

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

IN THE MATTER Session 2 Historic Heritage Items

STATEMENT OF EVIDENCE OF LAURA LIANE KELLAWAY

ON BEHALF OF P AND S HART # 441

DATED 20 SEPTEMBER 2023

INTRODUCTION

1. My name is Laura Liane Kellaway. I hold a Bachelor of Architecture Degree and a Master of Architecture Degree from the University of Auckland. I am a member of ICOMOS New Zealand. I am a registered Architect and a Fellow of the New Zealand Institute of Architects. I have practised for over thirty years specialising in heritage with experience in the building, heritage consultancy and architecture. I am a Waikato based Historian.
2. I am acting on behalf of the Philip and Sylvia Hart #441.
3. As a long-term resident of Hamilton, I am familiar with both Hamilton and the greater Waikato region.
4. The submission number is # 441.
5. Philip and Sylvia Hart are private owners of 129 Cambridge Road, Hamilton. They have owned Waipahihi – the F. E. Smith Residence and have restored the home. They are currently engaged in placing a Heritage New Zealand covenant on the historic place which covers the site, the house, the outbuilding, and the interiors of both buildings, to ensure long term protection of this recognised historic place.
6. My practice involves architecture and assessing and addressing heritage-related and architectural issues in New Zealand and includes submitting to Hamilton City Council District Plans since 1991. I have been engaged as an expert witness. I have worked with a range of councils, including as Conservation Architect for Heritage New Zealand Pouhere Taonga. I have been involved in identifying and assessing historic heritage in New Zealand, including the Waikato, for over thirty years, and assisting heritage owners. I have provided advice on character areas and historic areas since the 1990s.
7. I have written and reviewed statements about physical heritage as a means of establishing heritage values, reviewed building developments, participated in heritage studies, written Conservation Plans and been involved in historic and character areas in New Zealand for over 30 years. I was directly involved in the Waikato Heritage Study 1999, the only Waikato regional based heritage study, which looked at the Waikato region, including themes and potential heritage areas.
8. I am familiar with the existing Hamilton City Council Operative District Plan Historic Heritage Items schedule, and many of the buildings, structures and places that have been identified as possible historic heritage. I have been involved in inventories and heritage surveys in the Waikato region.
9. I carried out site visits to 129 Cambridge Road during 2022 and 2023 which includes viewing of the interiors. I am familiar with 129 Cambridge over a thirty five year period and with my research on architect Fred E Smith and Hamilton architects.

CODE OF CONDUCT

10. 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 and 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

11. The purpose of this evidence is not to restate matters that are already contained in reports. Rather it is to highlight significant points made in the submission on 129 Cambridge for and to address significant matters in contention arising from submissions, further information provided by Council and its experts, or any matters of disagreement between experts.

EXECUTIVE SUMMARY

12. “Waipahihi” at 129 Cambridge Road is a scheduled as historic heritage item F.E Smith House # 49 and has been identified in the district plan for many decades. The scheduling is limited to the exterior facades of the house, excludes the interiors and the outbuilding, which was built at the same time and is integral to the heritage values of the place. It is located on a rea site.
13. The place is not listed by Heritage New Zealand Pouhere Taonga, however a covenant is being progressed with Heritage New Zealand which is, if agreed, to be place based and includes both buildings, setting and the interiors.
14. For historic heritage assets, their value emanates from a shared historic cultural context. The heritage assets are associated with buildings, landscapes and natural features that are embodied within a physical state or property. The property regime within Hamilton is predominately private, individually owned, and because items commonly have other values, key issues can emerge at the interface between management or preservation of historic heritage and the management of those other, non-heritage values. There has been no scheduled protection on historic heritage INTERIOR items in Hamilton City Council district plans.
15. The owners of 129 Cambridge have previously requested scheduling of the interiors of the home.
16. I agree with Ms Caddigan and Ms Galt that 129 Cambridge Road scheduling is extended to include the outbuilding and identified interiors, with appropriate framework of rules.
17. I also support Ms Caddigan’s comment 9.1.4 that trees, garden, plantings and other features can be included within historic heritage when clearly defined.
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Specific

18. There is a need to ensure the history of Hamilton and its development pattern is fully understood to underpin the identification, and protection of historic heritage items which may be of local, regional and or national significance, and that a place-based approach to historic heritage is used rather than focus on exterior facades. Authenticity and integrity are both diminished when the setting, context and interiors and outbuildings are excluded.
19. It is important to include setting and context, which is a broader and more robust understanding of historic heritage and its values. Inclusion of the associated outbuilding is important and part of the integrity and heritage values of the place.
20. In regards inclusion of interiors, support Ms Caddigan's conclusion 82 'that the interior of existing built heritage place H49, is managed as built heritage and that provisions are written to support this.'
21. The inclusion of definitions in Ms Caddigan's statement will help to support the understanding of historic heritage and settings. In including interiors, the definitions of historic heritage could include 'interiors' or a separate definition to give clarity.

Historic Heritage Interiors

22. To ensure that a range of heritage values and items are included I support the proposed inclusion of interiors and associated framework. Retaining the integrity of a historic place is important and a more robust means of protecting a cohesive understanding of the values. There are currently no interiors scheduled, which is not best practice, and out of line with other cities such as Auckland, and Christchurch.
23. While it is recognised that this imposes additional constraints it also allows future generations to see interiors that are of significant value in terms of interior design, fittings and ceremonial use. Where the interiors are identified by owners scheduled should be considered and have an associated policy and rule framework.
24. Examples of protecting INTERIORS are included in many city district plans, in a variety of ways, by identifying elements or excluding. To retain integrity and authenticity of a historic place or item the interiors if of historic heritage value, and identified, should be scheduled as part of the place or item.

Historic Heritage Items - Criteria and Methodology

25. I support a threshold of significance of moderate by WSP which is in line with other cities such as Dunedin and Auckland, and reflects the range of Hamilton historic heritage, based on a Summary Statement of Significance which includes at least one of the values

criteria. The existing schedule of B items, which may be described as 'moderate' are working examples of historic heritage. For example 129 Cambridge Road is a B ranked place, under criteria a, b, c and f.

26. Dunedin City Council and Auckland City Council use a threshold of '**moderate**' heritage significance for inclusion in the schedule for Built Items. In my view this is in line with current practice and is appropriate to allow for local historic heritage of Hamilton to be identified and protected. Equally the use of the word medium as a threshold would be suitable in my view.

Retaining overall heritage values

27. A focus primarily on front facades in the rule framework, in my view, undermines the understanding of historic heritage as place based and as being three dimensional if structures or buildings. The 'front' protection framework on architecture leaves rear structures vulnerable and the elements such as associated outbuildings and landscape at risk.
28. Retaining Integrity and authenticity is poorly addressed in the framework, especially for B rankings. There is no evidence report of existing historic heritage and the cumulative change and impact on heritage values to establish whether the current rules are retaining heritage values.

Rule protection and rear sites

29. In my view, a more holistic, multidisciplinary approach that considers multiple values that contribute to the significance of historic heritage is needed. A place-based approach that acknowledges the diversity of Hamilton's historic heritage [as a 20th century provincial centre] and the range of forms it takes, including landscapes, features, sites and settings is needed, along with cultural landscapes. Such an approach would allow for a full understanding and appreciation of the values and overall significance of Hamilton's historic heritage. A place-based approach is in accordance with recognised good heritage practice, both within New Zealand and internationally (ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, Revised 2010)

District Plan Provisions- Historic Items

30. Rear sites may effect the heritage values of existing heritage items. 129 Cambridge Road is a rear site and there is not an integrated approach to the rules that may apply.
31. I support Ms Galt's amendment para 20 to include Policy 19.2.3a which gives a greater level of protection to buildings in regards relocation (both A and B). For building such as the F. E. Smith which is ranked B, this will improve the ability to retain the house on site and in its original location.

32. For subdivision I also support Ms Galt in para 21 amendments to subdivision in principle however in my view should also include retaining the setting and context in proposals for rear sites, such as F.E. Smith house, as visibility to street is only one element of retaining context. It currently states “ iii Subdivision and/or development of the site identified in Schedule 8A will not adversely affect the visibility of the heritage building or structure from public places”. It should be amended to include ‘the visibility of the heritage structure within its original setting. This would give a better level of protection for rear sites where retaining context and setting and sufficient space around historic buildings is equally important.

Heritage Setting and Landscape

33. In my view, the protection given by [s 6\(f\)](#) of the RMA extends to the curtilage of the heritage item and area, the surrounding area that is significant for retaining and interpreting the heritage significance of the heritage. This may include the land on which a heritage building, or structure is sited, its precincts, built landscape and the plantings surrounding the heritage item, and can also be a site that maybe without buildings and structures. 129 Cambridge Road is an example where the site is increasingly adjacent to commercial zoning yet is a single storey historic home. Retaining setting is important.
34. I support Ms Caddigan’s comment 9.1.4 that trees, plantings and other features etc within historic heritage can be included , when clearly defined. No historic trees are at 129 Cambridge Road, however a tree associated with the original larger site does existing on a adjacent site. This would give an opportunity to include associated landscape, or at least be able to identify this within Historic heritage and the Notable Tree framework in an integrated way to retain links to context and original settings if able.

CONCLUSION

35. The proposal to include a historic heritage interior within PC9 is significant and will in readdress retaining integrity and authenticity of F.E. Smith House, and its long-term readability of the place while protecting historic heritage interiors, as a very finite resource in Hamilton City
36. I support Ms Caddigan and Ms Galt’s recommendations that for the inclusion of the interior of 129 Cambridge Road, within the existing framework along with associated rules.
37. Ms Caddigan and Ms Galt’s recommendations to include the F.E. Smith outbuilding within the existing scheduling improves the understanding of the historic place in the long term, along with identifying the non- contributing element ‘the carport’. It will give clarity for owners in the future. Establishing contributing and non-contributing within historic heritage within the schedule is a very useful tool.
38. The identification and inclusion of F.E. Smith interior and associated outbuilding will provide a more integrated approach to cultural heritage and a protection framework over Hamilton’s built heritage. However, the inclusion of only one interior will limit the protection of Hamilton’ historic heritage and its integrity. In my view a range of interiors that meet

heritage criteria with the historic heritage items should be included where interiors are clearly identified and are supported by owners.

Dated this day of 20th September 2023.

Laura Liane Kellaway

Appendix 1 – F.E. Smith Outbuilding

Architect: Designed by Fred E Smith



The F.E Smith Outbuilding in 2021 looking from rear of residence. There is a well in the garden area in the foreground. J W Kellaway image



Designed by F.E. Smith architect as part of his new residence. Outbuilding in 2021 looking from rear garden, with residence on left. J W Kellaway image.

The above building was designed by F.E Smith as part of his residence, on what was a much larger property. The interiors have a reasonable level of integrity and are part of the original elements, on their original sites within the current property. No drawings exist of the outbuilding.