

Hamilton City Council Hearing Panel
Interim Guidance #1
Plan Change 9 – Built Heritage Assessment Methodology
27 November 2023

PURPOSE

- [1] This interim guidance from the Hearing Panel (Panel) appointed by Hamilton City Council (Council) to hear and determine Plan Change 9 – Historic Heritage and Natural Environments (PC9) is provided in respect of the assessment methodology applied to Built Heritage (BH) and, with due modification, Historic Heritage Areas (HHA).
- [2] The purpose of this interim guidance is to:
 - (i) inform all parties of the Panel’s thinking, having read the submissions and having heard evidence and legal submissions from Council and submitters at the topic hearing 6-15 November 2023, and taking into account the Joint Witness Statements (JWS) from the directed expert conferencing held on 24 August and 16 November 2023; and
 - (ii) guide parties’ preparations for the substantive BH hearing at a date yet to be set in 2024.
- [3] It was also broadly agreed by parties that applying a consistent assessment methodology across historic heritage matters (i.e., both BHs and HHAs) was highly desirable both professionally and for clarity of expectation and use of the district plan by the general public.

OPTION

- [4] In Direction #15, dated 11 August 2023, the Panel recorded that it intended to issue an interim decision confirming the assessment methodology to be used prior to consideration of individual BH items.
- [5] At the November 2023 hearing the Panel floated the alternate option of strong interim guidance rather than a formal interim decision, since the latter carried the potential risk of appeal effectively staying proceedings until that had been determined. Having reflected further, the Panel has decided that strong interim guidance is the more appropriate approach, accepting that parties may, at their risk, choose to ignore such guidance.

HERITAGE AND PC9

- [6] In brief, PC9 proposed to include schedules of BH and HHAs in addition to those already scheduled in the operative Hamilton City District Plan (ODP). Through the submission and evidence exchange process it was evident that there was material disagreement amongst both expert and lay witnesses regarding the methodology employed by Council in developing both the notified schedules and the amendments it subsequently proposed to those schedules. Accordingly the Panel directed that matter be considered at expert conferencing and at a discrete topic hearing.

EXPERT CONFERENCING

- [7] The first expert conference was held on 24 August 2023. Its' purpose was to consider the revised HHA report from Mr Knott, the built heritage expert for the Council. Mr Knott's revised report was based on the Waikato Regional Policy Statement (RPS) App 7 – *Historic and cultural heritage assessment criteria*. Following the conference, a JWS was provided recording the areas of agreement and disagreement between the heritage experts.
- [8] A further BH expert conference on the assessment methodology was directed during the November 2023 topic hearing. In Direction #19 dated 7 November 2023, we referred a suite of nine specific matters to the BH experts, being:
- (i) Whether the revised Appendix 8 Assessment of BH rankings and criteria presented on 7 November 2023 during the hearing are fit for purpose – and if not, why not.
 - (ii) Whether the assessment methodology should incorporate a scale and descriptors – and if so, what those should be.
 - (iii) Whether the assessment methodology should set a fixed threshold for inclusion – and if so, what that should be.
 - (iv) Whether the assessment methodology should give weight to cumulative qualities in reaching an overall assessment – and if so, how that should be expressed.
 - (v) Whether the assessment methodology should explicitly provide against undue weighting of single qualities in reaching an overall assessment – and if so, how that should be expressed.
 - (vi) Whether comparative assessment should play a role in ascribing overall significance.
 - (vii) Whether provision should be made at the end of the assessment process for “truth sensing” the recommendation to avoid unnecessary scheduling – and if so by whom?
 - (viii) Whether any other relevant factors should be considered before recommending scheduling?
 - (ix) Whether the assessment methodology should be incorporated into the ODP or stand outside as non-statutory guidance.
- [9] The JWS from the further expert conference session was filed, as required, on 24 November 2023. In summary (by clear majority) the key conclusions derived were that:
- the assessment method should incorporate a scale of levels of significance;
 - the criteria (see Attachment 1 below) should sit in the ODP with the methodology (i.e., how to apply the criteria) being part of non-statutory stand-alone guidance;
 - the threshold should be set so that places are included in Schedule 8A if they are above Medium significance (i.e., of High or Outstanding significance);
 - an overall statement of significance should set the ranking and consider all qualities holistically;
 - one quality is enough to meet the threshold for inclusion in Schedule 8A; noting that

in practice multiple qualities are typical;

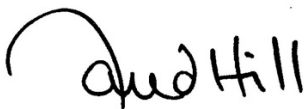
- no one quality should be given preference;
- comparative assessment should play a role in ascribing overall significance to assess the degree or strength of their representativeness and relevance;
- “sense-checking”, including a peer review by an appropriately qualified person, should be undertaken;
- other relevant RMA factors should be considered outside of the heritage assessment; and
- the guidance document should be incorporated by reference in Appendix 8.

CONCLUSION

- [10] The Panel has, therefore, determined that this Interim Guidance should be issued, making it very clear that at this juncture we find it unlikely that BH items of Medium significance will be included in Schedule 8A.
- [11] Whilst this interim guidance is not binding on submitters or the Council, it is a strong indication from the Panel as to its considered opinion on the matter of an appropriate assessment methodology.
- [12] The Panel does not invite any further evidence in relation to this topic and will not enter into debate on this Interim Guidance. However submitters and their representatives are welcome to raise any questions and seek clarification of this Interim Guidance.

INTERIM GUIDANCE: HERITAGE METHODOLOGY

- [13] The Panel accepts the majority conclusions of the heritage experts as recorded in the JWS of 24 November 2023 and as summarised above at paragraph [9].
- [14] The draft Appendix 8 Heritage provided with the second JWS is adopted as Attachment 1 to this Interim Guidance with a minor amendment to 8-1.2 Criterion b(iii). We have added the qualifier “*notable*” to that criterion since otherwise the work of *any* architect, designer, engineer or builder would qualify regardless of merit.
- [15] Built Heritage candidates for inclusion in PC9’s Schedule 8A should be assessed in accordance with Attachment 1. The overall qualifying Ranking threshold to be gained is either Outstanding Significance or High Significance.
- [16] The Panel notes that it is likely that it will adopt a similar threshold for HHAs to be consistent but has not yet finally determined that matter.



David Hill
Chairperson
HCC PC9 IHP

27 November 2023

ATTACHMENT 1

Appendix 8: Heritage

8-1 Assessment of Built Heritage

8-1.1 Rankings of Significance

Rankings for built heritage places listed in Schedule 8A have been established as follows.

Plan Ranking A: Built heritage places of outstanding heritage significance locally, regionally or nationally.

Plan Ranking B: Built heritage places of high heritage significance locally, regionally or nationally.

The below scale represents the levels of significance against which built heritage places shall be considered for inclusion on Schedule 8A.

- Outstanding significance.
- High significance.
- Medium significance.
- Low significance.
- None/No significance.
- Unassessed significance.

The heritage significance of built heritage places has been assessed based on evaluation against the following individual heritage criteria. A place must meet one or more of the criteria at the level of “High” significance or above to be eligible for inclusion within Schedule 8A. While a place only has to meet one of the criteria, in practice it will usually satisfy multiple criteria. The evaluation criteria are not weighted or hierarchical. There is no correct number or combination of values required to determine overall significance.

8-1.2 Heritage Assessment Criteria

a. Historic Qualities

The place or area is directly associated with, or has a direct relationship to, an important person, group, institution, event or activity, or reflects important aspects of local, regional or national history, including development and settlement patterns, transportation routes and social or economic trends.

b. Physical /Aesthetic/Architectural Qualities

The place or area is a notable or representative example of:

- (i) A significant development period or activity; and/or
- (ii) Distinctive or special attributes of an aesthetic or functional nature; and/or
- (iii) The work of a notable architect, designer, engineer or builder.

c. Context Qualities

The place or area is an important landmark or feature or contributes to or is associated with a wider historical theme, traditional, or cultural context, or physical setting.

d. Technological Qualities

The place or area shows a high degree of creative or technical achievement at a particular time, is directly associated with scientific or technical innovations or achievements, or is associated with scientific “break-through”. The place uses unique or uncommon building materials, or demonstrates an innovative method of construction, or is an early example of the use of a particular building technique.

e. Archaeological Qualities

The potential of the place or area to define or expand knowledge of earlier human occupation, activities or events through investigation using archaeological methods, or to provide evidence to address archaeological research questions. For example, but not limited to: The place or area is registered by Heritage New Zealand for its archaeological values, or is recorded by the New Zealand Archaeological Association Site Recording Scheme, or is an 'archaeological site' as defined by the Heritage New Zealand Pouhere Taonga Act 2014.

f. Cultural Qualities

The place or area is important or significant:

- (i) As a focus of cultural sentiment; and/or
- (ii) As a context for community identity or sense of place, and provides evidence of social, cultural or historical continuity; and/or
- (iii) For having symbolic or commemorative significance to people who use or have used it, or to the descendants of such people. The place or area has a high degree of interpretative potential to increase understanding of past lifestyles or events.

g. Scientific Qualities

The potential for the place or area to contribute scientific information about how the natural environment has influenced, events, phases or activities related to development.

Note: the evaluation criteria defined in the section above could be considered against a number of existing guidance documents and baseline evidence, including, but not limited to:

- Heritage New Zealand Pouhere Taonga, “Significance Assessment Guidelines”, March 2019. [Note that there are semantic differences (e.g., values / qualities / attributes) but the common intent remains the same.
- Thematic Study of Hamilton [Lynette Williams, 2021].
- Auckland Council “Methodology and guidance for evaluating Auckland’s historic heritage”, August 2020.