Zealand Institute of Architects Western Branch;
  - Nominee from Heritage New Zealand and/or the Whanganui Regional Heritage Trust;
  - Experts from the field of heritage architecture, urban design, building engineering or quantity surveying, as required.
- Able to provide verbal and written advice to applicants and decision makers.
- Required to apply the objectives and policies of the Rangitikei District Plan heritage provisions as the foundation for reporting.

Assessment of Alternative Locations and Methods

Schedule 4(6)(1)(a) of the RMA states that if it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity must be included in the assessment of the activity's effects on the environment (AEE). Important to note is that this assessment must be undertaken irrespective of the magnitude of any identified public benefits that may result from the activity.

The demolition of the three subject buildings may potentially generate significant adverse effects on the environment. This position is reached having regard to:

- The nationally recognised heritage status of the three buildings, each one a Category 2 Historic Place;
- The locally recognised heritage status of the three buildings in the Rangitikei District Plan - Schedule C3B listed;
- The location of the three buildings, set within the heart of the Marton Heritage Precinct;
- The 2004 Commissioners concluding that the demolition of the High Street part of the Cobbler building would have significant adverse effects on the environment (paragraph 59);
- The 2014 Ian Bowman heritage assessment, upon which the District Plan heritage scheduling is based, classifying the buildings as locally significant (Abraham and Williams Building and Davenport Brothers Building) and regionally significant (Cobbler Building);
- The 2016 Opus heritage assessment grading each of the three buildings as 'Significant Heritage Value'.
- The 2019 WSP heritage assessment grading all upper floor street facades as being of 'exceptional' heritage significance.
- The absence of any heritage evidence countering the 2014, 2016 and 2019 heritage assessments.

If a consent application were judged to result in significant adverse effects, the consent authority would require the applicant to provide an assessment of alternatives. Schedule 4(6)(1)(a) refers to alternative *locations* and *methods* for undertaking the activity.

Alternative Locations

Alternative locations for delivering a civic centre potentially include, but may not be limited to, RDC owned land in the Marton township:

- 305 Broadway - A land parcel of similar size (1607sqm), proportions and configuration (landmark corner location) to the subject site, currently vacant, undeveloped and zoned for commercial purposes;
- 46 High Street, the existing RDC offices complex at the corner of High Street and William Street;
- 31 High Street – existing Rangitikei Library site, zoned for commercial purposes.

Alternative Methods

Alternative methods that would require evaluation potentially include, but may not be limited to:

- Adaptive re-use of the three buildings, retaining facades and principal internal dividing structures;
- Demolition of the rear portions of the three buildings with the street facades retained;
- Demolition of some buildings and street facades and retention of others – a myriad of combinations exist in this regard.

RMA case law, in particular the *Final Report and Decision of the Board of Inquiry into the Upper North Island Grid Upgrade Project*, makes clear that the focus should be on the adequacy of the process of assessing alternatives rather than the outcome itself. The evaluation of alternative options must be thorough and detailed.

Caselaw emphasises that the alternatives assessment process must integrate RMA matters, particularly relevant Part 2 matters. Where these matters are more relevant to a proposal, they are to be given prominence in the assessment process, for example through applying specific criteria. Historic heritage is a Part 2 matter of national importance. Case law also makes clear that engagement with key stakeholders is critical to understanding the available alternatives and their effects.

Circumstances Justifying Demolition

Heritage New Zealand's *Guide to the Management of Historic Heritage: District Plans April 2022* provides the most up-to-date national advice relating to heritage planning at the District Plan level. It is therefore a valuable reference point for assessing heritage demolition proposals. The guide states that the demolition or full destruction of a protected part of scheduled historic heritage should only be considered where all the following circumstances apply (as potentially relevant to the subject development):

i. other reasonable alternatives to retain the historic heritage have been explored, including adaptation, seismic strengthening, relocation, or stabilising the item for future repair;
ii. the site or area is in a serious state of disrepair that is a serious risk to safety, and/or the heritage building or structure is a serious risk to safety and interim protection measures would not remove the threat;

iii. the demolition or destruction is required to allow for significant public benefit that could not otherwise be achieved, and this benefit outweighs the adverse effects of loss of the historic heritage;
iv. sufficient work has been undertaken to ensure the heritage values have been recorded and, where possible, retained for example by keeping key architectural features and archaeological evidence.

A consent application seeking to demolish any one or more of the subject buildings, including their respective street facades, would need to demonstrate how the proposal meets all of the above requirements.

In respect to the first criterion, an application would be required to address the feasibility of adaptively re-using any building proposed for demolition. This is most usually and appropriately informed through technical evidence by the likes of a quantity surveyor with extensive experience in project management of larger scale commercial developments. The processing officer may exercise the right to have such technical evidence peer reviewed, particularly in instances where the consent authority does not have the in-house expertise to undertake such a review. All costs associated with commissioning a peer review are borne by the applicant.

In respect to the second criterion, an application would need to demonstrate that it would not be feasible for the structural elements of the building posing a public safety risk to be strengthened.

In respect to the third criterion, public benefits are likely to accrue through a replacement development, as adverse effects on heritage values arising from demolition cannot be avoided. If a replacement development is not included as part of the consent application, there will be limited, if any, public benefits able to be taken into account. This was evidenced in the 2004 demolition application that was supported by limited replacement building details, with the Committee opining at paragraph 50:

Unfortunately, this meant that the Committee was unable to take into account any mitigation that a sympathetic new building design might engender, such as if the High Street façade of the Cobbler Building was to be retained for example. Instead the Committee has of necessity simply evaluated the merits of demolishing half of the Cobbler Building based on the evidence before it regarding the actual and potential effects of that activity.

Therefore, in order to satisfy the third criterion, as a minimum a replacement development must form part of an application that seeks resource consent for demolition of any of the buildings in their entirety.

Notification of Heritage Demolition Applications

It is well established that notified (public or limited) consent applications incur substantially greater processing costs and processing time than non-notified applications. If submissions are received to a notified application that cannot be resolved, a hearing is held and the application is usually determined by an independent commissioner or panel of commissioners, as was the case with the 2004 Cobbler Building demolition application.

Hearing and commissioner costs are borne by the applicant. Any person who lodges a submission to a notified application has a right to appeal the decision to the Environment Court. Appeals incur additional costs and time. For these reasons, a notified application represents substantial risk for an applicant.

The above is evidenced in both previous applications that sought demolition of the Cobbler Building (or part thereof). Both applications were notified and received submissions that could not be resolved, incurring significant processing delays and costs. Moreover, both applications were unsuccessful, with resource consents not granted.

Section 95A of the RMA requires the public notification of a consent application where the adverse environmental effects of the activity are determined to be more than minor. The total demolition of the three subject buildings would likely generate adverse effects on the (heritage) environment that would be more than minor and therefore would be publicly notified. This position is reached having regard to:

- The nationally recognised heritage status of the three buildings, each one a Category 2 Historic Place;
- The locally recognised heritage status of the three buildings in the Rangitikei District Plan - Schedule C3B listed;
- The location of the three buildings, set within the heart of the Marton Heritage Precinct;
- The views of NZHPT in its submission to the 2004 application for the part-demolition of the Cobbler Building;
- The 2004 Commissioners' decision which concluded that the demolition of the High Street part of the Cobbler Building would have significant adverse effects on the environment (paragraph 59);
- The 2014 heritage assessments, upon which the District Plan heritage scheduling is based, classifying the buildings as locally significant (Abraham and Williams Building and Davenport Brothers Building) and regionally significant (Cobbler Building);
- The absence of any qualified heritage evidence countering the 2014 heritage assessments.

An application proposing an adaptive re-use scheme, retaining the street facades and their presentation to the Marton Heritage Precinct, may generate effects on the (heritage) environment that would not be more than minor. If this was demonstrated to the consent authority's satisfaction, the application would progress on a non-notified basis, subject to meeting all other notification tests set down at s95. This pathway would not offer any appeal rights to any parties other than the applicant, as no persons other than the applicant would be party to the application.

An applicant may request an application be publicly notified and if it does, the consent authority must undertake public notification. The nature, scale and location of the civic centre redevelopment is such that the project is of significant community interest. RDC, as applicant, may determine for this reason that the application should be publicly notified. This is a decision for RDC and is one that is beyond the scope of planning judgement and for this reason is not considered further in this report.

Notwithstanding the potential for the applicant to request public notification, it is clear that the proposed extent of demolition will be a determining factor when considering notice requirements under s95 of the RMA, and this in turn significantly influences processing time, costs and ultimately the application's planning merits. To demonstrate this point, three examples are set out below.

Heritage Demolition – Recent Decisions

Thains Building, Whanganui

In 2018 resource consent was sought to demolish in its entirety, a three storey commercial building in the Whanganui town centre, known as the Thains Building at 1 Victoria Avenue.

The building is a Class B heritage item in the Whanganui District Plan. The building is not included on New Zealand Heritage List/Rarangi Korero.

The application proposed demolition only, with no replacement building. The application was not supported by a heritage significance assessment. The application included costings analysis in respect to adaptive re-use and seismic strengthening however these were provided by an engineer and not a quantity surveyor.

The activity status was discretionary.

The application was publicly notified at the request of the applicant.

A total of 33 submissions were received with 32 in opposition. Heritage New Zealand Pouhere Taonga lodged an opposing submission.

Submissions were not resolved, and a hearing was held.

Resource consent was declined, the Commissioner determining that the demolition *'will definitely result in significant adverse effects on heritage values'*. The Commissioner decision is attached at Appendix 5.

The application processing time was eight months.

Thains Building, 1 Victoria Avenue, Whanganui

Avenue Buildings, Whanganui

In 2016 resource consent was sought to part demolish and redevelop the Avenue Buildings in the Whanganui town centre, at 74-84 Victoria Avenue. The proposal retained, strengthened and refurbished the Victoria Avenue façade including the veranda with the balance (rear) of the building demolished and redeveloped with an extensive single storey commercial building.

The building is identified as a Class B heritage item in the Whanganui District Plan. The building is not included on New Zealand Heritage List/Rarangi Korero.

The activity status was discretionary.

The application did not include an Assessment of Alternative Locations and Methods, seismic strengthening costings analysis, adaptive re-use costings analysis or a HIA.

The consent authority determined that the effects of the partial demolition of the building on the environment and persons were less than minor. Consequently, the application was processed on a non-notified basis.

The application was approved and the redevelopment granted resource consent.

The application was lodged in August 2016 and resource consent granted in December 2016, a four month processing period.

Avenue Buildings, Whanganui

Barry Brothers Building, Napier

In 2022 resource consent was sought to part demolish and redevelop the Barry Brothers Building in the Napier city centre, at 21 and 25 Hastings Street. The proposal retained, strengthened and refurbished the Hastings Street façade (including verandah) with the balance of the building demolished and redeveloped with an extensive double storey commercial (office) building.

The Barry Brothers Building has a Group 1 heritage listing in the Napier District Plan and is located in the Napier City Centre Historic Area, an area included in the New Zealand Heritage List/Rarangi Korero as a Historic Place (listing 7022).

The activity status was discretionary.

The application did not include an Assessment of Alternative Locations and Methods. It included only a high level seismic strengthening costings analysis and adaptive re-use costings analysis. The application was supported by a HIA.

HNZPT supported the redevelopment proposal, raising no objection to the application. HNZPT did not recommend any consent conditions thereby providing unconditional support.

The consent authority determined that the effects of the partial demolition of the building on the environment and persons were less than minor. Consequently, the application was processed on a non-notified basis.

The application was approved and the redevelopment granted resource consent.

The application was lodged in late November 2022 and resource consent granted in January 2023, a processing period of less than two months.

Barry Brothers Building, 21 Hastings Street Napier

Summary

An application seeking resource consent for the total demolition of all three buildings, or total demolition of any one of the three buildings, is very high risk. This conclusion is reached having regard to:

- The national and district level heritage status of the buildings
- The consistency in the qualified heritage assessments undertaken in 2004, 2014, 2016 and 2019;
- The absence of any qualified heritage evidence countering the 2004, 2014, 2016 and 2019 assessment findings;
- The national heritage status of the buildings engaging the Heritage New Zealand Pouhere Taonga Act 2014, which promotes the protection, preservation and conservation of historical heritage;
- The previously failed attempts in gaining resource consent for demolition of parts of the subject buildings;
- The views of HNZPT in respect to the previously failed resource consent applications, opposing total demolition in 2004 and identifying serious heritage-related concerns in 2014;
- The need for a demolition application to include a thorough and detailed assessment of alternative locations and methods for delivering the civic centre, noting that it appears a number of alternative locations are reasonably available to RDC in addition to alternative methods (e.g. adaptive re-use). An alternatives assessment must be informed by stakeholder (i.e. community) engagement;

- The need for a demolition application to demonstrate that the buildings are in such a serious state of disrepair that they are a serious risk to safety;
- The need for a demolition application to include an assessment, including costings analysis, of reasonable alternatives of retaining any heritage significance, including adaptive re-use and seismic strengthening of the street facades (for example as detailed in the WSP DSA), or stabilising the item for future repair;
- The need for a demolition application to demonstrate that the public benefit of a civic centre redevelopment could be achieved without the need to demolish the building(s);
- The potential for technical evidence having to be independently peer reviewed;
- The very high likelihood of a publicly notified demolition application receiving opposing submissions, as evidenced in the 2004 and 2014 applications;
- The very high likelihood of opposing submissions to a demolition application not being resolved, as evidenced in the 2004 and 2014 applications;
- A decision on a publicly notified demolition application being able to be appealed to the Environment Court.

An application seeking resource consent for the adaptive re-use of the building, involving some degree of partial demolition whilst retaining the street facades, presents substantially lower risk than total demolition of one or more of the buildings. This conclusion is reached having regard to:

- The generally accepted heritage principle that retaining street facades (facadism) maintains the heritage significance of buildings and heritage precincts where applicable;
- The application would unlikely need to include structural engineering assessments;
- The application would unlikely need to include an assessment of reasonable alternatives to retain the heritage;
- The application would not need to include a feasibility assessment of adaptive re-use;
- There would be no requirement for peer reviews in respect to heritage related matters;
- Heritage effects would likely be considered less than significant, avoiding the need to undertake a thorough and detailed assessment of alternative locations and methods for delivering the civic centre;
- Greater scope to assert that the effects on the (heritage) environment would not be more than minor, and therefore this element of the application would not trigger public notification;
- The recent granting of non-notified resource consents for ‘facadism’ heritage redevelopments in other districts as cited in this report, for example the Avenue Buildings, Whanganui and the Barry Brothers Building, Napier.

Appendix 1 - New Zealand Heritage List/Rarangi Korero Summary Reports

HERITAGE NEW ZEALAND
POUHERE TAONGA

Summary Report

Davenport Building, MARTON (List No. 1243)

File: 12009-493

Davenport Building, Alison Dangerfield, Heritage New Zealand, September 2013.

Address	314-318 Broadway and 4-10 High Street, MARTON
Legal Description	Pt Lot 1 AP 3126 and Lot 2 DP 6521 (CT WN550/60), Wellington Land District. Note: the CT cites the appellation as 'Pt Sec 17 Rangitikei Agricultural Reserve and being Lot 2 DP 6521 and being Pt Lot 1 AP 3126'

Extent	 Extent includes the the land described as Pt Lot 1 AP 3126 and Lot 2 DP 6521 (CT WN550/60), Wellington Land District and the building known as Davenport Building thereon.
Constructed by:	Robin Hood (Architect) Haddock and Hassell (Builders, 1913) Russell and Bignell (Builders, 1913-14)
Owners	Actual C Properties Limited

Summary:

On a prominent corner site in central Marton since 1913-14, the Davenport Building (also known as the Cobbler Building) is a local landmark. This distinctive Edwardian Free Style two-storey brick and concrete commercial building was designed by well-known local architect, Robin Hood (1880-1953), and is an important contributor to its streetscape. Described at the time as 'without a doubt the most valuable addition to architectural designs in Marton,' the Davenport Building is part of a complex of contemporary buildings which give Marton's central commercial area a distinctly Edwardian and early inter-war character.[1]

The building was constructed for storekeeper brothers, Samuel Johnson (1858-1931) and German Morton (1863-1934) Davenport, who purchased the property in 1895. There had been a shop on the site from 1868, and in 1905 the Davenports added a two storey brick

[1] Quote from *Rangitikei Advocate*, 30 August 1913 in Val Burr, 'The Cobbler Building, Marton', Research Report (1 June 2004), p.7. Heritage New Zealand File 12009-493 vol.2. See Figure 1. Other Edwardian and early inter-war character buildings in the CBD include the White Hart Hotel, also completed in 1914, and an earlier brick commercial building on opposite sides of the High Street/Broadway intersection, and the following Category 2 historic places: Abraham and Williams Building (List No. 1240), Hilton's Building (List No. 1246), J. J. MacDonald Building (List No.1247), Sash and Door Building (List No. 1251) and Club Hotel (List No.1242). Neighbouring the Davenport Building on High Street is the Victorian Bank of New Zealand (Former), Category 2 historic place (List No.2838).

building at the northeast of their site (312 Broadway).[2] From their premises they sold general household merchandise, clothing, and groceries.[3] In mid 1913 they expanded their holdings by building a larger commercial building occupying the corner site on the remainder of the land, and abutting the 1905 building.[4]

Constructed in two stages - the Broadway and High Street corner first and then extending further along High Street - the building was completed by early 1914. There were different construction companies for the two sections: local company Haddock and Hassell were followed by well-known Wanganui builders, Russell and Bignell.[5] The building was designed with six ground level shops and offices and Marton Cosmopolitan Club rooms upstairs.[6] The upper façade is two-toned with concrete areas referencing a Classical arcade, complete with spandrels, and above is a plain brick parapet punctuated by a corner arched pediment and two smaller equivalents on High Street. The arcade's pilasters carry through to the concrete lower level and large shop display windows and accessways are interspersed between them. The verandahs were part of Hood's design and had areas of green tilework below.[7]

Hood, just beginning his career, was on the way to becoming a notable and longstanding local architect. At this stage he was Feilding-based, but later moved to Palmerston North where he designed buildings such as the Coronation Building (1937) and Broadway Chambers (1936) in central Palmerston North, the Feilding Jockey Club (List no. 1223), as well as many other Manawatu and Rangitikei commercial and residential buildings.[8]

The Cosmopolitan Club formed at the same time as the Davenport Building was being planned, and the second stage of the building project was designed with their needs in mind. At some stage after the Club vacated in 1924 part of the upper level spaces were converted into flats.[9] The Davenports owned the building until 1948 when it was sold to Marjorie Maude, who in turn owned the property for nearly three decades.[10] Over the twentieth century various changes were made to interior of the building, as well as some shop-front alterations.

---

[2] Davenport Brothers Building, Category 2 historic place (List no. 1244). This 1905 building was sold by the Davenports in 1923, but they retained the Davenport Building until 1948. 'Professional, commercial and industrial', *Cyclopedia of New Zealand [Wellington Provincial District]* (Wellington: The Cyclopedia Company Limited, 1897), p. 1325. Burr, 'The Cobbler Building, Marton', pp. 10-11.

[3] Ian Bowman, 'Assessment of the effects on proposed partial demolition', Report (June 2004), p. 20. Heritage New Zealand File 12009-493 vol.2.

[4] Burr, 'The Cobbler Building, Marton', p. 6. The building tender was let in April 1913 and by July Haddock and Hassell advertised the construction was underway. This first section of the Davenport Building seems to have been completed in August 1913.

[5] Burr, 'The Cobbler Building, Marton', p. 13.

[6] Ibid., pp. 3 and 7-8. Burr believes the two stage construction was probably designed to accommodate the Davenport's main commercial tenant, Mr Mulinder, so that he did not have to stop trading for any longer than necessary. Tenders for the second stage closed within weeks of the first section's completion.

[7] Ibid., p. 6.

[8] Bowman, 'Assessment of the effects on proposed partial demolition', pp. 4 and 11. 'Coronation Building and Broadway Chambers, Broadway', Palmerston North Digital Library, URL: http://digitallibrary.palmerstonnorth.com/awweb/awarchive?item=1784&type=meta (accessed 22 May 2014).

[9] Ibid., p. 3.

[10] Ibid., p. 11.

Bibliography

Bowman, Ian. 'Assessment of the effects on proposed partial demolition', Report (June 2004). Heritage New Zealand File 12009-493 vol.2.

Burr, Val. 'The Cobbler Building, Marton', Research report (1 June 2004). Heritage New Zealand File 12009-493 vol.2.

'Coronation Building and Broadway Chambers, Broadway', Palmerston North Digital Library, URL: http://digitallibrary.palmerstonnorth.com/awweb/awarchive?item=1784&type=meta (accessed 22 May 2014).

'Professional, commercial and industrial', *Cyclopedia of New Zealand [Wellington Provincial District]*. Wellington: The Cyclopedia Company Limited, 1897.

Other Names	Cobbler Building; Davenport Bros. Building; Marton Cosmopolitan Club Building; Maude Building
Key Physical Dates	1913: Broadway and High Street corner section complete 1913-14: High Street section complete *circa* 1924: Former Marton Cosmopolitan Club rooms converted into flats
Uses	Accommodation - Complex of flats (Former) Civic facilities - Club rooms/building (Former) Trade - Office building/Offices Trade – Shop
Associated List entries	Davenport Brothers Building, Category 2 historic place, List No.1244
Protection Measures	Rangitikei District Plan Proposed 28 October 2010. No. H21 in Schedule C3- Historic Heritage
Recommendation	Technical change required: Board Paper references: BD2012/06/28; BD 2004/04/24; BCC paper HP 163/1982; Bd min HP 166/1982. *Change Name; Change Legal Description; Clarify Extent*

Attachments

Technical Change Request

BD 2012/06/28

Appendix I Schedule of technical changes to be confirmed

Global technical change for 'Corner' addresses

All 517 entries with corner addresses will be corrected to remove reference to 'Corner' in the location field. For example, 'Corner, 2-10 Burleigh Street and 71 Khyber Pass Road, Grafton, AUCKLAND' will change to '2-10 Burleigh Street and 71 Khyber Pass Road, Grafton, AUCKLAND'.

Meeting Date	Board 2.4 2004
Agenda No.	8.8
Paper No.	2004/04/24
File No.	36004-003

CORRECTIONS TO THE REGISTER

Technical changes to the Register

Central Regional Office

Registration no. 1243
Cobbler Building, 314-318 Broadway, Marton
Change address to: 314-318 Broadway and 4-10 High St, Marton
Change legal description to: Pts Lot 1 A3126 and Lot 2 DP 6521 all on WN550/60

HP 163/1982

Paper HP 163/1982
File HP 6/1/4

NEW ZEALAND
HISTORIC PLACES
TRUST

MINUTES OF THE BUILDINGS CLASSIFICATION COMMITTEE
HELD AT WANGANUI MOTEL 14 ALMA RD, WANGANUI ON
11 JUNE 1982 (SUBSEQUENT INSPECTIONS AND CLASSIFI-
CATIONS OF WANGANUI AND MANAWATU BUILDINGS 12-14 JUNE
1982

Cobbler Building,
Broadway, Marton.

HP166/1982

Paper HP 166/1982
File HP 3/4

NEW ZEALAND
HISTORIC PLACES
TRUST

MINUTES OF THE 113th ORDINARY MEETING OF THE NEW
ZEALAND HISTORIC PLACES TRUST BOARD HELD ON 2 JULY
1982 AT ANTRIM HOUSE, BOULCOTT STREET, WELLINGTON

16. Buildings Classification Committee (HP65/1982 and 163/1982)

RESOLVED : (i) That the classification of C and D buildings in the Otago region as recommended by the Buildings Classification Committee in HP65/1982 be confirmed.

(ii) That the classification of the C and D buildings in the Wanganui and Manawatu regions as recommended by the Buildings Classification Committee in HP163/1982 be confirmed.

List Entry Record

List Number: 1243 Site Reference: P 2393

HERITAGE NEW ZEALAND
POUHERE TAONGA

Name:	Cobbler Building		
Other Names:	**Name**	**Year From**	**Year To**
Location:	314-318 Broadway and 4-10 High Street, MARTON		
List Entry Legal Description:	Pts Lot 1 A3126 and Lot 2 DP 6521 all on WN550/60		
Local Authority:	Rangitikei District		
Summary:			
List Entry Status:	Registered		
List Entry Type:	Historic Place Category 2		
List Number:	1243		
Date Entered:	02 July 1982		
Extent of List Entry:			
Chattels			
District Plan Listing:	District Plan	Rangitikei District Plan Proposed 28 October 2010. No. H21 in Schedule C3- Historic Heritage	
Maori Interest:	Unknown		
Heritage NZ Office:	Central Regional Office		
Other Information:			
General Nature of Wahi Tapu:			
Section 66(1) Assessment:	Section 23(1)	Registered under previous legislation (HPA 1980)	
	Section 23(2)	Registered under previous legislation (HPA 1980).	
Section 66(3) Detail:			
Statement of Wahi Tapu:			

Report Execution Time: 04/06/2014 16:42:46 Page 1 of 1

COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier	**WN550/60**
Land Registration District	**Wellington**
Date Issued	21 September 1949

Prior References

WN311/127 WN446/10

Estate	Fee Simple
Area	670 square metres more or less
Legal Description	Part Section 17 Rangitikei Agricultural Reserve and being Lot 2 Deposited Plan 6521 and being Part Lot 1 Application Plan 3126

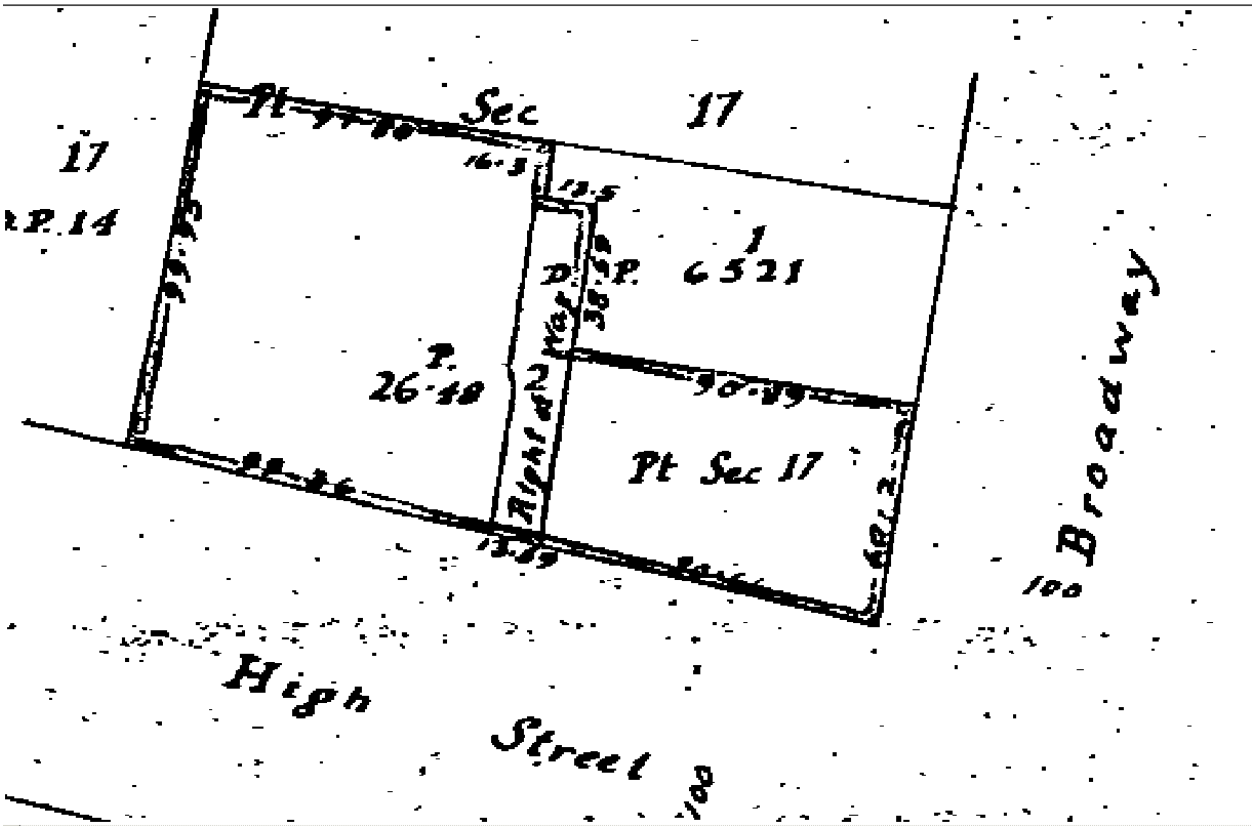
Proprietors

Actual C Properties Limited

Interests

Subject to a right of way (limited as to height) over part created by Transfer 157764
Appurtenant hereto are party wall rights created by Transfer 157765
Subject to party wall rights over part created by Transfer 157765
7461007.2 Mortgage to (now) Southland Building Society - 18.7.2007 at 9:55 am
8280008.1 Mortgage to (now) Crown Asset Management Limited - 14.9.2009 at 2:00 pm

Transaction Id 40177087 Search Copy Dated 21/03/14 10:13 am, Page 1 of 1
Client Reference bwagstaff001 Register Only



Images

Figure 1: View of the main street in Marton, circa 1924. Godber, Albert Percy, 1875-1949: Collection of albums, prints and negatives. Ref: APG-1280-1/2-G. Alexander Turnbull Library, Wellington, New Zealand. http://natlib.govt.nz/records/22680530. Permission of the Alexander Turnbull Library must be obtained before reuse of this image.

Appendix 2 - 2014 Heritage Assessments

Heritage Assessment

Abraham and Williams Building, Marton

September 2014

IAN BOWMAN
Architect and conservator

Contents

1 Introduction

1.1 Brief

This report was commissioned jointly by Heritage New Zealand (HNZ) and the Rangitikei District Council (RDC) in an agreement to establish heritage values of statutorily recognised buildings within Marton's Town Centre and to evaluate their relative heritage significance.

1.2 Methodology

The assessment of heritage values is based on research supplied by HNZ and the RDC into the physical and social history of the building and an outline description of the building. The assessment uses the definition of historic heritage contained in the Resource Management Act (RMA) amended in 2003.

1.3 Scope and limitations

This report is based on a visual inspection of the exterior only. It is not a Conservation Plan, a structural or fire safety survey and does not address specific issues of Building Act compliance. The commission did not include measured drawings or an archaeological assessment.

1.4 Copyright

1.5 Inspection

This external only inspection of the building was made on 28 August 2014.

2 Describing the place

2.1 Location

The building is located at 304-310 Broadway, Marton.

2.2 Heritage status

The building was included on Heritage New Zealand's New Zealand Heritage List/Rarangi Korero, category 2, list number 1240, on 2 July 1982. The building is listed in Schedule C3 Historic Heritage as follows:

No	Item	Map No.
H18	Abrahama and Williams Building, 304-310 Broadway, Marton	82

2.3 Ownership and legal details

The land and buildings are the property of ?

The legal description of the land on which the building ii sits on is Lot 2 Blk I Deeds Plan 11A.

2.4 Physical description

The two storey building is described in the *Rangitikei Advocate* of 15 February 1915 as a "massive brick building" and

> The front elevation to Broadway has an imposing and pleasing appearance, the plastered cornices, lintels, shields and pediment harmonising with the black-pointed brickwork. The verandah is suspended, being supported by girders and steel bars embedded and bolted through walls. The ceiling is lined with embossed steel and the structure officers no obstruction to traffic.
>
> The architects for the building were Messrs James and Higgins in conjunction with Messrs Crichton and McKay. The contractors, Messrs Haddock and Hassal, have carried out their work in a faithful and workmanlike manner. The erection of the building was supervised by Mr Higgins; Messrs Tingey and Co., and Rees and Upchurch were the sub-contractors for the painting and plumbing, respectively, which, needless to say, was executed in an excellent manner.

The building has been designed in the Edwardian Free Classical style where Classical elements are used in a non-academic manner. The building shows characteristics of the style including symmetry, truncated parapets and pediments, unconventional classical orders and entablature combined with conventional classical elements.

The style was popular with architects who wished to base their designs upon classical architecture but were unwilling to have their architectural talents fettered by an academic approach to classicism. British architect Edwin Lutyens and American Frank Furness were influential in popularising the style, which they saw as a development towards a modern style.

2.5 Setting

The building is located in Marton, named after James Cook's birthplace in Yorkshire, and is a rural service town located in the lower Rangitikei Basin north of Bulls and to the south east of Wanganui. The railway runs to the south of the town and since 1885 was an important junction between the North Island Main Trunk and New Plymouth lines.

The two main streets of Marton are Broadway, which runs north-south through the town, and High Street, which runs east-west at the southern end of Broadway. These two streets contain most of the commercial buildings, which are generally two storied and constructed of exposed or plastered brick with ground floor shopfronts and first floor offices or accommodation.

Most of the buildings were built in the Edwardian to inter-war period. Well designed corner buildings are prominent in the town including the Post Office, J J MacDonald Building, the former Westpac building, the Cobbler Building, the Elim Church building and the Club Hotel. Styles of the buildings include Edwardian Baroque, neo-Georgian, Arts and Crafts, Stripped Classical, Italianate, Beaux Arts, Edwardian Free style, Moderne and Queen Anne (also known as Anglo Dutch). Many of the buildings have similar heights and, consistent with the classically inspired styles of the town, and with prominent and decorative parapets.

2.6 Significant elements and fabric

The above verandah street elevation is the most significant element and includes:

- exposed brickwork piers, walls, parapet;
- rendered parapet, cornices, pediments, window heads jambs, sills and architraves, scroll brackets, shield decorative elements ;
- timber joinery and flagpole;
- verandah and supports.

Although not visible the rear elevation and roof are also of significance.

3 Understanding the place

3.1 Historical summary

The following is a chronology of construction, modifications and events relating to the building.

Date	Event	Reference
1903	Abraham and Williams purchased livestock firm of R E Backett	HNZ field record form, 1240
1915	Construction of the building on same site of R E Beckett's premises	HNZ field record form, 1240
1982	Registered by HNZ on 2 July 1982	HNZ field record form, 2840.

3.2 Brief biographies of significant people and organisations associated with the building

Abraham and Williams, owners

Abraham & Williams was established in 1892 by Richard Slingsby Abraham and Alick Williams, from part of what had previously been the firm Messrs. Stevens & Gorton. That business was in turn founded by John Stevens & Lieutenant-Colonel Gorton, at Bulls, in 1878. By 1897, Abraham & Williams consisted of a Head Office and yards in Rangitikei Street, Palmerston North, and branches in Pahiatua and Levin.

W.T. Higgins, architect

An English architect residing in New Zealand between 1913 – 1925 with early examples of the Georgian Revival style showing some Arts and Crafts influence.

Haddock and Hasell

Contractors for the building, also the Cobbler Building, the Davenport Building, and the Marton State School. The built and owned the Club Hotel. They advertised as specialising in brick and concrete work.

4 Assessing the place

4.1 Criteria for assessment

The definition of historic heritage used in this assessment are those contained in the Resource Management Act (RMA) amended in 2003 under section 2.

> Historic heritage:
>
> (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
>
> (i) archaeological: (ii) architectural: (iii) cultural: (iv) historic: (v) scientific: (vi) technological; and
>
> (b) includes -
>
> (i) historic sites, structures, places, and areas; and (ii) archaeological sites; and (iii) sites of significance to Maori, including wahi tapu; and (iv) surroundings associated with the natural and physical resources.

The RMA does not give further explanation to clarify the meanings of these six main qualities. However, the Historic Places Trust (NZHPT) gives appropriate guidance to the interpretation of these qualities, in addition to other heritage values, in their *Sustainable Management of Historic Heritage Guidance Information Sheet 2,* 2007.

This assessment of heritage values uses the NZHPT information sheet to assess the RMA historic heritage qualities with additional values recommended in the sheet as well as other relevant international criteria.

4.2 Physical values

- Archaeological information

  Not assessed.

- Architecture

  The building has the typical characteristics of the Edwardian Free Classical style with symmetry, truncated parapets and pediments, unconventional classical orders and entablature combined with conventional classical elements.

- Technology and engineering

  Externally the building has been constructed of typical materials of the period. The form of construction and interior linings of the building is not known.

- Scientific

  None found.

- Rarity

  The style, scale and visible construction materials are conventional for the

period and building type throughout New Zealand.

- Representativeness

  The building is representative of the Edwardian Free Classical style and its design is common for the period.

- Integrity [authenticity]

  The above verandah section of the street elevation appears to have retained authenticity from the time of its construction.

- Vulnerability

  The building has a number of cracks on its façade and, as an unreinforced masonry building, it is vulnerable to earthquakes

- Context or group

  The building is located in the central commercial area of Marton, which is largely comprised of buildings of similar age, height form and materials creating exceptional homogeneity of the urban fabric and form. It is this homogeneity, which has created a significant cultural landscape of significant heritage value to Marton.

4.3 Historic values

- People

  The building is associated with its original owners, Abraham and Williams, and its architect W T Higgins.

- Events

  Research on the building has not provided an association with any particular events.

- Patterns

  The construction of the building reflects the growth and development of the town in the early 20th century, while it demonstrates one of a number of typical styles prevailing at the time.

4.4 Cultural values

- Identity

  The building is one of a number of buildings in Marton of a similar scale, form, style and use of materials, which collectively forms an homogeneous built form to the town.

- Public esteem

  Not known.

- Commemorative

  Not known.

- Education

The building contributes to knowledge of the works of architect W T Higgins, the style and design of New Zealand commercial buildings of the early 20th century and the commercial history of Marton.

- Tangata whenua

  Not known.

- Statutory recognition

  The building is listed with HNZ and with the Rangitikei District Council District Plan.

4.5 Summary statement of heritage significance

The building is **locally** significant as an example of the work of local architect W T Higgins who has demonstrated a proficiency in the Edwardian Free Classical style. The building is a primary contributor to the group of buildings of a similar period, scale, height, style and use of materials that forms the architectural character and built heritage of Marton.

References

Adam, R., *Classical Architecture*, Viking, 1992

Apperly, R et al, *A Pictorial Guide to Identifying Australian Architecture*, Angus and Robertson, 1989, page 198

Cumming, E, Kaplan, W, *The Arts and Crafts Movement*, Thames and Hudson, 1991

Curl, J S, *Encyclopaedia of Architectural Terms*, Shaftesbury, Donhead Publishing Ltd, 1997

Handlin, D P, *American Architecture*, Thames and Hudson, 1989

Heritage New Zealand, *Sustainable Management of Historic Heritage Guidance Information Sheet 2*, 2007.

Heritage New Zealand field record form

http://nzetc.victoria.ac.nz/tm/scholarly/tei-corpus-cyclopedia.html

http://paperspast.natlib.govt.nz/cgi-bin/paperspast

http://www.heritage.org.nz/the-list

Appendix 1

HNZ Field record form

Heritage Assessment
Cobbler Building, Marton
September 2014

IAN BOWMAN
Architect and conservator

Contents

1 Introduction

1.1 Brief

This report was commissioned jointly by Heritage New Zealand (HNZ) and the Rangitikei District Council (RDC) in an agreement to establish heritage values of statutorily recognised buildings within Marton's Town Centre and to evaluate their relative heritage significance.

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1.3 Scope and limitations

This report is based on a visual inspection of the exterior only. It is not a Conservation Plan, a structural or fire safety survey and does not address specific issues of Building Act compliance. The commission did not include measured drawings or an archaeological assessment.

1.4 Copyright

1.5 Inspection

This external only inspection of the building was made on 28 August 2014.

2 Describing the place

2.1 Location

The building is located at 314-318 Broadway, Marton.

2.2 Heritage status

The building was included on Heritage New Zealand's New Zealand Heritage List/Rarangi Korero, category 2, list number 1243, on 2 July 1982. The building is listed in Schedule C3 Historic Heritage as follows

No	Item	Map No.
H21	Cobbler Building cnr 314-318 Broadway and 4-10 High Street, Marton	82

2.3 Legal description

The legal description of the land on which the building ii sits on is Pts Lot 1 A3126 and Lot 2 DP 6521 all on WN550/60.

2.4 Physical description

The building is 'U' shaped in plan with central courtyard accessed from the centre of the south wing. It is two storeyed with shops on the ground floor and living accommodation on the first floor. Linings to partitions on the west wing have been removed exposing the space used as a billiard room.

The building is constructed of structural brickwork in English Bond. While much of the exterior has the brickwork exposed, the exterior is decorated with roughcast cement render, tiled roundels and tiled shopfronts. Windows and door joinery is of painted timber with stained glass in the western half of the building. A continuous timber framed veranda wraps around the building with raised section in the centre of the southern elevation where access to the courtyard is located. There are pressed metal ceilings over the shop entrances.

The interior linings of the ground floor shops have been extensively modified, but it appears that the wall and ceiling linings were painted timber match lining. Shop 4 still has these linings, while other shops have plasterboard linings. Exposed brick and timber partitions are retained in the bakery on the west wing. The corner shop has a pressed metal ceiling.

First floor rooms generally have timber floors, timber match lined dados with plaster above and timber battened plastered ceilings. Fireplaces are decorative brickwork and timber mantles, while window sills are bracketed. Windows have upper panes of Art Nouveau styled leaded and colour glass.

The stair to the first floor is stained timber match lining to dado height on the first floor with decorative newels, handrails and brackets. Above the dado is battened timber on plaster, with the ceiling also battened with plaster. Above the east and west landings on the first floor are laylights.

While damaged, most of the linings have been retained.

The building is designed in the Edwardian Free Style. The Edwardian Free Style was based on the principles of the Arts and Crafts Movement and was popular between the 1890s and 1915. It was mainly a style for commercial buildings. English architects such as Charles Holden, Smith and Brewer, C Harrison Townsend, Leonard Stokes, H Fuller Clark and young architects then working for the Greater London Council. Typical of their design was an interest in the use of traditional materials constructed in an honest manner without reference to any particular style.

Australian examples came largely from the office of the New South Wales Government with many courthouses, post offices and fire stations in particular designed in this style. The style in New Zealand was not as widespread. Unlike New South Wales, government buildings were designed mainly in the Edwardian Baroque style by government architect of the time, John Campbell.

Generally the style combines eclectic elements from other styles including Classical, Art Nouveau, Romanesque and Queen Anne. Characteristics of the style include: low towers or vertically, projecting elements, curved corners with vertical accent, prominent skyline features such as parapets and chimneys, curvilinear parapet features, squat columns or pilasters, strongly contrasting materials, textures and/or colours, piers projecting above parapets, arches, Diocletian window motif, (triple round headed windows) Art Nouveau elements such as stained glass windows with stylised flowers and Classical motifs in unexpected context.

314-318 Broadway has all of these characteristics and is therefore a paragon of the style.

2.5 Setting

The building is located in Marton, a rural service town located on flat land to the north of Bulls and to the south east of Wanganui. The railway runs to the south of the town.

The two main streets of Marton are Broadway, which runs north-south through the town, and High Street, which runs east-west at the southern end of Broadway. These two streets contain most of the commercial buildings, which are generally two storied and constructed of exposed or plastered brick with ground floor shopfronts and first floor offices or accommodation.

Most of the buildings were built in the Edwardian to inter-war period. Well designed corner buildings are prominent in the town including the Post Office, J J MacDonald Building, the former Westpac building, the Cobbler Building, the Elim Church building and the Club Hotel. Styles of the buildings include Edwardian Baroque, neo-Georgian, Arts and Crafts, Stripped Classical, Italianate, Beaux Arts, Edwardian Free style, Moderne and Queen Anne (also known as Anglo Dutch). Many of the buildings have similar heights and, consistent with the classically inspired styles of the town, and with prominent and decorative parapets.

2.6 Significant elements and fabric

Elements comprising the street elevations are the most significant including:

- brickwork
- rough cast cement render
- tiled roundels
- tiled shopfronts
- timber window and door joinery
- stained glass
- timber framed verandah with metal supports
- pressed metal ceilings over shop entries
- concrete and brick chimneys

Although not visible from the street the rear elevations, toilet block and roof are also of significance.

3 Understanding the place

3.1 Historical summary

The following is a chronology of construction, modifications and events relating to the building.

Date	Event	Reference
1858	Issue of first CT for the building to James Seafuale	Burr, V., *History of the Cobbler Building*, June 2004
1868	Taylor and Watt establish a shop on the site	Burr, V., *History of the Cobbler Building*, June 2004
1895	Samuel Johnson Davenport and German Morten Davenport become owners	Burr, V., *History of the Cobbler Building*, June 2004
1905	Davenports build shop next to their original wooden shop (still existing)	Burr, V., *History of the Cobbler Building*, June 2004
1913, mid	Portion of the building fronting Broadway constructed (stage 1)	Burr, V., *History of the Cobbler Building*, June 2004
1913, late -14	Portion of the building fronting High Street constructed (stage 2) largely to house the Cosmopolitan Club on the first floor	Burr, V., *History of the Cobbler Building*, June 2004
1924	Departure of the Cosmopolitan Club	Burr, V., *History of the Cobbler Building*, June 2004
1949	Ownership transferred to Marjorie Maude	Burr, V., *History of the Cobbler Building*, June 2004
1972	Part of first floor of stage 1 converted into flats	Burr, V., *History of the Cobbler Building*, June 2004
1974	Ownership transferred to Jean Day	Burr, V., *History of the Cobbler Building*, June 2004
1980	Ownership transferred to Goodman, Twiss, Taylor partnership	Burr, V., *History of the Cobbler Building*, June 2004
1982, 27 July	Building listed with HNZ	Burr, V., *History of the Cobbler Building*, June 2004

3.2 Brief biographies of significant people and organisations associated with the building

Samuel and German Davenport

The Davenport Brothers established a drapery, grocery, boots and she business in 1869. In 1905 they replaced a timber building to the north of the present building from which they conducted their business. They retired in 1914, although they retained ownership of the buildings at 314-318 Broadway. Samuel Davenport died in 1931 and German was murdered in 1934. The family retained ownership of the buildings until 1948.

Hood, Robin

Robin Hood was born in Dunedin in 1880 to Ellen and William Hood; William being an upholsterer, wood carver and sculptor. Robin moved to Feilding in 1908 where he spent time labouring while studying to be an architect. By the time of his marriage to Ethel Moore in 1912 he had established a practice in Feilding as an architect. By 1920 the Hoods moved to Palmerston North where he continued to practice architecture, with his offices at the Manawatu Racing Club Building at 84-94 Rangitikei Street.

Robin Hood designed a significant number of buildings in the Manawatu, Rangitikei, Palmerston North districts. Building designed by him and still extant include:

- Coronation Building, Progress Building, Broadway Chambers on Broadway, Palmerston North;
- The Strand Building, the Square Palmerston North;
- The Shop and Post Office, Snell's Butchers at Terrace End, Palmerston North;
- St Columba's Church at Ashhurst;
- Catholic Church, Dannevirke;
- 86, 90, 103 Fergusson Street, Feilding;
- 78 Pines Court, Feilding
- 566 Church Street, Palmerston North;
- 73 North Street, Palmerston North;
- and many other houses in Palmerston North, Feilding, Marton and elsewhere

Russell & Bignell

Messrs Russell & Bignell were the Wanganui firm that built the second stage of the 1913 building for Davenport Bros. As Messrs Haddock & Hassell were advertising for new work two months before the tender for the second stage of the building was called, it is possible they were working elsewhere by that time – perhaps even on the White Hart Hotel across the road in Broadway, as its builder around the same time is at present unknown. Only limited research was done on these people.

Haddock and Hasell

Contractors for the building, also the Davenport Building, and the Marton State School. They built and owned the Club Hotel and advertised as specialising in brick and concrete work.

4 Assessing the place

4.1 Criteria for assessment

The definition of historic heritage used in this assessment are those contained in the Resource Management Act (RMA) amended in 2003 under section 2.

> Historic heritage:
>
> (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
>
> (i) archaeological: (ii) architectural: (iii) cultural: (iv) historic: (v) scientific: (vi) technological; and
>
> (b) includes -
>
> (i) historic sites, structures, places, and areas; and (ii) archaeological sites; and (iii) sites of significance to Maori, including wahi tapu; and (iv) surroundings associated with the natural and physical resources.

The RMA does not give further explanation to clarify the meanings of these six main qualities. However, the Historic Places Trust (NZHPT) gives appropriate guidance to the interpretation of these qualities, in addition to other heritage values, in their *Sustainable Management of Historic Heritage Guidance Information Sheet 2,* 2007.

This assessment of heritage values uses the NZHPT information sheet to assess the RMA historic heritage qualities with additional values recommended in the sheet as well as other relevant international criteria.

4.2 Physical values

- Archaeological information

  Not assessed.

- Architecture

  The exterior of the building is an archetypal example of the Edwardian Free style exhibiting almost all of the defining characteristics of the style and which have been successfully applied to the design of a key corner building of the town. The corner is the first major intersection reached when driving from the south into the town. The interior first floor is designed in an exemplar of the Art and Crafts style. The central commercial area of Marton is largely comprised of buildings of similar age, height form and materials creating exceptional homogeneity of the urban fabric and form. It is this homogeneity, which has created a significant cultural landscape of significant heritage value to Marton.

- Technology and engineering

  The building uses traditional materials, which were common in the period and the town. The use of exposed and rendered brickwork in Marton is a key element in its urban design. In the case of 314-318

Broadway, the English Bond brickwork is a traditional and strong form of construction.

- Scientific

  None found.

- Rarity

  314-318 Broadway is unique in the use of the Edwardian Free style in Marton as almost all other similar aged buildings in Marton are design in a Classical style. The style is rare regionally. The building is a landmark in the urban design of Marton as a well designed corner building on a major intersection, and which is consistent in general age, form and use of exposed brickwork and cement render. The design is arguably one of the most substantial, assured and imaginative designs Robin Hood completed in his architectural career.

- Representativeness

  The building is an excellent representative example of the Edwardian Free Style.

- Integrity [authenticity]

  The building is largely authentic in exterior design, craftsmanship, materials and setting. Modifications to the exterior include the shopfront to number eight and replacement doors to two and four. The interior ground floor has retained the original plan form but new linings have been applied to walls and ceilings. The first floor is largely authentic but for the removed architraves, skirtings and other mouldings.

- Vulnerability

  As an unreinforced masonry building, it is likely to be earthquake prone.

- Context or group

  The building is located in the central commercial area of Marton, which is largely comprised of buildings of similar age, height form and materials creating exceptional homogeneity of the urban fabric and form. It is this homogeneity, which has created a significant cultural landscape of significant heritage value to Marton.

4.3 Historic values

- People

  The building is associated with the Davenport Brothers and its architect, Robin Hood. Robin Hood was a significant architect of the Edwardian and inter-war years, practising in the Manawatu, Palmerston North and Rangitikei areas several of whose buildings are listed on the District Plans of these areas as heritage buildings and which contribute as valuable historical and economic assets to building owners. Although occupied by the Marton Cosmopolitan Club for only ten years, the first floor was purpose designed for it.

- Events

  Research on the building has not provided an association with any special events.

- Patterns

  The construction of the building reflects the growth and development of the town in the early 20th century, while it demonstrates the use of a unique style in the town.

4.4 Cultural values

- Identity

  The building is a visible landmark in the town as it is on the major corner between the primary street, Broadway, and the next most important street, High Street.

- Public esteem

  Not known.

- Commemorative

  Not known.

- Education

  The building has a didactic value for architectural historians as an archetypal example of the Edwardian Free style. The building is also of interest to historians as one of many similar buildings constructed at a similar time reflecting the expansion and growth of the town in the early twentieth century. The use of brickwork is also instructive in the consistent design preferences of local building owners of the period as well as using a locally available product.

- Tangata whenua

  Not known.

- Statutory recognition

  The building is listed with HNZ and with the Rangitikei District Council District Plan.

4.5 Summary statement of heritage significance

314-318 Broadway is **regionally** significant as a quintessential example of the Edwardian Free style. The building is a substantial and highly creative work of architect Robin Hood, whose practice encompassed the Manawatu, Rangitikei and Palmerston North. In its corner location, scale, form, style and materials, the building is a landmark in the highly consistent and homogenous urban form of Marton.

References

Adam, R., *Classical Architecture*, Viking, 1992

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Cumming, E, Kaplan, W, *The Arts and Crafts Movement*, Thames and Hudson, 1991

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Burr, V., *History of the Cobbler Building*, June 2004

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Heritage New Zealand field record form

http://nzetc.victoria.ac.nz/tm/scholarly/tei-corpus-cyclopedia.html

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http://www.heritage.org.nz/the-list

Appendix 1

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Heritage Assessment

Davenport Brothers Building, Marton

September 2014

IAN BOWMAN
Architect and conservator

Contents

1 Introduction

1.1 Brief

This report was commissioned jointly by Heritage New Zealand (HNZ) and the Rangitikei District Council (RDC) in an agreement to establish heritage values of statutorily recognised buildings within Marton's Town Centre and to evaluate their relative heritage significance.

1.2 Methodology

The assessment of heritage values is based on research supplied by HNZ and the RDC into the physical and social history of the building and an outline description of the building. The assessment uses the definition of historic heritage contained in the Resource Management Act (RMA) amended in 2003.

1.3 Scope and limitations

This report is based on a visual inspection of the exterior only. It is not a Conservation Plan, a structural or fire safety survey and does not address specific issues of Building Act compliance. The commission did not include measured drawings or an archaeological assessment.

1.4 Copyright

1.5 Inspection

This external only inspection of the building was made on 28 August 2014.

2 Describing the place

2.1 Location

The building is located at 312 Broadway, Marton.

2.2 Heritage status

The building was included on Heritage New Zealand's New Zealand Heritage List/Rarangi Korero, category 2, list number 1244, on 2 July 1982. The building is listed in Schedule C3 Historic Heritage as follows

No	Item	Map No.
H22	Davenport Brothers' Building, 310-312 Broadway, Marton	82

2.3 Legal description

The legal description of the land on which the building ii sits on is Lot 2 Blk I Deeds Plan 11A

2.4 Physical description

The two storeyed rendered brick building is designed in the Edwardian Commercial Italianate style with shops on the ground floor and accommodation on the first floor. The street elevation is symmetrical and it has glazed shopfronts on the ground floor, a central triple window flanked by single windows either side on the first floor and a balustraded parapet with central pediment. The extremities of the building are denoted by panelled pilasters with large brackets supporting the cornice extending over the whole of the elevation.

The general Italianate style was influenced by the picturesque movement and was popular from the early 1850's in New Zealand for commercial and domestic buildings. The Italianate style was first made popular particularly for large English residential buildings from the early 1800's with Cronkhill, the first building in the style, designed by architect, John Nash.

This Italianate commercial style was a part of the classical revival of the nineteenth century, which was championed by Sir Charles Barry from the 1840's in his design of clubs and smaller office buildings. His preferred style was the sixteenth century Italian Palazzo and he was also influential in using this style for large country houses for the wealthy. Commercial buildings, particularly banks, preferred the use of classical architecture, and the design of C R Cockerell's Sun Fire and Life Assurance building of 1839-42 in Threadneedle Street confirmed the Italianate Palazzo style. The design of larger structures using classical language was easily solved using the Palazzo style and quickly saw warehouses and multi-storey offices and other buildings adopt the Italianate Palazzo style. Architects such as Edward Walters, J E Gregan, Edward I'Anson, and John Gibson, popularised the style in England while Scottish architects also took up the style with gusto. The High Victorian period saw additional classical styles such as the French renaissance become a significant style, however the popularity of the Italianate Palazzo style for commercial buildings was maintained until the Edwardian period, when the style evolved into the Inter-war Commercial

Palazzo style. This was developed by American architects McKim, Mead and White initially for Chicago high-rise commercial buildings, and this style became popular throughout the 'New World'.

The main exterior characteristics of the Italianate commercial style include a Classical (often bracketed) cornice, plain or panelled pilasters, square headed, round or shallow arched windows, expressed voussoirs or keystone and architraves with ears at the head and sill.

2.5 Setting

The building is located in Marton, a rural service town located on flat land to the north of Bulls and to the south east of Wanganui. The railway runs to the south of the town.

The two main streets of Marton are Broadway, which runs north-south through the town, and High Street, which runs east-west at the southern end of Broadway. These two streets contain most of the commercial buildings, which are generally two storied and constructed of exposed or plastered brick with ground floor shopfronts and first floor offices or accommodation.

Most of the buildings were built in the Edwardian to inter-war period. Well designed corner buildings are prominent in the town including the Post Office, J J MacDonald Building, the former Westpac building, the Cobbler Building, the Elim Church building and the Club Hotel. Styles of the buildings include Edwardian Baroque, neo-Georgian, Arts and Crafts, Stripped Classical, Italianate, Beaux Arts, Edwardian Free style, Moderne and Queen Anne (also known as Anglo Dutch). Many of the buildings have similar heights and, consistent with the classically inspired styles of the town, and with prominent and decorative parapets.

2.6 Significant elements and fabric

Elements comprising the street and side elevations are the most significant including:

- rendered brickwork to elevations with balustrading, pediment, window architraves, cornice, end brackets, pilasters, sill course
- timber double hung sash window

Although not visible the rear elevation and roof are also of significance.

3 Understanding the place

3.1 Historical summary

The following is a chronology of construction, modifications and events relating to the building.

Date	Event	Reference
1905	Building constructed	HNZ field record form, 1244
1982	Registered by HNZ on 2 July 1982	HNZ field record form, 2840.

3.2 Brief biographies of significant people and organisations associated with the building

Samuel and German Davenport

The Davenport Brothers established a drapery, grocery, boots and she business in 1869. In 1905 they replaced a timber building to the north of the Cobbler building from which they conducted their business. They retired in 1914, although they retained ownership of the buildings at 314-318 Broadway. Samuel Davenport died in 1931 and German was murdered in 1934. The family retained ownership of the buildings until 1948.

Haddock and Hasell

Contractors for the building, also the Davenport Building, and the Marton State School. They built and owned the Club Hotel and advertised as specialising in brick and concrete work.

4 Assessing the building

4.1 Criteria for assessment

The definitions of historic heritage used in this assessment are those contained in the Resource Management Act (RMA) amended in 2003 under section 2.

> Historic heritage:
>
> (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
>
> (i) archaeological: (ii) architectural: (iii) cultural: (iv) historic: (v) scientific: (vi) technological; and
>
> (b) includes -
>
> (i) historic sites, structures, places, and areas; and (ii) archaeological sites; and (iii) sites of significance to Maori, including wahi tapu; and (iv) surroundings associated with the natural and physical resources.

The RMA does not give further explanation to clarify the meanings of these six main qualities. However, the Historic Places Trust (NZHPT) gives appropriate guidance to the interpretation of these qualities, in addition to other heritage values, in their *Sustainable Management of Historic Heritage Guidance Information Sheet 2*, 2007.

This assessment of heritage values uses the NZHPT information sheet to assess the RMA historic heritage qualities with additional values recommended in the sheet as well as other relevant international criteria.

4.2 Physical values

- Archaeological information

  Not assessed.

- Architecture

  The has the typical characteristics of the Edwardian Commercial Italianate style of a Classical cornice, panelled pilasters, square headed windows and architraves with ears at the head and sill.

- Technology and engineering

  Externally the building has been constructed of common materials of the period. The form of construction and interior linings of the building is not known.

- Scientific

  None found.

- Rarity

  The style, scale and visible construction materials are conventional for the period and building type throughout New Zealand.

- Representativeness

  The building is representative of the Edwardian Commercial Italianate style and its design is typical for the period.

- Integrity [authenticity]

  The above verandah section of the street elevation appears to have retained authenticity from the time of its construction

- Vulnerability

  As an unreinforced masonry building, it is vulnerable to earthquakes.

- Context or group

  The building is located in the central commercial area of Marton, which is largely comprised of buildings of similar age, height form and materials creating exceptional homogeneity of the urban fabric and form. It is this homogeneity, which has created a significant cultural landscape of significant heritage value to Marton.

4.3 Historic values

- People

  The building is associated with the original owners, the Davenport Brothers, and building contractors Haddock and Hassell.

- Events

  Research on the building has not provided an association with any special events.

- Patterns

  The construction of the building reflects the growth and development of the town in the early 20th century, while it demonstrates one of a number of typical styles prevailing at the time.

4.4 Cultural values

- Identity

  The building is one of a number of buildings in Marton of a similar scale, form, style and use of materials, which collectively forms an homogeneous built form to the town.

- Public esteem

  Not known.

- Commemorative

  Not known.

- Education

  The building contributes to knowledge of the style and design of New Zealand commercial buildings of the early 20th century and the

commercial history of Marton.

- Tangata whenua

  Not known.

- Statutory recognition

  The building is listed with HNZ and with the Rangitikei District Council District Plan.

4.5 Summary statement of heritage significance

The building is **locally** significant as a primary contributor to the group of buildings of a similar period, scale, height, style and use of materials that forms the architectural character and built heritage of Marton.

References

Adam, R., *Classical Architecture*, Viking, 1992

Apperly, R et al, *A Pictorial Guide to Identifying Australian Architecture*, Angus and Robertson, 1989, page 198

Cumming, E, Kaplan, W, *The Arts and Crafts Movement*, Thames and Hudson, 1991

Curl, J S, *Encyclopaedia of Architectural Terms*, Shaftesbury, Donhead Publishing Ltd, 1997

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Appendix 1

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Appendix 3 - WSP Detailed Seismic Assessment 2019

wsp | OPUS

Detailed Seismic Assessment

Marton Civic Centre

Corner of Broadway and High Street, Marton

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Executive Summary

Background

WSP Opus has been engaged by the Rangitikei District Council to conduct a Detailed Seismic Assessment (DSA) on four buildings located at 304-318 Broadway Street, Marton. The buildings form part of the Marton Civic Centre project. Under this project, WSP Opus has been commissioned by the district council to provide concept design proposals for the new Marton Civic Centre in order to give new life to these historic structures and preserve their character and contribution to the streetscape of Marton.

Objective

The purpose of this assessment is to determine the overall condition, seismic performance and seismic ratings in terms of a %NBS of the buildings in accordance with the latest MBIE earthquake engineering guidelines, July 2017.

This report also presents the ratings of several structural components (façade, canopy, chimneys) and aligns the findings to the component's heritage value as identified by the heritage architect. This provides a connection between the heritage value and the degree of strengthening works involved for each component and assists in making informed decisions regarding retention, replacement or strengthening of different elements based on their importance to the heritage fabric. The information is also used to prepare the scope and pricing of works involved and to incorporate the structural strengthening into the architectural concept design for the new Civic Centre.

Site Description

The site consists of four unreinforced brick masonry buildings forming the corner of Broadway and High Street in Marton as shown in Figure A below. The structures are two storey buildings that were constructed between 1900 and 1920. The buildings are heritage listed as Category 2 and are considered important to the streetscape of the Marton Township.

Figure A. Marton Civic Centre - Layout and photo of buildings looking northward

DSA Results

Based on the outcome of our DSA, the buildings have a seismic rating of 15 %NBS (IL2). The buildings are considered high risk structures and pose a relative risk to life safety that is 25 times higher as compared to a new building in accordance with the Guidelines.

The governing factors for the NBS rating are;

- **Out-of-plane capacity URM elements.** The unsupported URM cantilever elements such as the wall piers, chimneys, and parapets are at risk of collapse under low seismic loads, which would result in falling debris on footpaths and access ways, creating a life safety risk.
- **In-plane capacity of URM façade piers.** The geometry and condition assessment of the masonry piers leads to these elements being vulnerable to rocking and toe-crushing failure. This would result in a loss of lateral load resisting capacity of the system and potential collapse.

Recommendations

A building with an earthquake rating less than 34 %NBS fulfils one of the requirements for the Territorial Authority to consider it to be an Earthquake-Prone Building (EPB) in terms of the Building Act 2004.

Given the low rating, we recommend carrying out seismic strengthening to the buildings. In this regard, WSP Opus architects are currently in discussion with the building owners (Rangitikei District Council) regarding future use of the building and are conducting concept design studies for the development of a new Civic Centre for Marton. The design of strengthening works from WSP Opus will take in to account the proposed future use of the building and the outcome of this DSA. The primary components of the structural strengthening are summarised below.

Elements	*Strengthening*
• Front façade elements	Construction of a concrete skin wall tied to existing masonry.
• Parapets, chimneys and fireplaces	Replace the ornaments with light-weight replicas or tie the components to the floor and walls through steel framing.
• Floor and roof diaphragm	Install steel diaphragm trusses within the existing floor space to connect the walls together. Re-nail the floorboards to rafters/joists. Provide ply bracing to the roof trusses.
• Side and rear walls	Provide steel portal frames to take the seismic loads and tie to the masonry walls. Provide timber strong-backs and ply lining on the inner face to improve the out of plane strength of the masonry.
• Ground-level subfloor	Raise the existing timber sub-floor or provide a concrete foundation and reinstate the existing timber floor.

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Appendices

1 Scope and Objectives

WSP Opus has been engaged by the Rangitikei District Council to conduct a Detailed Seismic Assessment (DSA) on four buildings. These buildings are situated at the corner of Broadway Street and High Street and form part of the Marton Civic Centre project. Under this project, WSP Opus has been commissioned by the district council to provide concept design proposals for the new Marton Civic Centre in order to give new life to these historic structures and preserve their character and contribution to the streetscape.

Detailed seismic assessment of these buildings forms part of the overall project in order to assess the seismic risk and NBS ratings of these historic unreinforced masonry (URM) buildings and identify the critical structural weaknesses and issues. The results presented in this DSA report will be used to;

- Provide seismic performance of the structures in their current state,
- Recommendations on the seismic risk, rating and regulatory requirements and
- Design the concept strengthening scheme for the buildings during the concept design phase

This report also presents the ratings of several structural components (façade, canopy, chimneys etc.) in comparison to their heritage value as identified by the heritage architect. This creates a connection between the heritage value and the degree of strengthening works involved. This assists in making informed decisions about whether to retain and strengthen or demolish and replace the elements which are intrusive to the heritage value or pose significant structural concerns. The information is also useful in preparing the scope and pricing of works involved and to incorporate the structural strengthening design into the architectural concept design for the new Civic Centre.

We have conducted the DSA in accordance with 'The Seismic Assessment of Existing Buildings: Technical Guidelines for Engineering Assessments, July 2017, Version 1', which are referred to here as 'The Guidelines'. The Guidelines have been produced by New Zealand engineering technical societies in conjunction with the Ministry of Business, Innovation and Employment (MBIE) and the Earthquake Commission and came into force on 1 July 2017.

1.1 Sources of Building Data

1.1.1 Structural

- Cobbler A Original Drawing, Permit Plan, no date
- Abraham and Williams Original Drawing, New Building – Marton, Drawing No. 1, no date
- Existing ISA report on Abraham and Williams building and Cobbler buildings from Charles Consultants, 2015.

1.1.2 Site Investigations

- Site Survey, WSP Opus, February 2019
- Drone survey/3D mapping of the exterior of the precinct, WSP Opus, March 2019
- Geotechnical Desktop Study, WSP Opus, March 2019

2 Building Description

2.1 General Layout

The Marton Civic Centre comprises of four unreinforced brick masonry buildings forming the corner of Broadway and High Street in Marton. The buildings are two storey structures constructed between 1900 and 1920. The buildings are listed as heritage Category 2 and are named as follows;

- Cobbler B (List number: 1243)
- Cobbler A (List number: 1243)
- Davenport Brothers (List number: 1244)
- Abraham and Williams (List number: 1240)

Figure 1. Marton Civic Centre - Layout and photo of buildings looking northward

2.2 Structural System

The lateral load (seismic and wind) resistance and the gravity load resistance in unreinforced brick masonry buildings is provided by the masonry walls, which generally form the perimeter of the structure. Additional support for large spanning timber floors is provided by gravity columns, which are either timber or cast iron.

The URM walls around the perimeter of the buildings vary in thickness from 4 courses (450 mm) to 2 courses (230 mm) thick with no cavity. Concrete bond beams are present at floor and roof levels of the walls, which provide an improved connection between the spandrel and pier elements of the walls. Concrete lintel beams span across window openings

The roof diaphragms of the buildings comprise of light-weight timber trusses spanning between URM walls with timber sarking. The floor diaphragms consist of timber joists with timber floorboards.

The foundations of the buildings consist of brick strip footings located under the walls of the structures. Brick footings are also in place to provide gravity support the timber floor joists.

2.2.1 Cobbler B

The Cobbler B building was built in 1913 on the corner of Broadway and High street. The two storey structure consists of 3 course URM walls with large openings at ground level of the street-facing façade.

Figure 2. Cobbler B façade and plan views

2.2.2 Cobbler A

The Cobbler A building was built in 1914 as an addition to the Cobbler B building. The buildings are connected through at only the upper level. Construction consists of columns at ground level of the façade and URM walls without bond beams around the perimeter. The rear section of the building contains a cantilevered steel beam supporting the brickwork.

Figure 3. Cobbler A façade and plan views

2.2.3 *Davenport Brothers*

The Davenport Brothers building is the oldest structure of the four in the precinct. It was constructed in approximately 1905 with a floor area of 200 m2 and consists of URM perimeter wall with cast iron gravity columns providing support to the upper level.

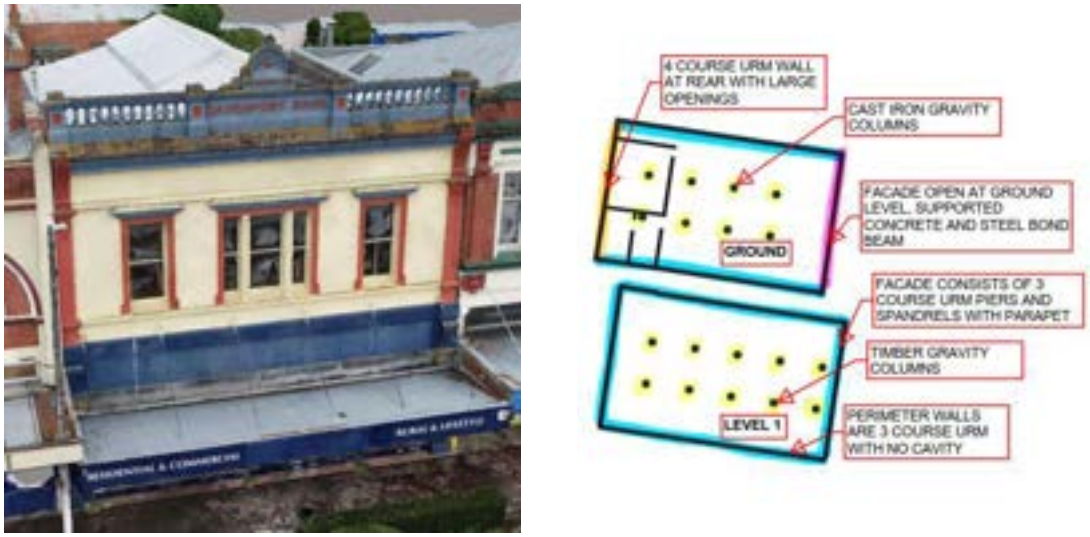


Figure 4. Davenport façade and plan views

2.2.4 *Abraham and Williams*

The Abraham and Williams Building was constructed in approximately 1915 with a floor area of 295 m2. The original building contained URM perimeter walls with internal URM and timber-framed walls. The lower level has been altered to be open plan and now contains columns providing the gravity support.

Figure 5. Abraham and Williams' façade and plan views

3 Condition Assessment

A site inspection was carried in February 2019 by WSP Opus to determine the structural condition and layout of the building. The following is a summary of the key findings of the inspection[1].

3.1 Material Deterioration and Cracking

The façade of Abraham and Williams has large diagonal cracks at the top corners of the window spandrels. These cracks travel up into the parapet section of the façade. The cracking pattern significantly limits the shear capacity of the walls and may lead to the URM walls becoming more susceptible to out-of-plane failure.

Sections of the URM walls at the rear of the buildings contain washed out areas of mortar in the joints. There are signs of cracking in the concrete bond beams, bricks and mortar joints in all of the buildings. This can negatively affect the in-plane performance of the walls. Several areas of rear walls have water damage due to broken drain pipes. There is corrosion observed in the bond beams reinforced with steel rail sections causing large splitting cracks.

Figure 6. Cracks in Abraham and Williams façade and washed out mortar joints

3.2 Parapets and Ornaments

Heavy URM parts have been observed behaving poorly in past earthquakes. Parts such as parapets, ornaments and chimneys are vulnerable to collapse under small movements and pose a hazard to neighbouring properties and footpaths. The buildings in the Marton Civic Centre contain these URM parts as is seen below on the Cobbler and Davenport buildings

Figure 7. Protruding URM chimneys that extend pass the roofline and heavy ornaments/parapets at the top of Davenport's façade

[1] Site Inspection Summary Report – Marton Civic Centre and Heritage Precinct, February 2019

3.3 Layout of Buildings

The connection between the two Cobbler buildings is provided at the upper level by means of a link structure with open corridor access underneath, as shown below, creating an area of potential weakness due to the absence of structural walls, which is vulnerable to damage from the independent movement of the two buildings to which it rigidly connects.

The front façade of all buildings have large openings on the ground floor supporting the heavy weight of the upper storey façade, which is transferred to the ground floor URM walls and columns using spandrels and bond beams. This creates stiffness irregularity in the building due to a discontinuous lateral load resisting system.

The rear section of Cobbler A contains a 400 mm deep cantilevered steel beam that provides support to a two course URM wall. The concrete bond beam that supports the brick is displaying signs of deterioration with cracks spread the length of the member.

Figure 8. Link between Cobblers and cantilevered Cobbler A wall

The Abraham and Williams building appears to share a common sidewall with Davenport and only has a single brick wall to support the diaphragms, instead of a dedicated lateral load resisting URM wall. This is based on the historic drawings and observations from the 3D Drone survey.

3.4 Alterations

The ground floor of Abraham and Williams originally contained internal walls, which provided gravity support to the upper-level timber floor. The structure has undergone significant modifications to the layout of the URM walls at the ground floor, which now contains boxed out columns and is open plan. Remaining sections of the walls/beams above the ground floor were observed within the ceiling cavity, which span between these new columns. Large sections of internal timber partition walls have been stripped off their linings or removed completely.

Figure 9. Removed walls in Abraham and Williams and significant modification in Cobbler A

4 Assessment Methodology

4.1 General philosophy

To assess the seismic performance of the URM buildings in Marton Civic Centre, we have adapted the general philosophy in accordance with chapter 8 of the Guidelines. The masonry elements are assessed for the In-plane, Out-of-plane and local failure mechanisms. The floor diaphragms are assessed for compatibility deformation and any attachments or parts are assessed in accordance with the relevant material chapters of the guidelines. The seismic demands on the walls and façade elements were determined using the 3D numerical model created in SAP2000 as well as supplementary hand calculations.

4.2 In-Plane

The URM walls were treated as one-way walls spanning between floor levels. The in-plane strength capacity of the wall elements was taking as the minimum of the following mechanism shown in the figure below.

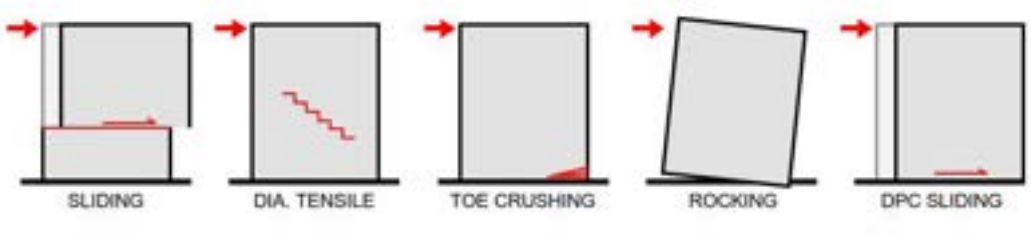


Figure 10. In-plane failure mechanisms of masonry piers

The governing mode was then compared to the calculated demand of the element, determined from the analysis of the SAP2000 model.

4.3 Out-of-Plane

Wall elements under face loading have been assessed in line with section C8.8.5 of the Guidelines using the displacement-based inelastic method. The maximum out of plane displacement was limited to 0.6 times the instability displacement for simply supported walls and 0.3 times for cantilevering walls.

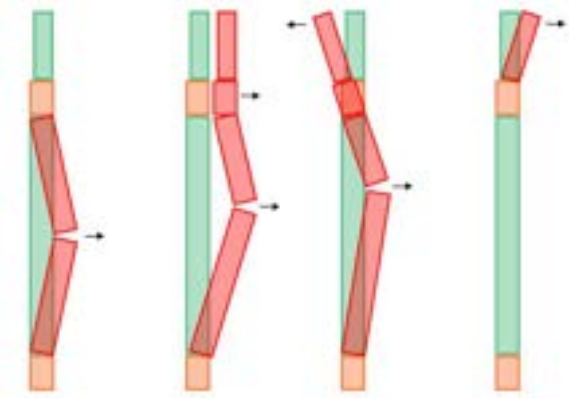


Figure 11. Out-of-plane failure mechanisms

4.4 Diaphragms

The timber roof and floor diaphragms of the buildings were assessed with section C8.8.3 and C9.6.3.3 of the Guidelines. By calculating a stiffness of the diaphragm from the detailing and condition, a probable strength and deformation capacity was calculated. The maximum diaphragm in-plane displacement capacity was limited as half the thickness of the face-loaded walls.

The timber floor diaphragm in general rests on top of the masonry walls on the offset created by transition of wall thickness from three to two layers between ground floor and first floor. The details and integrity of the existing connection is not known, however, global sliding of the timber diaphragm is not expected as the floors are bounded within the perimeter of URM walls and bond beams and a flexible diaphragm behaviour is expected. The impact of diaphragm connectivity on the face loaded walls has been considered through a sensitivity analysis of available connectivity on the out of plane response of face loaded walls and also through the local failure mechanism analysis.

4.5 Parts

Secondary elements of the buildings such as chimneys, heavy ornaments, and canopies were assessed using parts loading.

4.6 Local Failures

A local failure analysis was completed to determine any areas of the buildings vulnerable to failure due to the condition, layout, or position of elements. The analysis was completed with reference to both the displacement compatibility and the accelerations required to cause instability of the element[2]. Sections such as the façade of Abraham and Williams, which contained cracks at the upper corners of the windows were highlighted as potential local failures and treated as block elements shown in the figure below.

Figure 12. Local failure mechanism analysis for Abraham and Williams' front façade

[2] F. Gálvez (2018). *Using the macro-element method to seismically assess complex URM buildings*

5 Detailed Seismic Assessment

5.1 Assessment Criteria

5.1.1 Design Life

The structures assessed in the Marton Heritage Precinct were constructed between the year 1900 and 1920. Therefore, the structures being approximately 100 years old are beyond their intended life spans.

5.1.2 Importance Level

The assessment has been carried out considering the buildings as **Importance level 2** structures as the buildings are proposed to be used as office space and are not likely to contain crowds of people in excess of 300. If the buildings were to be categorised as a 'major structure' as per NZS1170.0, they would require to be considered as Importance Level 3 structures. This would result in approximately a 30% increase in seismic demands.

5.1.3 Soil Classification

A geotechnical desktop study of the area has been completed by WSP Opus in March 2019. Based on the findings the likely site subsoil class is 'Class D', deep or soft sites as per NZS1170.5:2004.

5.1.4 Seismic Loads

The following parameters have been considered to define the acceleration spectra from NZS1170.5:2004.

Table 1. Parameters for Seismic Loads – ULS

Parameter	Value	Comments
Site Subsoil Class	D	WSP Opus Memo, 13/03/2019
Period	<0.5 seconds	Based on analysis and as per C8.10.2.2
Z	0.30	Seismic hazard factor for Marton
R_u (ULS)	1.0	Importance Level 2 – 1/500 yr RP
N(T,D)	1.0	No known near faults
K_R	1.0	As per table C8.15

5.1.5 Material Properties

A series of scratch tests were conducted on the bricks and mortar throughout the buildings where accessible during the site inspection to help determine the probable material strengths. The Guidelines provide a relationship between material hardness and the probable strength, referred to as Scratch Test. Scratching the surface of the bricks and mortar with different materials/objects (finger, aluminium, copper) can determine the relative hardness of the materials.

For the URM walls, the brick hardness was determined to be 'medium' and the mortar was also determined to be 'medium'. These values are used to evaluate material strengths based on the NZSEE Guidelines July 2017 C8.7.

5.2 DSA Results with Correlation to the Heritage Value

The %NBS score for building's structural elements are assessed in terms of a capacity over demand ratio with the associated governing failure mechanism. The assessment also took into consideration the heritage significance of each element and indicates the work required to strengthen the buildings to 100% IL2.

The heritage significance of each of the elements is presented in Figure 13 below as per the heritage architect's recommendations. The %NBS score for building structural elements is provided in Table 3 below.

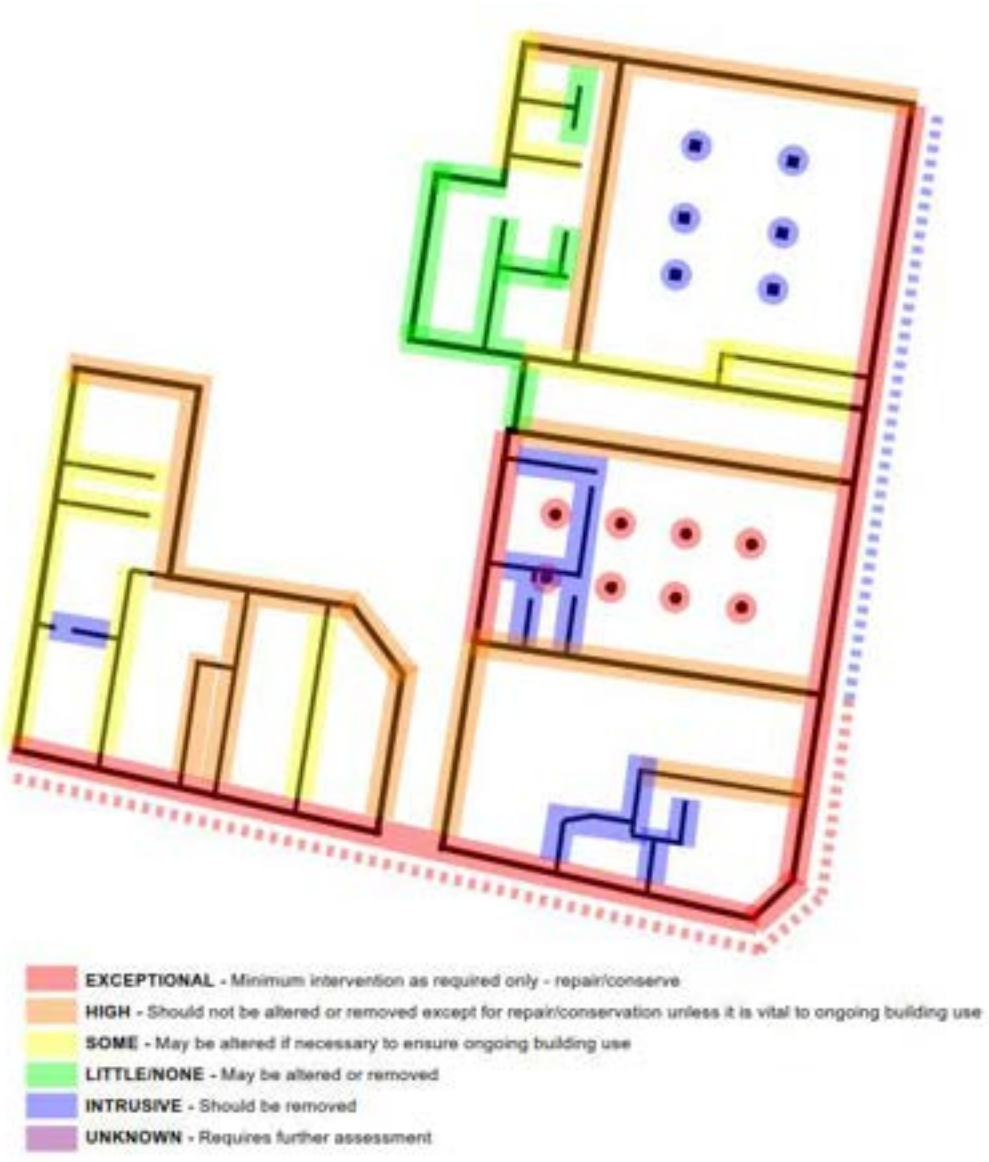


Figure 13. Heritage significance

Table 2. Structural elements %NBS rating, heritage value and required strengthening

Element	Cobblers A and B	Davenport Brothers	Abraham and Williams
Primary Structure			
Façade	Exceptional 25% - Column shear Intrusive Strengthening • *Concrete skin wall on the internal face of existing wall* • *Create a seismic gap between the two Cobbler buildings*	Exceptional 30% – Out of plane failure Intrusive Strengthening • *Steel frame internally at ground level to support front openings* • *Concrete skin wall on the internal face of existing wall*	Exceptional 20% - In plane shear Intrusive Strengthening • *Steel frame internally at ground level to support front openings* • *Concrete skin wall on the internal face of existing wall*
Side Walls	High 55% - Out of plane failure Intrusive Strengthening • *Remove wall lining and install timber strong-backs and ply lining OR Concrete skin wall on internal face*	High 40% - Out of plane failure Intrusive Strengthening • *Remove wall lining and install timber strong-backs and ply lining internally AND Concrete skin wall on external face*	High 25% - Out of plane failure Intrusive Strengthening • *Concrete skin wall on the internal face of existing wall. Leave shared walls from neighbouring building in-place*
Rear Walls	High 55% - In plane shear Intrusive Strengthening • *Concrete skin wall on the internal face of existing wall* • *Repointing on external face and ties to new skin wall*	Exceptional 15% - In plane failure Intrusive Strengthening • *Concrete skin wall on the internal face of existing wall* • *Repointing on external face and ties to new skin wall*	High 20% - In plane shear Intrusive Strengthening • *Concrete skin wall on the internal face of existing wall* • *Repointing on external face and replace damaged bricks*
Interior Gravity Columns	Not Applicable	Exceptional 100% Non-Intrusive • *Repair timber sections where required due to condition*	Intrusive Unknown Intrusive Strengthening • *Remove columns and replace with new gravity steel framing*
Level 1 Timber Floor	High 70% Non-intrusive Strengthening • *Improve connection of joists to the URM walls, re-nail floor boards and remove rotten timber*	High 70% Non-intrusive Strengthening • *Improve connection of joists to the URM walls, re-nail floor boards and remove rotten timber*	High 70% Non-intrusive Strengthening • *Improve connection of joists to the URM walls, re-nail floor boards and remove rotten timber*
Roof Trusses	High 70% Non-intrusive Strengthening • *Improve connection of truss members to the URM walls, reline roof and provide plywood bracing*	Exceptional 70% Non-intrusive Strengthening • *Improve connection of truss members to the URM walls, reline roof and provide plywood bracing*	High 100% Non-intrusive Strengthening • *Improve connection of truss members to the URM walls, reline roof and provide plywood bracing*
Parts and Ornaments			
Parapets	Exceptional 15% - Out of plane failure Intrusive Strengthening • *Brace URM for OOP by concrete skin wall anchored to URM OR tie it to side walls with steel framing*	Exceptional 15% - Out of plane failure Intrusive Strengthening • *Brace the URM parapet with concrete skin wall OR tie it to side walls with steel framing*	Exceptional 25% - Out of plane failure Intrusive Strengthening • *Brace URM for OOP by concrete skin wall anchored to URM OR tie it to side walls with steel framing*
Chimneys above the roof	High 15% - Stability Intrusive Strengthening • *Remove and replace with light weight replica OR* • *Repoint bricks, concrete fill within and tie existing bricks*	Not Applicable	High 15% - Stability Intrusive Strengthening • *Remove and replace with light weight replica OR* • *Repoint bricks, concrete fill within and tie existing bricks*
Canopy	Exceptional 35% - Fixing pull-out Intrusive Strengthening • *Replace corroded tie rods, improve connections to URM walls*	Intrusive 70% - Fixing pull-out Intrusive Strengthening • *Remove and redesign canopy as per architectural requirements*	Intrusive 55% - Fixing pull-out Intrusive Strengthening • *Remove and redesign canopy as per architectural requirements*

In addition to the structural elements, Table 4 below presents strengthening works required for the non-structural elements to address the associated life safety risk due to their poor performance and relates it to the heritage significance.

Table 3. Non-structural elements heritage value and required strengthening

Element	Cobblers A and B	Davenport Brothers	Abraham and Williams
Alterations and Additions			
Rear Addition behind Abraham and Williams	Not Applicable	Not Applicable	Some - • *Remove intrusive buildings from rear section*
Mezzanine Floor	Not Applicable	Intrusive - • *Remove the intrusive elements and restore the original layout as per architecture design*	Intrusive - • *Remove the intrusive elements and restore the original layout as per architecture design*
Non-Structural Components			
Fire Places	High - Intrusive Strengthening • *Install bracing and gravity support along with URM walls*	Not Applicable	High - Intrusive Strengthening • *Install bracing and gravity support along with URM walls*
Stairs	Exceptional - Non-Intrusive • *Retain the stairs and improve the framing as required*	Little/None - Non-Intrusive • *Remove as required by the architect*	Some - Non-Intrusive • *Remove as required by architect*
Partition Walls and Linings	Intrusive - Intrusive • *Remove as required by the architect* • *URM linings required to be removed to provide access for strengthening, reinstate afterwards*	Exceptional - Intrusive • *Remove as required by the architect* • *URM linings required to be removed to provide access for strengthening, reinstate afterwards*	Intrusive - Intrusive • *Remove as required by the architect* • *URM linings required to be removed to provide access for strengthening, reinstate afterwards*
Ceiling Linings	High - Non-Intrusive • *Leave in place except where required for access to perform strengthening works in the ceiling space*	Exceptional - Non-Intrusive • *Leave in place except where required for access to perform strengthening works in the ceiling space*	High - Non-Intrusive • *Leave in place except where required for access to perform strengthening works in the ceiling space*
Ground Level Timber Subfloor	High - Intrusive Strengthening • *Removal of flooring required to access foundations for strengthening. Raising of floor height may be required to comply with building code.*	High - Intrusive Strengthening • *Removal of flooring required to access foundations for strengthening. Raising of floor height may be required to comply with building code.*	High - Intrusive Strengthening • *Removal of flooring required to access foundations for strengthening. Raising of floor height may be required to comply with building code.*

5.3 Critical Structural Weakness and %NBS Rating

The governing factors for the NBS rating of buildings are the;

- **Out-of-plane capacity URM elements.** The unsupported URM cantilever elements such as the wall piers, chimneys, and parapets are at risk of collapse under low seismic loads, which may result in falling debris on footpaths and access ways creating a life safety risk.
- **In-plane capacity of URM façade piers.** The geometry and condition assessment of the masonry piers leads to these elements being vulnerable to rocking and toe-crushing failure. This would result in a loss of lateral load resisting capacity of the system and potential collapse.

Therefore, the final rating of all buildings in the Marton Civic Centre is **15 %NBS (IL2)**.

Table 4. %NBS rating for each building and critical elements

Building	%NBS (IL2)	Critical elements
Cobblers A and B	15%	Parapets, ornaments, chimneys
Davenport Brothers	15%	Rear wall piers, parapet, façade ornaments
Abraham & Williams	15%	Façade piers and columns, parapet, chimneys

5.4 Consequence of Failure

The Detailed Seismic Analysis has identified some structural elements as scoring less than 33 %NBS (IL2). The consequences of each element failing are outlined in the table below.

Table 5. Risk and consequence of failure

Risk Element	Consequence of Failure
Front façade	The masonry on the front façade is likely to crack and drop small sections of masonry onto the canopy/footpath. Out of plane failure would result in large sections of masonry falling
Parapet	The 1-1.5 m parapets would disconnect from the façade and topple over, dropping from a height of 10 m onto the footpath below and egress routes
Chimneys	Chimneys are likely to rock and collapse, dropping masonry onto the footpath, egress routes and through the roof/ceiling space
Canopy	Failure of fixings would result in the canopy losing support, which would lead it dropping onto the footpath below and the blocking egress routes out of the buildings
False ceilings	Unrestrained false ceilings are likely to break connection and drop down onto the floor below
Glazing	Windows are likely to break during earthquake loading, leading to glass dropping onto the footpath and road

5.5 Risk Elements not Specifically Assessed

The following items were not specifically assessed in the detailed seismic assessment due to information not being available. These are identified below as the risk items which may affect the serviceability or life safety performance of the building during a seismic event and would, therefore, need to be considered in the concept strengthening design.

5.5.1 Timber Floor and Roof Connection to the URM walls

The type and condition of the floor and roof diaphragm connections to the URM walls are not fully known. The connection is relied upon to transfer the diaphragm forces into the in-plane walls under earthquake loading. The connection also provides support to the URM walls acting out-of-plane. The assessment for out-of-plane loading has considered both cases of the diaphragms being effective and non-effective at providing supporting to the masonry wall. The connection detail does not impact the overall %NBS rating of the building, but is indicated as a risk item which would require evaluation and possibly need strengthening as part of the overall strengthening design.

5.5.2 Foundations

The condition of the foundations of the Abraham and Williams building is unknown. Their construction is indicated on the original drawing to be URM strip footings on a concrete base. Differential settlement could have occurred, causing a redistribution of forces and creating localised stress concentrations.

5.5.3 Masonry Condition

The condition of the URM brick and mortar has been determined from limited site inspections and testing. The condition of the brick and mortar directly influences the material properties used in the assessment, which are a sensitive element in assessing the capacities of the URM piers and walls.

5.5.4 Bond Beam Condition & Strength

Bond beams in URM buildings help provide restraint and connection to the brickwork walls of the structures. The effectiveness of bond beams is dependent on their detailing and condition. It was observed that some of the bond beams were detailed with either a central railway iron or low amounts of reinforcing bar. Cracking was visible on the concrete, which indicates potential corrosion of the steel.

5.6 Buildings Regulations

The Building (Earthquake-prone Buildings) Amendment Act 2016 is the current amendment to the Building Act 2004 that sets the performance objectives for buildings and provides a system for managing earthquake-prone buildings that include the MBIE guidelines. The intent of the act is to protect people and property and therefore performance limits are set in terms %NBS as an ultimate limit state (ULS).

6 Conclusions and Recommendations

Based on the outcome of our DSA, the buildings have a seismic rating of 15 %NBS (IL2). The buildings are considered high risk structures and pose a relative risk to life safety that is 25 times higher as compared to a new building in accordance with the Guidelines.

A building with an earthquake rating less than 34 %NBS fulfils one of the requirements for the Territorial Authority to consider it to be an Earthquake-Prone Building (EPB) in terms of the Building Act 2004.

Given the low rating, we recommend carrying out seismic strengthening to the buildings. WSP Opus architects are currently in discussion with the building owners (Rangitikei District Council) regarding future use of the building and are conducting concept design studies for the buildings. The suitable strengthening works from WSP Opus would take in to account the newly proposed architectural layout and the outcome of this DSA when designing the concept strengthening for these buildings.

Our work is in progress for the concept strengthening design to bring the building to 100 %NBS as part of a separate stage of the project. The primary components of the structural strengthening are presented in Figure 14.

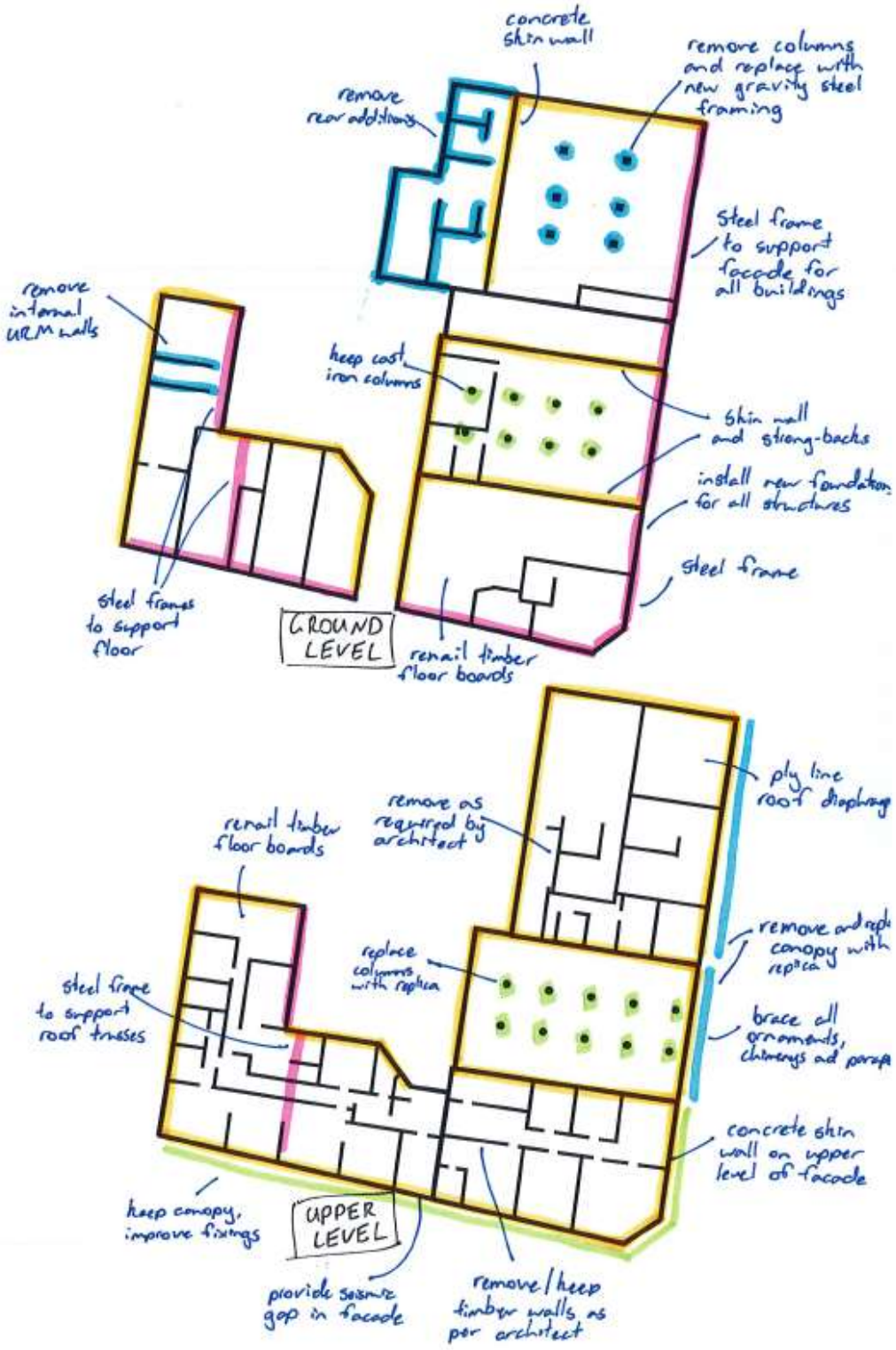


Figure 14. Concept strengthening

7 Limitations

The assessment and consequent opinions of the authors in this report are based on the limited data collected during the visual site inspection and the 3D drone survey in the absence of original design information at the time of the DSA.

8 Disclaimer

This report and conclusions within are prepared for the Rangitikei District Council in accordance with our clients brief and should not be relied on by other parties for any other purpose or use without written confirmation from WSP Opus of the purpose and suitability.

Appendix A
Geotechnical Desktop Study

Marton Township
WSP Opus, March 2019

Memorandum

To	Brenda O'Shaughnessy
Copy	
From	Mark Frampton
Office	Whanganui
Date	13 March 2019
File	5-WT489.01
Subject	Marton Community Centre - Geotechnical Appraisal Desk Study

1 Introduction

Rangitikei District Council have engaged WSP Opus to progress the Marton Community Civic Centre project to concept design phase. WSP Opus original report provided an assessment of the Marton Heritage Precinct and high-level options for the redevelopment of the Cobbler Buildings (A&B), Davenport Building and Abraham & Williams Building to create a new Community Civic Centre. Several options were presented in the original report, which are to be refined and explored further in the concept design phase.

As part of the current phase of work, an understanding of the geotechnical and geological conditions at the site is required to inform the concept design process.

The objective of this geotechnical appraisal is to review the ground conditions and to understand the geotechnical parameters that will be used in the assessment of the existing buildings, and to understand the foundation requirements of any new structures.

This appraisal is based on a desk study of available information. No specific ground investigations have been undertaken as part of this geotechnical appraisal.

2 Site Location and Description

The site is located on the corner of High Street and Broadway, Marton. The buildings included in the redevelopment plans include the Cobbler Buildings (A&B), Davenport Building and Abraham & Williams Building.

The location of the site is shown in Figures 1 & 2.

Figure 1 : Site location (Sourced from the LINZ Data Service and licensed for reuse under the CC BY 4.0 license)

Figure 2 : Heritage buildings (Sourced from the LINZ Data Service and licensed for reuse under the CC BY 4.0 license)

3 Regional Geology

The regional geology is described on Geology of the Taranaki area, GNS 1:250,000 geological map 11 (Townsend, Vonk and Kamp 2008). It indicates the site to be underlain by river gravel and fan deposits.

The geological map also indicates an inferred active fault passes close to the site.

The GNS active fault database (http://data.gns.cri.nz/af/) shows the active Leedstown Fault (#435) passing about 3km to the ESE of the site. The fault is described as a reverse fault with the recurrence interval of >5000 to <10,000 years. No further data is available on the fault.

The Marton anticline, running generally N-S is shown passing about 2.5km to the west of the site.

4 Local Geology

Information on existing groundwater bores from Horizons Regional Council was obtained for bores within a 1km radius of the site. Some of these bores have basic lithology information. From the data available the ground conditions are consistent within the general area, with gravels to about 30 metres below ground level (BGL), underlain by silts, sands and clay. Soft rock (papa) is indicated to be more than 50 metres BGL. The depth to groundwater is noted on four of the bores, and ranges between 52 m and 65 m BGL.

Figure 3 : Bores within a 1km radius of site (from Horizon Regional Council data)

Sewer and water renewal waters have been completed both on Broadway and High Streets in the past 20 years. During the trenching works the ground conditions were found to comprise tightly packed sandy/silty small to medium gravels (P O'Connor, personal communication, 13 March 2019). The trenches were self-supporting, but due to the depth of excavation required trenching shields.

Similar ground conditions are exposed in the steep sides of the Tutaenui Stream as it passes through Marton. This stream is incised into the alluvial gravels by about 3.0 m, and exposures of a weathered gravel can be readily observed.

Photograph 1 : Tutaenui Stream at Russell Street, Marton

5 Ground Conditions

No specific ground investigations have been undertaken as part of this study. Due to a lack of recent development in the Marton CBD area there are little previous investigation records available to help inform this study.

From data that is available and from anecdotal evidence, the ground conditions are likely to comprise alluvial gravels to a depth of about 30 metres below ground level.

The depth to ground water is uncertain, and it is possible that there are perched groundwater levels in the gravels.

6 Site Subsoil Class

GNS Science reported to the Manawatu-Whanganui Lifelines Advisory Group with a report updating its 2005 Risks and Responsibilities report. This report (Dellow, et al. 2016) presented the updated hazards information provided to the Horizons Regional Council for use by the Lifelines Group. Part of this information was the inferred earthquake ground shaking site sub-soil class. The GNS Science maps produced for the above report are only suitable for regional-scale use. Site-specific information including the soil profile with depth is not included in this analysis.

Based on the GNS Science report, and our present knowledge of the local geology, this site is classified as Class D – Deep or soft soil sites as per the NZS1170.5:2004 classification.

7 Ground Shaking

The horizontal PGA for the Marton site has been estimated (Dellow, et al. 2016) using the National Seismic Hazard Model and is presented in Table 1.

Table 1 : Peak Ground Acceleration incorporating inferred site class (from Dellow et al, 2016)

1 in 500 years	1 in 1,000 years	1 in 2,500 years
0.30 – 0.35	0.35 – 0.40	0.45 – 0.50

The *estimated* Modified Mercalli shaking intensity return periods for Marton is given in below. The estimate has been made by interpolation from other nearby centres.

Table 2 : Modified Mercalli shaking intensity return periods in years for Marton

Town	MM7	MM8	MM9	MM10
Marton	c.38	c.160	c.1,750	c.26,000

8 Liquefaction

No specific liquefaction study has been undertaken for Marton as far as we are aware.

Based on the expected ground conditions the liquefaction susceptibility of the site is likely to be low to moderate.

Further data on the density of the gravels and the level of groundwater would be required to assess the risk further.

9 Further Investigations

Should greater certainty as to the specific ground conditions at the site be required for future stages of the project we would recommend two or more boreholes are completed to about 20m depth. The boreholes should include testing as the holes are completed, and at least one should have a standpipe piezometer installed to confirm groundwater levels.

10 References

Dellow, G D, E R Abbott, B J Scott, W F Reis, and B Lukovic. *Update of hazard Information for 2015 Lifelines Risk & Responsibilities Report.* GNS Science Consultancy Report 2016/40, Lower Hutt: GNS, 2016, 33p.

Townsend, D., A. Vonk, and P.J.J. Kamp. *Geology of the Taranaki area: scale 1:250,000.* Lower Hutt: Institute of Geological & Nuclear Sciences Ltd, 2008, 77 p. + 1 folded map .

Appendix B
Seismic Performance of URM Buildings in New Zealand

Seismic Performance of URM Buildings in New Zealand

The following failure modes and structural weaknesses are highlighted as potential issues for the Marton Heritage Precinct. They are some of the common modes of failure and issues in the URM buildings in New Zealand that are observed and reported in the literature after earthquakes.

Information sourced from;

- NZSEE, The Seismic Assessment of Existing Buildings, Technical Guidelines, 2017
- E L Blaikie and D D Spurr, Earthquake Vulnerability of Existing Unreinforced Masonry Buildings, EQC, Works Consultancy Services Limited
- Dmytro Dizhur and Jason Ingham, Seismic Improvement of Loadbearing Unreinforced Masonry Cavity Walls, BRANZ, University of Auckland

Out-of-Plane Wall Failure

Out-of-plane (OOP) loading on URM walls is one of the commonly occurring failure modes. Cracking and more substantial damage due to OOP loading has been observed frequently, even in moderate magnitude earthquakes. Failure results in cracking, bowing of walls, and collapse of the brick.

Figure 1. OOP Failure of URM Wall (BRANZ)

In-Plane Wall Failure

The main in-plane failure models in moderate-strong shaking intensities are reported to be:

- Cracks at the corner of openings
- Vertical and “X” cracking in spandrels and piers
- Horizontal cracking at top and bottom of piers

Diagonal cracking of walls and piers has historically been a serious cause of failure and collapse. In-plane rocking and sliding on horizontal flexural cracks can help absorb earthquake deformations.

Figure 2. In-Plane Failures of URM Wall (NZSEE Guidelines)

Age of Construction and Deterioration over time

It has been observed that ‘newer’ buildings have performed better than ‘older’ buildings, referred to as pre-1930, The implication of this is that deterioration over time, in particular, the mortar and veneer ties, has a large impact in the overall damage that a building might experience.

Diaphragm Flexibility and Strength

The diaphragm flexibility is more often the concern for URM walls instead of the floor diaphragm itself due to reduced lateral restraint at the top of the walls. It has been observed that damage of walls can occur due to excessive deflections of the diaphragm.

Figure 3. OOP Failure due to Diaphragm Displacement (NZSEE Guidelines)

Corner Damage

It has been frequently observed that corners of buildings are susceptible to damage and collapse due to concentrated forces. Vertical cracks at wall junctions can result in a separation of the exterior walls and increases their vulnerability to OOP loading.

Figure 4. Examples of Building Corner Failures (BRANZ)

Falling Hazards

Heavy items such as brick parapets and chimneys are recognised as a serious life safety risk due to their location and support conditions. Heavy ornaments placed at the roof level rely on cantilever actions to resist earthquake locating.

Figure 5. Failure of Secondary Elements (NZSEE Guidelines)

Appendix C
DSA Summary Tables

DETAILED SEISMIC ASSESSMENT - SUMMARY OF RESULTS

Cobbler 1 and 2

Marton

14/06/2019

ELEMENT	COMPONENT	CAPACITY/DEMAND RATIO	COMMENTS
URM IN-PLANE	Façade ground level columns	55%	High street side coloumns at base of façade
		25%	Broadway side coulumns at base of façade
	Façade upper level piers	75%	Upper level façade piers - x direction
		30%	Upper level façade piers - y direction
	Rear wall	55%	wall at rear of cobbler addition, covered in vegetation
	Side wall	100%	side wall of cobbler addition with no openings
URM OUT-OF-PLANE	Façade Pier	60%	
	Façade Pier Full Height	45%	
	Façade Pier Cantilever	20%	
	Rear Wall Pier	25%	
	Internal Wall	40%	
COOBLER 1 DIAPHRAGMS	Roof - Parallel	90%	
	Roof - Perp	100%	
	Floor - Parallel	70%	
	Floor - Perp	100%	
COOBLER 2 DIAPHRAGMS	Roof - Parallel	70%	
	Roof - Perp	100%	
	Floor - Parallel	55%	
	Floor - Perp	100%	
PARTS	Parapet - General	20%	
	Parapet - on bed joint	15%	
	Façade Ornament	15%	
	Chimney	15%	
	Canopy Rods	65%	
	Canopy Connections	35%	

BUILDING RATING

CRITICAL STRUCTURAL WEAKNESS

BUILDING

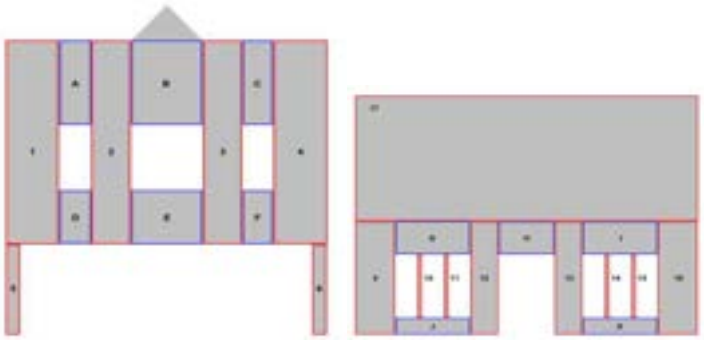
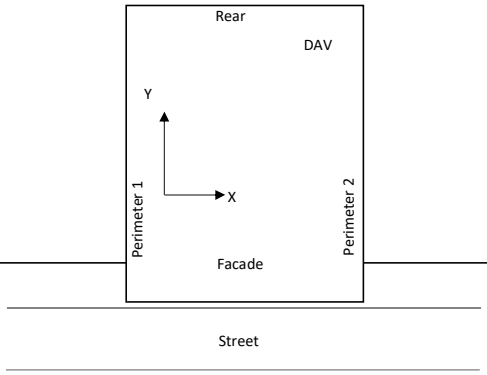
COMMENTS

DETAILED SEISMIC ASSESSMENT - SUMMARY OF RESULTS

Davenport Brothers

Marton

24/05/2019

	COMPONENT	CAPACITY/DEMAND RATIO	COMMENTS
URM IN-PLANE	Pier 1	100%	
	Pier 2	80%	
	Pier 3	80%	
	Pier 4	100%	
	Pier 7	50%	
	Pier 8	50%	
	Pier 9	20%	
	Pier 12	15%	
	Pier 13	15%	
	Pier 16	20%	
	Pier 17	30%	
	Spandrel A	-	
	Spandrel B	-	
	Spandrel C	-	
	Spandrel D	-	
	Spandrel E	-	
	Spandrel F	-	
	Spandrel G	-	
	Spandrel H	-	
	Spandrel I	-	
	Spandrel J	-	
	Spandrel K	-	
URM OUT-OF-PLANE	Façade Pier	45%	
	Façade Pier Full Height	30%	
	Side Wall	40%	
	Rear Wall	40%	
	Rear Pier	40%	
DIAPHRAGMS	Roof - X Direction	90%	
	Roof - Y Direction	100%	
	Floor - X Direction	70%	
	Floor - Y Direction	100%	
GRAVITY COLUMNS	Timber Columns	100%	
	Cast Iron Columns	100%	
PARTS	Parapet - Solid Section	30%	
	Parapet - Post Section	15%	
	Façade Ornament	25%	
	Canopy	70%	

BUILDING RATING 15-20% NBS (IL2)

CRITICAL STRUCTURAL WEAKNESS Parts and in-plane

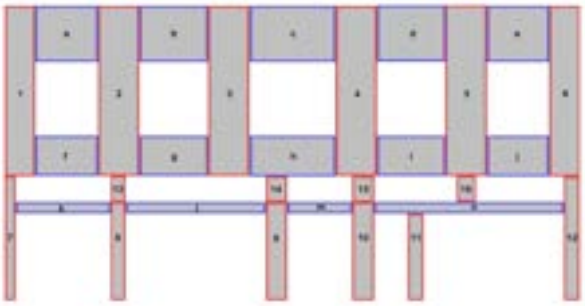
COMMENTS

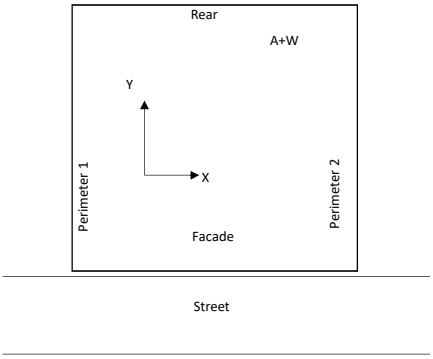
DETAILED SEISMIC ASSESSMENT - SUMMARY OF RESULTS

Abraham and Williams

Marton

10/05/2019

	COMPONENT	CAPACITY/DEMAND RATIO	COMMENTS
URM FACADE IN-PLANE	Pier 1	45%	
	Pier 2	30%	
	Pier 3	25%	
	Pier 4	80%	
	Pier 5	15%	
	Pier 6	20%	
	Pier 7	20%	
	Pier 8	30%	
	Pier 9	20%	
	Pier 10	20%	
	Pier 11	15%	
	Pier 12	15%	
	Pier 13	95%	
	Pier 14	100%	
	Pier 15	80%	
	Pier 16	15%	
	Spandrel a	100%	
	Spandrel b	100%	
	Spandrel c	100%	
	Spandrel d	100%	
	Spandrel e	100%	
	Spandrel f	100%	
	Spandrel g	100%	
	Spandrel h	55%	
	Spandrel i	100%	
	Spandrel j	100%	
URM FACADE OUT-OF-PLANE	Pier 1	40%	
	Pier 2	40%	
	Pier 3	40%	
	Pier 4	40%	
	Pier 5	40%	
	Pier 6	40%	
	Full Height Pier	25%	
IN-PLANE PERIMETER WALLS	Perimeter 1	100%	
	Perimeter 2	100%	
	Rear	20%	
OUT-OF-PLANE PERIMETER WALLS	Perimeter 1	25%	
	Perimeter 2	25%	
	Rear	35%	
DIAPHRAGMS	Roof - X Direction	55%	
	Roof - Y Direction	50%	
	Floor - X Direction	100%	
	Floor - Y Direction	100%	
LOCAL FAILURES	Façade Top bay	20%	
	Façade Corner	20%	
	Rear Wall Corner	20%	
PARTS	Parapet	25%	
	Canopy	55%	
	Chimney	15%	



BUILDING RATING	15-20% NBS (IL2)
CRITICAL STRUCTURAL WEAKNESS	Building parts and in-plance piers
COMMENTS	

Appendix D
Earthquake Prone Building Assessment Table

1. Building Information	
Building Name/ Description	Abraham and Williams Davenport Brothers Cobblers
Street Address	304-310 Broadway, Marton 312 Broadway, Marton 314-318 Broadway, Marton
Territorial Authority	Rangitikei District Council
No. of Storeys	Two
Area of Typical Floor (approx.)	300 m^2 200 m^2 500 m^2
Year of Design (approx.)	1915 1905 1913-1914
NZ Standards designed to	NA
Structural System including Foundations	**Roof –**Roof diaphragm consists on timber trusses with horizontal timber sarking and light-weight steel roofing iron. **Lateral Load Resisting System –** Unreinforced 3 wythe thick brick masonry perimeter walls (no cavity), concrete bond beams at floor and roof level. Ground level of the façade consists of brick columns **Foundations –** URM Brick strip footings under wall locations with a concrete bedding, brick pads for floor joist supports.
Does the building comprise a shared structural form or shares structural elements with any other adjacent titles?	The building are within a row of unreinforced brick masonry buildings. Both side walls of the structure are either immediately adjacent or shared with the neighbouring structures
Key features of ground profile and identified geohazards	The soil is classified as class 'D'
Previous strengthening and/ or significant alteration	Internal layouts of buildings have been altered over time Mezzanine floor levels and false ceilings have been added
Heritage Issues/ Status	Historic Place Category 2, List numbers 1240, 1243, 1244
Other Relevant Information	NA

2. Assessment Information	
Consulting Practice	WSP Opus
CPEng Responsible, including: • Name • CPEng number • A statement of suitable skills and experience in the seismic assessment of existing buildings[1]	Brendon Cornell Principle Structural Engineer CPEng 1154597 (Australia) Brendon is a Principle Structural Engineer with 20 years of consulting engineering experience and is a technically skilled design manager across a wide range of engineering projects. He has undertaken numerous seismic assessments, which forms part of his practice area.
Documentation reviewed, including: • date/ version of drawings/ calculations[2] • previous seismic assessments	- Original Drawing of Abraham and Williams, Marton, Drawing No. 1 - Original Drawing of Cobblers stage 2
Geotechnical Report(s)	NA
Date(s) Building Inspected and extent of inspection	February 2019 – Full building investigation of external and internal walls, including photos, brick and mortar scratch tests, and measurements. March 2019 – Drone survey/mapping of the building exterior.
Description of any structural testing undertaken and results summary	Onsite scratch testing of bricks and mortar in distributed locations as per section C8 of the guidelines to determine the relative hardness of the materials. It was found that the brick and mortar were in 'medium' condition.
Previous Assessment Reports	NA
Other Relevant Information	Cracking was observed at the corners of the window openings at the upper level of the Abraham and Williams façade.

[1] This should include reference to the engineer's Practice Field being in Structural Engineering, and commentary on experience in seismic assessment and recent relevant training

[2] Or justification of assumptions if no drawings were able to be obtained

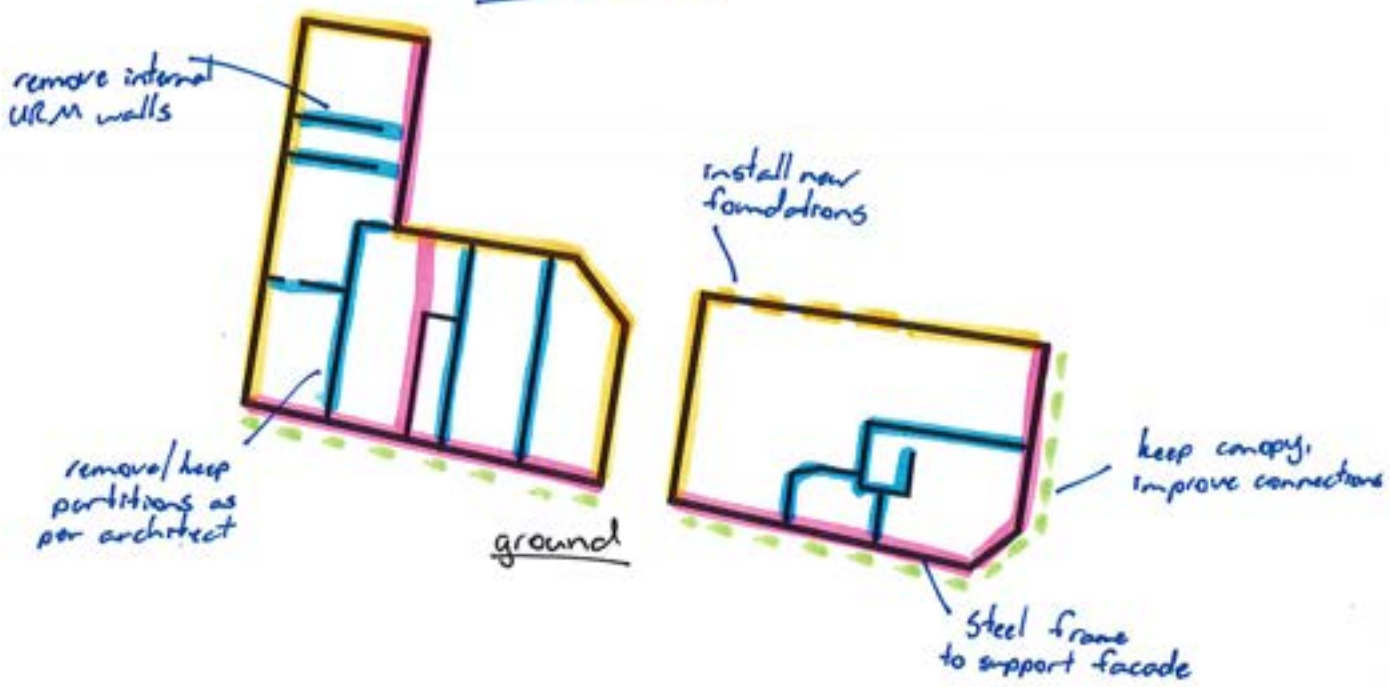
3. Summary of Engineering Assessment Methodology and Key Parameters Used	
Occupancy Type(s) and Importance Level	Importance Level 2
Site Subsoil Class	Subsoil Class D – NZS1170.5
For a DSA:	
Summary of how Part C was applied, including: • the analysis methodology(s) used from C2 • other sections of Part C applied	The seismic assessment of the unreinforced brick masonry walls was carried out using a force based approach, using tributary areas to calculate the demands on the URM walls. The façade was modelled in SAP2000 and ETABS to determine axial loads, demands, and building performance. Displacement critical failure modes, such as out-of-plane capacities of URM walls, were assessed using the methods outlined in section C8 of the Guidelines. Parts such as chimneys and roof members were assessed using parts loading in accordance to NZS1170.5
Other Relevant Information	No

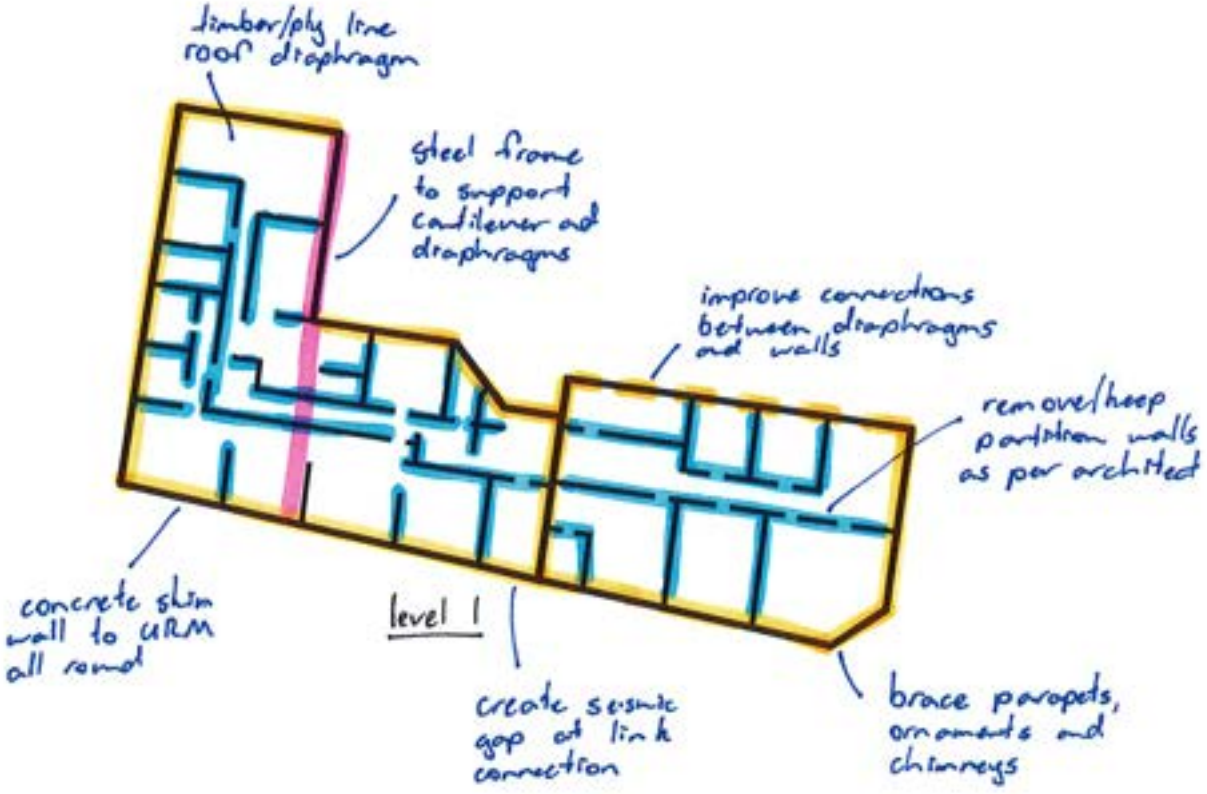
4. Assessment Outcomes		
Assessment Status (Draft or Final)	**DRAFT**	
Assessed *%NBS* Rating	15% NBS (IL2)	
Seismic Grade and Relative Risk (from Table A3.1)	E, Very high risk	
For a DSA:		
Comment on the nature of Secondary Structural and Non-structural elements/ parts identified and assessed	**Parapet** – The buildings contain cantilever URM parapets supported at roof level. **Canopy** – The canopies are supported by the façade with weathered and deteriorated connections. **Chimneys** – URM chimneys extend above the URM walls and roof.	
Describe the Governing Critical Structural Weakness	The governing critical structural weaknesses of the buildings are: **- Out-of-plane capacity URM elements.** The unsupported URM cantilever elements such as the piers, chimneys, and parapets are at risk of collapse under low seismic loads, which would result in falling masonry on footpaths and access ways. **- In-plane capacity of façade piers.** The geometry and condition assessment of the masonry piers leads to these elements being vulnerable to rocking and toe-crushing failure. This would result in a loss of lateral load resisting system and potential collapse.	
If the results of this DSA are being used for earthquake prone decision purposes, and elements rating <34*%NBS* have been identified (including Parts)[3]:	**Engineering Statement of Structural Weaknesses and Location** In-plane and out-of-plane capacity of the façade unreinforced masonry piers and parapets	***Mode of Failure and Physical Consequence* Statement(s)** Loss of lateral load resisting system from pier failure, falling masonry units on footpaths and access ways.
Recommendations (*optional for EPB purposes*)		

[3] If a building comprises a shared structural form or shares structural elements with other adjacent titles, information about the extent to which the low scoring elements affect, or do not affect the structure.

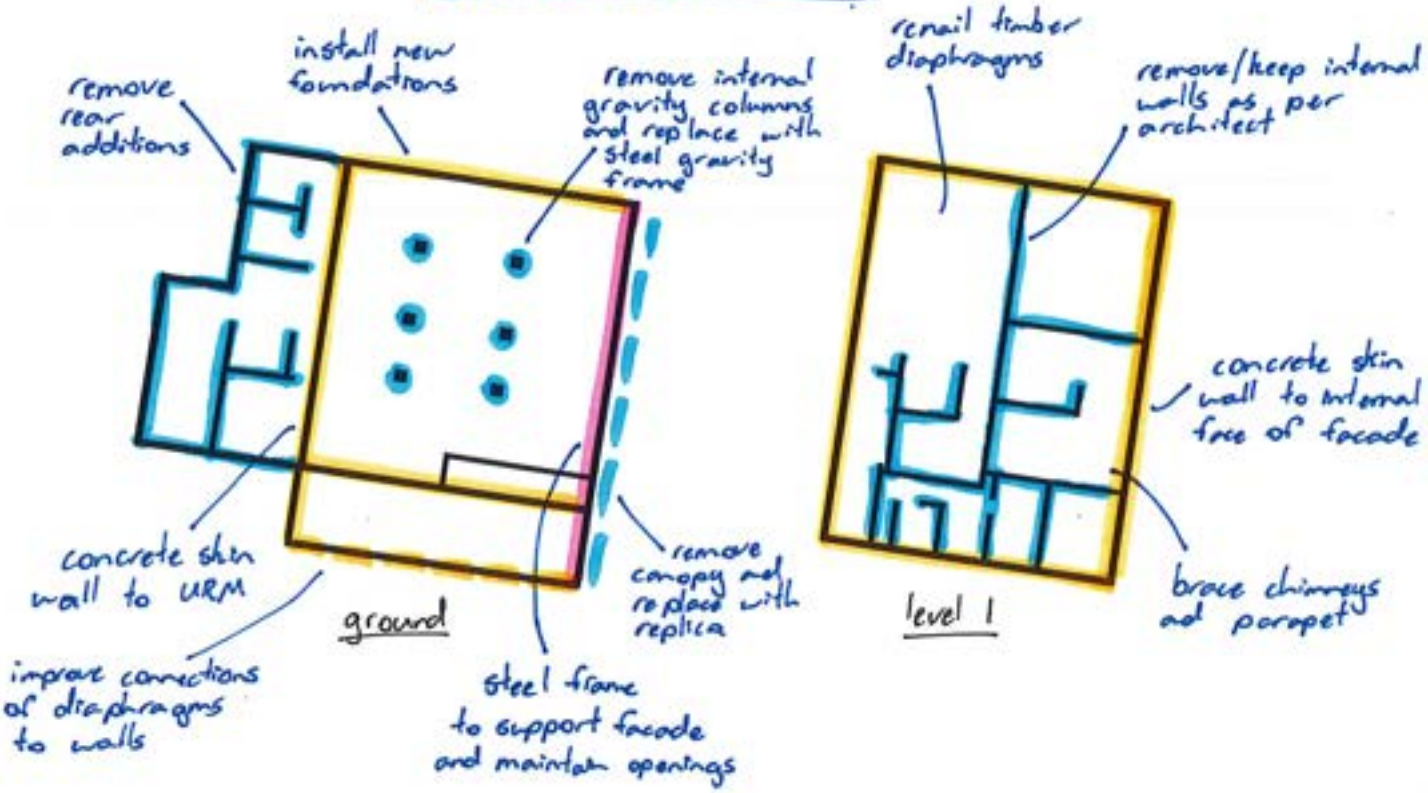
Appendix E
Concept Strengthening Sketches

COBBLERS

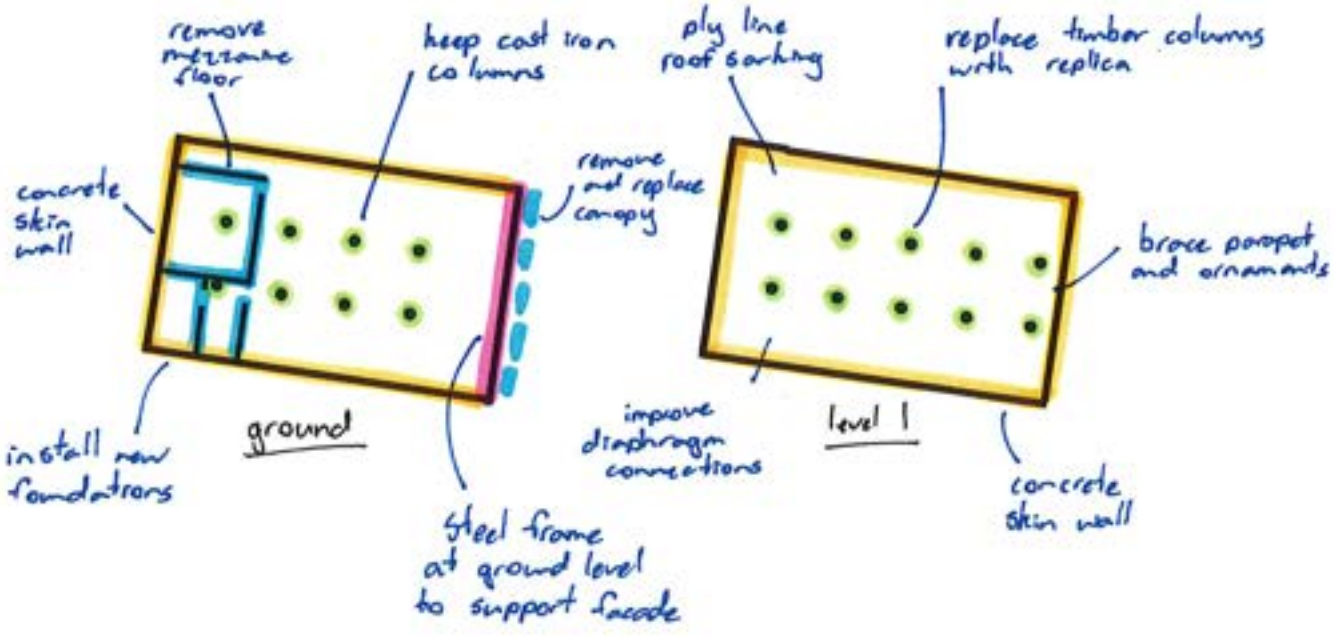

remove internal URM walls
install new foundations
remove/keep partitions as per architect
ground
keep canopy, improve connections
steel frame to support facade


timber/ply line roof diaphragm
steel frame to support cantilever and diaphragms
improve connections between diaphragms and walls
remove/keep partition walls as per architect
concrete slim wall to URM all round
level 1
create seismic gap at link connection
brace parapets, ornaments and chimneys

ABRAHAM AND WILLIAMS



DAVENPORT BROTHERS



Appendix F
Original Drawings

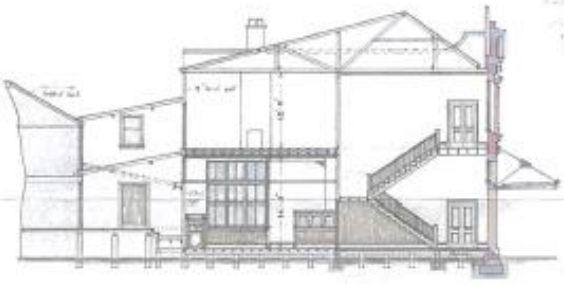
Abraham and Williams
Cobbler Addition

NEW BUILDING — MARTON

MESSRS ABRAHAM & WILLIAMS LTD

FRONT ELEVATION

SECTION CC

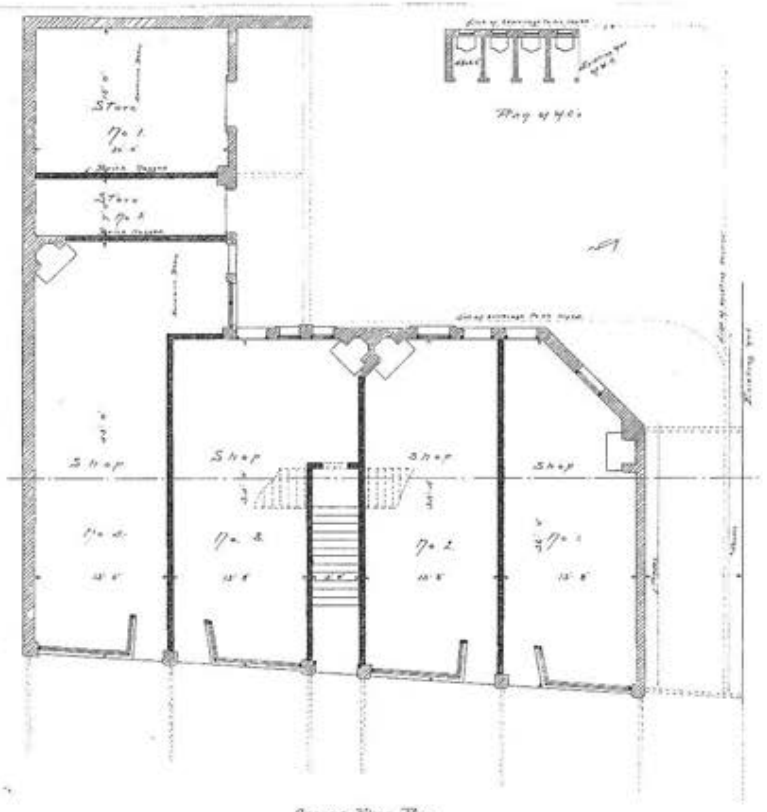


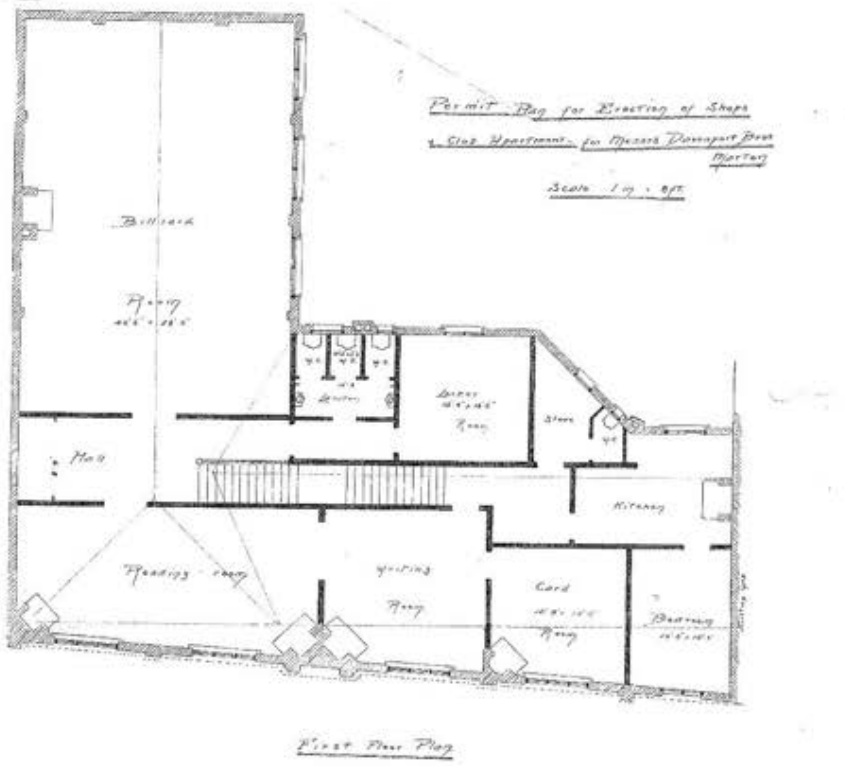
SECTION AA

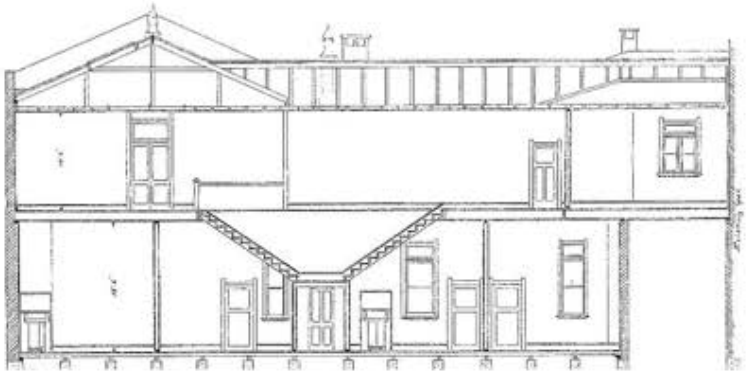
SECTION BB

GROUND PLAN

FIRST FLOOR PLAN


Store
No 1
Store
No 3
Shop
No 4
Shop
No 3
Shop
No 2
Shop
No 1
Ground Floor Plan


Permit Plan for Erecting of Shops
& Flat Apartments for Messrs Davenport Bros
Morley
Scale 1 in = 8ft
Billiard
Room
Hall
Kitchen
Store
Card
Room
First Floor Plan



LAND TRANSFER OFFICE
RECEIVED: 22/11/23 PROVL No. 6521
TITLE REF.: C.T. Vol 11 fol 217
REFERRED TO DRAUGHTSMAN: 22/11/23

L.T. DRAUGHTSMAN.
EXAMINED: A.R.L. 12.12.23
TRAV. REDns: VOL. LXXXII, FOL. 1-2
FIELD-BOOK: No. 75, PAGE 24
COMPs. Bk.: No. ___ REPORT No. ___
REF. PLANS: A 3126

FILE:

FOR SURVEYS UNDER THE LAND TRANSFER ACT ONLY.

BOROUGH OF MARTON

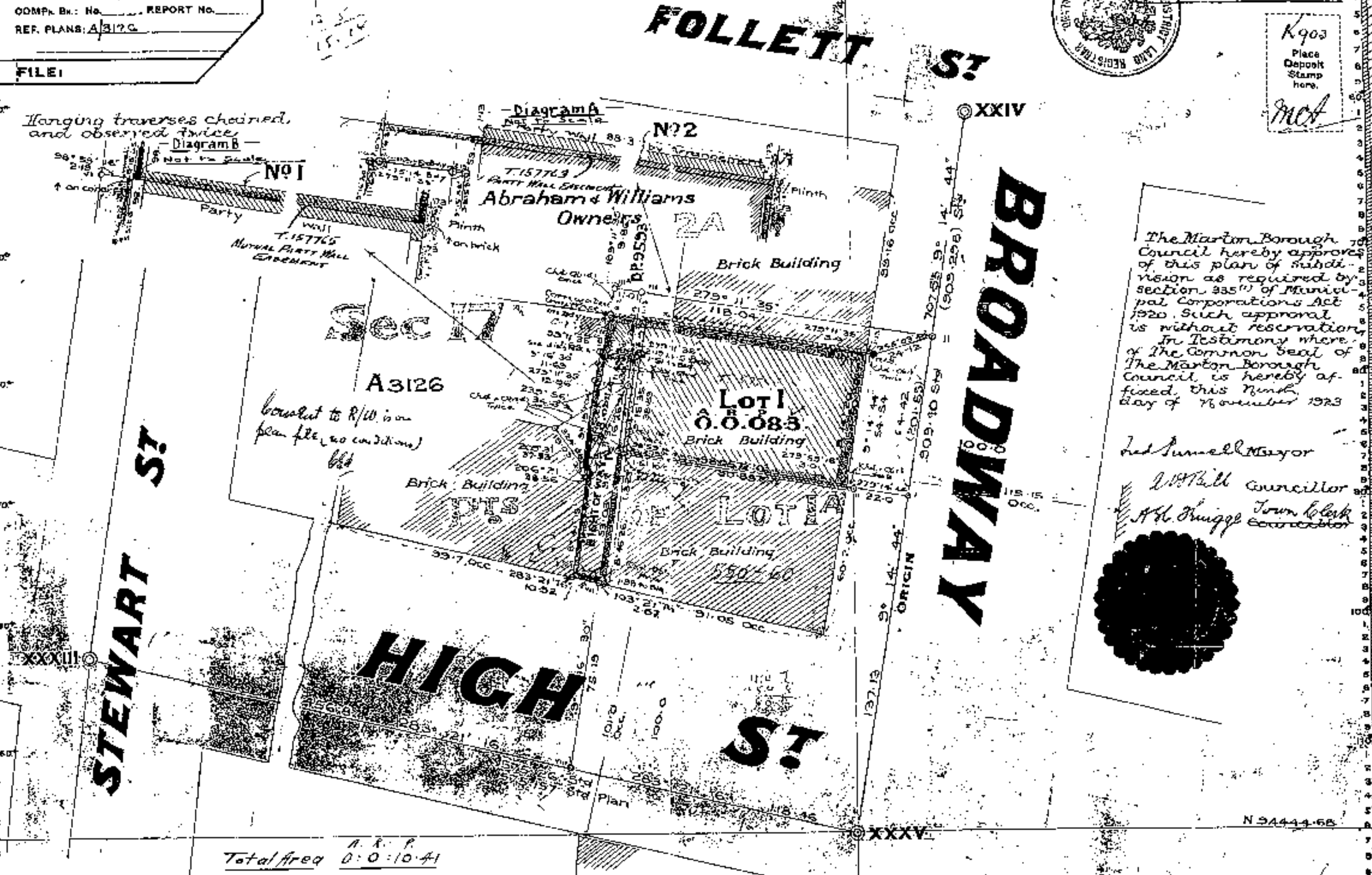
6521

This space to be reserved for Deposit No.

DEPOSITED this 18th day of December, 1923.

District Land Registrar.

K903 Place Deposit Stamp here.



The Marton Borough Council hereby approves of this plan of subdivision as required by section 335(1) of Municipal Corporations Act 1920. Such approval is without reservation. In Testimony whereof the Common Seal of the Marton Borough Council is hereby affixed this Ninth day of November 1923

Mayor

Councillor

Town Clerk

Approved,

Applicant (or Registered Owner).

Approved as to Survey, for Chief Surveyor, 17/12/1923

Plan of subdn of part of Lot 1A of Sec. 17 (A/3126) Rangitikei Agricl Res. Block III, Rangitoto S.D. (Township of Marton)

Comprised in C.T. 11/217

Surveyed by P.R. Earle, Licensed Surveyor, October, 1923

(Field-work by ___, Authorized Assistant.)

SCALE: 30 links to an inch.

DECLARATION.

I, Percival Richard Earle, of Hunterville, Licensed Surveyor, do solemnly and sincerely declare that this plan has been made from surveys executed by me, and that both plan and survey are correct, and have been made in accordance with the regulations of the Surveyors' Board, dated the 6th day of August, 1907.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Justices of the Peace Act, 1908.

Declared at Hunterville, this 25 day of October, 1923 before me,

Justice of the Peace (or Solicitor, or Notary Public)

P.R. Earle, Licensed Surveyor.

6521

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Appendix 4 - 2004 RDC Commissioner Panel Decision

BEFORE THE RANGITIKEI DISTRICT COUNCIL

IN THE MATTER OF	the Resource Management Act 1991
AND	
IN THE MATTER OF	an application for resource consent by Francis Robert Twiss, Stephen James Taylor and William Harry Twiss to demolish the High Street extension to the building known as the Davenport Building or the Cobblers Building and to erect a new building on the site.

REPORT AND DECISION OF THE COMMISSIONERS

DATE OF HEARING: 12 July 2004.

VENUE: Rangitikei District Council Offices, Marton

PRESENT:

Hearing Commissioners
Mr Rob van Voorthuysen (Chairperson)
Cr Ed Cherry and Cr Chalky Leary

Council Reporting Officers
Shane McGhie, consultant planner to the Rangitikei District Council
Ian Bowman, consultant architect and conservator to the Rangitikei District Council
Dorstan Hayman, Rangitikei District Council

Applicant
Timothy Castle, Legal Counsel
Francis Twiss
Stephen Gracie
Paul Melody
David Shepherd
Bryce Tasker

Submitters
Robert McClean for NZ Historic Places Trust
Val Burr for NZ Historic Places Trust
Geoffrey Mills
J Gleische

PREAMBLE

1. The Commissioners (hereafter referred to as "the Committee") were appointed by the Rangitikei District Council to hear and determine an Application for resource consent made by Francis Robert Twiss, Stephen James Taylor and William Harry Twiss (hereafter referred to as "the Applicant") pursuant to Section 34(3) of the Resource Management Act 1991. The Committee was delegated the authority to hear and determine the Application.

THE APPLICATION

2. This Decision addresses the land use consent sought by the Applicant to demolish the High Street portion of the building known as the Davenport Building or the Cobblers Building and to erect a new building in its place. For the sake of simplicity the subject building will hereafter be referred to as the Cobbler Building.

SITE

3. The Application relates to a building located at 314 – 318 Broadway and 4 – 10 High Street, Marton, being legally described as Pt Sec 17 & Lot 2 DP6521 – Pt Subject to a ROW. The building proposed to be demolished is listed in Schedule One of the Rangitikei District Plan as a Heritage feature. The building is also registered with the New Zealand Historic Places Trust as a Category II Historic Place.

ACTIVITY CLASSIFICATION

4 All parts of the Rangitikei District Plan (the Plan) relevant to this application are fully operative. The site of the proposed development is zoned Commercial in the Plan. The Plan lists activities that are permitted, controlled and discretionary in that zone.

5 The Committee considers that the proposed demolition activity is a Limited Discretionary Activity under Rules 19.2.17 and 19.5 of the Plan.

6 The Committee understands that the new building would be used for commercial office accommodation. In that regard Rule 19.1 lists Commercial activities, administrative, commercial and professional offices as activities that are permitted in the Commercial zone provided they comply with the conditions in section 19.2 and parts 21, 22 and 23 of the Plan. The Officer's Report noted that the Application had been assessed against those conditions and either compliance could not be confirmed because of a lack of information, or the Application failed to comply with Plan provisions relating to maximum building height, vehicle parking, manoeuvring and loading, the protection of flood channels, natural hazards, the protection of heritage items, pedestrian verandas, noise, odour, light and glare, storage area, vehicle access and signage.

7 The Officer's Report concluded that non-compliance with these conditions for permitted activities meant that the erection of the proposed new building was also a Limited Discretionary Activity.

8 Under the RMA as it now stands the Committee considers that Limited Discretionary Activities as outlined in the Plan equate to Restricted Discretionary Activities under section 77B(3) of the Act. In both cases the matters over which discretion has been limited are those that the proposed activities do not comply with.

PUBLIC NOTIFICATION

9. The Application was publicly notified on Wednesday 3 March 2004. A total of eight submissions were received of which five were in support of the Application and three were opposed. The submissions were well summarised in the Officer's Report and for the sake of brevity that summary is not repeated here. However, it should be noted that the Committee read and took all submissions into account in making this Decision.

THE HEARING

10. A hearing of the Application was held on Monday 12 July 2004.

THE APPLICANT'S CASE

11. Mr Timothy Castle, counsel for the Applicant, opened the presentation of the Applicants case. He noted that delays in the processing of the Application had jeopardised the potential leasing of the proposed new building to WINZ. Mr Castle rejected the Officer's view that insufficient information had been provided, referring the Committee to an environmental impact report appended to his written submissions.

12. Mr Castle discussed at length an alleged alteration of the street numbers on the original Application form and a legal opinion sought by Council officers from Cooper Rapley solicitors. He then submitted that the part of the building to be demolished was in fact a High Street extension to the original Cobbler Building fronting Broadway and accordingly the Officer's Report was based on a false premise. He stressed that what was to be demolished was a "discrete, obviously separate extension" to a building identified as having heritage value. Mr Castle then criticised the professional robustness of the Officer's Report.

13. While Mr Castle agreed with the Officer's conclusion regarding the Limited Discretionary activity status of the Application, he submitted that the Limited Discretionary status was only triggered by heritage issues. Mr Castle emphasised the importance of policy 10.C.5 of the Plan which seeks a "continual improvement in the quality of appearance and condition of the buildings, the street landscape, and the pedestrian and cyclist facilities incorporated into the commercial centres of Taihape, Marton, and Bulls".

14. Mr Francis Twiss gave verbal evidence. He advised that his Trust had owned the building since 1980 and the High Street extension had always failed to attract tenants. However, WINZ had sought 330m² of office space for their operation in the proposed new building on the High Street site. Mr Twiss suggested that Mr Melody's Committee should have some say in the matter of the proposed demolition. Mr Twiss intended to use bricks from the demolished building in the new building and would be happy to place a heritage covenant on the remaining corner block. He advised that in two to three years time he would consider painting the corner bock and undertake earthquake strengthening of it. Mr Twiss stated that he might even consider moving his legal firm into the remaining corner block.

15. Mr Twiss noted that squatters used the High Street extension from time to time. He advised that WINZ provided a good service to Marton and that every effort should be made to retain them in the town. In response to questions from the Committee Mr Twiss advised that he did not consider that the dilapidated nature of the High Street extension was due to deferred maintenance. He said that there had never been any revenue from tenants to fund maintenance. He advised that the

estimated cost of demolishing the old building and erecting the new one would be in the order of $250,000 to $275,000.

16. Mr Castle then proceeded to call several of the submitters in support of the Application as his witnesses. The Chairman had earlier noted the unusual nature of such a procedure and observed that those individuals could not be recorded as both witnesses for the Applicant and independent submitters in support of the Application. Mr Castle stated that he did not agree with that view.

17. Mr Stephen Gracie, the Secretary of the Marton Business Development Group, gave verbal evidence. He advised that the building to be demolished was in a state of disrepair and it was an eyesore. In response to questions from the Committee Mr Gracie advised that his group comprised six to eight members of owner operator organisations.

18. Mr Paul Melody, the President of the Marton & District Historical Society, gave verbal evidence. He advised that he supported the demolition of the High Street building from the practical perspective of a town resident. He suggested that the Broadway and High Street parts of the Cobbler Building were in fact two different buildings that were not conceived together.

19. In response to questions from the Committee Mr Melody advised that the Marton & District Historical Society had around 40 members. He advised that he was a journalist by profession and had spent the last 44 years recording local history and had written two books on that subject. Mr Melody also confirmed that he had supplied an additional written statement or "submission" to the Council dated 28 June 2004 and that he wished to adopt the contents of that statement as part of his evidence. The Committee had previously read that statement.

20. In his 28 June 2004 written statement Mr Melody noted that the High Street building "was once an attractive entry point to the central shopping area for many years, but in recent times has taken on a jarring appearance because of building decay and non-maintenance". Mr Melody also recorded that the Marton & District Historical Society Committee had requested that if the High Street part of the Cobbler Building was to be demolished then "the exterior appearance of the next-door Victory Milk Bar (Cobbler) building, also owned by Twiss & Co, should be improved; that spouting and drainage problems on this block should be repaired; that a high parapet should be erected behind the new office block to conceal the unsightly rear ends of neighbouring shops in Broadway; and that bricks from the old building should be used in the entrance to the new block".

21. Mr David Shepherd, a real estate agent leasing the corner office of the Broadway part of the Cobbler Building, gave verbal evidence. He advised that he had been a MRINZ since 1962 and had lived in Marton for 25 years. He noted that historical buildings sometimes outlived their usefulness. He had at one time been engaged to find tenants for the upper floor of the High Street part of the building, but had found it difficult to do so. He concluded that this was a serious matter for Marton as there was now a good opportunity to secure WINZ as a long term tenant in the proposed new building.

22. Mr Bryce Tasker, Construction Manager for T & J McIlwaine, provided a statement of written evidence. Mr Tasker advised that although he had formerly been a planner at the Council he was not purporting to be giving planning evidence. He advised that it was McIlwaine's view that it was not economic to restore the High Street part of the building, noting a list of defects with it. He estimated the refurbishment costs at $425,000. Mr Tasker stated that the Regional Council had told the Council that it was not concerned about flood levels at the site. He noted that the new

building would be required to comply with the District Plan at the building consent stage or a new resource consent application would be required.

23. In response to questions from the Committee Mr Tasker advised that he had been at McIlwaine's for two or three months. While employed by the Council he had received and notified the Twiss Application.

24. Mr Castle also tabled two letters from the Property Manager of WINZ dated 9 July 2004. The first letter noted that WINZ was unable to provide a full range of services to its clients in Marton and it needed a larger site than it currently occupied. The second letter additionally noted that there were no alternative premises available in Marton and that if the demolition consent was turned down WINZ would have no option but to relocate all non-essential services back to Wanganui. Unfortunately no representatives from WINZ were present at the Hearing to speak to these letters or to answer questions from the Committee.

SUBMITTERS

25. Ms Glieshie, presented verbal evidence in support of her submission. Ms Glieshie noted that she had qualifications in architecture and building. She considered that the Applicant had underestimated the value of historic buildings, especially in terms of tourism. She asked if WINZ would be prepared to move into a restored building and suggested that the High Street part of the building was only run down as the Applicant had let it become so.

26. Ms Glieshie had earlier provided a further written statement to the Council on 7 July 2004 which the Committee had already read. In that statement Ms Glieshie noted that many "buildings were being demolished these days instead of restoring them to their original state". She observed that "once our heritage is gone, we can't get it back".

27. Mr Geoffrey Mills presented written evidence to the Hearing, elaborating on the points made in his original submission. He noted that a refurbished building could also create employment and serve WINZ's purposes. He considered that a new building of the kind used by WINZ in Palmerston North would have a negative impact on the Marton townscape. Mr Mills said that the current state of disrepair of the High Street Building was an issue that the landlord should have addressed long ago.

28. Mr Mills drew the Committee's attention to the newly painted Post Office building citing that as an example of positive building refurbishment.

29. Mr Robert McClean, Heritage Advisor for the Central Region of the New Zealand Historic Places Trust, tabled and read a comprehensive statement of written evidence. He addressed the proposal, the statutory instruments, the consents required, the provisions of the Resource Management Act 1991, the provisions of the Historic Places Act 1993 and the Building Act 1991, planning and resource management issues, the Manawatu Wanganui RPS, the District Plan, sections 5, 6, 7 and 104 of the RMA.

30. Mr McClean concluded that "The Cobbler Building has been singled out as being important to the nation by its status as a registered Category II Historic Place under the Historic Places Act 1993. The partial demolition of the building will result in the loss of its architectural heritage fabric and its social and historic values. The loss of the building will also impact adversely on the collection of heritage buildings in the Marton CBD and may potentially increase the risk to other heritage

buildings. For these reasons, the partial demolition of the Cobber Building is an activity that will have more than minor effects on the environment".

31. Ms Val Burr, a contract historian, presented written evidence on behalf of the New Zealand Historic Places Trust. Ms Burr described the history of the Cobbler Building and the various tenants that have occupied it over the years. Based on her substantial research into the matter Ms Burr concluded that the Broadway and High Street components of the building were "constructed in two stages throughout 1913 and 1914, and it seems likely that Stage One was simply built first to suit the commercial needs of its first tenant".

REPORTING OFFICER'S REPORTS

32. The Officer's Report prepared by Mr Shane McGhie, an independent planning consultant engaged by the Council, had been circulated to all the parties prior to the Hearing. Accordingly it was taken as read. It was a comprehensive report covering the Application, a summary of the further information requested, the consultation undertaken by the Applicant, the submissions received, the Manawatu Wanganui RPS, the District Plan, the provisions of the RMA, heritage protection, flood channels and natural hazards, and other matters.

33. Mr McGhie recommended that the Application be declined as it would generate adverse effects relating to the loss of cultural and physical landscape heritage values that were more than minor, and the proposal was inconsistent with the provisions of the District Plan and Part II of the RMA. In response to a question from the Committee Mr McGhie advised that in light of the additional information provided by the Applicant at the Hearing the nature of his assessment might have changed had that information been made available with the original application. However, he did not wish to amend his conclusions or recommendation.

34. Mr Ian Bowman, consultant architect and conservator, had been commissioned by the Council to prepare a report assessing the effects of the proposed partial demolition of the Cobbler Building. His report had been circulated to all the parties prior to the Hearing. Accordingly it was taken as read. It was a comprehensive report covering the proposal, the provisions of the District Plan, heritage values, an assessment of effects, and an assessment of the proposal against the provisions of the Plan. It included as an appendix a report prepared by Ms Burr regarding the history of the building.

35. Mr Bowman concluded that "demolition of half of the building will reduce current heritage values to a substantial degree". In response to a question from the Committee Mr Bowman advised that despite the additional information provided by the Applicant at the Hearing his conclusions had not changed. He advised that the Cobbler Building was a highly significant building attributable to the architect Robin Hood and could possibly be considered his best building. In Mr Bowman's opinion it was clear that Robin Hood had designed the building as a whole even though it was built in two stages. It was designed to be consistent with other Marton buildings in existence at that time.

CLOSING SUBMISSIONS

36. Mr Castle addressed a number of matters raised during the Hearing. He suggested that the opponents to the demolition were trying to rob the community of the "best of both worlds" as the Applicant wished to demolish the run down extension to the Cobbler Building and retain and improve the more important corner block. He suggested that the evidence before the Committee was that the part of the building to be demolished was of the least value.

37. Mr Castle suggested that it was Mr McGhie's responsibility to seek out any information that was lacking in the original Application. He contested the expertise of Mr Mills to draw the conclusions that he did. He disagreed with Mr McClean and suggested that he should have been asking the question "would the partial demolition cause a loss of the individual character of Marton". Mr Castle submitted that it would not as the cluster of buildings on the Broadway corner would remain with the "best of the best intact".

38. Mr Castle submitted that a Conservation Plan was irrelevant as it might not recommend demolition, and if it instead recommended refurbishment then he asked who would pay for that. His concluding comment was that the Applicant had come forward with the best of intentions and that this was an opportunity for Marton that should not be lost.

STATUTORY FRAMEWORK

39. Section 104(1) of the Resource Management Act states that, subject to Part II of the Act, in making this decision the Committee must have regard to a number of matters. The ones considered relevant in this case are:

(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of –

(iii) a regional policy statement or proposed regional policy statement:

(iv) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

40. As already stated in this Decision the District Plan classifies the demolition activity as a Limited Discretionary Activity which the Committee considers is the same as a Restricted Discretionary Activity. Section 104(C) of the Act provides that:

When considering an application for a resource consent for a restricted discretionary activity, a consent authority

(a) must consider only those matters specified in the plan or proposed plan to which it has restricted the exercise of its discretion; and

(b) may grant or refuse the application; and

(c) if it grants the application, may impose conditions under section 108 only for those matters specified in the plan or proposed plan over which it has restricted the exercise of its discretion.

41. The Committee notes that the erection of the new building would also be a Limited Discretionary Activity subject to different tests under the District Plan. However, there is no need to consider that matter in any detail at this stage as it goes without saying that a consideration of the merits of the new building need only be undertaken if the Committee finds that the demolition of the existing building should proceed. Therefore, the matter of the proposed demolition must be dealt with first.

42. Section 108 of the Act provides for conditions that may be placed on consents. That section enables the Committee to impose any conditions considered appropriate provided of course that those conditions are for a resource management purpose and meet the other "Newbury" tests.

EVALUATION OF THE PROPOSAL

43. Based on the Application documents, the submissions, the Officer's Report and the evidence presented at the Hearing, the Committee considers that the following matters require our consideration before coming to an overall balanced judgement regarding the proposal:
    - The nature of the building
    - The nature of the Application
    - The Application documentation
    - The heritage status of the building
    - The effects of the proposed activity
    - Part II of the Act
    - The provisions of the Regional Policy Statement
    - The provisions of the District Plan

The Nature of the Building

44. The Applicant was strongly of the view that the building to be demolished was merely an extension to the original Cobbler Building fronting Broadway, and that this somehow lessened its heritage and architectural value. The Applicant relied upon the views of Mr Twiss and Mr Melody in that regard. The contrary view was advanced by Mr Bowman, Ms Burr and Mr McClean who considered that the High Street "extension" to the Cobbler Building and the part of the building fronting Broadway were in fact two parts of the one building, albeit that they were constructed over the period of 1913 to 1914.

45. On the weight of qualified evidence before it the Committee finds that the Broadway and High Street components of the building are in fact parts of a single building colloquially known as the Cobbler Building. This finding was reinforced by an inspection of the building whereupon the Committee found that it would be clear to a casual observer that the building was a single building, albeit one having a large covered alleyway on the High Street frontage.

46. The Committee therefore rejects the proposition that the Application before it is to merely demolish a lesser value extension to an original heritage building. The Committee finds instead that the Application before it is to demolish half of an existing heritage building and to erect an undefined modern building in its place.

47. In making that finding the Committee repeats that the activity is a Limited Discretionary Activity and as noted by Mr Castle the Committee's discretion is limited to heritage issues. Accordingly, the remainder of this Decision will focus on heritage issues.

48. For the record the Committee notes that Mr Castle discussed an apparent alteration to the original Application form, alleging that it had served "to confuse and distort the nature of the application to be considered". Having viewed the original document in question the Committee observes that it is likely that the alteration was in fact made by the person who originally filled in the form. However, that particular matter is of no relevance to this Decision as the Committee is in no doubt whatsoever about the nature of the proposal before it and the location of the various parts of the building under consideration.

The Nature of the Application

49. It is clear from the original Application form that the proposal before the Committee is to demolish the High Street portion of the Cobbler Building and to erect a new building in its place. The Application therefore comprises two parts – demolition flowed by construction. However, the Applicant did not provide any meaningful details of the proposed new building, other than some vague sketch plans of a floor layout and a photograph of the existing WINZ building in Palmerston North. Indeed, Mr Twiss advised that he had not commissioned the design of the new building as he did not wish to waste money on that exercise if the demolition was not to be authorised.

50. Unfortunately this meant that the Committee was unable to take into account any mitigation that a sympathetic new building design might engender, such as if the High Street façade of the Cobbler Building was to be retained for example. Instead the Committee has of necessity simply evaluated the merits of demolishing half of the Cobbler Building based on the evidence before it regarding the actual and potential effects of that activity.

51. In that regard the Committee notes that the Council has granted Mr Twiss a demolition permit under s35 of the Building Act, subject under s35(1) of that Act to the obtaining of a resource consent for the demolition of a listed heritage building. As already stated, and as agreed by all parties including the Applicant, the Committee's deliberations on that matter are restricted to heritage issues.

52. Consequently, the Committee finds that the costs of refurbishing the Cobbler Building as opposed to demolishing it and replacing it with a new building are not material to its deliberations. Similarly, the Committee finds that whether or not WINZ chooses to remain in its current premises or relocate to other premises, either in Marton or elsewhere, is also not a matter that is material to the effects of the activity under consideration.

The Application Documentation

53. The Committee records that the Application documentation was sparse to the point of being inadequate. The original Application was accompanied by a two page Assessment of Environmental Effects (AEE) that was little more than a collection of brief assertions with no evidential basis. Mr Castle appended a fuller three and a half page AEE to his written submissions, however neither the Committee members nor the Council staff had previously sighted that particular document.

54. The Applicant provided no assessment of the heritage and landscape values of the building, no Conservation Plan for the affected heritage building was provided, and as stated above no details of the proposed new building were supplied. The Applicant's response to the Council's request under section 92 of the RMA on these matters was similarly inadequate.

55. In light of the above deficiencies in the Applicant's documentation, the Committee considers it necessary to record that it rejects the assertion of Mr Castle that it was incumbent on Mr McGhie to somehow search out the missing information. Quite to the contrary that obligation rested squarely with the Applicant.

The Heritage Status of the Building

56. In his original AEE Mr Twiss stated "This is not a historical site or it has no cultural significance which would offend any group". The Committee does not accept that proposition and instead adopts the expert evidence of Messer's McGhie, Bowman and McClean that the heritage status of the Cobbler Building is indisputable. The building in its entirety, comprising its components facing both High Street and Broadway, is a Category II Historic Place under the Historic Places Act 1993 and is listed in Schedule One to the District Plan as a Heritage feature.

The Effects of the Activity

57. The Applicant largely relied on the evidence of Mr Twiss and Mr Melody to describe the potential effects of the proposed demolition. Mr Twiss stated that those effects would be minor as the part of the building to be demolished was in state of significant disrepair. Mr Melody stated that in his view the building was an "eyesore" and he supported Mr Twiss's intention to remove "an objectionable building and replace it with another of higher calibre and visual appeal".

58. Presenting the opposite view Mr Bowman and Mr McClean, both highly qualified and experienced practitioners in the field of heritage building protection and conservation, considered that the demolition of the High Street portion of the Cobbler Building would have considerably more than minor effects on the environment. The reasons for their views are well set out in their respective report and written evidence. For the sake of brevity the detail of their arguments is not repeated here.

59. Based on the evidence before it the Committee finds that the demolition of the High Street portion of the Cobbler Building would have significant adverse effects on the environment. In that regard the Committee adopts the evidence of Mr McClean that "the proposed demolition will involve the total loss of a main part of the building and therefore, the adverse effects of the heritage values of the building are more than minor. The proposal also does not avoid, remedy or mitigate any adverse effects".

60. The Committee also finds that while the Cobbler Building is in a state of disrepair, that situation has resulted from deferred maintenance arising it would seem from the time that Mr Twiss first acquired the property in the early 1980's. Had the building been adequately maintained over that period it would not be the "eyesore" to some people that it now appears to be.

Part II of the Act

61. The Committee's deliberations are subject to Part II of the Act. Section 5 states:

    1. *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
    2. *In this Act, "sustainable management" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while: -*
        (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
        (b) Safeguarding the life supporting capacity of air, water, soil and ecosystems; and
        (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment..

62. The Committee accepts that the demolition of the High Street part of the Cobbler Building would enable the Applicant to better provide for his economic well-being. However, we have already found that the demolition will have significant adverse effects on the environment. The Applicant has proposed no mitigation for those adverse effects and so the Committee finds that the proposal is contrary to section 5 of the Act.

63. In making that finding we acknowledge that Mr Twiss did offer to renovate the Broadway component of the building if the demolition of the High Street component should be allowed. That renovation would entail some of the matters listed by Mr Melody in his written statement which were quoted earlier in this Decision. The Committee observes that those "renovations" amount to little more than deferred maintenance and they do not constitute mitigation for the loss of heritage values associated with the proposed demolition.

64. We also note that Mr Twiss had offered to place a heritage covenant on the Broadway component of the building. However, the entire building already has heritage status under the Historic Places Act and the District Plan and so the Committee fails to see what additional mitigation that would provide.

65. Section 6 of the Act states:

> *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*
>
> *f. The protection of historic heritage from inappropriate subdivision, use, and development.*

66. The Committee has already found that the Cobbler Building is a historic and heritage resource. The Committee finds that the demolition of the High Street portion of the building would constitute an inappropriate form of development. It is a matter of national importance to protect the Cobbler Building from such development and the Applicant's proposal clearly does not do so. Consequently the Committee finds that the proposal is contrary to section 6 of the Act.

The Manawatu-Wanganui Regional Policy Statement

67. The Manawatu-Wanganui Regional Policy Statement (RPS) is an operative document. Objective 10 of the RPS seeks "to protect heritage resources of regional importance". The Committee finds that as the Cobbler Building is considered a nationally important heritage resource by way of its classification as a Category II Historic Place it is axiomatic that the building is also a heritage resource of regional importance.

68. Consequently, the Committee finds that the proposed demolition of the High Street part of the Cobbler Building is inconsistent with the provisions of the RPS.

The Provisions of the District Plan

69. The Committee heard expert planning evidence from Mr McGhie and Mr McClean that the proposed demolition of the High Street portion of the Cobbler Building was inconsistent with the objectives and policies of the District Plan. The Applicant presented no planning evidence to counter that view. While Mr Tasker appeared for the Applicant he clearly stated that he was not giving planning evidence, even though he had some previous experience working as a planner.

70. The Committee finds that the proposal is contrary to the provisions of the District Plan, in particular Objective 18 and policies 18.2 and 18.4 which state:

> ***Heritage Protection***
>
> *Objective 18: Recognition and protection of the heritage values of buildings, trees, objects, places or areas of historical or cultural significance, artefacts, archaeological and geological sites and waahi tapu; and protection of them from inappropriate subdivision, use and development.*
>
> *Policy 18.2: Ensure that the adverse effects of subdivision, use or development of land on the special values of the heritage resources identified in the Plan are avoided, remedied or mitigated.*
>
> *Policy 18.4: Ensure that the external design and appearance and significant fabric of heritage buildings and other structures, are protected.*

Provisions of the Historic Places Act 1993

71. The Committee considers that the provisions of the Historic Places Act 1993 are a relevant matter under section 104(1)(c) of the RMA. As noted by Mr McClean, the purpose of the Historic Places Act 1993 is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand. The Cobbler Building is a registered Category II Historic Place. Consequently, the Committee finds that the proposed demolition of the High Street portion of the Cobbler Building would be inconsistent with the purpose of the Historic Places Act 1993.

OVERALL JUDGEMENT

72. Having regard to the matters set out in the Officer's Reports, the Applicant's application documentation and their evidence, the evidence of the submitters, the provisions of the Act and the relevant statutory instruments, the Committee finds that the demolition part of the Application should be declined.

73. Having made that determination the Committee notes that there is no need to consider the second limb of the Application involving the erection of the new building. However, we note for the record that based on the information provided to date it is doubtful whether consent would have been granted for that activity either.

THE DECISION

74. Pursuant to Part II and Sections 104 and 104C of the Resource Management Act 1991, the application for resource consent sought by Francis Robert Twiss, Stephen James Taylor and William Harry Twiss to demolish the High Street portion of the building known as the Davenport Building or the Cobblers Building and to erect a new building on the site is **declined** for the following reasons:

    1. The potential adverse effects the proposed activity on the environment are more than minor.
    2. It is not possible to mitigate those adverse effects through the imposition of conditions and no suitable mitigation was proposed by the Applicant.
    3. The proposed activity is contrary to Part II of the Resource Management Act 1991, particularly sections 5(2)(c) and 6(f).
    4. The proposed activity is inconsistent with the relevant objectives and policies of the Manawatu-Wanganui Regional Policy Statement, particularly Objective 10.

5. The proposed activity is inconsistent with the relevant objectives and policies of the District Plan, particularly Objective 18, policies 18.2 and 18.4, and Rule 19.2.17.

6. The proposed activity is inconsistent with the purpose of the Historic Places Act 1993.

Signed:

Rob Van Voorthuysen
Chairperson

DATE: 23 July 2004

Appendix 5 - 2018 Thains Building Commissioner Decision

Decision Report

Karantze Holdings

Application
to
Whanganui District Council

14 August 2018

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1 Appointment

[001] The Whanganui District Council (Council or WDC), acting under s34A of the Resource Management Act 1991 (RMA), appointed Robert van Voorthuysen[1] to conduct a hearing into a land use resource consent application lodged by Karantze Holdings (Karantze or the applicant) to demolish the existing 'Thains' building located at 1 Victoria Avenue, Whanganui.[2]

2 Description of the proposal

[002] The site at 1 Victoria Avenue comprises four parcels of land legally described as Lot 4 DP 8354, Lot 5 DP 8354, Lot 9 DP 8354 and Lot 10 DP 8354. The Thains building is a three-storey masonry commercial building, erected around 1907-1908 by local builder Nicholas Meuli as the premises of James Thain & Co, who specialised in ironmongery, household goods and agricultural supplies. It is one of the few three storey heritage buildings in Whanganui.[3]

[003] The building consists of load bearing brick walls, which are unreinforced, concrete foundations, timber floors and timber roof trusses supporting a light iron roof. The ground floor is of timber construction. James Thain & Co occupied the building until the 1930's when it was bought by Dalgety and Company stock and station agents. Dalgety and Company operated from the building until the 1980's. It was purchased by Karantze Holdings in 1984 and since then has been leased as office and retail space to a number of tenants.

[004] The proposal for which land use consent is now sought is straightforward. It is to demolish the Thains building in its entirety. The proposal does not include (or specify) any post-demolition earthworks, nor does it specify how the site will be developed post-demolition. Importantly, the proposal does not specify what, if any, replacement building(s) will be erected on the site.[4]

[005] The application states that the site owner wishes to be able to sell the site (the land and existing building) inclusive of a land use resource consent allowing the building to be demolished. However, the site owner does not intend to demolish the building themselves, because they state that they cannot afford the cost of demolition.[5]

[006] The building is described in Appendix A of the Whanganui District Plan (WDP) simply as 'Thains' and it is categorised as a 'Class B' Heritage Item.[6] The built heritage categorisation system in the WDP was developed to enable built heritage items to be prioritised for protection and there are three classes - A, B and C. Class B buildings are described[7] as "*At a regional or local level it has several high heritage values and/or has good integrity*."

[007] The Council does not have a complete heritage inventory report for the Thains building and nor has the applicant provided any detail of its heritage significance. The building

[1] Commissioner van Voorthuysen is an experienced independent commissioner, having sat on over 275 hearings throughout New Zealand since 1998. He has qualifications in natural resources engineering and public policy and was a full member of the New Zealand Planning Institute (NZPI) from 1998 to 2016.
[2] Noel Mouldey of The Building Design Company prepared the application document.
[3] As noted in the submission of the Whanganui Regional Heritage Trust, who advised that the three storey buildings tend to be located on street corners such as this.
[4] The applicant has obtained from W&W Construction 2010 Limited a very preliminary costing for a new single floor commercial building for the site, but has no intention of constructing it. The applicant confirmed in Reply that "… *mention of a single floor building has been made only to illustrate costs of various options*."
[5] As advised by Mr Mouldey at the hearing.
[6] List No 388.
[7] WDP, Chapter 9, page 9-4.

is not listed with Heritage New Zealand Pouhere Taonga (HNZPT), but they submitted in opposition to the demolition application. In their evidence, HNZPT advised that it was the applicant's responsibility to provide a detailed Heritage Assessment of the building.[8] HNZPT's planning witness agreed with the WDC reporting officer's assessment of the heritage values of the site and the adjoining townscape.

[008] The site is an archaeological site in accordance with s6 of the Heritage New Zealand Pouhere Taonga Act 2014 because it is associated with pre-1900 human activity.

[009] The building is shown below.

The Thains Building, 1 Victoria Avenue, Whanganui

[010] As noted in the s42A Report,[9] the Thains building occupies a prominent corner site at the junction of Victoria Avenue and Taupo Quay. As pointed out by several submitters, that intersection forms an 'Edwardian gateway' to the 'Old Town' part of the central city, being located at the start of Victoria Avenue and immediately adjacent to the Town Bridge. Three of the four corner sites at the intersection contain prominent, multi-storey heritage buildings.[10]

3 Consent category

[011] The site is zoned Central Commercial under the WDP and is located within the Old Town Conservation Overlay and the 100 and 200-year flood zones.[11] Within the Central Commercial Zone, the demolition of a building is a discretionary activity.[12]

[8] Statement of Evidence of Edita Babos for and on behalf of Heritage New Zealand Pouhere Taonga, paragraph 10.
[9] Section 42A Reporting Officer Recommendation, Johanna Verhoek, 19 July 2018. Section 8.
[10] The Thains building is located on the western corner, the Fosters building (District Plan List No. 389) is located on the northern corner and the Johnston & Co building (District Plan List No. 396) is located on the eastern corner.
[11] The Thains building, along with many other buildings on Taupo Quay, were flooded in June 2015.
[12] Rule 5.8.4(f).

Within the Old Town Conservation Overlay, demolition of a building is a restricted discretionary activity.[13] Demolition of a Class B heritage building is a discretionary activity.[14] Overall, the application is a discretionary activity.

[012] However, it is useful to note the relevant matters of discretion under Rule 9.7.3(b). As no replacement building is proposed, the relevant matters of discretion are: (iii) the effect on existing heritage fabric and values; and (iv) precinct values.[15]

4 Process issues

4.1 Notification, submissions and written approvals

[013] The applicant requested that the application be publicly notified and accordingly it was notified on 23 April 2018. 33 submissions were received with 32 being in opposition and one in support. The nature and content of each submission was well summarised in the s42A Report.[16] I adopt those summaries, but do not repeat them here for the sake of brevity. I record that I read all the submissions in full.

[014] No written approvals were obtained. No pre-hearing meeting was held.

4.2 Late submissions

[015] There were three late submissions, none of which raised issues not already canvassed by other submitters.[17] The reporting officer recommended that I allow those late submissions. The applicant did not oppose that.[18] Accordingly, pursuant to s37(1) of the RMA I extend the time period for lodging submissions for submission numbers 29, 32 and 33 to 30 May 2018. In other words, the three late submissions are accepted as valid submissions.

4.3 Pre-circulation of evidence

[016] The s42A Report was pre-circulated on 20 July 2018 in conformance with s103B of the RMA and a procedural and timetabling Minute that I issued.[19] The applicant's evidence was pre-circulated on Friday 27 July 2018.[20] Submitters Michael Hartfield and Heritage New Zealand Pouhere Taonga also pre-circulated evidence.[21]

4.4 Officer's recommendation

[017] The WDC reporting officer initially recommended declining the application. At the end of the hearing Ms Verhoek maintained that recommendation, advising that nothing she had heard during the course of the hearing had led her to change any of the conclusions reached in her s42A Report.

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[13] Rule 9.7.3(b).
[14] Rule 9.5.4(a).
[15] Precinct values are not defined in the WDP, but I understand them to be in this case the values underpinning the Old Town Overlay.
[16] Section14.
[17] Submission No. 29 was 4 hours late, submission No. 32 was 2 days late, and submission No. 33 was 6 days late.
[18] As advised by Mr Mouldey at the hearing.
[19] Whanganui District Council, Tony Karantze, Directions of the Commissioner, 5 July 2018.
[20] The applicant's evidence comprised a one paragraph memorandum from W&W Construction advising that the 'retaining façade' costs opinion provided by Ian Pearson was "within the realm of expectation"; and a one page letter from David Mulholland Consulting Engineering Limited clarifying that it would be very expensive to strengthen the building against earthquakes, that the timber floor should be replaced to guard against flood damage and because a timber floor would be incompatible with new piling and concrete works, that a Geotech investigation was not necessary because there was no apparent settlement or cracking of the masonry walls, and that a Detailed Seismic Assessment (DSA) would be very expensive.
[21] Hartfield on 1 August and HNZPT on 3 August. The HNZPT evidence comprised a statement from planner Edita Babos.

4.5 Hearing and site visit

[018] A hearing was held in the Grand Hotel in Whanganui on 9 and 10 August 2018. I undertook a site visits on 9 and 10 August 2018. I closed the Hearing on the afternoon of 10 August 2018, having satisfied myself that I did not require any further information from any party.

[019] At the commencement of hearing the applicant (Mr Karantze) and applicant's agent (Mr Mouldey) advised that they did not wish to verbally add to the matters covered in the written application and evidence. Submitters who appeared are listed in Appendix One. The applicant's Reply submission was provided in writing (and read out) at the hearing on Friday 10 August 2018.

[020] Copies of the evidence presented at the hearing are held by the Council. I do not summarise all the matters covered here, but I refer to or quote from that material as appropriate in the remainder of this decision. I took my own notes of answers given to verbal questions that I posed to the applicant, submitters and the reporting officer. I record that I have had regard to all the matters raised by submitters, both in their original submissions and in the verbal and written evidence provided to me at the hearing.

4.6 Requested Adjournment

[021] One submitter[22] requested that I adjourn the hearing and withhold my decision for six months "… *to allow Council and opposing submitters to provide evidence to rebut what I* [the submitter] *have suggested is an applicant's prima facie case in favour of demolition.*" Neither the applicant nor the Council requested or agreed to an adjournment. I note that s115(2) of the RMA requires that if a hearing is held, notice of the decision must be given within 15 working days after the end of the hearing. Under s37A(2) of the RMA I cannot extend that timeframe to more than 30 working days without the applicant's agreement. So, I have no ability to grant the submitter's request. However, even if I had an ability to do so I would not, as I understand that the onus is on an applicant to prove their case and not on the Council to disprove it.

5 Section 104 and 104B matters

[022] I now address the relevant aspects of the application in terms of s104 and s104B of the RMA.

5.1 Actual and potential effects on the environment

[023] Having reviewed the documentation and the issues of concern raised by the parties I find there are four matters that I should assess.

5.1.1 Loss of heritage values

[024] The Thains building has undisputed heritage values of regional significance, demonstrated by it being categorised as a Class B Heritage Item in the WDP. Evidence from submitters reinforced the appeal of Whanganui's heritage buildings for tourists and the economic contribution that makes to the town.[23] They noted that the Thains building is highly visible from tourist destinations such as Durie Hill and when walking over the City Bridge, and that the building 'wraps around' a prominent intersection.

[22] Peter Robinson, the sole submitter in support of the application.
[23] Including from Michael Hartfield.

[025] If the demolition application is approved, these site specific heritage values will be lost forever.

[026] As noted earlier in this decision, the Thains building is situated in the Whanganui Old Town Conservation Overlay. Regarding that Overlay, the WDP states:[24]

> The Whanganui town centre including the Old Town Overlay has a considerable concentration of heritage buildings. Although some have been strengthened, many are at high risk from damage or loss from earthquake, as the bulk are un-reinforced masonry or poorly reinforced concrete. This poses a high degree of health and safety risk. Heritage buildings, however, are significant for their contribution to the economic success of the town centre, based on their amenity value, creating attractive and welcoming urban spaces and streetscapes. Loss of items could lead to fragmentation of the town centre to a degree where the area loses its appeal as a commercial focus and as a tourist destination.

[027] The excerpt from the WDP quoted above leads me to conclude that the demolition of the Thains building would also have a more than minor adverse cumulative effect on the overall heritage value of the Whanganui Old Town centre. As noted by submitters, there is an attractive balance in the lower Victoria Avenue and Taupo Quay block of two and three-storey Victorian (mainly masonry) buildings. Demolishing the Thains building would adversely affect that fabric and symmetry.[25]

[028] The adverse cumulative effect is exacerbated by the fact that (as noted above) the building occupies a prominent corner site at the intersection of Victoria Avenue and Taupo Quay, with that intersection forming a gateway to the central city immediately adjacent to the Town Bridge.

[029] Notably in my view, the demolition application was opposed by a number of organisations and individuals with statutory roles or interests in heritage protection; including Heritage New Zealand Pouhere Taonga, the Whanganui Regional Heritage Trust, the New Zealand Institute of Architects Western Branch, Mainstreet Wanganui; several local architects,[26] and nearby heritage building owners.[27]

[030] Those submitters raised concerns echoing those I have noted above, particularly the potential loss of the heritage and architectural values of the regionally important Class B Thains building, and its contribution to the heritage values of the Old Town precinct given its particular location at the 'gateway' to the Old Town centre.

[031] There was also some concern from submitters that the demolition of the building could result in a vacant lot persisting for many years, adversely affecting the visual amenity of the surrounding area. They noted that had occurred elsewhere in the town because of demolitions. In Reply the applicant advised that would not happen here because "*The application is for demolition only with an acknowledgement that demolition will not take place until Resource Consent for a replacement building, if any, is granted*". The applicant's position is problematic. I cannot impose a condition of consent that is contingent on a future resource consent being granted. Consequently, if consent for demolition is granted, and notwithstanding their assurances to the contrary, the applicant could demolish the building immediately.

[24] Chapter 9, Cultural Heritage, page 9-4.
[25] Ibid, Michael Hartfield.
[26] Including Craig Dalgleish and Ben Mitchell-Anyon.
[27] Including the Mitchell-Anyon family, Marie McKay, Kerry Girdwood and Charlie McKay.

[032] Some of the submitters thought that allowing the demolition of the Thains building could create a precedent facilitating the demolition of other poorly maintained buildings. I understand that concern but note that as a discretionary activity, any future demolition proposal would be considered on its individual merits by the decision-maker at that time.

[033] Having regard to all of the above, I conclude that granting the application would result in significant and unavoidable adverse effects on heritage values.

5.1.2 Lack of maintenance

[034] Some submitters considered that the current 'run down' nature of the Thains building was due to a lack of maintenance by the owners since its purchase. For example, one submitter[28] stated that "*There is a lot of deferred maintenance evident from even a casual inspection of the building which has been visibly deteriorating. Particularly since it was inundated in the June 2015 floods*." Accordingly, I asked the applicant what maintenance had been carried out over the last two decades. Mr Karantze advised the building was painted in 2008[29] and some minor work had been done to address leaks. However, no structural maintenance work had been undertaken.

[035] Along similar lines, some submitters were concerned that the insurance payment[30] resulting from the June 2015 flooding of the building had not been spent on remediating the building. Mr Karantze confirmed that to be the case, advising that an insurance payment had been received but it 'was banked' as he saw no point in spending it on the building given his desire to obtain permission to demolish it and his concern that that another flood might occur.

[036] On the evidence, I conclude that the much of current 'run down' state of the building (and hence the cost of necessary non-earthquake strengthening related refurbishment) is arguably a result of intentional deferred maintenance.

5.1.3 Consideration and costs of alternatives to demolition

[037] The application documentation outlined two alternatives to demolition, firstly bringing the Thains building up to a minimum of 67% of the National Building Standard (NBS) for earthquake strengthening and secondly, retaining the façade of the building while erecting a new building behind that façade.

[038] That cost of the first option was estimated at up to $1,200,000[31] which is substantial.[32] The cost is exacerbated by known liquefaction and flooding risks in this part of Whanganui. A peer review of the applicant's estimate commissioned by the Council advised that the costs appeared to be reasonable for the methodology stated, but there were potential (unquantified) savings to be had if other techniques were explored.[33]

[039] The additional cost of the second option was estimated at $1,550,000.[34] A peer review of the applicant's estimate commissioned by the Council advised that façade retention was not uncommon, but the estimated costs provided should be confirmed by a specialist contractor experienced in that type of work.[35]

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[28] Peter Robinson, submission.
[29] At a cost of $21,000 as reported by Mr Karantze.
[30] Which I understand to be $75,000 (Application document, page 19).
[31] I have not included 'refurbishment' costs as I consider those are arguably required due to intentional deferred maintenance as discussed in section 5.1.2 of this decision.
[32] Application document, page 35,
[33] Letter from Miyamoto to WDC, dated 22 June 2018, page 2.
[34] Application document, Appendix 10.2, page 4.
[35] Letter from Miyamoto to WDC, dated 22 June 2018, page 2.

[040] I note that both of the applicant's cost 'estimates' are the opinion of an engineer[36] and are not supported by detailed calculations. The Council's peer review concluded:[37]

> Based on the information provided, we would recommend that additional information is provided to Council by the applicant. This should include;
> - Reference to the condition of the ground floor and why replacement is required.
> - Geotechnical investigation to confirm bearing capacity and liquefaction potential.
> - Confirmation of existing structural system including floors to determine appropriate strengthening techniques, and consideration of alternatives such as FRP or centre coring.
> - Advice from specialist contractor on facade retention and likely additional costs.
>
> To enable realistic costs for strengthening to be estimated, we would suggest that the above work represents a minimum, and that to confirm suitable strengthening options further investigation/detail should be provided, which may well include a DSA [Detailed Seismic Assessment].

[041] Several submitters outlined options that they thought had not been fully considered by the applicant. These included demolishing only one third of the building (the unremarkable rear portion of the building behind 5, 7 and 13 Victoria Avenue),[38] converting the ground floor to 'niche' retail space and the second and third levels into residential 'apartment style' accommodation for which there was a reported growing demand from both Whanganui residents and from people moving to Whanganui,[39] and seeking funding assistance from Government's Heritage EQUIP Retrofit Grant[40] and the WDC's Heritage Grant Scheme.[41]

[042] At the hearing the applicant advised that the structural options outlined above had been considered, but they were too costly. The applicant was also aware of the two grant funding sources, but no grant funding had been sought.

[043] Regarding the Heritage EQUIP Retrofit Grant, Mr Mouldey for the applicant advised that his enquiries had revealed that the grant funding was only available for earthquake strengthening costs, and not for other refurbishment costs. He also advised that the grant funding was only approved once building consent for the work had been obtained and the funding was provided retrospectively once the works were completed.

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[36] Dave Mulholland who is a CPEng civil engineer with 57 years of experience. At the hearing Mr Mulholland advised that he had undertaken 15 to 20 earthquake strengthening assessments of older buildings in Whanganui, Marton and Palmerston North. Around 10 to 12 of those buildings had gone on to be, or were in the process of being, earthquake strengthened, and he had also been involved with the actual strengthening work. I accept that Mr Mulholland is both qualified and experienced in these matters.

[37] Ibid.

[38] Including NZIA Western Branch, Helen Craig and Bruce Dickson/Whanganui Regional Heritage Trust.

[39] Including Ben Mitchell-Anyon, Kerry Girdwood and Helen Craig.

[40] The two types of Heritage EQUIP grants focus on different scales of seismic strengthening works. Retrofit grants are designed to support smaller seismic strengthening projects. They focus on addressing specific building parts or retrofit solutions for common hazards. Retrofit grants provide up to 50% of seismic strengthening costs up to a maximum grant of $25,000. Major works grants provide up to 50% of seismic strengthening costs. Major works grants support proposed seismic strengthening projects involving comprehensive strengthening solutions for earthquake-prone buildings, including large-scale or staged projects. There is no upper limit to major works grant applications https://heritageequip.govt.nz/funding-your-project/heritage-equip-funding/how-much-funding-available

[41] The Heritage Grant Fund provides financial assistance to private building owners in the Town Centre to undertake heritage enhancement work. The grants are for external works that enhance the historic character of heritage buildings listed in the District Plan or have exceptional circumstances. For projects which cost less than $15,000 (excluding GST) funding is available for up to a maximum of 80% of the total cost of works. For projects costed at more than $15,000 (excluding GST) funding is available for up to a maximum of 50% of the total cost of theworks.https://www.whanganui.govt.nz/our-district/funding-opportunities/Building_Assessment_Assistance_Fund/Pages/default.aspx Submitter Helen Craig (a WDC councillor) advised that the fund is for restoration or enhancement of building facades.

[044] Interestingly, submitter Bruce Dickson[42] is on the EQUIP national assessment panel. He advised that an application for funding could now be made if resource consent (not a building consent) was obtained for strengthening work, but he confirmed that funds were only approved upon obtaining a building consent. Mr Dickson was confident that the Thains building would qualify for EQUIP grant funding.

[045] With regard to the WDC's Heritage Grant Scheme, Mr Mouldey considered that the available funding was too small to make a difference.

[046] I note that some of the alternative structural options outlined above have been successfully implemented by submitters who either own heritage buildings near the applicant's site or have been involved in the earthquake strengthening of other heritage buildings, some of which involved costs not dissimilar to those estimated as being required for the Thains building.[43] Accordingly they are feasible options.

[047] Some submitters noted that conversion of the second and third floors of the Thains building to residential accommodation might not require earthquake strengthening to 67% of the NBS, but perhaps to only 34% of the NBS. Others submitted that a contemporary[44] Initial Evaluation Procedure (IEP) may yield a higher percentage of the NBS, perhaps as high as 20%. I acknowledge that to be speculation, but if it is correct that would obviously reduce the costs of the strengthening exercise.

[048] Submitters also raised 'ownership options'. For example, John Vickers, the Chairman of the Whanganui Regional Heritage Trust, advised that the Trust can raise funds for the earthquake strengthening and refurbishment of heritage buildings such as this, and the Trust is open to considering mixed ownership arrangements with existing owners of heritage buildings.

[049] On the evidence before me, I conclude that the costs of earthquake strengthening are likely to be very substantial, but further work is required to accurately quantify them. I also conclude that the weight of evidence indicates that not all feasible options and alternatives to demolition have been exhausted.

5.1.4 Absence of mitigation

[050] Paraphrased by me, relevantly in this case s5 of the RMA describes sustainable management as managing the use, development and protection of physical resources in a way, or at a rate, which enables people to provide for their economic well-being while avoiding, remedying, or mitigating any adverse effects of activities on the environment.

[051] In this case while the activity (demolition of the Thains building) will possibly[45] enable the applicant to provide for their economic well-being, it will definitely result in significant adverse effects on heritage values as discussed in section 5.1.1 above. Those adverse effects cannot be avoided. As the applicant has not specified what state the site will be left in post-demolition, nor specified what earthworks will occur post-demolition, nor what (if any) new building will be erected on the resultant vacant lot; the applicant consequently offers no remediation or mitigation of those adverse effects. Accordingly, the proposal cannot be considered sustainable management.

[42] An architect specialising in heritage conservation projects.
[43] Including Kerry Girdwood (15/17 Victoria Avenue), Susan Cooke (68 Guyton Street) and Andra Bayly (a two storey building in Marton).
[44] The applicant's IEP was completed in August 2015 and yielded a rating of 5% of the NBS.
[45] I say 'possibly' because there is no certainty that the site will be purchased by a third party if consent is granted. The applicant advised there were no actual prospective purchasers waiting to buy the site if a demolition consent is obtained.

5.2 National environment standards and other regulations

[052] No relevant national environmental standards or regulations were brought to my attention and I am not aware of any.

5.3 National policy statements

[053] No relevant national policy statements were brought to my attention and I am not aware of any.

5.4 New Zealand Coastal Policy Statement

[054] The New Zealand Coastal Policy Statement is not relevant.

5.5 Regional Policy Statement

[055] The regional policy statement (RPS) is relevant and is contained within the Manawatu-Whanganui Regional Council's One Plan. Objective 6-3 of the RPS[46] is "Protect historic heritage from activities that would significantly reduce heritage qualities". Common definitions of 'protect' include "to keep safe from harm or inquiry" or to "guard or defend against loss".[47]

[056] The demolition of the Thains building will significantly reduce the heritage values of the subject site. In fact, it will eliminate those values. Granting the application will not 'keep safe' the heritage values of the subject site nor will it 'defend against the loss' of those values. The proposal is therefore contrary to the heritage objective of the RPS.

5.6 Regional plan

[057] The relevant plan is also the One Plan. However, its provisions do not address historic heritage other than in the coastal marine area.

5.7 Whanganui District Plan

[058] As noted earlier, the proposal is located within the Central Commercial Zone and the Old Town Conservation Overlay. Chapter 9 of the WDP addresses Cultural Heritage. Relevant provisions include:

> OBJECTIVE 9.2.1 – Recognise and Protect the Historic Heritage
> Recognise and protect the historic heritage of the whole District.
>
> OBJECTIVE 9.2.3 – Prioritising Heritage Protection
> Ensure the sustainable management of historic heritage values and resources, both individual and collective, by prioritising the protection of the resource based on values and significance.
>
> OBJECTIVE 9.2.4 Recognise and Conserve the Old Town
> Recognition and conservation of the special historic heritage significance of the Old Town.
>
> The Old Town has a great concentration of heritage items and groups of heritage items. However, the cultural heritage significance of the Old Town is more than the individual items and areas that have been registered. The entire Old Town is recognised as a conservation area where special management is required to conserve its great cultural heritage significance
>
> POLICY 9.3.5 – Heritage Protection

[46] The RPS also includes Policies 6-11 and 6-12 on historic heritage, but those are process policies directed (relevantly in this case) respectively at the contents of district plans and district council heritage schedules.
[47] Oxford Living Dictionary and Dictionary.com

Protect the historic heritage resource from inappropriate subdivision, use and development by ensuring that:

a. Retention is preferred over demolition for all recorded heritage items and areas particularly for those items and areas in Class A and B.
b. n/a
c. Class B items and areas are afforded high levels of protection taking into account their regional or local significance and values.
d. n/a
e. Demolition of Class A and B items or areas shall be considered as a last resort when all feasible options and alternatives have been considered and that it can be demonstrated that it is unsustainable to retain the heritage item or area.

f to g n/a

POLICY 9.3.10 – Heritage Group of Precinct Protection
Ensure, in cases where group or precinct values have been identified, that the attributed values are protected from the adverse effects of erection of new structures, demolition of existing structures or alterations or additions to existing structures or spaces by:

a. Ensuring that the character and scale of the space is retained and no visual domination occurs

b to e n/a

POLICY 9.3.14 - Old Town Recognition
Recognise the Old Town as a conservation area and ensure the protection of the great historic, cultural, architectural and townscape significance of the Old Town area for future use and development by:

a. Identifying individual primary buildings for protection in accordance with the Class A and B classes.

b to d n/a

e. Enable a range of activities to revitalise the Old Town as a vibrant and physically attractive centre and enable the conservation [of] historic heritage values.

[059] The proposal to demolish the Thains building will not protect or conserve the historic heritage of the District; nor will it ensure the sustainable management of Whanganui's historic heritage resources; conserve the special historic heritage significance of the Old Town Precinct; or retain a Class B heritage building.

[060] With regard to Policy 9.3.5(e), the weight of evidence is that the demolition of the Thains building cannot be considered a 'last resort' because, while the current owner does not wish to pursue other options due to their high cost (as discussed in section 5.1.3 of this decision), other options and alternatives are nevertheless feasible, as demonstrated by the fact that other owners of other heritage buildings in Whanganui have implemented them. In particular, it seems that the option of earthquake strengthening to less than 67% of the New Building Standard could be further explored and costed, as could obtaining grant funding, or pursuing 'mixed ownership' options as suggested by the Whanganui Regional Heritage Trust.

[061] Accordingly, I find that granting the application would be contrary to the provisions of the WDP.

5.8 Iwi management plans

[062] No relevant iwi management plans were brought to my attention and I note that there were no iwi submitters.

5.9 Other matters

[063] No other relevant matters were brought to my attention and I am not aware of any.

5.10 Permitted baseline

[064] When forming an opinion for the purposes of subsection 104(1)(a) of the RMA I may disregard an adverse effect of the activity on the environment if a national environmental standard or a plan permits an activity with that effect.[48] This being a demolition proposal (as opposed to the erection of a new building) the permitted baseline is not relevant and I have not disregarded any effects associated with the application.

6 Part 2 matters

6.1 Positive effect

[065] Granting the application will generate a 'private good' positive effect for the applicant if it enables them to sell the site. However, the occurrence of that positive effect is speculative (or uncertain) as no evidence was furnished by the applicant proving that a sale of the site would eventuate if demolition was consented.

6.2 Part 2 assessment

[066] The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance (s6(f)). Historic heritage is defined in the RMA as including physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, including those deriving from architectural qualities. Historic heritage includes historic structures.

[067] Following the recent High Court decision[49] in *Davidson*, I have not exhaustively assessed all Part 2 matters as the statutory instruments[50] appropriately address those matters in my view and I do not find those instruments to be invalid, nor do they have incomplete coverage or uncertain meaning in terms of the issues relevant here.

[068] Nevertheless, I record that Part 2 matters were addressed in the s42A Report.[51] I agree with and adopt the author's assessment and find that in overall terms the application is inconsistent with Part 2 of the Act, particularly s5 (as noted in section 5.1.4 of this decision) and s6(f).

7 Overall Consideration

[069] In the preceding sections of this decision I have discussed the potential effects of the proposal and the requirements of the various statutory instruments. In overall terms, I find that the purpose of the RMA would be better served by declining the application to demolish the Thains building.

[070] Having made that finding, I sympathise with the applicant given that they have very clearly stated that they cannot afford to undertake earthquake strengthening of the Thains building. In that regard I note the comments of one submitter,[52] who is also a WDC councillor, regarding Council's desire to work constructively with the owners of buildings such as this to find mutually acceptable solutions. Hopefully that will happen here.

[48] Section 104(2) of the RMA.
[49] *RJ Davidson Family Trust v Marlborough District Council* [2017] NZHC 52.
[50] The Manawatu-Wanganui RPS and the Whanganui District Plan.
[51] Section 18, pages 29 to 31.
[52] Helen Craig.

8 Determination

[071] Pursuant to the powers delegated to me by the Whanganui District Council under section 34A of the Resource Management Act 1991, I record that having read the application documents, reports, further and supplementary information and evidence; the submissions and submitter evidence; the officer's report; and having considered the various requirements of the RMA, I find that:

a) Granting land use consent to demolish the Thains building would result in a significant and unavoidable adverse effect on heritage values, both at the subject site and cumulatively within the Whanganui Old Town precinct;

b) No mitigation is proposed in response to the unavoidable adverse effect on heritage values because the application does not include a replacement building nor any specification of post-demolition site development;

c) Granting consent might yield a positive 'private good' effect for the applicant if it enables them to sell the site, but there is no certainty that such a positive effect will eventuate;

d) The proposal is contrary to the heritage objective of the Manawatu-Wanganui Regional Policy Statement;

e) The proposal is contrary to the Whanganui District Plan Cultural Heritage objectives and policies;

f) The proposal is inconsistent with section 6(f) of the RMA; and

g) The proposal does not promote the sustainable management of physical resources nor involve the avoidance, remediation or mitigation of adverse effects as required by section 5 of the RMA.

[072] For the reasons listed in (a) to (g) above, and as further discussed in the body of this decision, I therefore decline the application lodged by Karantze Holdings to demolish the existing 'Thains' building located at 1 Victoria Avenue, Whanganui.

Signed by the commissioner:

Rob van Voorthuysen

Dated: 14 August 2018

APPENDIX ONE - APPEARANCES

For the applicant:

- Tony Karantze, building owner
- Noel Mouldey - The Building Design Company
- Dave Mulholland, consulting engineer

For the Whanganui District Council:

- Johanna Verhoek, Intermediate Resource Management Planner
- Hamish Lampp, Principal Planner

Submitters:

- Susan Cooke
- Andra Bayly
- Bruce Dickson and John Vickers for the Whanganui Regional Heritage Trust
- Bruce Dickson (individual submission)
- Kerry Girdwood for Mainstreet Wanganui
- Kerry Girdwood (individual submission)
- Deborah Frederikse
- Helen Craig
- Graham Martin
- Peter Robinson
- Edita Babos for Heritage Pouhere Taonga New Zealand