

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act
1991

AND

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

AND

AND IN THE MATTER Session 2 Historic Heritage Items
and Historic Heritage Areas

STATEMENT OF REBUTTAL EVIDENCE OF LAURA LIANE KELLAWAY

ON BEHALF OF NIALL BAKER – SUBMITTER #199

DATED 06 OCTOBER 2023

INTRODUCTION

1. My full name is Laura Liane Kellaway.
2. My qualifications and experience are as set out in paragraphs 1 to 8 of my primary statement of evidence dated 28 April 2023 (**primary evidence**).
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 REBUTTAL EVIDENCE

4. The purpose of this rebuttal statement of evidence, provided on behalf of Niall Baker as Plan Change 9 (**PC9**) submitter, is to respond to matters regarding Historic Heritage Areas (**HHAs**) raised in the expert evidence lodged for Council.
5. This rebuttal evidence responds to the supplementary statement of evidence of Richard Knott, dated 22 September 2023, specifically in relation to the proposed Fairview Downs HHA.
6. The purpose of this evidence is not to restate matters that are already contained in my Primary evidence regarding Fairview Downs. The fact that this rebuttal statement does not respond to every matter raised in Mr Knott supplementary statement, as within my area of expertise should not be taken as acceptance of the matters raised. I have focussed this rebuttal statement on the key points of difference and agreement.

WRPS APP7 ASSESSMENTS FOR FAIRVIEW DOWNS AREA PROPOSED BY SUBMITTERS

7. The supplementary evidence of Mr Knott notes (in para 48) for Fairview Downs that 'historic qualities' would have scored as 'moderate' as a desk top approach (using the WRPS criteria). And then notes *'I consider that the degree of change which has taken place in each diminishes their significance against the 'historic qualities' criteria, as the changes reduce the ability to appreciate the historic qualities significance of the areas. I have therefore scored them both 'low' against this criterion.'*
8. However, I consider there is little evidence of change identified in site visits and by some original owners.
9. Mr Knott considers (para 52) that *'Whilst the area demonstrates some architectural and historic interest, and the subdivision pattern remains true to the original, the ability to appreciate the historic significance of the area has been diluted by the changes which have taken place, in particular the construction of medium and tall height timber fences along the frontage of many lots. This, along with the diversity of the houses within the area, has disrupted the integrity of the area. As such, the area is only of 'low' heritage significance'*
10. It is unclear what is meant by reference to the "existing physical condition" of Fairview Downs (para 48) when read alongside his later comments that *"area demonstrates some architectural and historic interest, and the subdivision pattern remains true to the original..."* (para 52). It is assumed the 'physical condition' referred relates to the frontage fencing rather the residential housing itself.

11. Historic heritage valuing under the 'qualities' of WRP APP7 evaluates under a range of qualities and only one quality or more is required. It is in my view preferable if there is more than one value at the threshold. Historic, architectural and social valuing should be included in the assessment using the APP7 method. It is unclear if further research has been undertaken to inform Mr Knott's supplementary evidence, including if it includes assessment of social valuing as discussed by submitters.
12. A reduction in valuing under historic or architectural qualities, for a range of modern fencing types is not, in my view, a sufficient criterion to reduce the assessed values to 'low'. Visual elements are typically used in character assessments, and in the case of Fairview Downs, which is a private set of subdivisions it is unlikely to have consistency of fencing or ongoing controls as would be the case with state housing.
13. I disagree with Mr Knott's assertion that ability to appreciate the historic significance of the area has been diluted by the erection of frontage fencing. In my site visits to the area, the housing typology can generally be seen from the public domain, particularly in the main Peerless Streets, by walking and driving, although there is a range of front fence types present.
14. Mr Knott has not explained what is considered a "tall fence". It has not been practicable within the time available to measure every property fence within the proposed HHA area. However, as an indication an initial visual survey of front fencing within the proposed HHA area has been undertaken in October 2023, using on line information and some of the data taken last year and is appended (Appendix 1). This was not intended to be an exact given the varying nature of fences and the judgement based on observation of the fences. The following classification was applied:
 - a) Low fence deemed to be hip height or lower (most below knee level).
 - b) Medium height fence is hip to chest (i.e., a fence to which an adult can still see over)
 - c) High as where an adult can not see over the fence.
15. Appendix 1 provides an initial survey of fences within the proposed HHA area. The survey shows there are approximately 114 properties with no frontage fence, 118 with a Low Fence, 80 with a medium height fence, 14 Mixed (Mixed (mostly corner properties) and 94 with a High Fence. I make the following observations:
 - a) There are many medium height fences – including some that may be original fences. Some of the medium fences are also covered in vegetation and difficult to determine height. Many can be seen over by an adult.
 - b) There are a few low-medium fences with higher planted hedges & vegetation.
 - c) There are groups of houses without any fences such as on Sadler, Craig & Thorpe Streets.
 - d) The area North of Powells Road appears to have less frontage fencing or lower style fences (e.g., low block or brick fences)
 - e) As identified by original owners there are also a few sites where original native plantings are intact, which was another identification of some of the original owners and their association with plantings.
16. While some properties do have front yard fences, I consider modern fencing is generally transient, as distinct from historic fencing which has not been assessed and included within historic heritage valuing. In my professional opinion fences of this kind on residential areas that are privately developed are part of the landscape – in the same way as paths, gardens

and outside of the houses themselves make up the landscape of the suburb. As distinct from recognising historic fencing, common modern fences come and go, as property owners' re-landscape, or seek to contain pets within their property etc. In the absence of a heritage landscape assessment, it is unclear how modern fencing can significantly diminish the qualities under APP7. A heritage landscape assessment would inform this valuing.

17. Front Fences in Fairview Downs, within the General Residential Zone, are currently a permitted activity within the Operative District Plan (rule 4.4.8 permits fences and walls up to a maximum height of 1.8m). Any fence or wall less than 2.5m in height is not considered a "building" under the District Plan.
18. While (historic) architectural elements are part of the WRPS APP7 and it refers to a "building or structure" I do not consider this was intended to mean the presence of modern front fences diminishes heritage value because it cannot be so easily viewed from the roadside. Shorter lifespan fabric (such as timber fencing) should not necessarily preclude a place having heritage value if it retains the relevant aspects of integrity. Places may be modified over time but not all change is detrimental.
19. The lowering of value in the Mr Knott's assessment due to the presence of front fencing would challenge the inclusion of rear sites within HHAs or as built heritage items. Rear sites also cannot be easily viewed from the public realm, but are included within the HHAs as proposed. Historic heritage exists behind fences, hedges etc.
20. The following table highlights valuing in regards to Fairview Downs:

Comparison of valuing – Fairview Downs

WRPS APP7 assessments criterion	Laura Kellaway Preliminary Assessment	Richard Knott Assessment
Archaeological	Low	Low
Architectural	Moderate	Low
Cultural	Moderate – <i>subject to further assessment</i> (Note resident submissions & petition provide statements)	None
Historic	Moderate	Low
Scientific	None	None
Technological	None	None
Overall	Moderate	Low

21. It is evident from the comparison above there is a difference of valuing in relation to the Architectural, Cultural, Historic and overall qualities of Fairview Downs. The following table provides further assessment and includes Appendix 1 Survey on fencing:

WRPS APP7 assessments criterion	Further assessment from Laura Kellaway in response to Mr Knott assessment (22 September 2023)
Archaeological	Two recognised archaeological sites in Fairview Downs are noted within the area. Shown on the maps appended by Niall Baker session 1 evidence along with the archaeological site records.
Architectural	<p>I disagree with Mr Knott's assessment that due to variation in design and the disruptive appearance of the (modern) fences, the dwellings do not appear to form a cohesive collection.</p> <p>As discussed in my evidence to the session 1 hearings, Fairview Downs as an example of private development, that allowed for home owners to have choose about their house designs, through a set range of standardised plans. The area has a consistent set of housing styles present. The range is wide, but identifiable through the standard plans and confirmed by owners interviewed.</p> <p>As discussed above, I disagree that the presence of timber fences in the front yard affects the integrity of heritage within the area. A deeper look at the area shows the presence of heritage qualities (values). The presence of modern frontage fencing should not form an important part of an assessment of built heritage in this area. It speaks to more to a character-based assessment (on visual qualities, consistency) and permissive Hamilton District Plans over many years and home owner landscaping decisions. Fencing is transient.</p> <p>I consider the area is representative of the Early Post War Expansion (1950 to 1980) development period. A large number of Peerless Homes housing remains and other identifiable types of the same period.</p> <p>Many buildings were constructed by the same building companies. There are unique aspects such as underground power lines within streets and use of standardised house plans.</p> <p>I agree with Mr Knott the houses are of interest. However, I disagree that "the diversity of the housing in the area detracts" from interest in the buildings. Understanding the standard types is important and is also part of the historic identity of the community. For instance established owners interviewed can clearly describe the same plan in a number of streets.</p> <p>In my assessment much of the original housing stock remains, and settlement pattern, with some infill and subdivision having occurred more recently. The diversity of housing (to the extent there is) is more a feature of the different house plans offered by a single building company and greater options available to home owners in the late 1960s-early 1970s as new forms of suburban development started – of which Fairview Downs is a good example, being created on the periphery of Hamilton's urban area.</p>

WRPS APP7 assessments criterion	Further assessment from Laura Kellaway in response to Mr Knott assessment (22 September 2023)
	<p>Fairview Downs is a representative example of architecture and design associated with this particular time period. It is an example of a large area of lower-middle socio-economic housing under private development and ownership.</p> <p>The collective grouping is an example of historic built form of the period, per the overall pattern of private housing company development e.g., building heights, massing and scale, and has a good degree of integrity.</p> <p>Regional comparison is not available. The other known Peerless suburb/area of the same period is Dinsdale, which Mr Knott has assessed as having lower levels of integrity in each street.</p>
Cultural	<p>Mr Knott considers <i>“The area does not exhibit these qualities”</i></p> <p>The Panel has heard from lay submitters (including some original owners) as part of the session 1 hearings who expressed a strong sense of place, and identity in their suburb. This is backed up by a community petition seeking HHA inclusion.</p> <p>I note the level of community/resident support for an HHA, as attached to Ms Fisher’s further submission (response 643859236). That further submission states:</p> <p><i>“A petition was made available for people to sign ...with almost 200 signatures, of these 121 are within the proposed HHA and 69 are current property owners within the area being requested as HHA. This shows there is significant community support for the historic parts of Fairview Downs to be included as an HHA”.</i></p> <p>APP7 criteria refers to cultural qualities including ‘Identity’, with one aspect being “The place or area is a context for community identity or sense of place...”</p> <p>The Fairview Downs Owners and Residents Association (FDORA) have been active in community advocacy and action on various matters over time. The area is valued and recognised by an identifiable interest group that provides representation of the Fairview Downs community.</p> <p>There is evidence of social and community association.</p> <p>The area is a marker of builders such as Peerless Homes. There were notable developers involved and this is reflected in some of the local street naming for example.</p> <p>The interpretative capacity of the area and its potential to increase community understanding of the past could be enhanced e.g., through public information, signage.</p>

WRPS APP7 assessments criterion	Further assessment from Laura Kellaway in response to Mr Knott assessment (22 September 2023)
Historic	<p>I agree with much of Mr Knott's assessment here, with the exception of his assessment that that ability to appreciate the historic significance of the area is somehow diluted by front timer fences, as previously discussed and the degree of change.</p> <p>Mr Knott states Fairview Downs that 'historic qualities' would have scored as 'moderate' as a desk top approach (using the WRPS criteria) but the degree of change has diminished significance against this criterion.</p> <p>As previously noted, I consider while there is modest change more recently, in the 1970s blocks there is little evidence of change in the streets identified in site visits and by some original owners.</p>
Scientific	Not applicable
Technological	Not applicable
Overall	I disagree with Mr Knott's assessment of low, and note that historic values of 'moderate' are not diminished by 'fencing', and cultural has not been assessed but has been discussed by submitters. I consider there is information to support community identity and sense of place in Fairview Downs.

CONCLUSION

22. Mr Knott states Fairview Downs that 'historic qualities' would have scored as '**moderate**' as a desk top approach (using the WRPS criteria) but the degree of change has diminished significance against the 'historic qualities' criteria.
23. I agree with Mr Knott (para 52) that '*... the area demonstrates some architectural and historic interest, and the subdivision pattern remains true to the original*' however I consider the values should not be lowered with little evidence of change identified in site visits and by some original owners.
24. The application of WRPS APP7 to Fairview Downs by Mr Knott, does not in my view sufficiently address the architectural, historic and cultural values within the proposed Fairview Downs HHA.
25. Historic heritage extends beyond what can be seen from the street and has a more holistic approach to valuing than if assessed as character. The degree of diminished value from a range of fences and some obscuring of the building type should not substantially affect heritage values in my view.
26. Cultural qualities or values, which is part of the WRPS assessment criteria has not been addressed.
27. Comparison is difficult however there were other areas in Hamilton City developed by Peerless, such as in Dinsdale, where preliminary assessment by Mr Knott indicated reduced

integrity. While Beazley and other companies are identified with Hamilton subdivisions of a similar period, another Peerless specific suburb has not been identified, strongly associated with one developer, and Hamilton based factories.

28. Overall, I consider the proposed HHA area has moderate values. If this threshold is confirmed by the Hearing Panel, in my view Fairview Downs should be considered for inclusion as an HHA under WRPS APP7.

Dated this day of 6 OCTOBER 2023.

Laura Liane Kellaway

APPENDIX 1 – PRELIMINARY SURVEY OF FENCE STYLES WITHIN PROPOSED HHA FAIRVIEW DOWNS

(Based on existing survey of streets from primary evidence and review of on-line images. Note not individually measured. Approximate numbers only for the purposes of establishing main types (low, medium, high))

No fence	Vegetation/ hedge	Total
101	13	114

Low fence	Vegetation/ hedge	Total
103	15	118

Medium fence	Vegetation/ hedge	Pool style fence/bars	Total
53	7	10	80

Mixed medium-high fence	Mix Corner			Total
	Medium-high	Low-medium	Low-high	
4	5	3	2	14

High fence	Pool style fence/bars	Total
91	3	94

Low Fence & Low fence + Hedge examples

56-62 Alderson Road



31 Betley Crescent



31 Northolt Road



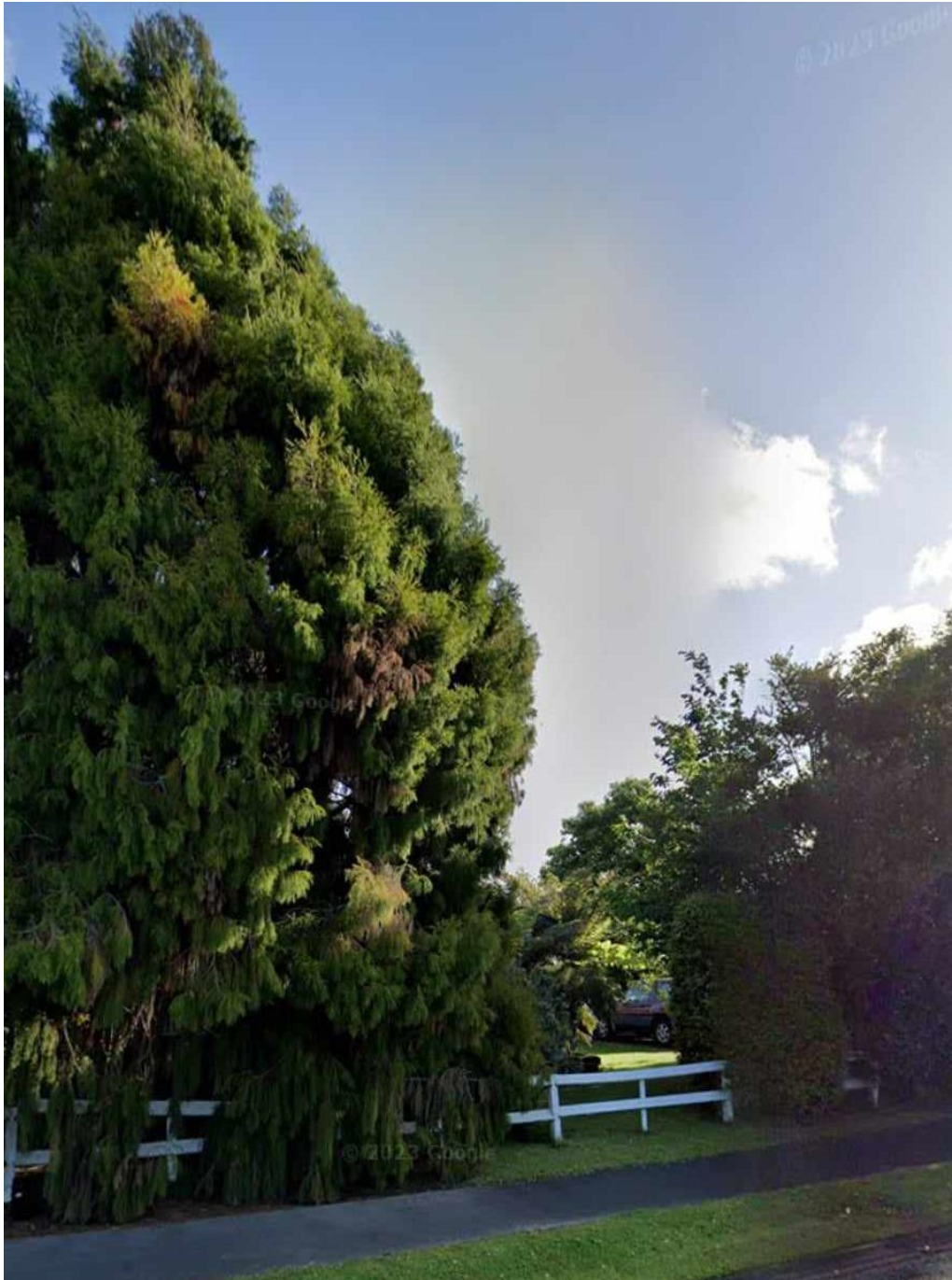
36 Northolt Road



40 Alderson Road



38 Alderson Road



32 Fairview Street



34 Fairview Street



Medium fence examples

8 Radiata Street



26 Hendon Road



27 Hendon Road



51 Fairview Street



38 Northolt Road



Mixed Corner examples

61 Alderson Road



10 Radiata Street



High fence

47 and 49 Northolt Road

