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1. INTRODUCTION

1.1 My Full name is John Edward Brown and I am providing rebuttal evidence on behalf of Kāinga Ora-Homes and Communities in relation to proposed Historic Heritage Areas. My primary Statement of Evidence dated 28 April 2023 sets out my experience and involvement in the PC9 process.

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 Hamilton City District Plan (“ODP”) (PC 9 Session 2).

Code of Conduct

1.3 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

1.4 This rebuttal evidence is structured to respond to the supplementary evidence provided by Mr Richard Knott¹ dated 22 September 2023, on behalf of Council in relation to the following matters:

- (a) The threshold for inclusion as a Historic Heritage Areas (“HHA”);

¹ Dated 22 September 2023.

- (b) The updated assessments for the HHAs recommended in Mr Knott's primary evidence.

1.5 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 dated 22 September 2023.
- (c) Statement of evidence of Elise Caddigan (historic heritage - built heritage) dated 24 August 2023

1.6 I participated in expert caucusing on 24 August 2023 and am a signatory to the resulting Joint Witness Statement ('JWS').

1.7 My rebuttal evidence addresses the following:

- (a) The Threshold for Inclusion of HHAs; and alignment with proposed Council Method under PC9;
- (b) Individual Scoring of Historic Heritage Areas Summarised in the Table at paragraph 45 of Richard Knott's Supplementary Evidence²;
- (c) Conclusions

2. THRESHOLD FOR INCLUSION OF HHAS

2.1 As a joint signatory to the JWS, I agreed that the use of the Waikato Regional Policy Statement ("WRPS") and ODP criteria for assessment was appropriate. However, as noted in the JWS, I did not agree that the threshold of 'moderate' value represented a high enough bar to justify inclusion of an Historic Heritage Area into the Schedule. This is recorded in Section 3.2 of the JWS:

² Supplementary Evidence of Richard Knott dated 22 September 2023. Para 45. Summary of Significance of each HHA against the WRPS APP7 Assessment Criteria

3.2 Threshold for significant heritage value – Area of Disagreement

All experts agree that for an area to be identified as an HHA it should have significant heritage value.

All experts agree that areas demonstrating “high” or “outstanding” value according to the Evaluation Indicators would meet the threshold for scheduling in Appendix 8D as Historic Heritage Areas.

The disagreement between the experts relates to whether or not areas with “moderate” value should be recognised as having significant heritage value.

John Brown and Ann McEwan do not consider areas demonstrating “moderate” value according to the Evaluation Indicators would merit scheduling.

Ann McEwan and John Brown understand that “Moderate” means “average in amount, intensity, quality, or degree” (Oxford English Dictionary) and is therefore too low a threshold for significant historic heritage areas that merit protection under RMA Section 6(f).

Richard Knott, Susie Farminer and Laura Kellaway consider areas demonstrating “moderate” value according to the Evaluation Indicators would merit scheduling.

The experts note that this area of disagreement is reflected in the final section of the methodology in Attachment 1 under the heading “Recommendation”.

2.2 Mr Knott opines that Section 6 of the RMA does not set a threshold for inclusion, and includes reference to Section 2, whereby historic heritage is defined as:

- (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; and*
- (b) includes—*
 - (i) historic sites, structures, places, and areas; and*
 - (ii) archaeological sites; and*
 - (iii) sites of significance to Māori, including wāhi tapu; and*
 - (iv) surroundings associated with the natural and physical resources*

2.3 While Section 2 defines what historic heritage encompasses, Section 6 discusses matters of National Importance:

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights:

(h) the management of significant risks from natural hazards

2.4 I agree with Mr Knott that the RMA does not technically stipulate thresholds for historic heritage. Neither does it stipulate thresholds for some other matters of National Importance to be included in plans, such as water earth or air, or cultural values, though some are clearly referred to as ‘significant’, or ‘outstanding’ as set out above. How it is to be given effect to is to be determined through the regional and district planning framework.

2.5 The requirement under section 6 is to protect historic heritage from “inappropriate” subdivision use and development as a matter of “national importance”. I address this in more detail below at

paragraph 2.9. The definition of historic heritage is broad, so ‘contributing to our understanding and appreciation’ could really refer to anything created in the past (including the immediate past).

2.6 My understanding is that:

- (a) It is important to identify a threshold for protection in the District Plan because if you simply refer to definition in the RMA, then almost everything could be ‘historic heritage’ that is to be protected.
- (b) Plan-makers ought to determine levels of significance in order to determine the threshold at which subdivision, use and development would be inappropriate; and therefore the threshold at which heritage needs to be protected under Section 6f³.

2.7 That approach to Section 6f has informed standard practices for managing historic heritage through the planning process over the last thirty years, so that most District and Regional plans I am familiar with adopt a two-tier categorisation of heritage places that are identified as meriting protection. This two-tier approach:

- (a) aligns with the National approach for two-tier listing established by HNZPT.
- (b) In the case of PC9, the adoption of a “high” rather than “moderate” threshold for scheduling would align with the WRPS, and other Tier 1 planning authorities (Auckland, Wellington, Christchurch) as noted in my primary evidence⁴.
- (c) That approach would also be compatible with the threshold levels for individual places recommended by the Hamilton Council Heritage Expert Elise Caddigan based on the Auckland Model⁵. Ms Caddigan also agrees with the use of a two-tiered

³ Waka Kotahi

⁴ Statement of Primary Evidence of John Edward Brown on behalf of Kāinga Ora – Homes and Communities (#428) (Session 1 – Historic Heritage Areas), dated 22 April 2023. Paragraph 7.10

⁵ Evidence of Ms Caddigan, Table 2

categorisation of heritage values and thresholds to demonstrate ‘Significant’ (B) or ‘Highly ‘Significant’ (A) heritage value at a local, regional or national level.⁶

- 2.8 My use of the terms ‘Considerable’ and ‘Outstanding’ equates to⁷ Ms Cadigan’s use of those terms and the terms ‘Significant’ and ‘Highly Significant’, as per Table 2 of Ms Caddigan’s evidence for proposed plan thresholds. Ms Caddigan does not support the use of the term “moderate” when setting the threshold for scheduling⁸. I consider that a consistent approach should be applied to HHA’s.
- 2.9 The requirement under section 6 is to protect historic heritage from “inappropriate” subdivision use and development as a matter of “national importance”. My understanding is that:
- (a) The use of the term “inappropriate” implies that not all adverse effects on “historic heritage” must be addressed by the district plan. That threshold could be identified by enabling a specified degree of modification to scheduled items or areas, or by scheduling only items or areas that are of particular importance and value.
 - (b) The use of the term “national importance” implies that items and areas need to make a substantive contribution “to an understanding and appreciation of New Zealand’s history and cultures” in terms of the definition of historic heritage in order to warrant protection under the section. Each individual item or area need not be of national importance but, in order to warrant scheduling, items or areas should exceed a threshold.
 - (c) I consider that the appropriate threshold for such protection is where the item or area qualifies as “high” in terms of Mr Knott’s approach, ‘considerable’ in terms of my language, and ‘significant’ in terms of Ms Caddigan’s approach.

⁶ Elise Caddigan Statement of Evidence Para. 63

⁷ Ibid. para 64.

⁸ Ibid.

- 2.10 In my opinion it is appropriate to set thresholds for statutory protection at the level of significant / considerable or higher value, as this is where most ‘risk’ of adverse impact occurs and therefore at which subdivision, use and development is likely to be inappropriate. Comparatively, in my view a ‘moderate’ threshold means places *may* have some heritage interest. I consider it unlikely that subdivision, use or development of these places is likely to impact those values in a way that makes such development inappropriate.
- 2.11 As stated in section 5 of my primary evidence⁹, in my opinion the identification of proposed places of ‘at least moderate value’ for HHAs potentially conflates areas with character values to that of historic heritage because of the focus in the HHA methodology on the physical and visual qualities apparent in such areas. I consider that this may be resolved more appropriately with directly evaluating heritage places or areas using the WRPS and ODP criteria, the thresholds recommended by Ms Caddigan in table 2 of her evidence, and also by reference to comparative examples locally, regionally and nationally to justify inclusion at the level of s6 of the RMA. This would also ensure greater robustness and consistency at the regional and national level in the identification of historic heritage places and areas.
- 2.12 It is my opinion therefore that the proposed changes to Historic Heritage Assessment methodology, criteria and thresholds set out by Ms Caddigan should be adopted also for Historic Heritage Areas.

3. SCORING OF AREAS

- 3.1 Richard Knott provides a summary scoring table which is most useful reference. The table has split out the 29 proposed character areas into three broad groups (I have included this for reference in Attachment 1):
- (a) Those with at least one ‘outstanding’ criterion

⁹ Statement of Primary Evidence of John Edward Brown on behalf of Kāinga Ora – Homes and Communities (#428) (Session 2 – Built Heritage), dated 22 September 2023

(b) Those with at least one 'High' criterion

(c) Those with at least one 'moderate' criterion

3.2 On review of the 'lower tier' only scoring 'moderate' I consider that these areas would not merit inclusion on the schedule for the reasons I have set out above.

3.3 I agree that several areas (or part therefor) identified as outstanding overall exhibit historic heritage qualities, based on the statements of significance provided. These include:

(a) Victoria Street, which clearly has historical and contextual significance as the primary historical main Commercial street of Hamilton, supported by several individually scheduled places;

(b) Hamilton East, on the basis that it forms an early suburb of Hamilton and includes a number of individually scheduled places which also reflect this aspect of Hamilton's history; though from my site visit and review of material I consider this area as proposed might be modified spatially to reflect a core heritage area; and not include what I consider to be broader 'character' area (see **Attachment 1**).

(c) Similarly for Te Aro Street, which demonstrates a core group of individual scheduled properties of early development adjacent the original town boundary.

(d) Frankton Railway Village on the basis it contains a significant assemblage of 'railway' houses of using early prefabricated building technology constructed in relation to the historical development of the railway industry in Frankton, and which retains its integrity, closely associated with the neighbouring Railway land and individually scheduled and HNZPT Listed Railway Institute Building, and nearby Railway House Factory and kiln.

- (e) Temple View, given its unique development history and relationship to the Temple Church complex
- (f) Riro Street, while I do not consider it demonstrates outstanding qualities that merit scheduling as an HHA, I do accept there are some qualities evident. It may be that rather than defining a small area, one or two buildings might be individually scheduled.
- (g) Claudelands - in my opinion, the key historical area of significance was organised immediately around the Train Station to the east of Grey Street and south of the train station as far as Te Aroha Road and Firth Street. However, a good portion of this area has not maintained a strong expression of that early development, though part of the historical block fronting Te Aroha Road is proposed to be a HHA associated with Te Aroha Road. Historical maps indicate this to be a separately organised subdivision from the other areas proposed to be HHA within the Te Aroha area.
- (h) As with Hamilton East - it may be appropriate to retain a smaller core to the west of Heaphy Terrace where there is a grouping of individually scheduled places. The rest of the area I do not consider to be of such integrity that it would merit protection under Section 6, but it does exhibit some character qualities which may warrant maintenance and enhancement under Section 7 (see **Attachment 1**).
- (i) Cattnach Street - I agree there is consistency evident in the period of construction, and if all properties are related to a single development of Cattnach 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'.

- (j) Claudelands Commercial and Frankton Commerce Street - I agree exhibit some strong historical qualities as the historical commercial cores of these settlements. I am not sure that they demonstrate sufficient integrity to be retained as HHA's across the whole areas proposed. I note both areas have individually scheduled places.
- (k) I agree that Myrtle Street shows a particular high architectural integrity and is representative of early settlement. It is anchored with individual scheduled places at River Rad and east at Grey Street. However, the edges might be refined to exclude some apparent later rear lots especially to the south of Te Aroha Street.

3.4 In relation to those areas assessed as 'high', the majority have only scored 'high' in relation to the historical criterion.

3.5 I consider that a number of these proposed areas do not demonstrate sufficient historical values to be assessed as 'High' primarily due to their association with State House Development programmes. In my opinion, while these locations are representative or typical in character of broad themes of development exhibited by State House Development, there is no defining aspect that sets them above other, similar places such that they should be included on a historic area schedule. These are:

- (a) Fairfield Road HHA - I have assessed this area in considerable detail in my primary evidence¹⁰, by way of demonstrating the use of the WRPS Criteria. I do not consider, based on available evidence, that it demonstrates significant and direct association with key figures involved in the State House Movement. It is clearly representative of State House development, but primarily associated with relatively piecemeal development after 1950, and it is not an early example. Additionally, its integrity has reduced over time.

¹⁰ Statement of Primary Evidence of John Edward Brown on behalf of Kāinga Ora – Homes and Communities (#428) (Session 2 – Built Heritage), dated 22 September 2023

- (b) 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 moderate.
- (c) I have the same considerations for Matai, Hinau and Rata Streets Proposed HHA. In my view, these show moderate value and are recognisably of 'State House Character' but are not sufficiently 'Significant' based on the available evidence, that they should be included on a schedule under Section 6 of the RMA

- 3.6 Two other locations, Acacia Crescent and Ashbury Avenue were assessed as 'high' for historical values, and only moderate for architectural values. All other values were low. These HHAs represent later development of the 1960s and 1970s.
- 3.7 In my opinion, it is questionable whether these locations merit scheduling on the basis of historical associations presented. For example, the association of 'Ashbury Avenue' with a 1963 subdivision by 'Chartwell Properties Limited' does not tell of a significant historical association above and beyond similar period properties. Additionally, the Ashbury Avenue area is spatially limited. This is in contrast to Cattnach Street or Temple View, which are contemporary developments that have specific and directly associative narratives.
- 3.8 I agree that Acacia Avenue represents moderate examples of building typology from the period. Of the two, the grander scale of Acacia Avenue may be a deciding factor.
- 3.9 One area is proposed to be on the basis of high architectural value only:
 - (a) Wilson and Pinfold Street - I have reviewed and visited this site and I have also looked at the recommendations for individual items proposed by WSP, which are the three

adjacent Duplex flats at 15-21 Pinfold Street. In my opinion, the associated documents and statements of significance have not demonstrated sufficient evidence to determine high architectural significance. All documents I have reviewed acknowledge no identified designer and that the period buildings are typical examples.

- (b) I agree that the area only has moderate historical interest, being a typical development of the period, but I also consider the architectural values are moderate only on this basis. There is nothing above and beyond in my view that sets this area apart from other locations.

3.10 Two areas are proposed on the basis of architectural value only, or both and / or historical value. These include:

- (a) Sare Crescent - I have reviewed this area and I do not agree, based on the historical information and assessment provided, that the area exhibits 'high' architectural values or 'High' historical values beyond any other State House development. As noted in Richard Knott's supplementary evidence which notes under architectural values¹¹:

The buildings are typical of state houses of the period and so do not use unique or uncommon building materials, or demonstrate an innovative method of construction, or are an early example of the use of a particular building technique.

and

The buildings are of interest in so much as they are typical state houses being built at the time, rather than being designed by a particular known practitioner.

- (b) While the historical values assessment attributes high historical values on the basis that the area was associated with post-war development:

The development illustrates that the housing shortage in Hamilton, which became apparent in late 1920s, was still an issue and there was pressure for new housing development in post war Hamilton

¹¹ Richard Knott Supplementary Evidence Attachment 1 to JWS (Heritage – HHA Methodology)
Dated 24 August 2023

The Fairfield project, involving the construction of 800-1000 houses, was announced in April 1946

The area was developed after the end of World War II, during a period where houses were being built to accommodate homecoming servicemen and their families.

Sare Crescent also appears to demonstrate some watered-down ideals of the Garden Suburb

Lot sizes and shapes are more varied than other earlier State housing subdivisions

and

The area remains a good example the form settlement pattern expected during the period.

- (c) In my opinion this level of analysis is largely generic and does not adequately demonstrate values above and beyond any other similar development. For example, I have provided additional information on the 'Fairfield Project' in my primary evidence¹², and noted this was not completed to the original scheme. Nor is there direct associative evidence that these places were specifically built for returned servicemen.
- (d) Chamberlain Place- In my opinion, the same concern around analysis raised for Sare Crescent, also applies to this proposed HHA.

- 3.11 While I agree these locations exhibit a State House character, 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. CONCLUSION

- 4.1 In conclusion, and as set out in my evidence above, I consider that:

- (a) It is appropriate to introduce Historic Heritage Areas where they are significant (Considerable) or highly significant (Outstanding) value

¹² Statement of Primary Evidence of John Edward Brown on behalf of Kāinga Ora – Homes and Communities (#428) (Session 2 – Built Heritage), dated 22 September 2023

- (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
6 October 2023

Attachment 1. Possible Core ‘Historic Heritage Areas’ within broader character areas based on historical subdivision mapping, integrity and built form

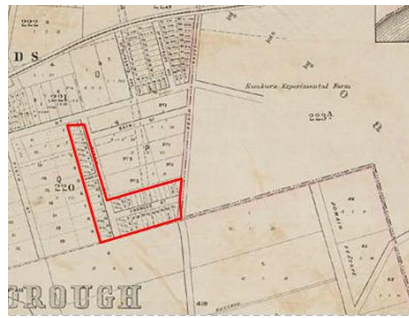


Hamilton East



Claudelands West

Claudelands potential HHA



Claudelands East / Te Aroha Street