

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN THE WAIKATO REGION**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
WAIKATO**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on proposed Plan
Change 9 – Historic Heritage and Natural
Environments ('PC9') to the Operative Hamilton
City District Plan

**SUPPLEMENTARY STATEMENT OF EVIDENCE OF JOHN EDWARD
BROWN
ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES (#428)
(HISTORIC HERITAGE AREAS – THRESHOLD AND METHODOLOGY)
RESPONSE TO RESOURCE MANAGEMENT ACT 1991
DIRECTION #21 HEARING PANEL DATED 14 DECEMBER**

26 JULY 2024

Instructing solicitor:
C E Kirman
Special Counsel
Kāinga Ora - Homes and Communities
PO Box 14594
Central Auckland 1051
E: claire.kirman@kaingaora.govt.nz

1. INTRODUCTION

- 1.1 My full name is John Edward Brown and I am providing Expert Evidence on behalf of Kāinga Ora in relation to proposed Historic Heritage Areas, and a proposal to include several Duplex sites as individually scheduled historic heritage places. My primary Statement of Evidence dated 28 April 2023 sets out my experience and involvement in the PC9 process¹.
- 1.2 In addition to that work already described in my primary evidence, I have also subsequently provided expert evidence on behalf of Kāinga Ora in relation to proposed changes to thresholds and criteria for assessment of individual heritage places in the HCDP (PC 9 Session 2).
- 1.3 On behalf of Kāinga Ora, I engaged in Expert conferencing on the methodology for Built Heritage and I am a signatory to the Joint Statement dated 24 November 2023 (JWS).
- 1.4 I also have provided:
- (a) A rebuttal statement regarding the HHA Methodology Thresholds, dated 06 October 2023;
 - (b) A supplementary statement dated 01 February 2024. This statement outlined the reasons why I consider a number of areas still proposed for inclusion as historic heritage areas had not been demonstrably shown to merit that level of protection, in my opinion;
 - (c) This is because, while I consider these areas exhibit a characterful aspect that can be associated with State House Development, that connection alone does not merit identification as a historic heritage area.

¹ Statement Of Primary Evidence of John Edward Brown On Behalf Of Kāinga Ora – Homes And Communities (#428) (Heritage) 28 April 2023

Code of Conduct

- 1.5 I confirm that I have read the Code of Conduct for Expert Witnesses 2023 contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. In particular, in preparing this submission I rely upon the evidence provided by Hamilton City Council in their historic heritage evaluations, and comparative information taken from the sources I have individually referenced.

Scope of Evidence

- 1.6 This evidence is to respond to the Memorandum of Counsel dated 13 December 2023 and in particular in relation to;
- (a) The threshold for inclusion as a HHA;
 - (b) The determination not to seek inclusion of a number of HHAs on the basis that they would not merit inclusion under the proposed new method of heritage evaluation; and
 - (c) Response to evidence provided by Elise Caddigan on the proposed scheduling of the Pinfold Avenue Duplex group (13-21 Pinfold Avenue).
- 1.7 I confirm that I have read the following statements of evidence of the Council filed since Session 1 of the Hearing:
- (a) Supplementary Statement of Richard Knott dated 11 July 2023;
 - (b) Supplementary Statement of Richard Knott date 22 September 2023; and
 - (c) Statement of Evidence of Elise Caddigan dated 03 July 2024 in relation to Built Heritage.

- 1.8 My supplementary evidence addresses the following:
- (a) Summary of November 2023 JWS on individual built heritage methodology;
 - (b) The threshold for Inclusion of Historic Heritage Areas; and alignment with proposed Council Method under PC9 introduced in Counsel’s Memorandum dated 13 December 2023;
 - (c) Review of individual Scoring of Historic Heritage Areas (“HHAs”); and response to proposed scheduling of the Pinfold Avenue Duplex group; and
 - (d) Review of Rebuttal Conclusions for the HHAs.

2. SUMMARY OF JOINT WITNESS STATEMENT

- 2.1 I participated in expert caucusing on 24 November 2023 and am a signatory to the resulting Joint Witness Statement (“JWS”).
- 2.2 As a joint signatory to this statement, I agreed that the use of the WRPS and HCDP criteria for assessment was appropriate.
- 2.3 As stated in my primary evidence, it is therefore appropriate to set thresholds for statutory protection at the level of considerable or outstanding value. In my opinion, this level of significance is defensible when considering the consequences of curtailing development or subdivision on both public and private land.
- 2.4 The JWS has recommended this methodology for individual sites, and this same threshold is proposed to be adopted for HHAs as noted in the Memorandum of Counsel for Hamilton City Council dated 13 December 2023².

² Memorandum Of Counsel on Behalf Of Hamilton City Council Dated 13 December 2023. Paragraphs 21-23

- 2.5 The hearings panel have also considered that the threshold criteria for scheduling based on heritage values is appropriate for both individual Built Heritage places and HHAs.
- 2.6 As stated in my previous evidence³, in my opinion the identification of proposed places of ‘at least moderate value’ potentially conflates areas with character values to that of historic heritage.
- 2.7 It is my opinion therefore that the proposed changes to Historic Heritage Assessment methodology, criteria and thresholds set out by the JWS and supported by Hamilton City Council should be adopted also for HHAs.

3. SCORING OF AREAS

- 3.1 Richard Knott provides a summary scoring table which split out the 29 proposed character areas into three broad groups⁴ (I have included this for reference in Attachment 1 of my 2023 rebuttal evidence):
- (a) Those with at least one ‘outstanding’ criterion;
 - (b) Those with at least one ‘high’ criterion; and
 - (c) Those with at least one ‘moderate’ criterion.
- 3.2 On review of the ‘lower tier’ only scoring ‘moderate’, I considered that these areas would not merit inclusion on the schedule for the reasons I have set out previously in my rebuttal evidence.
- 3.3 I agreed that several areas (or part thereof) identified as ‘outstanding overall’, exhibit historic heritage qualities, based on the statements of significance provided. These included:
- (a) Victoria Street;
 - (b) Hamilton East;

³ Section 5 above

⁴ Supplementary Statement of Evidence of Richard John Knott In Response To Panel Direction 8 (Historic Heritage Areas) Dated 22 September 2023

- (c) Te Aro Street;
- (d) Frankton Railway Village; and
- (e) Temple View.

3.4 I noted that with modification, the following areas might also be included:

- (a) Riro Street -

I consider this proposed area is relatively small as a proposed area for an HHA and additionally is highly intervisible with adjacent development and streets which are not related to the period, which experientially diffuses this area to some degree. I did not feel, therefore that Riro Street demonstrates a clear rationale for an 'area' but there was potentially scope for individual scheduling of properties as an alternative. Further work would however need to be done to assess these properties on their own merits as they have not been individually assessed by Hamilton City Council. In my opinion those most likely to merit scheduling based only on architectural value experienced in the streetscape would be Nos 5 and 10 as seemingly related group of Californian Bungalows of apparent good integrity, and to a lesser extent 6 and 7 (both more modified / extended).

- (b) Claudelands -

3.5 I consider that the area exhibits some character qualities as already recognised in the previous application of the character overlay in the District Plan. I provided a revised option of an alternative extent of historic heritage areas as subsets of this broader character overlay, that are more clearly related to subdivision periods and which also are further supported by the presence of individually scheduled places⁵.

3.6 Recommended areas that may qualify as HHAs rather than character areas, I have indicated in the following figure, based on the historical

⁵ Statement Of Rebuttal Evidence of John Edward Brown on Behalf Of Kāinga Ora – Homes And Communities (#428) (Historic Heritage Areas – Threshold And Methodology) 06 October 2023

subdivisions and proximity of individually scheduled places which also reflect and support the historical narrative of these locations.



Claudelands potential HHA



Claudelands East / Te Aroha Street

(c) Catternach Street -

- 3.7 I agree there is consistency evident in the period of construction, and if all properties are related to a single development of Cattanach as suggested, then I agree this demonstrates something of a unique historical aspect in relation to the philanthropic legacy of the DV Bryant Trust. I would not necessarily rate this as outstanding, but more likely 'high'.
- 3.8 In this respect I consider that Catternach Street would therefore merit inclusion as an HHA for 'High Local' Values, under the proposed new threshold system.
- 3.9 HCC has given notice of its intent to withdraw the following proposed HHAs on the basis of insufficient value to merit inclusion in Schedule 8D:
- (i) Augusta, Casper and Roseburg Street;
 - (ii) Casey Avenue;
 - (iii) Hooker Avenue;
 - (iv) Jennifer Place;
 - (v) Lamont, Freemont, and Egmont Streets;
 - (vi) Oxford Street (East) and Marshall Street;
 - (vii) Seifert Street;
 - (viii) Springfield Crescent; and
 - (ix) Sunnyhills Avenue.
- 3.10 I agree with the removal of these proposed HHAs which I find to be consistent with my previous evidence and rebuttal.

- 3.11 In addition to the HHAs noted in Section 3.9 above, I also considered in my rebuttal evidence that several proposed HHAs do not demonstrate sufficient historical values to be assessed as 'High', particularly where that criterion has only been assessed as high due to their general association with State House Development programmes.
- 3.12 In my opinion, the locations listed below are representative or typical in character of broad themes of development exhibited by State House Development, but there is no defining aspect presented in the assessments that sets them above other, similar places such that they should be included on a historic area schedule:
- (a) Fairfield Road;
 - (b) Matai, Hinau and Rata Streets;
 - (c) Acacia Crescent;
 - (d) Ashbury Avenue;
 - (e) Wilson and Pinfold Street;
 - (f) Sare Crescent; and
 - (g) Chamberlain Place.
- 3.13 I have previously set out my reasons in my rebuttal evidence⁶, and have undertaken additional evaluation for the following proposed HHAs by way of testing and verifying those concerns, in accordance with both the WRPS and HCC criteria and the threshold method now proposed to be adopted by PC 9:
- (a) Fairfield Road (previously provided as an attachment to my primary statement of evidence);
 - (b) Wilson Street and Pinfold Avenue (Attachment A);
 - (c) Chamberlain Place (Attachment A); and

⁶ Brown – Statement of Rebuttal 2023.

(d) Sare Crescent (Attachment A).

3.14 Having previously undertaken site visits of these areas and also additional analysis of historical aerials, property data and other sources of information I consider that:

Fairfield Road -

3.15 I have previously provided evidence on Fairfield Place in my primary statement of Evidence. This proposed HHA has seen considerable infill development and being a later example from the 1950s/60s without any evidently strong connection to key persons of national interest or the First Labour Government, and it does not demonstrate sufficient values to warrant inclusion on the schedule of HHAs.

3.16 In my opinion, the later development of the place and the degraded nature of the overall streetscape as a result of later infill development is sufficient to demonstrate that the area lacks sufficient integrity to be identified as an HHA.

3.17 Therefore, I consider that Fairfield Road only demonstrates 'moderate' historical value. In my opinion it is typical of State Housing development of the period, but not historically more significant than other examples such as Wilson Street and Pinfold Street, which have been assessed by Mr Knott as having 'moderate' historical value. I note that the evidence of Ms Caddigan does not address the scoring of HHAs in her July 03 evidence.

3.18 For these reasons, that is the degree of modification of the area, the relative lateness of the development and the lack of direct connection to significant figures associated with the State House program of the First National Government, I do not consider that the Fairfield Road HHA demonstrates 'high' historical values. Therefore, it would not in my opinion merit retention as an HHA.

Chamberlain Place -

- 3.19 The PC9 HHA values assessment⁷ concludes that “The HHA is considered to have at least moderate local heritage significance as a little altered area if [sic] State Housing constructed in the Early Post War Expansions (1950 to 1980) development period”. PC9 also states that “overall, the area appears very unaltered from the 1979 aerial photograph”.
- 3.20 The assessment considers that Chamberlain Place conversely represents an early example of a development scheme by the replacement Housing New Zealand Corporation, on the basis of the date of subdivision plan. This is not supported by any evidence of corporate records or plans for example, which would support this assumption, other than the fact that the Housing Corporation was responsible for naming the street, and the assessment itself notes the ‘coincidence’ of the timing of the merger (See Attachment A).
- 3.21 I agree that the housing was constructed by 1979 and is largely unaltered since, however I disagree that this is substantiated evidence that Chamberlain Place is of significant historical importance and would meet the threshold to warrant scheduling as an HHA. Chamberlain Place was one of many social housing areas constructed (nationally and regionally) and in the locality, occurring at the end of Hamilton’s ‘Early Post War Expansions (1950 to 1980) development period’. The housing is not unique or rare, and the importance of this development as a state housing exemplar is unproven. Furthermore, it is unexplained in PC9 why the many other state housing developments in the surrounding area do not warrant scheduling as an HHA, but Chamberlain Place does. Even the boundary for the HAA does not appear to have any historical basis, with other houses from the same development excluded and vice-versa.
- 3.22 There does not appear to have been any historically important events, person, or group of people associated with the place. Although PC9 notes the street was named after Marissa Chamberlain (track and field

⁷ (Plan Change 9. Dec 2022. Appendix 9: historic Heritage/Schedule 8D: Historic Heritage Areas.)

athlete who competed in the 1966 Commonwealth Games), there is no direct link between this historical event/person and Chamberlain Place.

- 3.23 In my opinion, Chamberlain Place is an intact, but very late example of State Housing Corporation development theme, with every property constructed after 1970. It therefore demonstrates no strong connection with early or significant aspects of State Housing first established under the 1935-1949 Labour Government.
- 3.24 I agree that there is a high level of integrity from the period of construction, but consider the 'generic' nature of the buildings as lacking those elements that identify earlier developments.
- 3.25 In my assessment (Attachment A), I concluded that The Chamberlain Place Proposed HHA exhibits moderate historical attributes which broadly reflects the development of State Housing suburbs in Hamilton during the later 1970s. The 'brick and tile' architecture is generic in application and not readily distinguishable from many private developments of the period. Property records suggest close to 100% of housing constructed between 1970 and 1979.
- 3.26 Its historical association with State Housing is the reason given for scheduling, but without this connection it is not remarkable. It is not apparently directly associated with any key events or person of national interest. However, by definition, it reflects the broader character theme of state house development in New Zealand.
- 3.27 On this basis identification as an HHA is not recommended, because there are no high or outstanding significance values identified. If the proposed HHA is determined.

Sare Crescent -

- 3.28 The PC 9 HHA values assessment concludes that *“By reason of its integrity, the HHA is considered to have at least moderate local heritage significance as a little altered area of state housing, likely constructed to accommodate homecoming servicemen and their*

*families in the Early Post War Expansions (1950 to 1980) development period”.*⁸

- 3.29 I agree that Sare Crescent is relatively unaltered, at least in subdivision plan, since it was built in the 1950s, however there is no evidence provided to substantiate any deliberate or specific connection to returned servicemen and their families.
- 3.30 I disagree that the association with State Housing is ‘de facto’ substantiated evidence that Sare Crescent is of significant historical importance and would meet the threshold to warrant scheduling as an HHA.
- 3.31 Sare Crescent was one of many social housing areas constructed at that time (nationally and regionally) and in the locality, occurring in Hamilton’s ‘Early Post War Expansions (1950 to 1980) development period’⁹. The housing is not unique or rare, and the importance of this development as a state housing exemplar is unproven. There does not appear to have been any historically important events, person, or group of people associated with the place.
- 3.32 Sare Crescent certainly contains a base level of building stock, with most sites still present. It is apparent from the street visit and analysis of historical photos that a number of sites have been modified over time particularly with replacement roofing, windows and doors, while there are also some areas of more recent infill. However, this is to be expected given the age of the street.
- 3.33 The PC9 assessment also states:
- “Sare Crescent also appears to demonstrate some watered-down ideals of the Garden Suburb, which had become pervasive in town planning, but gradually diluted down to road layout and the provision of ample green/garden spaces”*¹⁰

⁸ Plan Change 9. Dec 2022. Appendix 9: historic Heritage/Schedule 8D: Historic Heritage Areas. Pg.100

⁹ *ibid*

¹⁰ Plan Change 9. Dec 2022. Appendix 9: historic Heritage/Schedule 8D: Historic Heritage Areas. Pg 100

- 3.34 In my opinion, while this describes a characterful aspect of the location, it is a fairly weak justification for scheduling. Sare Crescent is certainly not equivalent to other scheduled state housing developments that are good representations of the Garden Suburb movement e.g. Hayes Paddock, Hamilton and Savage Crescent, Palmerston North. Furthermore, it is unexplained in PC9 why the proposed Sare Crescent HHA is significantly more important historically than any other areas of surrounding social housing of similar historical character but not proposed for scheduling.
- 3.35 In my Assessment (Attachment A), I concluded that the proposed Sare Crescent HHA exhibits moderate historical attributes which in general reflect the development of State Housing suburbs in Hamilton during the later 1940s and 1950s. The majority of sites within the HHA are not related to early provision of state housing through the First Labour Government. It is not apparently directly associated with any key events or person of national interest. However, by definition, it reflects the broader character theme of state house development in New Zealand.
- 3.36 The locale demonstrates the typical character of a state house suburb in character, but there is nothing in the evidence currently available and assessed to indicate it would merit scheduling purely through the association with State Housing.
- 3.37 On this basis, identification as an HHA is not recommended, because there are no high or outstanding significance values identified
- Wilson Street and Pinfold Avenue -
- 3.38 This proposed HHA also is assessed as being of 'moderate' value overall, which is partly due to the fact that the Wilson Street component is based on a much earlier subdivision unconnected with state house development that I consider to be the focus of the proposed HHA.

- 3.39 I further note that Pinfold Ave is the only HHA associated with a proposed individually scheduled place, which is the three 1950s Duplex sites at 13-21 Pinfold Avenue.
- 3.40 I have reviewed the 'recategorization' undertaken by 'The Heritage Studio' and relied upon by Ms Caddigan in her evidence. I agree that the units are of a group and may be considered as one entity for the purpose of evaluation. However, contrary to Ms Caddigan, I do not consider that the recategorization exercise and supporting documentation included in her evidence in fact provides any further information to substantiate the claim of rarity as a typology, or any other supporting information to demonstrate the architectural significance of the design, or any additional historical association that may be relevant.
- 3.41 What is clear from historical aerial photography, the subdivision plans and other property data, is that the group of duplexes are developed slightly later than the main period of development for this character area (being the late 1940s).
- 3.42 In my assessment (Attachment A), I have concluded that the Wilson Street and Pinfold Ave HHA exhibits moderate historical attributes which in general reflect the development of State Housing suburbs in Hamilton during the later 1940s. While there are several properties pre-dating 1940, the majority are not related to early provision of state housing through the First Labour Government. It is not apparently directly associated with any key events or person of national interest. However, by definition, it reflects the broader character theme of state house development in New Zealand.
- 3.43 The locale demonstrates the typical character of a state house suburb in clusters, it is eroded to some degree by the fact that the majority of Wilson Street relates to an earlier pattern of subdivision. There has been some limited infill of more recent development, especially that from the 2000s. This more recent development retains similar development scale with pockets of increased density arising from

subdivision of lots. This is especially prevalent on rear sites, but these are still clearly evident in the visible public realm.

- 3.44 On this basis, identification as an HHA is not recommended, because there are no high or outstanding significance values identified. While I note that some individual sites have been identified, these do not relate primary period of interest, but later 20th century development.
- 3.45 Furthermore, it remains my view, notwithstanding additional commentary from HCC and their appointed consultant, that these properties (16-21 Pinfold Avenue) have not been demonstrably shown to have greater significance than any other duplex grouping, such as at the head of Watts Crescent.

4. CONCLUSION

- 4.1 I have reconsidered my rebuttal evidence for the HHAs in light of the PC9 direction for the proposed new thresholds and the additional Council evidence filed by Ms Caddigan on 03 July 2024. I note that Ms Caddigan does not address the issue of scoring for those proposed HHAs in her July evidence which I consider remain contested and has only briefly discussed the inclusion of the three duplex houses on Pinfold Avenue as an individual place (13-21 Pinfold Avenue collectively).
- 4.2 Therefore, I retain the views expressed in my previous rebuttal evidence. While I agree the areas of Wilson Street / Pinfold Avenue, Fairfield Road, Sare Crescent and to a lesser Chamberlain Place exhibit a character reflecting State House developments generally, I remain unconvinced that they demonstrate particular historic heritage values above and beyond other locations that they should be included in the schedule under Section 6f.
- 4.3 In conclusion, and when considering the expert conferencing undertaken in November 2023 in relation to the Built Heritage Methodology, I remain of the view expressed in my rebuttal evidence for the HHAs:

- (a) It is appropriate to introduce Historic Heritage Areas where they are significant (Considerable) or highly significant (Outstanding) value; and
- (b) I consider however that a good proportion of the places proposed for Historic Heritage Areas do not merit scheduling under Section 6f. Rather I consider that they exhibit more of a 'character' aspect which may be considered as a qualifying matter, but which PC9 does not address.



John Edward Brown
26 July 2024

Attachment A- Additional Evaluation of Proposed HHAs

This section provides additional analysis and evaluation of the following HHAs following the methods proposed and described in Plan Change 9 - s32 Report. 22 June 2022. Appendix 9, and the recommended version of this information.