



HERITAGE NEW ZEALAND
POUHERE TAONGA

03 November 2023

Hamilton City Council,
Private Bag 3010,
Hamilton, 3204
Attn: Steve Price

Tēnā koe Steve,

**HERITAGE NEW ZEALAND POUHERE TAONGA – LETTER TO BE TABLED FOR SESSION 2 HEARING-
HISTORIC HERITAGE AREAS, BUILT HERITAGE AND ARCHAEOLOGY**

To: Hearings Panel for Session 2 Hearing - Historic Heritage Areas, Built Heritage and Archaeology

Name of submitter: Heritage New Zealand Pouhere Taonga.

1. Heritage New Zealand Pouhere Taonga is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation and conservation of New Zealand's historic heritage.

This is a letter to be tabled for the hearing on the s42A reports for Built heritage and Archaeology, and Historic heritage areas, for Plan Change 9.

2. Heritage New Zealand Pouhere Taonga (HNZPT) lodged a submission and further submission to Plan Change 9, participated in expert conferencing on historic heritage areas, participated in informal without prejudice meetings on the archaeology topic, and submitted expert evidence and rebuttal evidence across most of the topics.
3. HNZPT has reviewed the updated s42A reports, Historic Heritage Areas by Va Maula dated 20 October 2023, and Built Heritage and Archaeology by Andrew McFarlane and Neda Bolouri, dated 27 October 2023, for this hearing. HNZPT is generally supportive of the recommendations made by the authors, and comments further on specific provisions below.

Historic Heritage Areas Topic-Provision of a Heritage Impact Assessment report

4. The s42A author has advised the following at Para 44. *"To provide clarity to all applicants and Council officers I recommend the addition of 1.2.2.8.f "The Heritage Impact Assessment must be prepared by a suitably qualified and/or experienced heritage expert". However, I also add the following statement in 1.2.2.8.f to provide Council the discretion to determine situations where an HIA could be prepared by another expert or layman, "Depending upon the scale, nature and potential adverse effects of the proposal the Council may accept an HIA not prepared by a suitably qualified and/or experienced heritage expert."*
5. HNZPT welcomes the amendment relating to the fact that a Heritage Impact Assessment (HIA) must be prepared by a suitably qualified and/or experienced heritage professional. However,

HNZPT does not support the proposed amendment that some HIA's could be prepared by someone who is not a suitably qualified and/or experienced heritage expert as they consider that this approach may have adverse effects on heritage values. The reporting planner has not provided any examples the types of works that would be considered under such an approach, or who would make such a decision. Typically, HNZPT has found that HIA's prepared by people without the appropriate background do not give due consideration to the effects that the proposed works on heritage values.

6. HNZPT does therefore not support the proposed amendment *"Depending upon the scale, nature and potential adverse effects of the proposal the Council may accept an HIA not prepared by a suitably qualified and/or experienced heritage expert"* and seeks that this amendment is deleted.

Built Heritage Topic-Policies 19.2.3c & 19.2.3j

7. As part of their submissions and evidence HNZPT raised concerns regarding the use of the word *"enhance"* as part of several proposed policies, as it has no specific meaning in the historic heritage context and potentially opens historic heritage to inappropriate works.
8. With regard Policy 19.2.3c, HNZPT is supportive that the recommended policy includes wording relating to *"setting and surroundings"*, as sought in the HNZPT submission. However, the policy as recommended in the s42A report still contains the word *"enhance"* as follows.

"Subdivision and/or development of the site identified in Schedule 8A shall retain and protect and where practicable enhance the heritage values of any scheduled item having regard to the setting and surroundings ability to accommodate change without compromising the heritage values."

HNZPT considers that the wording of *"retain and protect"* heritage values etc offers clear simple, advice that cannot be misinterpreted, therefore I continue to seek that the wording *"and where practicable enhance"* is deleted from the policy.

9. While there has been some progress in the approach of the proponent's rebuttal evidence ¹ to the word of *"enhance"* in policy 19.2.3j, this has not been carried through to the S42A treatment of this policy where the original wording is retained.
10. Therefore, HNZPT seeks, for similar reasons to those stated above, the deletion of the phrase *"and wherever practicable enhance"* from Policy 19.2.3j as follows:

- ii. Conserves, ~~and wherever possible enhances~~, the authenticity and integrity of the building or structure.

Archaeology Topic: Wording of advice notes and other matters/provision of "advice" or an "archaeological assessment" at the time of resource consent

11. An initial without prejudice meeting occurred with Hamilton City staff after the lodgement of evidence and related to various outstanding matters including the wording of advice notes in the historic heritage section. Unfortunately, a finalised document of those earlier discussions was not collated, rather it was a series of emails. HNZPT staff continue to be supportive of the outcomes of those initial discussions and consider that there would be benefit in a single document being if it records the outcomes of these earlier agreed discussions.

¹ Statement of Rebuttal Evidence of Laura Jane Galt, (Planning-Built Heritage), Dated 6 October 2023, Para 12-16, Page 3.

12. The discussion, which proves to be ongoing, also highlighted that information requirements (section 1.2.2.7) at the time of a resource consent for works in an archaeological site, sought that “*advice*” was to be provided in relation to those works; whereas the resource consent assessment criteria (E1.M) sought an “*assessment*”.
13. HNZPT staff raised concerns that this did not provide clear guidance for plan users. A without prejudice agreement was reached, as attached, that more clearly advises the instances of where “*advice*” and “*assessment*” would be appropriate. HNZPT continues to support the outcomes collated in this agreement and seek that the recommendations are part of the decision on the Plan.

Conclusion

14. HNZPT supports many of the amendments proposed through PC9 as shown in the expert evidence they have submitted to this plan change process. It is considered that additional amendments as suggested in this correspondence are required to protect historic heritage values at the time of use, development and subdivision. The amendments that are being sought do cover issues previously raised by HNZPT through evidence, or in the instance of the archaeology topic through a without prejudice agreement. For these reasons HNZPT does not consider it necessary to be heard at the hearing.
15. Should the Hearings Panel require clarification or wish to discuss the above matters further, please contact HNZPT via the address for service below.

Ngā mihi



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