

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

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

STATEMENT OF REBUTTAL EVIDENCE OF ROBIN ALEXANDER KEITH MILLER

(Historic Heritage Areas)

Dated 12 May 2023

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INTRODUCTION

1. My full name is Robin Alexander Keith Miller.
2. My qualifications and experience are as set out in paragraphs 2, 3 and 4 of my primary statement of evidence dated 14 April 2023.
3. I reconfirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and I agree to comply with it.

PURPOSE AND SCOPE OF EVIDENCE

4. The purpose of this rebuttal statement of evidence, prepared on behalf of Hamilton City Council (**HCC**) and Plan Change 9 (**PC9**) proponent, is to respond to:
 - a) The evidence of John Brown on behalf of Kāinga Ora;
 - b) The evidence of Dr McEwan on behalf of K'aute Pacifika Trust; and
 - c) The evidence of Dr McEwan on behalf of Scott Bicknell.
5. In responding to these, I will only address matters relevant to the scope of my peer review report.

RESPONSE TO EVIDENCE

Kāinga Ora: John Brown

6. Mr Brown refers to my peer review report in paragraphs 4.25 to 4.28 of his evidence. He has made some comments here that I do not consider to be correct regarding my review.

7. Paragraph 4.26: The statement made by Mr Brown here suggests that I doubted that Mr Knott had correctly identified the HHAs in his report as having heritage value. What I said on page 5 of my review under the heading of 'methodology' was:

During the initial stages of preparing this report, Origin recommended that further evaluation of each proposed HHA was carried out to further *identify and verify* the historical and architectural value of each area in the wider context of the development of Hamilton City (emphasis added).

8. In other words, once I had commenced my review, I could see that in order to be robust and comprehensive, my review should include in-depth historical research into each of the 8 HHAs in the sample. This additional evaluation was a recommendation to HCC as a means by which to *verify and test* the 'heritage themes' (later to become the 'development periods') that had been identified by Mr Knott for each of the 8.
9. Accordingly, I would like to make it clear that I did not doubt Mr Knott's approach, as Mr Brown seems to suggest, but I did want to further identify and verify his approach for the purposes of my review.
10. HCC has subsequently adopted this procedure for the non-sample proposed HHAs.
11. Paragraph 4.27: One of my instructions from HCC for undertaking the peer review was to consider Mr Knott's approach in the light of international best-practice. As a heritage professional with heritage training undertaken in the UK, I recognise the gravitas and high-standing of the advice provided by Historic England, as an executive non-departmental public body of the British Government, and its reflection of global best-practice.
12. When I considered this aspect of heritage best-practice by Historic England, I did not disregard the Historic Heritage Criteria set out in the Waikato

Regional Policy Statement (**WRPS**)/Operative District Plan (**ODP**). I reviewed it and found a level of consistency – and a level of redundancy/inapplicability.

13. For example, looking at the WRPS Table 10-1: Criteria in relation to historic heritage qualities:
 - a) Archaeological qualities relate to places and areas, but information is gained through archaeological methods and protection through the Archaeological Association Site Recording Scheme or Historic Places Act 1993 (now Heritage New Zealand Pouhere Taonga Act 2014).
 - b) Architectural qualities relate specifically to a building or structure (although by extension could be applied to an 'area'). I note that Mr Brown has expressed a similar view at paragraph 5.4.
 - c) Cultural qualities relate to a place or area and may on some occasions be relevant to an HHA. Their identity is described as *"a context for community identity or sense of place, and provides evidence of cultural or historical continuity"*.
 - d) Historic qualities relate to associative value and historic pattern, both of which are very relevant to HHAs.
 - e) Scientific and technological qualities refer to areas, although the application of these qualities is not likely to be common-place or widespread in areas across the urban environment of the region.
14. Accordingly, what I see as being of greatest application to heritage areas is the criteria of historic quality and architectural quality. There is redundancy, in my view, in typically applying archaeological, cultural, scientific, and technological qualities in the evaluation of HHAs, particularly those in an urban environment such as Hamilton city.

15. While the specific phrases adopted in the WRPS assessment criteria have not been adopted in my peer review, the qualities listed are sufficiently broad to be considered to have application. For example, in my review of the proposed Acacia Crescent HHA, I considered that the majority of the dwellings had a distinctive 1960s style, with architectural elements promoted in plan books (including integral garages and aesthetic features); qualities expressed under Architectural Qualities – Design in Table 10-1.
16. I view Mr Knott’s approach to the identification of the potential PC9 HHAs as focused on historic pattern and association value, which my peer review has reaffirmed by testing the ‘heritage themes/development periods’ of the sample of 8. It also references architectural qualities.
17. Having identified these areas, following international best-practice, Mr Knott’s report then evaluates, or scores, them to identify those that have a high degree of representativeness and consistency to arrive at a selection of proposed HHAs that have been tested via both the WRPS and international best-practice.
18. As Mr. Brown affirms at paragraph 4.28, HCC has taken note of those proposed HHAs in my peer review about which I raised a concern and followed my recommendation to modify – namely Anglesea Street and Jamieson Crescent.
19. On a more general note regarding Mr. Brown’s evidence, I am pleased to see that he has recognised a number of merits in the heritage approach taken and records various points of agreement.

K’aute Pasifika Trust and Scott Bicknell: Dr McEwan

20. For efficiency, I feel I can respond to both these briefs of evidence from Dr McEwan together as they are essentially very similar. The Frankton

Commerce Street HHA and Myrtle Street/Te Aroha Street (West) HHA were not in the sample for my peer review and so I cannot comment upon them specifically.

21. In paragraph 7 of both briefs of evidence, Dr McEwan states she has a fundamental problem with the identification of any and all of the proposed HHAs. Dr McEwan feels that HCC has adopted a “new set of assessment criteria that are not in keeping with best practice and do not give effect to the RMA, Waikato RPS or the Hamilton District Plan”.
22. As I have explained above in relation to Mr Brown’s evidence, closer inspection of Mr Knott’s approach and my peer review provides an alternative view to that given by Dr McEwan. Dr McEwan sets out the same heritage qualities defined in the Resource Management Act 1991 (**RMA**) as I have noted in paragraph 14 above. Where our views seem to differ is that Dr McEwan appears to consider that all these qualities need to be assessed for the evaluation of heritage buildings and structures and heritage areas alike. I disagree – the descriptions of each quality in the WRPS make it clear that some are more relevant to heritage areas than others. It is my view that when evaluating a heritage area, the historic and architectural qualities are the most relevant in an urban area such as this. Accordingly, the approach taken by Mr Knott circumvents the qualities that are not relevant and provides a level of succinctness and coherence to the actual relevant ‘qualities’ set out in the WPRS. I feel Dr McEwan has missed this point completely.
23. As a heritage specialist involved on a day-to-day basis in applying real life heritage projects to lists of criteria, rules and regulations, I am cautious of a ‘one size fits all’ approach to heritage buildings, structures and areas. I see the criterion that need to be applied to HHAs as being a refinement or a modification of those applied to individual heritage buildings and structures. In an urban area, they need to be relevant to reflect a wider

theme or phase of the development of a city or town than an individual circumstance, design idea, technology or event that creates a single historic heritage building or structure.

24. I cannot comment on the accuracy of the example of 'Evaluation of Significance' for Fairfield Road HHA on page 45 of Mr Brown's evidence, but I feel my views on the relevance of 'qualities' for heritage areas are borne out here in response to the evidence Dr McEwan had given. Mr Brown's evaluation is 2.5 pages long and his responses to the qualities of 'archaeological', 'cultural', 'scientific' and 'technological' are largely 'none'.
25. In paragraph 10 of both briefs of evidence, Dr McEwan argues that the key words of 'representativeness' and 'consistency' are not heritage qualities as per the RMA. I agree they are not heritage qualities in their own right, but they are essential tools for the evaluation of heritage qualities, albeit different words with the same meaning are used:
 - a) 'Representativeness' meaning something is characteristic of a particular style, movement or period. This is commonly used, for example, when evaluating the architectural value or significance of a building.
 - b) 'Consistency' meaning how well something still conforms to its original design or state – how authentic it remains today; how intact it is; what its degree of integrity is. This is very relevant to architectural value or significance and to archaeological and technological qualities for example.
26. I note that in an appendix, Dr McEwan has included the HNZPT Significance Guidelines. The Introduction to these guidelines states:

This guide is an internal document to assist Heritage New Zealand Pouhere Taonga ('Heritage New Zealand') staff and governance in applying the statutory criteria for the inclusion of historic places and

historic areas on the New Zealand Heritage List/Rārangī Kōrero ('the List'). It also provides useful guidance on writing significance statements. This guide must be followed by Heritage New Zealand staff during the List entry process."

27. Given Dr McEwan's apparent view that only the RMA, WRPS and ODP should be referred to when evaluating the proposed HHAs, I am unsure why she has raised this document in relation to the assessment of heritage areas.
28. However, as she has, there are two important points raised in these guidelines that I find very relevant to Dr McEwan's criticism of Mr Knott's approach:

a) Page 6:

The threshold for the inclusion of historic places and areas on the List is the ability to demonstrate significance or value under one or more of the following criteria: aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological or traditional. Most historic places and areas reflect values under several of these criteria, but each criterion assigned to a historic place or area must be clearly supported by evidence to show that it meets the threshold for significance. Care needs to be taken to avoid ascribing value under too many criteria (unless the threshold is met in each case), as this can dilute the case for significance.

Mr Knott's best-practice approach seems to me to look very specifically at the historic and architectural qualities of the proposed HHAs. On the other hand, Dr McEwan's best-practice examples that she has provided seem to ascribe significance or value under 10 or so different criteria.

- b) Page 7 "*Factors or 'threshold indicators' such as authenticity and integrity, representativeness, rarity, intactness, strength of connection and age are also relevant in establishing how significant a historic place or area is*" This page then goes on to explain and define authenticity, integrity, representativeness, rarity and

intactness. These clearly relate to the threshold indicators or 'scoring' that Mr Knott has included in his evaluation of the proposed HHAs and show that his approach in this respect is in line with that of Heritage New Zealand Pouhere Taonga.

CONCLUSION

29. The primary concern from a methodology perspective that I see raised in the evidence of Mr Brown and Dr McEwan is that Mr Knott's approach has not followed the RMA, WRPS and ODP. I consider that his methodology is in line with these documents and that the arguments are just founded in different words, albeit with similar meanings.
30. I also consider that Mr Knott's methodology has cut through some of the criterion that have no particular relevance to the evaluation of the proposed Hamilton City HHAs. It appears Mr Brown has some sympathy with this view (please see paragraph 5.4 of his evidence). To my mind this simplification is a positive outcome.

Robin Alexander Keith Miller

12 May 2023