

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Plan Change 9 – Heritage and Natural Environments –
Built Heritage

STATEMENT OF EVIDENCE OF LAURA JANE GALT

(PLANNING – HISTORIC HERITAGE AREAS)

Dated 3 July 2024

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INTRODUCTION

1. My full name is Laura Jane Galt.
2. I have prepared this evidence addressing planning matters on the Historic Heritage Area (**HHA**) topic on behalf of Hamilton City Council (**HCC**) as proponent of Plan Change 9 (**PC9**).
3. I presented planning evidence on behalf of HCC for PC9 in relation to the Notable Trees, Significant Natural Areas and Built Heritage topics. My qualifications and experience are as set out in my primary statements of evidence presented in Hearings 1 and 2 in relation to these topics.¹
4. I became involved in the HHA topic in April 2024. I have reviewed all of the notified PC9 documents related to the HHA topic.
5. I note that HCC has not provided any new expert heritage evidence in relation to HHAs as part of Session 3 of PC9. HCC relies on the expert heritage evidence previously filed on behalf of HCC on the HHA topic, being:

Session 1:

- a) Statement of evidence of Richard Knott dated 14 April 2023 (**primary evidence**);
- b) Statement of rebuttal evidence of Richard Knott dated 12 May 2023;
- c) Statement of evidence of Robin Miller dated 14 April 2023;
- d) Statement of rebuttal evidence of Robin Miller dated 12 May 2023;
- e) Statement of evidence of Kai Gu dated 14 April 2023;
- f) Statement of rebuttal evidence of Kai Gu dated 12 May 2023;

¹ Statement of evidence of Laura Galt (Planning – Notable Trees) dated 14 April 2023, Statement of evidence of Laura Galt (Planning – Significant Natural Areas) dated 14 April 2023, Statement of evidence of Laura Galt (Planning – Built Heritage) dated 1 September 2023.

- g) Supplementary statement of evidence of Richard Knott dated 11 July 2023;

Session 2:

- h) Supplementary statement of evidence of Richard Knott dated 22 September 2023; and
- i) Supplementary statement of evidence of Richard Knott dated 27 October 2023.

- 6. In preparing this evidence, I have primarily relied on the evidence filed on behalf of HCC referred to in paragraph 5 above, and the s 42A reports prepared by Va Mauala.

CODE OF CONDUCT

- 7. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this is a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

SCOPE OF EVIDENCE

- 8. The purpose of this evidence is to:
 - a) Confirm HCC's position in respect of the 20 HHAs it is pursuing;
 - b) Respond to the matters raised in the recent memoranda filed by:
 - i. Kainga Ora – Homes and Communities (**Kainga Ora**) dated 24 May 2024;

- ii. Waikato Heritage Group (**WHG**) dated 24 May 2024;
 - iii. Niall Baker; and
 - iv. Jean Dorrell and David Whyte dated 15 May 2024; and
- c) Comment on minor amendments that I propose to the HHA plan provisions.

EXECUTIVE SUMMARY

9. On 8 February 2024, the Hearing Panel released Decision #2 of PC9 which removed the notified HHAs that HCC had confirmed it no longer pursued for scheduling in Schedule 8D. In addition to those HHAs identified in Decision #2, there are four further HHAs, Oxford Street (West), Anglesea Street, Marama Street and Jamieson Street HHAs which are not pursued. These HHAs were included in the notified version of PC9, but as confirmed in Mr Knott's primary evidence presented in Hearing 1, HCC no longer pursues them. However, they were omitted from the list of HHAs not being pursued in PC9 Decision #2.
10. HCC continues to pursue the remaining 20 HHAs that were notified under PC9.
11. On 3 May 2024, HCC circulated updated plan provisions in relation to the HHA Topic.
12. Feedback on the updated plan provisions was subsequently provided by Kainga Ora and WHG. In response to their feedback, I have proposed additional amendments to the Plan provisions which I have described in further detail in my evidence and in **Attachment 1**.

13. I have made drafting improvements to each of the HHA Statements to ensure a consistent template approach and also edits in response to the memorandum filed by Jean Dorrell and David Whyte.
14. I have made additional minor amendments to the Plan provisions to correct minor typographical and grammatical errors or to otherwise improve clarity. I have also amended the HHA Statements to include clearer maps, to correct minor typographical and grammatical errors or to otherwise improve clarity and referencing.
15. HCC has not provided any further expert heritage evidence in relation to the HHA Topic and relies on the evidence provided to date by Mr Knott, Mr Gu and Mr Miller.

BACKGROUND

16. On 8 February 2024, the Hearing Panel released Decision #2 of PC9 which removed the notified HHAs that HCC had confirmed it no longer pursued for scheduling in Schedule 8D. In reliance on the expert heritage evidence provided by Mr Knott, Mr Gu and Mr Miller (as set out in paragraph 5 above), HCC continues to pursue the following 20 HHAs that were notified under PC9:
 - a) Acacia Crescent;
 - b) Ashbury Avenue;
 - c) Cattnach Street;
 - d) Chamberlain Place;
 - e) Claudelands Commercial;

- f) Claudelands;
 - g) Fairfield Road;
 - h) Frankton Commerce Street;
 - i) Frankton East;
 - j) Frankton Railway Village;
 - k) Hamilton East;
 - l) Hayes Paddock;
 - m) Matai Street, Hinau Street and Rata Street;
 - n) Myrtle Street and Te Aroha (West) Street;
 - o) Riro Street;
 - p) Sare Crescent;
 - q) Te Aroha Street (East);
 - r) Temple View;
 - s) Victoria Street; and
 - t) Wilson Street and Pinfold Avenue.
17. HCC is not pursuing the Oxford Street (West), Anglesea Street, Marama Street and Jamieson Street HHAs. These HHAs were included in the notified version of PC9, but as confirmed in Mr Knott's primary evidence,

HCC no longer pursues them. However, they were not included on the list of HHAs not being pursued in PC9 Decision #2. I comment on this further below.

SUBMITTER MEMORANDA

18. On 3 May 2024, HCC circulated updated plan provisions in relation to the HHA Topic.
19. Feedback on the updated plan provisions was subsequently provided by Kainga Ora and WHG. I respond to the comments provided below.

Kainga Ora

Heritage Impact Assessments

20. Kainga Ora opposes Policy 19.2.4e and the associated Information Requirement 1.2.2.8 which requires all resource consent applications within an HHA to include a Heritage Impact Assessment (**HIA**). This is on the basis that, where the scale and significance of the effects are minor, the requirement places a disproportionate cost on landowners. Further, a consent authority is able to require an applicant to provide such information under clause 2(3)(c) of Schedule 4 to the RMA. In the alternative, Kainga Ora suggests that the Policy can be deleted and Information Requirement 1.2.2.8 be amended to tie the need for an HIA to the nature and extent of the proposed works and the scale and significance of the effects of the activity.
21. The establishment of HHAs across the City recognises their high or outstanding heritage significance that require protection under the District Plan in accordance with s 6 of the RMA. Accordingly, I consider it appropriate for the District Plan to direct that every resource consent

application for an activity in relation to an HHA include an assessment of the effects on the heritage values of that HHA.

22. I disagree that an HIA should only be required to be provided where the scale and significance of the effects of the proposal meet a certain threshold. If that suggestion was adopted, an assessment of the scale and significance of the effects of any proposal would be required to be undertaken in each case in any event to establish whether the ‘scale and significance’ threshold justifying an HIA is met. In other words, an assessment would be required of whether an assessment is required.
23. In terms of concerns about cost, as discussed in the hearing, the HIA may be prepared by a qualified planner. I note that Information Requirement 1.2.2.8.e only requires that it be prepared by “a suitably qualified expert”.
24. Further, Information Requirement 1.2.2.8.c already specifies that the level of detail to be included in a HIA is to be commensurate with the scale, nature and potential adverse effects of the proposal. Accordingly, if the scale and significance of the effects of a proposal are minor, only a few paragraphs setting out a planner’s evaluation of those effects may be necessary. However, I agree that 1.2.2.8. could be improved to make that intention clearer. I propose the following amendments which are included in **Attachment 1**:

c. The content and detail of the HIA must correspond with the ~~scale, nature and~~ of the proposed activity and the scale and significance of the potential adverse effects of the proposal on the heritage values of the HHA. The HIA must clearly demonstrate that the proposed development is unlikely to have any significant adverse effects on the heritage values of the area.

...

e. The HIA must be prepared by a suitably qualified expert which, depending on the nature of the proposal and the scale and significance of the potential adverse effects, may be a qualified planner or a qualified heritage expert.

Assessment Criteria

25. Kainga Ora has provided feedback in relation to the HHA Assessment Criteria. My response to each issue raised is provided below.
- a) Issue one – referencing error: This is not a referencing error. Under the Built Heritage Topic, I have proposed that Criterion E7 be deleted. Accordingly, when the provisions for the two topics are merged, the HHA Assessment Criteria will be E8-E12.
 - b) Issue two – wording of chapeau in E9-E13: I agree that the wording of the chapeau could be improved for clarity. My proposed amendments are included in **Attachment 1**.
 - c) Issue three – formatting of the HHA criteria: I agree that drafting improvements can be made to provide greater clarity as to the relationship between the chapeau of the criteria and the sub-paragraphs. Accordingly, I have amended the HHA criteria in **Attachment 1** to better link the sub-paragraphs to the chapeau.
 - d) Issue four – new criterion: I support Kainga Ora’s proposed new criterion in paragraph 10 which I have included in **Attachment 1**.
 - e) Issue five – Criterion E10(c): I disagree that Criterion E10(c) should be deleted. The criterion was included to address the adverse effects of a site being left vacant on the heritage values of an HHA. The existence of a consent or contract for demolition or relocation are examples of evidence that may be produced to establish the likely duration of vacancy. However, I consider that the criterion should be amended to make it clear that the matter of interest when assessing an application for consent for demolition or relocation is the length of time that the site will be vacant. I

propose the following wording which I have included in

Attachment 1:

E10 The ~~extent~~ effect the demolition or relocation of the building will have on the heritage values of the HHA taking into account:

...

c. ~~Whether there is a consent in place for the replacement of any already demolished dwelling or commercial building proposed to be demolished and whether a contract is let for this-Whether the duration of the site vacancy is known, and if so, its duration;~~

- f) Issue six – Criterion E13(c): I disagree that Criterion E13(c) should be deleted on the basis that it is more reflective of a special character area. I understand that where hard surfacing and landscaping are a consistent feature within an HHA that is typical of a particular development period, these represent historic heritage values that warrant protection. An example of this is single width driveways comprised of two parallel strips of concrete in the Hayes Paddock HHA.

Waikato Heritage Group

Proposed amendments to provisions

26. WHG seeks amendments to the HHA provisions which are set out in Appendix 1 to its memorandum. My response to each amendment is included in the table appended to my evidence as **Attachment 2**.

FURTHER MATTERS RAISED BY SUBMITTERS

Niall Baker

27. On 17 May 2024, Niall Baker filed a memorandum seeking to file further evidence in relation to the proposal to include Fairview Downs as an HHA. I rely on Mr Knott's expert heritage assessment of the proposal to establish Fairview Downs as an HHA. After completing a WRPS APP7 assessment of

Fairview Downs, Mr Knott concluded that Fairview Downs had 'low' heritage significance and therefore did not meet the threshold for scheduling.²

Jean Dorrell and David Whyte

28. I have read the memorandum of Jean Dorrell and David Whyte dated 15 May 2024 which critiques parts of some of the HHA Statements. I have conferred with Mr Knott in respect of these matters and respond to the various points raised below.

- a) Acacia Crescent – historic heritage qualities: The Acacia Crescent HHA assessment against the Historic Qualities criterion concludes that the overall form of the street and development periods are typical of the Early Post War Expansions (1950 to 1980) development period. These are historic heritage values not special character values (which relate to the general amenity of the street rather than its historic values). No change to the Statement is recommended.
- b) Cattanach Street – incorrect references to Reverend Cattanach being the Chair of the DV Bryant Trust: The information about Reverend Cattanach was originally provided by the Hamilton City Library. A review of the source material from the Library confirms that the Reverend was both Chair of the Mary Bryant Trust and a Trustee of the DV Bryant Trust.³ Minor corrections to the Cattanach Street HHA Statement have been made to reflect that distinction.
- c) Frankton East – Ellis and Burnand houses: It is clear from the HHA Statement that the houses in the area are typical and a number remain unaltered which contributes to the high heritage significance

² Supplementary Statement of Evidence of Richard Knott dated 22 September 2024, para 52.

³ Rosalind McClean, *A Stockman's Gift, Daniel Vickery Bryant and the Bryant Charitable Trusts – A Legacy for Waikato*, First Published 2007.

of the area. This contributes to a clear understanding and appreciation of the development expected in the Late Victorian and Edwardian and during and after inter-war growth (1890 to 1949) development period. As recorded in the HHA Statement, the houses *incorporate features* from Ellis and Burnand including joinery (and the likely prefabrication of parts). I have amended the HHA Statement to make that clear.

- d) Sare Crescent – ex-serviceman houses: The scoring of the Sare Crescent HHA took into account that houses were being built for returning ex-servicemen. However, I have made the following amendment to the Sare Crescent HHA Statement:

The street was developed as part of a rapid period of Hamilton City's growth, where many new houses were constructed to accommodate homecoming serviceman and their families. It ~~and~~ was initially bordered by farmland to the north and east, but quickly became surrounded by further subdivisions and development.

- e) Wilson Street and Pinfold Street – Pinfold duplexes: It is clear from the Wilson Street and Pinfold Street HHA Statement that the fact that many of the houses are typical contributes to the high heritage significance of the area, providing clear understanding and appreciation of the development expected in the Late Victorian and Edwardian and during and after inter-war growth (1890 to 1949) development period (Wilson Street), and illustrating the post-war period where new ideas regarding planning and layout of towns were emerging (moving into the Early Post War Expansion (1950 to 1980) development period (Pinfold Avenue and Watts Crescent). No change to the Statement is recommended.

29. The amended HHA Statements are included in **Attachment 3**.

UPDATES TO PLAN PROVISIONS

30. In addition to the amendments that I have referred to above, I have made minor amendments to the PC9 provisions to correct typographical and grammatical errors or improve certainty. These are shown in **Attachment 1**.
31. In addition to the amendments in **Attachment 1**, there is a correction to be made to the zoning maps to reflect that HCC is not pursuing the Oxford Street (West), Anglesea Street, Marama Street and Jamieson Street HHAs. These HHAs were included in the notified version of PC9, but as confirmed in Mr Knott's primary evidence⁴, HCC no longer pursues them. However, they were omitted from the list of HHAs not being pursued in PC9 Decision #2. Accordingly, the Oxford Street (West), Anglesea Street, Marama Street and Jamieson Avenue HHAs are removed from Schedule 8A in **Attachment 1** and consequential amendments are required to remove them from the relevant zoning maps.
32. I have also proposed a new rule in the Activity Status Table to address the issue that some submitters have raised regarding buildings within HHAs that are subject to a certificate of compliance for demolition. The detailed explanation of the reasons for the rule are provided in my supplementary statement of evidence on the Built Heritage Topic and are not repeated here. There is one material difference however which is that demolition of a building within an HHA will not automatically cause the HHA to be removed from the schedule. This is due to the fact that despite the demolition, there will be heritage values within the HHA which remain intact.
33. I have also made drafting improvements to the HHA Statements in **Attachment 3** including to the maps and to correct typographical and

⁴ Paragraphs 56-57.

grammatical errors. I have created a consistent template which each statement now follows. These edits do not affect the substance of the HHA statements prepared by Mr Knott, and simply improve clarity and consistence across the statements.

Laura Jane Galt

3 July 2024

ATTACHMENT 1

A full set of the recommended amendments to the PC9 provisions is available on HCC's external PC9 web page under the 'Provisions' tab:

<https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-9/>

ATTACHMENT 2

ATTACHMENT 3