

IN THE MATTER of the Resource Management Act 1991(RMA)

AND

IN THE MATTER of Plan Change 9 to the Hamilton City District Plan.

JOINT WITNESS STATEMENT (JWS) IN RELATION TO:

HISTORIC HERITAGE – BUILT HERITAGE
Methodology

16th and 23rd November 2023

Venue: Hamilton City Council

Facilitator: Mark Roberts

Admin Support: Jess Orr

1 Attendance:

1.1 The list of participants is included in the schedule at the end of this Statement.

2 Basis of Attendance and Environment Court Practice Note 2023

2.1 All participants agree to the following:

- (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
- (c) They will make themselves available to appear before the Panel;
- (d) This statement is to be filed with the Panel and posted on the Council's website.

3 Matters considered at Conferencing – Agenda and Outcomes

3.1 **Discussion about the pre-circulated document with ODP Appendix 8-1.1 and 8-1.2 methodology amendments received from Hamilton City Council.**

4 Responses to Panel Direction 19

- (i) *Whether the revised Appendix 8 Assessment of Built Heritage rankings and criteria presented at Tuesday's hearing (attached) are fit for purpose – and if not why not.*

The heritage experts have agreed a revised version of Appendix 8 (noting one point of disagreement, refer to bolded text in (iii)).

Adam Wild was unable to attend the second session but has reviewed and commented on the revised Appendix 8.

- (ii) *Whether the assessment methodology should incorporate a scale and descriptors – and if so what those should be.*

The heritage experts agree that the assessment method should incorporate a scale of levels of significance and this would sit in Appendix 8. This scale has been tracked in Appendix 1 to this JWS.

This is necessary to make the process of heritage assessment and evaluation consistent, comprehensible and accessible as possible to plan-users.

The heritage experts consider that the criteria sits in the ODP and that the methodology (ie. how to apply the criteria) is part of non-statutory stand-alone guidance. The below descriptors would form part of the methodology.

The below descriptors have been included as examples for the development of guidance and require further refinement.

Laura Kellaway particularly notes the use of the word “above” and doesn’t agree with its inclusion. All heritage experts (excusing Adam Wild) agree that the text requires refinement and workshopping.

Outstanding Significance: The assessment identifies an outstanding degree of significance related to one or more values used to determine historic heritage significance. Outstanding significance qualifies a place as singularly unique, authentic, intact, and/or representative above other places of similar quality through a robust process of comparative analysis.

High Significance: The assessment identifies a high degree of significance related to one or more values used to determine historic heritage significance. High significance qualifies a place as unique, authentic, intact, and/or representative above other places of similar quality through a robust process of comparative analysis.

Medium Significance: The assessment identifies a medium degree of significance related to one or more values used to determine historic heritage significance

Low Significance: The assessment identifies a low degree of significance related to one or more values used to determine historic heritage significance.

No Significance (None): The assessment does not identify any values related to historic heritage significance.

Not Assessed Significance: There is insufficient documentary evidence or and/or safe access in order to reliably conclude an assessment of a place.

Note: Comparative analysis is greatly aided by a robust thematic analysis.

- (iii) *Whether the assessment methodology should set a fixed threshold for inclusion – and if so what that should be.*

Heritage experts John Brown, Adam Wild, Veronica Cassin and Elise Caddigan consider that the threshold should be set so that places are included in Schedule 8A if they are **above Medium** significance (ie. High or Outstanding significance).

The reason is because the plan should be robust in managing risk to significant heritage places where these provisions constrain individual property rights in favour of the public benefit.

Heritage expert Laura Kellaway considers that the threshold should be set so that places are

included in Schedule 8A if they **are at Medium** significance or above.

In relation to (ii) and (iii) above, Laura Kellaway prefers the Plan Ranking B definition to be built heritage of “heritage significance”, which is closer to Heritage New Zealand Pouhere Taonga definition of Category 2. See full comment in Appendix 1 tracked changes.

The heritage experts agree that proposed changes to Appendix 8-1 do not consequently require a review of the existing places in the ODP Schedule 8A.

- (iv) *Whether the assessment methodology should give weight to cumulative qualities in reaching an overall assessment – and if so how that should be expressed.*

All heritage experts agree that an overall statement of significance sets the ranking and this considers all qualities holistically.

All heritage experts agree that one quality is enough to meet the threshold for inclusion on Schedule 8A; noting that in practice it is rare. All heritage experts agree that this is well expressed in the Heritage New Zealand Pouhere Taonga “Significance Assessment Guidelines” (March 2019) at page 9: “While a historic place or area only has to meet one of the criteria to be eligible for List entry, it will usually satisfy multiple criteria”.

The reason is because Section 2 of the RMA defines historic heritage as:

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;

Adam Wild notes for completeness that the Heritage New Zealand Pouhere Taonga Act 2014 includes at Part 4, Section 66 (3)(a-k) assessment criteria which includes these and other criteria.

- (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.*

All heritage experts agree that no one quality should be given preference.

The reason is because it is best practice that all qualities should be considered holistically as above in (iv).

- (vi) *Whether comparative assessment should play a role in ascribing overall significance.*

All heritage experts agree that comparative assessment should play a role in ascribing overall significance. It is noted that comparative analysis is greatly aided by robust thematic analysis for the relevant area or regional authority.

The reason is because it is best practice in order to understand the identified values of a place

within a field of ‘like’ items to assess the degree or strength of their representativeness and relevance.

- (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?*

The heritage experts understand “truth-sensing” to mean a process of “sense-checking” and verification to determine the validity of a recommendation

All heritage experts and Laura Galt agree that “truth-sensing”, including a peer review by an appropriately qualified person, should be undertaken. All heritage experts agree that this is best practice in order to determine consensus of the identified values and concluded significance such that they can withstand scrutiny external to the assessment process.

- (viii) *Whether any other relevant factors should be considered before recommending scheduling?*

All heritage experts and Laura Galt agree that other relevant factors should be considered outside of the heritage assessment. It is not the role of the heritage assessment to address other factors. This is the purpose of the S32A analysis.

- (ix) *Whether the assessment methodology should be incorporated into the ODP or stand outside as non-statutory guidance.*

All heritage experts agree that non-statutory guidance is necessary and that the guidance document itself does not need to be included in the district plan through a Schedule 1 process. However, the guidance document should be incorporated by reference in Appendix 8 to ensure that the evaluation of the heritage assessment criteria is robustly and consistently applied through a clear methodology.

The heritage experts agree that the advantage of having guidance as a non-statutory stand-alone document is that it allows for efficient updating in line with continuing developments in best heritage conservation practice domestically and internationally.

Heritage experts acknowledge that bespoke guidelines do not currently exist for Hamilton and Hamilton City Council should work towards establishing these.

The significance assessment guidelines should include, but not be limited to:

- Methodology (including peer review process)
- Definitions
- Scale of significance
- Threshold rankings
- Explain relationship between qualities, values, significance, and rankings.
- Explain geographic influences and their relationship to significance and rankings.
- Examples to assist individual qualities/values and how to use comparative analysis

As an interim position the heritage experts agree that the heritage assessment criteria defined in the district plan could be considered against a number of existing guidance documents and evidence bases, including, but not limited to:

- Heritage New Zealand Pouhere Taonga *“Significance Assessment Guidelines”*, March 2019.
[Note that there are semantic differences (eg. values/qualities/attributes) but the common

Dated 24 November 2023


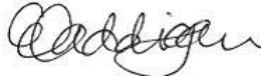









intent remains the same].

- Draft Thematic Study of Hamilton [Lynette Williams, 2021]
- Auckland Council “*Methodology and guidance for evaluating Auckland’s historic heritage*”, August 2020

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1 The participants to this Joint Witness Statement, as listed below, confirm that:

- They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- The matters addressed in this statement are within their area of expertise; and
- They agree to the inclusion of Appendix 1 and 2.

EXPERT’S NAME & EXPERTISE	PARTY	EXPERT’S CONFIRMATION for 16/11/23 session	EXPERT’S CONFIRMATION for 23/11/23 session
Elise Caddigan - Heritage	Hamilton City Council		
Laura Galt – Planning	Hamilton City Council		
John Brown - Heritage	Kainga Ora		
Laura Kellaway - Heritage	Waikato Heritage Group		
Adam Wild and Veronica Cassin - Heritage	NZ Police	 	 Adam Wild did not attend

Appendix 1: Revised Appendix 8

Appendix 1

Tracked Changed Version (Built Heritage Expert Conferencing JWS)

- This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

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~~**highly significant** heritage ~~significance~~**value** locally, regionally or nationally.

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

[Laura Kellaway - prefer Ranking B be built heritage of “heritage significance” closer to HNZ definition of Category 2 ie boundary is -is it heritage or not under RMA definition] or retain existing ODP and PDP wording of “Plan Ranking B: Historic places of significant heritage value include those assessed as being of high or moderate value in relation to one or more of the heritage criteria and are considered to be of value locally or regionally.”

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.-

“Laura Kellaway disagrees with the threshold of “high” as the approach to threshold should be aligned to the WRPS and HNZ where criteria assessment provide the judgement on threshold, and is either historic heritage or not. She supports ‘medium’ or moderate.

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 style of the place or area is distinctive or has special attributes of an aesthetic or functional nature, 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, is representative of, or associated with, a significant development period or activity (for example institutional, industrial, commercial or transportation), or the work of a notable architect, designer, engineer or builder in the locality, region or nation.~~

OR

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) Unique or uncommon building materials, an innovative method of construction or is an early example of the use of a particular building technique; or~~
- ~~(iv)~~ (iii) The work of an architect, designer, engineer or builder.

c. Context Qualities

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

d. Technological Qualities

The place or area shows a high degree of creative or technical achievement at a particular time, ~~or 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 as a focus of spiritual, political, national or other cultural sentiment, or is a context for community identity or sense of place, and provides evidence of cultural or historical continuity, has symbolic or commemorative significance to people who use or have used it, or to the descendants of such people. The interpretative capacity of the place or area and its potential to increase understanding of past lifestyles or events.~~

OR

The place or area is important or significant:

- (i) As a focus of ~~spiritual, political, national or other~~ 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 ~~interpretative capacity of the~~ place or area has a high degree of interpretative potential to ~~and its 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. – a historic figure, event, phase or activity, or the degree to which the historic place may contribute further information and the importance of the data involved, its rarity, quality or representativeness.~~

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 (eg. 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

Appendix 1

Clean Version (Built Heritage Expert Conferencing JWS)

- This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

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.

[Laura Kellaway - prefer Ranking B be built heritage of “heritage significance” closer to HNZ definition of Category 2 ie boundary is -is it heritage or not under RMA definition] or retain existing ODP and PDP wording of “Plan Ranking B: Historic places of significant heritage value include those assessed as being of high or moderate value in relation to one or more of the heritage criteria and are considered to be of value locally or regionally.”

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.

“Laura Kellaway disagrees with the threshold of “high” as the approach to threshold should be aligned to the WRPS and HNZ where criteria assessment provide the judgement on threshold, an is either historic heritage or not. She supports ‘medium’ or moderate.

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 an 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 (eg. 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

Appendix 2: Extract from Schedule 8A with tracked changes.

~~• Red where the area is not representative, whether as originally built or currently existing due to change.~~

~~2. Consistency Criteria—whether the area displays consistency in physical and visual qualities that are representative of their identified Heritage Theme.~~

~~Each of the physical and visual qualities is considered in turn and scored as following:~~

- ~~• Green with 1 point if the area shows the consistency of the criteria.~~
- ~~• Orange with 0.5 point if the area shows no consistency on the criteria or there has been some change in the area which has affected its consistency of the criteria.~~
- ~~• Red with zero point if the area shows no consistent on the criteria.~~

~~3. Comment—a short comment is provided for each street, generally relating to the consistency criteria.~~

~~4. Conclusion Consistency Criteria—an overall score is provided for each street based upon the sum of the scores for each consistency criterion.~~

Schedule 8A: Built Heritage (structures, buildings and associated sites)

Note

- 1. Reference needs to be made to assessment reports prepared for individual heritage items and sites to determine their heritage values:
 - ~~(Hamilton H1 — H137: Hamilton City Council Built Heritage Inventory Records — 2012)~~ (Inventory Records used the 2017 ODP Appendix 8-1 Assessment of Historic Buildings and Structures. This has been updated post 2022);
 - ~~and H138 — H319 Hamilton City Built Heritage Inventories - 2022~~
- 2. Reference needs to be made to the relevant Heritage Inventories where exclusions are identified in the table below.
- 3. ID# with an asterisk (*) identifies the interior of the item is protected.

ID#	Heritage Item	Address	Legal Description	Plan Ranking	Key Heritage Criteria	HNZPT List classification	Planning Map No.	Exclusions
H1	Beale Cottage	11 Beale St	Lot 4 DPS 12448	A	a b c d e f g	I (769)	46B	
H2	Frankton	Rifle Range	Lot 9 DP	A	a b c d f	I (4946)	43B	