

**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 (‘HCDP’)

**STATEMENT OF PRIMARY EVIDENCE OF JOHN EDWARD BROWN
ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES (#428)**

(SESSION 2 - BUILT HERITAGE)

22 SEPTEMBER 2023

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1. EXECUTIVE SUMMARY

- 1.1 My full name is John Edward Brown. I am a director of Plan.Heritage Limited. I have been engaged by Kāinga Ora-Homes and Communities (“Kāinga Ora”) to provide evidence on Built Heritage provisions in relation to its submissions on Plan Change 9 - Historic Heritage and Natural Environments (‘PC9’).
- 1.2 In relation to the Kainga Ora submissions I have reviewed the provisions of the PC9 as they relate to Built Heritage and have addressed matters raised in the s42a Themes and Issues Report and the evidence of Ms Elise Caddigan¹ and Ms Laura Galt² in relation to the Kāinga Ora submission in my evidence.
- 1.3 The key conclusions in my evidence are:
- (a) I agree in principle with the use of historic heritage within the Structure of the Waikato Regional Policy Statement (“WRPS”) and Hamilton City Operative District Plan (“ODP”) as it relates to the evaluation of Historic Heritage Values under s6 of the Resource Management Act 1991 (“RMA”).
 - (b) I remain to still have concerns regarding the methodology utilised to identify historic heritage values thresholds in PC9 and the ODP. I expressed these concerns and made recommendations for modifications to the threshold system as part of my evidence for Hearings on the Proposed Historic Heritage Areas³ as part of Session 1 of the hearings process on PC9, as in my opinion these matters are related.
 - (c) I note that the Kāinga Ora submission on this matter was acknowledged in the ‘Themes and Issues’ Report for Session 2 Hearing. However in my opinion are not fully resolved. The expert evidence from Ms Elise Caddigan on behalf of Hamilton City Council (“HCC”) supports recommendations that I have

¹ Statement of Evidence of Elise Natalie Caddigan on behalf of Hamilton City Council (Historic Heritage – Built heritage) Dated 24 August 2023

² Statement of Evidence of Laura Jane Galt on behalf of Hamilton City Council (Planning – Built Heritage) Dated 1 September 2023

³ Statement of Primary Evidence of John Edward Brown on behalf of Kāinga Ora - Homes and Communities (#428) (Heritage) dated 28 April 2023

put forward in my previous evidence⁴ to modify the threshold system, to gain greater clarity with respect to Built heritage and heritage buildings.

- (d) The key aspects of these recommendations are:
 - (i) To clarify a 'two-tier' system of heritage classification;
 - (ii) To establish a clearer threshold system for inclusion on the schedule based on five grade steps (Already present in the ODP and PC9); and
 - (iii) To 'disaggregate' the spatial component of the ODP grading system.
- (e) I support the adjustments to the Built Heritage Provisions relating to grading and thresholds proposed by Ms Caddigan.
- (f) Where relevant to the Kainga Ora submission I have reviewed the statements of significance for several proposed individual sites, and it is my opinion that:
 - (i) there is a lack of evidence base to justify inclusion of a number of individual Sites in the Schedule of Historic Heritage Places; and,
 - (ii) Places newly evaluated and proposed on the basis of 'moderate local' value only should be re-evaluated using the revised grading method.
- (g) In conclusion, I support the recommendations put forward by Ms Caddigan to address the clarity of thresholds for evaluation.
- (h) However, I do not agree with some of the recommended inclusions for individual sites drawn in the WSP assessments undertaken for the Council.
- (i) I recommend modifications to some of the provisions proposed through PC9, particularly in relation to the definition of setting.

⁴ Statement of Primary Evidence of John Edward Brown on behalf of Kāinga Ora - Homes and Communities (#428) (Heritage) dated 28 April 2023

2. INTRODUCTION

- 2.1 My full name is John Edward Brown. I am a director of Plan.Heritage Limited, an independent historic heritage consultancy established in September 2015. I have over 30 years of experience in the historic heritage sector.
- 2.2 My qualifications include a Bachelor of Archaeology (BA) from the University of Newcastle-upon-Tyne in the United Kingdom, and a Masters of Archaeology (and Cultural Heritage) from the University of London. I have also undertaken continued training and experience-based learning in the analysis of traditional building materials, recording of historic buildings and structures, historic landscape characterisation, conservation area appraisals, and practical conservation of historic buildings, including traditional building materials.
- 2.3 I am a member of ICOMOS New Zealand/Te Mana o Ngā Pouwhenua o Te Ao, which is a professional organisation for the support and advancement of individuals and organisations engaged in the conversation of places of cultural heritage value in New Zealand, and a former affiliate member of the Institute for Historic Building Conservation, which is a leading professional institution for conservation of historic buildings in the UK. I am currently an Associate of the Chartered Institute for Archaeologists since 2006, and a member of the New Zealand Archaeological Association since 2016.
- 2.4 I am currently a director of Plan.Heritage Limited and established my company in September 2015. Plan.Heritage has a particular focus on consulting for issues related to heritage and planning. I regularly undertake special character assessments and heritage impact assessments for consent applications through the RMA and archaeological assessments through the HNZPTA. We also consult on the broader historic environment matters such as context and setting, and historic landscape values; and I have appeared as an expert witness for Council-level hearings, Environment Court and the High Court on matters relating to historic heritage and special character.

2.5 I have been involved in a number of plan review and plan change processes, including the notification of the proposed Auckland Unitary Plan and a review of the Far North District Plan. In particular, I have been involved in the following policy planning projects including:

- (a) The Auckland Unitary Plan (AUPOP) as originally notified in 2014, providing input to Auckland Council
- (b) Plan change 78 for the Auckland Council Unitary Plan Operative in Part, in response to the Requirement of the NPSUD and the MDRS Act
- (c) A review of heritage precincts and controls of the Far North District Plan.
- (d) Review of PC13 and PC14 Christchurch City Council
- (e) Several plan changes for the AUPOP reviewing and evaluation individual places proposed for inclusions on the historic heritage schedule

2.6 In relation to PC9 I have also independently evaluated the former FAC / Forlongs Building at Kent Street, on behalf of National Storage Limited and provided evidence in response to a submission from the Waikato Heritage Group (WHG) (Submitter #427), seeking inclusion of Forlongs Building on the Schedule of Historic Heritage Places.

Code of Conduct

2.7 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.

Involvement In PC9

- 2.8 Plan.Heritage Limited was initially engaged by Kāinga Ora in August 2022 to review the Historic Heritage areas notified through PC9 and to provide comment on the submission prepared by Kāinga Ora.
- 2.9 I visited Hamilton initially in August 2022 to understand the context of PC9, visiting most proposed Heritage Areas, but not all. The focus of my initial visits was on areas to the northwest and east of the CBD. Further outlying areas were not visited. I also visited the already existing special heritage zones (Hayes Paddock, Temple View and Frankton Railway Village) at this time. I have also viewed these areas remotely and considered the documentation provided by HCC for these locations.
- 2.10 In 2023 I subsequently revisited the Fairfield area, Frankton (Commerce Street and environs) and some other locations east of the Waikato River in the course of other expressions of interest and specifically in relation to assessing a resource consent in Fairfield Road on behalf of Kāinga Ora. This gave me the opportunity to study the Fairfield Road area in detail and also consider the application of the WRPS / ODP policies, rules and provisions relating to HHAs and individual Built Heritage Places as they have been notified through PC9.
- 2.11 I provided primary evidence on behalf of Kāinga Ora and in relation to its submission in Session 1 hearings on the proposed heritage areas of PC9⁵.

Scope of Evidence

- 2.12 My evidence is in relation to Built Heritage provisions of PC9 and addresses the following matters:

⁵ Statement of Primary Evidence of John Edward Brown on behalf of Kāinga Ora - Homes and Communities (#428) (Heritage) dated 28 April 2023

- (a) Matters of concern raised by Kāinga Ora submission;
- (b) Built Heritage Assessment Methodology;
- (c) Thresholds for inclusion on the Schedule of Heritage Places;
- (d) PDP Provisions;
- (e) Individual Site Assessments; and,
- (f) Response to section 42A

2.13 In preparing my evidence, I have read the ‘themes and issues’ and ‘planning’ reports prepared under s42A of the RMA, as well as the supporting appendices (as they relate to my scope of evidence and the Kāinga Ora submission on PC9). I have also reviewed the briefs of evidence prepared by those experts appearing in support of the Council in relation to issues of historic heritage - in particular the evidence of Ms Elise Caddigan and Ms Laura Galt.

2.14 I note that the relevant statutory documents to be considered have been identified within the HCC ‘planning report’.

3. MATTERS OF CONCERN RAISED BY THE KĀINGA ORA SUBMISSION

3.1 The submission by Kāinga Ora records that it generally supports the need to ensure the protection of specific buildings which contribute to the historic heritage of Hamilton and the Waikato Region, and that are of national significance under s6 of the RMA.

3.2 The submission further records that Kāinga Ora opposes the identification of new sites and buildings as ‘built heritage’ through PC9 which do not meet what it considers to be ‘historic heritage’ status under s6 of the RMA to the degree that they are of national significance for the following reasons:

- (a) In particular, the WSP Opus Built Heritage assessment Method applies a bespoke rating to the established significance criteria in Appendix 8-1.1 of the ODP. This rating system:

- (i) is not consistent with that used elsewhere, for example in Auckland, where a ranking of ‘moderate’ would not justify inclusion in a historic heritage schedule.
 - (ii) Is not consistent with the national ranking used by Heritage New Zealand Pouhere Taonga (‘NZHPT’).
- (b) Historic Heritage Areas (‘HHAs’) and buildings of ‘moderate’ value or below would not typically meet the threshold for s6 protection under the RMA.
- (c) As a result of the methodology and assessment used to identify specific heritage buildings through PC9, Kāinga Ora opposes the newly identified proposed heritage buildings and seeks the deletion of these from PC9. An assessment should be undertaken in reference to the established criteria in the WRPS and ODP and use a significance rating that has consistency with those utilised elsewhere in New Zealand.
- (d) The following schedule ranking approach is considered to have greater consistency with established practice across New Zealand:
 - Plan ranking A (equivalent to HNZPT Category 1 places nationally significant).
 - Plan ranking B (equivalent to HNZPT Category 2 places, regionally or nationally significant).
 - Moderate value (locally of interest, but not nationally significant under Section 6f)⁶, to qualify potentially as an ‘other matter’ under part 7.
- (e) Specific submission points on a number of the proposed amendments to the Operative District Plan provisions in relation to built heritage are outlined in Appendix 1 to the Kainga Ora submission.

⁶ Refer Appendix 1.

3.3 I have reviewed the s42A recommendations and analysis and agree with a number of concerns raised by the Kāinga Ora submission. My evidence addresses the key issues raised in the submission.

3.4 For those HHAs and specific sites I visited, I generally observed a mixed range of dwellings of varying quality which I consider do not necessarily equate to the quality of other historic heritage places and buildings already established in Hamilton nor when compared to other Territorial Authorities throughout New Zealand, that I have experience of.

4. BUILT HERITAGE ASSESSMENT METHODOLOGY

4.1 In my evidence prepared for HHAs heard in session 1 for PC9⁷, I recommended that all historic heritage items or areas should follow the same methodology for evaluation and assessment as set out in the HCC PDP Appendix 8-1.1.

4.2 I maintain this position and consider that the existing provision for evaluation of HHAs within the WRPS⁸ should be the method employed for assessment of historic heritage items and areas.

4.3 This is an accepted and best practice approach. For example, I have personally been involved in review of heritage areas for the Far North District Council, and it is also the approach adopted by Auckland Council Unitary Plan Operative in Part (AUPOP).

4.4 Christchurch City Council has also adopted a similar approach, in that its Residential Heritage Areas proposed through Plan Change 13- Heritage ('PC13') and Plan Change 14- Housing and Business Choice ('PC14') use the same assessment criteria for areas as individual places; these are consistent with historic heritage criteria established through the Canterbury Regional Policy Statement.

⁷ Statement of Primary Evidence of John Edward Brown on behalf of Kāinga Ora - Homes and Communities (#428) (Heritage) dated 28 April 2023

⁸ Waikato Regional Policy Statement Section 10

- 4.5 The evaluation criteria for the WRPS and Hamilton City's ODP are generally aligned, and I have included them in Attachments 2 and 3 of this evidence.
- 4.6 In my opinion this evaluation method provides for the analysis of areas as well as places⁹.

5. THRESHOLDS FOR INCLUSION ON THE SCHEDULE OF HERITAGE PLACES

- 5.1 As mentioned above in paragraph 4.5 of this evidence, the evaluation criteria for the WRPS and the ODP are generally aligned and provide for the analysis of areas as well as items. There is also an established 'ranking' threshold for inclusion in Appendix 8 of the ODP as part of the criteria:

Appendix 8-1.1 Rankings of Significance

Rankings for historic buildings and structures listed in Schedule 8A have been established as follows.

Plan Ranking A: Historic places of highly significant heritage value include those assessed as being of outstanding or high value in relation to one or more of the criteria and are considered to be of outstanding or high heritage value locally, regionally or nationally.

Plan Ranking B: Historic places of significant heritage value include those assessed as being of high or moderate value in relation to one or more of the heritage criteria and are considered to be of value locally or regionally.

- 5.2 It should be noted that this ranking system is not consistent with the national ranking used by HNZPT (the top two tiers are equivalent)¹⁰, nor is it consistent with systems used elsewhere. For example in Auckland, where a ranking of 'moderate' would not justify inclusion

⁹ Statement of Primary Evidence of John Edward Brown on Behalf of Kāinga Ora – Homes And Communities (#428) (Heritage) dated 28 APRIL 2023. para 5.6

¹⁰ Refer Appendix 4

in a historic heritage schedule. Nor is it consistent with Heritage Evaluation for Wellington, where a place or area must demonstrate 'Significant' historic heritage values to be included on the equivalent Schedule¹¹.

- 5.3 The correlation of the assessment score with the plan schedule ranking is not consistent, in that the use of the threshold indicators 'high' and 'locally' in both ranking categories means that a place which scored 'high local' could be determined to be either Category A or Category B.
- 5.4 The WSP s32 report on the topic of individual Built Heritage places¹² has recommended changes of the criteria for evaluation of historic heritage places, in particular the introduction of an upgraded ranking system, which may have a bearing on the analysis of proposed HHAs:

2.2 Ratings Applied to Significance Criteria

The ratings applied to determine the level of significance that each item possessed in the categories above were adapted from Appendix 8A of the operative Hamilton City District Plan as follows:

- a) Outstanding - The item has outstanding overall value in respect of the criteria considered and has national significance to that specific criterion
- b) High - The item has high overall value in respect of the criteria considered and has regional significance to that specific criterion
- c) Moderate - The item has moderate overall value in respect of the criteria considered and has local significance to that specific criterion
- d) Low - The item has lower overall value in respect of the criteria considered and may have local significance to that specific criterion
- e) None - The item has no overall value in respect of the criteria considered, nor does it have any geographic significance to that specific criterion

- 5.5 In my opinion, the notified (WSP) approach to significance criteria potentially creates inconsistency in the evaluation and threshold at which places should be identified. Lowering the threshold for identification means places which are of some historic interest, but which might not warrant protection as historic heritage (e.g. because it has not been established why it is important), may be identified. In my view, a place which has a particular character derived from historical development or activity (simply by virtue of being

¹¹ Methodology and guidance for evaluating Wellington's historic heritage FINAL v1 February 2021

¹² S32 report Appendix 8. Hamilton City Council Heritage Inventory review Section 2.2

developed in a given period), does not necessarily mean it is significant and warrants protection in the context of section 6f. I consider adopting a lower threshold may lead to places which have a particular character informed by their historical legacy being identified as historic heritage (i.e. heritage and character being conflated). I consider Ms Caddigan's review, which identifies approximately 20 places that should be removed as they are a "*typical example of its type with no documented heritage qualities of significance*"¹³, illustrates the issue with Council's notified approach.

- 5.6 In my opinion the designators 'Low' and 'Moderate' demonstrate an interest, but not one which is significant, and which warrants protection under s6f of the RMA.
- 5.7 There has been no bench marking of the plan at a wider regional or national level as noted above. An alternative approach might be to define:
- (a) A ranking (equivalent to HNZPT Category 1 places typically regionally or nationally significant)
 - (b) B ranking (equivalent to Category 2 places, typically locally, regionally, or nationally significant)
 - (c) Moderate value (locally of interest, but does not warrant protection under Section 6f).
 - (d) Little value
 - (e) None - No value identified
- 5.8 This approach of little value through to moderate value may apply to individual places or areas of local merit and amenity, such as in the Auckland Unitary Plan, and the Christchurch and Wellington Plan Changes/reviews, qualifying as Special Character or 'other matter' under s7 of the RMA.

¹³ Ibid.

6. PDP PROVISIONS

- 6.1 I have prepared the following comments surrounding particular matters relating to the proposed amendments to PC9 as it relates to the Kāinga Ora submission for built heritage

Section 19.2 Objectives and Policies: Historic Heritage

- 6.2 Kāinga Ora has suggested several amendments to the wording of objectives and policy statements¹⁴ within PC9. In several instances this is in reference to the conjoining of two outcomes - ‘To Protect’ and ‘To Enhance’.
- 6.3 I agree with the view put forward by Kāinga Ora in these submission points, in that it is not always possible or practicable to achieve both outcomes simultaneously. I note that it can be possible in a resource consent environment to avoid inappropriate subdivision or development without enhancing heritage values. For example, where a ‘status quo’ is maintained.
- 6.4 In relation to the recommendations included as Attachment 5 of my evidence I generally support the wording proposed by Kāinga Ora in relation to Submission points 33, 34, 37, 38, 39 and 40 included in Appendix 2 of the Kāinga Ora Submission.

Setting and Surroundings Definition

- 6.5 PC9 includes the proposed changes to the terms ‘Setting’ and ‘Surroundings’ and includes the following definitions:

Setting (in relation to Volume 1, Chapter 19: Historic Heritage): Means the area around and/or adjacent to a building, structure, site, and/or area of heritage value that is integral to its function, meaning and relationships, which may extend beyond the legal boundaries of allotment, and that includes:

- the structures, accessory buildings, features, gardens, curtilage, airspace, accessways forming the spatial context of, or used in association with, the building, structure, site, and/or area;
- the landscape, streetscape, perspectives and views to the building, structure, site, and/or area from public places;
- the views from the building or structure, where those views are integral to the heritage value of the building or structure.

¹⁴ Appendix 2, Kāinga Ora submission on PC9.

Surroundings (in relation to Volume 1, Chapter 19: Historic Heritage): The area of land surrounding a building, structure, site or area of heritage significance that is essential for retaining and interpreting the heritage significance of the building, structure, site or area. It includes curtilage and the setting of the heritage resource.

- 6.6 The proposed definition of ‘setting’ in my opinion conflates the broader nature of a ‘setting’ with that of the surrounds or ‘extent of a place’ that ‘is integral to its function, meaning and relationships’. Some aspects of a setting will have no relevance to understanding the nature and function of the heritage of a place (or area). In my opinion, this is actually the function of defining the surrounds or ‘extent’ of place, whereas the setting is a much broader term to be considered, and this is well demonstrated by the following two definitions :

- a. The definition adopted in AUPOP 2016¹⁵: -

Setting of a historic heritage place

The setting of a historic heritage place includes elements of the surrounding context beyond the identified extent of place within which a historic heritage place is experienced. The setting of a historic heritage place includes the sea, sky, land, structures, features, backdrop, skyline and views to and from the place. It can also include landscapes, townscape, streetscape and relationships with other historic heritage places which contribute to the value of the place.

- b. The UK National Planning Policy Framework (NPPF) 2012 rev 2021¹⁶

Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

¹⁵ AUPOP Section D18.1

¹⁶ UK Govt National Planning Policy Framework 2021. Glossary

- 6.7 In relation to the definition of ‘Surroundings’ - There would be a consequential change to setting. In my view, the last sentence should be modified as follows:

Surroundings (in relation to Volume 1, Chapter 19: Historic Heritage): The area of land surrounding a building, structure, site or area of heritage significance that is essential for retaining and interpreting the heritage significance of the building, structure, site or area. It includes curtilage and the setting of the heritage resource.

‘It includes curtilage and the setting of the heritage resource may include, or extend beyond, the entire curtilage of a place, and also include elements of the wider setting’

- 6.8 Examples where this might apply would be a sequence of related archaeological features overlain by subsequent development, non-contiguous coastal defence system with interrelated elements (e.g. spotlights, gun emplacements) or element of a wider historical park design that may have been interrupted by subsequent development

7. INDIVIDUAL SITE ASSESSMENTS

- 7.1 The ‘Themes and Issues’ report noted that Hamilton City Council has a set methodology for evaluating historic significance which is set out in Appendix 8-1.1 and 8-1.2 of the ODP. The WSP report rationalised this methodology and created its own assessment and recording framework that set out the significance criteria and rating system that would be used for the inventory that was provided by Council.
- 7.2 I have reviewed the individual place assessments produced by WSP for HCC for several of the sites proposed to be listed. I have relied on the information in these documents; however, specific assessments will be presented at a later date, in accordance with Direction 15.
- 7.3 I do not consider that all of these places can be justifiably included on the schedule as there is insufficient evidence to justify inclusion of these places for the following reasons:
- Lack of detail, for example where sites have not been viewed internally;

- There is a lack of comparative analysis to benchmark sites either as local, regional or nationally significant examples, and this is demonstrated by the number of properties proposed to be removed at the recommendation of Ms Caddigan¹⁷;
- A number of sites are identified on the basis of moderate values only, or for ‘loose association’;
- Claims of rarity or unusualness are not substantiated through evidence or assessment;
- Generic examples of places that have no direct or clear heritage association have been included, inconsistent with the recommendations of Ms Caddigan on behalf of HCC, whereby 20 of the 33 places proposed to be removed include the annotation:

“A typical example of its type with no documented heritage qualities of significance”¹⁸

7.4 In light of proposed revisions to the thresholds for heritage identification, it is my recommendation that the proposed built heritage places included within the notified version of PC9 should be re-evaluated based on the recommended thresholds proposed through the evidence of Ms Caddigan on behalf of HCC¹⁹.

8. RESPONSE TO SECTION 42A

8.1 The Themes and Issues report has not made any final recommendations as to outcomes in relation to the Built Heritage matters identified²⁰; however, the evidence of Ms Caddigan and Ms Galt do provide such recommendations. Ms Galt notes that she relies

¹⁷ Evidence of Ms Caddigan Dated 11 August 2023. Attachment 1

¹⁸ Ibid.

¹⁹ As above

²⁰ Plan Change 9 - Historic Heritage and Natural Environment Themes and Issues Report Hearing Session 2: Archaeological Sites and Built Heritage 25 August 2023. Pg 43

on the evidence of Ms Caddigan, so my discussion is focused on the matters raised in the evidence of Ms Caddigan.

8.2 On behalf of HCC, Ms Caddigan has considered in detail the matters of concern raised by the Kāinga Ora submission, particularly around the lack of clarity of the evaluation methods, criteria and thresholds for assessment²¹.

8.3 Ms Caddigan sets out seven criteria for assessment²²:

“There are seven heritage assessment criteria in the ODP against which an assessment is made to inform the known heritage qualities of a place:

- a) Historic Qualities
- b) Physical/Aesthetic/Architectural Qualities
- c) Context or Group Qualities
- d) Technological Qualities
- e) Cultural Qualities
- f) Scientific Qualities

Six of the seven heritage qualities are taken from the WRPS, with the addition of “c) Context or Group Qualities”.

8.4 Ms Caddigan then proceeds to provide a detailed analysis of the application of the criteria and inconsistencies apparent. I generally agree with this analysis.

8.5 I also agree in principle with the use of these criteria for assessing heritage significance.

8.6 My approach to evaluation of heritage items uses both the WRPS criteria for heritage evaluation²³ and HCC ODP criteria which is consistent with the opinions set out by the Council’s Heritage Expert - Ms Caddigan, in her statement of evidence at paragraph 45.²⁴

8.7 Ms Caddigan also agrees with the use of a two-tiered categorisation of heritage values and thresholds to demonstrate ‘Significant’ (B) or

²¹ Evidence of Ms Elise Caddigan At paragraphs 62-75

²² Ibid at para 53-54.

²³ Waikato Regional Policy Statement Section 10.

²⁴ Elise Caddigan Statement of Evidence Para. 45.

‘Highly ‘Significant’ (A) heritage value at a local, regional or national level.²⁵

- 8.8 The terms ‘Significant’ and ‘Highly Significant’ in this context are synonymous with my use of terms ‘Considerable’ and ‘Outstanding’.²⁶ This is demonstrated in Table 2 of Ms Caddigan’s evidence for proposed plan thresholds.

Table 2: Existing and Proposed Thresholds

ODP threshold	Rank qualifier	Rank	ODP geographic threshold	Proposed threshold 1	Proposed threshold 2	Rank qualifier	Rank	Proposed geographic threshold
Outstanding	Highly significant	A	Local, Regional or National	Highly Significant	Outstanding or Exceptional	Highly significant	A	Local, Regional or National
High	Highly significant or Significant	A or B	Local, Regional or National	Significant	High or Considerable	Significant	B	Local, Regional or National
Moderate	Significant	B	Local or Regional	Moderate	NA	NA	NA	
Low ²⁴	NA	NA		Low	NA	NA	NA	
None	NA	NA		None	NA	NA	NA	
Unknown	NA	NA		Unknown	NA	NA	NA	

- 8.9 My evaluation method is therefore consistent with the threshold and spatial recommendations of Ms Caddigan and adopted by Ms Galt.
- 8.10 As stated in section 3.2 of my evidence above, in my opinion the identification of proposed places of ‘at least moderate value’ potentially conflates places with character values to that of historic heritage. I consider that this may be resolved more appropriately with directly evaluating heritage items or areas using the WRPS and ODP criteria, the thresholds recommended by Ms Caddigan²⁷, and also by reference to comparative examples locally, regionally and nationally

²⁵ Elise Caddigan Statement of Evidence Para. 63

²⁶ Ibid. para 64.

²⁷ Table 2, page 21 of evidence prepared by Ms Caddigan, titled “Statement of Evidence of Elise Natalie Caddigan (Historic Heritage - Built Heritage)” Dated 24 August 2023.

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.

- 8.11 It is my opinion therefore that the changes to Historic Heritage Assessment methodology, criteria and thresholds set out by Ms Caddigan should be adopted throughout PC9.
- 8.12 In my opinion this would consequentially result in a need to review and update evaluations of individual items proposed by HCC for inclusion into the Schedule of Historic Heritage, through PC9.
- 8.13 There may also be a consequential need to update the format of the plan schedule to reflect changes to the evaluation method and capture the spatial component of a place,

9. CONCLUSIONS

- 9.1 In conclusion, and as set out in my evidence above, I consider that:
 - (a) I agree in principle with the use of historic heritage within the Structure of the WRPS and ODP as it relates to the evaluation of Historic Heritage Values.
 - (b) I have concerns regarding the identification of Historic Heritage items and the clarity of the methodology utilised to justify their status under s6 RMA.
 - (c) I am concerned that there is a lack of detail relating to individual sites, including interior assessments, comparative analysis provided to justify inclusion in the Schedule of Historic Heritage Items when considering local regional or national level significance.
 - (d) In my opinion, through the inclusion of items and areas assessed to have low- moderate value, the Council have potentially included sites which do not merit inclusion in the Schedule of historic heritage places, including potentially conflating matters relating to character and amenity under

s7 RMA with historic heritage as a matter of national significance under s6 RMA.

- (e) Overall, I agree with the recommendations of Ms Caddigan in her evidence for HCC to better clarify thresholds.
- (f) I agree with the seven criteria for assessment, included within the evidence of Ms Caddigan, where this is consistent with the WRPS provisions.
- (g) I consider that the approach I have tabled in my evidence better aligns with the WRPS and is also consistent with other Territorial Authorities throughout Aotearoa.



John Edward Brown
28 April 2023

ATTACHMENT 1 – RMA SECTION 6 and RMA SECTION 7

Section 6 of the Resource Management Act (RMA) recognises as matters of national importance: 'the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga' (S6(e)); and 'the protection of historic heritage from inappropriate subdivision, use, and development' (S6(f)).

All persons exercising functions and powers under the RMA are required under Section 6 to recognise and provide for these matters of national importance when 'managing the use, development and protection of natural and physical resources'. Historic heritage sites are resources that should be sustainably managed by 'Avoiding, remedying, or mitigating any adverse effects of activities on the environment' (Section 5(2)(c)).

Historic heritage is defined (S2) as: 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'. Historic heritage includes: '(i) historic sites, structures, places, and areas; (ii) archaeological sites; (iii) sites of significance to Māori, including wahi tapu; (iv) surroundings associated with the natural and physical resources.

Under Section 7 the RMA also requires particular regard to 'Other Matters', including some that can closely relate to historic heritage, depending on the nature of the place:

- kaitiakitanga
- the efficient use and development of natural and physical resources
- the maintenance and enhancement of amenity values
- maintenance and enhancement of the quality of the environment
- any finite characteristics of natural and physical resources
- the effects of climate change

Section 7 does not require protection under the same manner as set out in Section 6f above.

Section 8 of the RMA on the Treaty of Waitangi states:

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 take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The RMA does not set out criteria or thresholds for evaluation of historic heritage or assessment of effects. In the absence of a National Policy Statement (NPS), this is currently left to individual statutory Authorities through Plan mechanisms (either Regional or Local).

Appendix 2

WRPS AND ODP CRITERIA FOR EVALUATION

The operative criteria are included here for reference. I also include criteria for Assessing places and areas as set out in the Heritage New Zealand Pouhere Taonga Act 2014, for comparison

WAIKATO REGIONAL POLICY STATEMENT

Section 10 of the RPS addresses Heritage matters. Section 10a of the RPS requires evaluation of historic heritage to be undertaken with the following criteria:

10A Historic and cultural heritage assessment criteria

Table 10-1: Historic and cultural heritage assessment criteria

When assessing historic and cultural heritage, regard shall be given to the Heritage New Zealand register of historic places, historic areas and wāhi tapu areas and the following:

Archaeological qualities

Information

The potential of the place or area to define or expand knowledge of earlier human occupation, activities or events through investigation using archaeological methods.

Research

The potential of the place or area to provide evidence to address archaeological research questions.

Recognition or Protection

The place or area is registered by Heritage New Zealand for its archaeological values or is recorded by the New Zealand Archaeological Association Site Recording Scheme or is an 'archaeological site' as defined by the Heritage New Zealand Pouhere Taonga Act 2014.

Architectural Qualities

Style or type

The style of the building or structure is representative of a significant development period in the region or the nation. The building or structure is associated with a significant activity (for example institutional, industrial, commercial or transportation).

Design

The building or structure has distinctive or special attributes of an aesthetic or functional nature. These may include massing, proportion, materials, detail, fenestration, ornamentation, artwork, functional layout, landmark status or symbolic value.

Construction

The building or structure uses unique or uncommon building materials, or demonstrates an innovative method of construction, or is an early example of the use of a particular building technique.

Designer or Builder

The building or structure's architect, designer, engineer or builder was a notable practitioner or made a significant contribution to the region or nation.

Cultural Qualities

Sentiment

The place or area is important as a focus of spiritual, political, national or other cultural sentiment.

Identity

The place or area is a context for community identity or sense of place and provides evidence of cultural or historical continuity.

Amenity or Education

The place or area has symbolic or commemorative significance to people who use or have used it, or to the descendants of such people. The interpretative capacity of the place or area and its potential to increase understanding of past lifestyles or events.

Historic Qualities

Associative Value

The place or area has a direct association with, or relationship to, a person, group, institution, event or activity that is of historical significance to Waikato or the nation.

Historical Pattern

The place or area is associated with broad patterns of local or national history, including development and settlement patterns, early or important transportation routes, social or economic trends and activities.

Scientific Qualities

Information

The potential for the place or area to contribute information about an historic figure, event, phase or activity.

Potential – Scientific Research

The degree to which the place or area may contribute further information and the importance of the data involved, its rarity, quality or representativeness.

Technological Qualities

Technical Achievement

The place or area shows a high degree of creative or technical achievement at a particular time or is associated with scientific or technical innovations or achievements.

Table 10-2: Māori culture and traditions assessment criteria

Mauri

Ko te mauri me te mana o te wāhi, te taonga rānei, e ngākaunuitia ana e te Māori. The mauri (for example life force) and mana (for example prestige) of the place or resource holds special significance to Māori.

Wāhi tapu

Ko tērā wāhi, taonga rānei he wāhi tapu, arā, he tino whakahirahira ki ngā tikanga, ki ngā puri mahara, ki te taha wairua hoki o te Māori.

The place or resource is a wāhi tapu of special, cultural, historic and or spiritual importance to Māori.

Kōrero-o-mua

historical

Ko tērā wāhi e ngākaunuitia ana e te Māori ki roto i ōna kōrero-o-mua me ōna tikanga.

The place has special historical and cultural significance to Māori.

Rawa tūturu

customary resources

He wāhi tērā e kawea ai ngā rawa tūturu a te Māori.

The place provides important customary resources for Māori

Hiahiatanga tūturu

customary needs

He wāhi tērā e pupuru nei i ngā tikanga ahurea, wairua hoki o te Māori.

The place or resource is a venue or repository for Māori cultural practices and spiritual values.

Whakaaronui o

te wa contemporary esteem

He wāhi rongonui tērā ki ngā Māori, arā, he wāhi whakaahuru, he wāhi whakawaihanga, he wāhi tuku mātauranga rānei.

The place has special amenity, architectural or educational significance to Māori.

Explanation of terms:

Hiahiatanga tūturu means those parts of the landscape that are important for the exercise of tikanga – the principles and practices to maintain the mauri of parts of the natural world. This might be a place where a particular ritual is performed or a particular feature that is noted for its ability to identify the boundaries of ancestral tribal lands that is acknowledged in iwi or hapū oratory.

Kōrero-o-mua refer to places that are important due to particular historical and traditional associations (in pre-European history).

Rawa tūturu means the cultural value of places that provide, or once provided, important customary resources to tāngata whenua. Customary resources might include food and materials necessary to sustain life in pre-European and post-European times.

Whakaaronui o te wa refers to the contemporary relationships tāngata whenua have with Māori heritage places. Appreciation of features for their beauty, pleasantness, and aesthetic values is important to tāngata whenua. Recreational values attributed to features are also important to tāngata whenua as they illustrate the relationship that individuals and groups can have with the environment.

Appendix 3

HAMILTON DISTRICT PLAN

Existing Provisions

Appendix 8: Heritage currently includes the criteria for Evaluation of heritage significance, though it is proposed to update and modify these criteria (See WSP report Appendix 8.1)

8-1 Assessment of Historic Buildings and Structures

8-1.1 *Rankings of Significance*

Rankings for historic buildings and structures listed in Schedule 8A have been established as follows.

Plan Ranking A: Historic places of highly significant heritage value include those assessed as being of outstanding or high value in relation to one or more of the criteria and are considered to be of outstanding or high heritage value locally, regionally or nationally.

Plan Ranking B: Historic places of significant heritage value include those assessed as being of high or moderate value in relation to one or more of the heritage criteria and are considered to be of value locally or regionally.

The heritage value of historic places has been assessed based on evaluation against the following individual heritage criteria.

8-1.2 *Operative Heritage Assessment Criteria*

Criteria	Description / ranking
<i>Historic Qualities</i>	
Associative value: The historic place has a direct association with or relationship to, a person, group, institution, event or activity that is of historical significance to Hamilton, the Waikato or New Zealand.	A person, group, institution, event or activity that is of great historical significance regionally or nationally is closely associated with the place -
	Outstanding
	A person, group, institution, event or activity that is of great historical significance locally, regionally or nationally is closely associated with the place -
	High
	A person, group, institution, event or activity that is of historical significance to the local area, or region is associated with the place -
	Moderate

Criteria	Description / ranking
<p>Historical pattern: The historic place is associated with important patterns of local, regional or national history, including development and settlement patterns, early or important transportation routes, social or economic trends and activities.</p>	<p>Historic themes or patterns of national, regional or local importance are strongly represented by the place</p> <p>High</p> <p>Historic themes or patterns important to the local area or region are represented by the place</p>
<i>Physical /Aesthetic/Architectural Qualities</i>	
<p>Style/Design/Type: The style of the historic place is representative of a significant development period in the city, region or the nation. The historic place has distinctive or special attributes of an aesthetic or functional nature which may include its design, form, scale, materials, style, ornamentation, period, craftsmanship, or other design element.</p>	<p>Notable local, regional or national example in terms of its aesthetic and architectural qualities, or rare or important surviving local, regional or national example of a building type associated with a significant activity</p> <p>High</p> <p>Good representative example locally or regionally in terms of its aesthetic and architectural qualities</p> <p>Moderate</p>
	<p>Designer or Builder: The architect, designer, engineer or builder for the historic place was a notable practitioner or made a significant contribution to the city, region or nation, and the place enlarges understanding of their work.</p> <p>Designer or builder whose achievements are of great importance to the history of the community, region or nation</p> <p>High</p> <p>Designer or builder whose achievements are of considerable importance to the history of the community, region or nation</p> <p>Moderate</p>
	<p>Rarity: The place or elements of it are unique, uncommon or rare at a local, regional or national level, or in relation to particular historic themes. (Research information explains why the place or elements of it are unique, uncommon or rare.)</p> <p>Integrity: The place has integrity, retaining significant features from its time of construction, or later periods when important modifications or additions were carried out.</p> <p>The place retains significant features from the time of its construction with limited change, or changes made are associated with significant phases in the history of the place</p>

Criteria	Description / ranking
	<p>High</p> <p>The place retains significant features from the time of its construction, and modifications and alterations made are not associated with significant phases in the history of the place</p> <p>Moderate</p>
Context or Group Qualities	
<p>Setting: The physical and visual character of the site or setting is of importance to the value of the place and extends its significance.</p>	<p>The place remains on its original site, the physical and visual character of the setting reinforce an understanding of the heritage values and historic development of the place, and built or natural features within the setting are original or relate to significant periods in the historic development of the place</p> <p>High/ Moderate</p> <p>The place has been relocated, but its new setting is compatible with heritage values</p> <p>Low</p>
<p>Landmark: The historic place is an important visual landmark or feature</p>	<p>The historic place is a conspicuous, recognisable and memorable landmark in the city</p> <p>High</p> <p>The historic place is a conspicuous, familiar and recognisable landmark in the context of the streetscape or neighbourhood</p> <p>Moderate</p>
<p>Continuity</p>	<p>The historic place makes a notable contribution to the continuity or character of the street, neighbourhood, area or landscape</p> <p>High</p> <p>The historic place makes a moderate contribution to the continuity or character of the street, neighbourhood, area or landscape</p> <p>Moderate</p>
<p>The historic place is part of a group or collection of places which together have a coherence because of such factors as history,</p>	<p>The historic place makes a very important contribution to the collective values of a group or collection of places</p>

Criteria	Description / ranking
age, appearance, style, scale, materials, proximity or use, landscape or setting which, when considered as a whole, amplify the heritage values of the place, group and landscape or extend its significance.	High The historic places contribute to the collective values of a group Moderate
Technological Qualities	
The historic place demonstrates innovative or important methods of construction, or technical achievement, contains unusual construction materials, is an early example of the use of a particular construction technique or has potential to contribute information about technological or engineering history.	Regionally or nationally important example High Locally important example Moderate/ Considerable
Archaeological Qualities	
The potential of the historic place to define or expand knowledge of earlier human occupation, activities or events through investigation using archaeological methods.	The place is registered by Heritage New Zealand Pouhere Taonga or scheduled in the District Plan for its archaeological values or is recorded by the New Zealand Archaeological Association Site Recording Scheme or is an 'archaeological site' as defined by the Heritage New Zealand Pouhere Taonga Act 2014.
Cultural Qualities	
The historic place is important as a focus of cultural sentiment or is held in high public esteem; it significantly contributes to community identity or sense of place or provides evidence of cultural or historical continuity. The historic place has symbolic or commemorative significance to people who use or have used it, or to the descendants of such people. The interpretative capacity of the place can potentially increase understanding of past lifestyles or events.	(Research information explains how the place is a focus for cultural sentiment, is held in public esteem, contributes to identity or continuity, has symbolic or commemorative value or has interpretive potential.)
Scientific Qualities	
The potential for the historic place to contribute information about a historic figure, event, phase or activity. The degree to which the historic place may contribute further information and the importance, rarity, quality or representativeness of the data involved.	The potential for the place to contribute further information that may provide knowledge of New Zealand history

Appendix 4

Heritage New Zealand Pouhere Taonga Act 2014.

The category of historic place is assessed under section 66(3) of the HNZPTA having regard to the following criteria:

- a) The extent to which the place reflects important or representative aspects of New Zealand history
- b) The association of the place with events, persons, or ideas of importance in New Zealand history
- c) The potential of the place to provide knowledge of New Zealand history
- d) The importance of the place to tangata whenua
- e) The community association with, or public esteem for, the place
- f) The potential of the place for public education
- g) The technical accomplishment, value, or design of the place
- h) The symbolic or commemorative value of the place
- i) The importance of identifying historic places known to date from an early period of New Zealand settlement
- j) The importance of identifying rare types of historic places
- k) The extent to which the place forms part of a wider historical and cultural area

These criteria apply both to areas and places.

Appendix 5

Extracts from Appendix 1 of the Kāinga Ora submission , Appendix 1

19.2 Objectives and Policies: Historic Heritage							
33.	<table><tr><th>Objective</th><th>Policies</th></tr><tr><td>19.2.1a The City's historic heritage shall be protected so that it contributes to an understanding and appreciation of the historic relationship and culture of the City as the City is identified, use and development. Significant heritage resources are protected.</td><td>19.2.1a The City's historic heritage shall be protected from the adverse effect of inappropriate subdivision, use and development. 19.2.1b Providing that where there have been destroyed or damaged historic heritage resources and heritage values of these values shall be identified, recorded and recognised to ensure maintain and enhance the sense of identity and wellbeing of the City's residents and the historical legibility of the City.</td></tr></table>	Objective	Policies	19.2.1a The City's historic heritage shall be protected so that it contributes to an understanding and appreciation of the historic relationship and culture of the City as the City is identified, use and development. Significant heritage resources are protected.	19.2.1a The City's historic heritage shall be protected from the adverse effect of inappropriate subdivision, use and development. 19.2.1b Providing that where there have been destroyed or damaged historic heritage resources and heritage values of these values shall be identified, recorded and recognised to ensure maintain and enhance the sense of identity and wellbeing of the City's residents and the historical legibility of the City.	Oppose in part	<p>Kāinga Ora does not support the use of terminology which requires heritage values to be 'maintained and enhanced'. This implies that both outcomes must be achieved at the same time, however existing heritage values cannot be 'maintained' while also being 'enhanced'.</p> <p>While it is accepted that this is terminology used within the RMA, Kāinga Ora consider it appropriate to amend the proposed wording to simplify.</p>
Objective	Policies						
19.2.1a The City's historic heritage shall be protected so that it contributes to an understanding and appreciation of the historic relationship and culture of the City as the City is identified, use and development. Significant heritage resources are protected.	19.2.1a The City's historic heritage shall be protected from the adverse effect of inappropriate subdivision, use and development. 19.2.1b Providing that where there have been destroyed or damaged historic heritage resources and heritage values of these values shall be identified, recorded and recognised to ensure maintain and enhance the sense of identity and wellbeing of the City's residents and the historical legibility of the City.						
34.			<p>19.2.1b Where there have been destroyed or damaged historic heritage resources and heritage values of these values shall be identified, recorded and recognised to ensure maintain and enhance the sense of identity and wellbeing of the City's residents and the historical legibility of the City.</p> <p>19.2.1e Sens on buildings, structures</p>				

Page 27

Issue / Provision from PC9 n.b. green and red highlights are from PC9	Position (Support / Oppose)	Reasons for submission	Relief sought:
<p>19.2.1c Subdivision and development shall adhere to the conservation principles of International Council on Monuments and Sites (ICOMOS) being the New Zealand Charter (2010) for the Conservation of Places of Cultural Heritage Value where applicable.</p> <p>19.2.1d The relationship Mana Whenua have with both the whenua and awa, and the spiritual, cultural and/or historical significance of the whenua and awa has to Mana Whenua shall be recognised and provided for.</p> <p>19.2.1e Sens on buildings, structures and/or sites listed in Schedule 8A or 8B must:</p> <p>i. Be associated with lawful activities on the site;</p> <p>ii. Be consistent with, and maintain, and where appropriate, enhance the historic heritage values;</p> <p>iii. Avoid, remedy or mitigate adverse effects on the heritage resource.</p> <p>Explanation</p>			<p>and/or sites listed in Schedule 8A or 8B must:</p> <p>i. Be associated with lawful activities on the site;</p> <p>ii. Be consistent with, and maintain, and where appropriate, enhance the historic heritage values;</p>

Page 28

Issue / Provision from PC9 n.b. green and red highlights are from PC9		Position (Support / Oppose)	Reasons for submission	Relief sought:				
37.	<p>Buildings Built Heritage (Buildings and Structures)</p> <table><tr><th>Objective</th><th>Policies</th></tr><tr><td>19.2.3 The heritage values of significant buildings, structures and their immediate setting and surroundings are protected.</td><td><p>19.2.3a <u>Relocation of buildings and structures in Schedule 8A within the site identified in Schedule 8A is avoided, except where:</u></p><p>I. <u>The relocation is necessary to facilitate the on-site purpose, adaptive re-use, or protection of the building or structure or to ensure public safety;</u></p><p>II. <u>The relocation allows for significant public benefit that would not otherwise be achieved;</u></p><p>III. <u>Measures will be taken to minimise the risk of damage to the building or structure;</u></p><p>IV. <u>The relocation will provide continuity of the heritage values of the building or structure;</u></p><p>V. <u>The building or structure will remain within the site and is as close to the original location as is practicable; and</u></p><p>VI. <u>The relocation maintains the heritage values and significance of the building or structure.</u></p></td></tr></table>	Objective	Policies	19.2.3 The heritage values of significant buildings, structures and their immediate setting and surroundings are protected.	<p>19.2.3a <u>Relocation of buildings and structures in Schedule 8A within the site identified in Schedule 8A is avoided, except where:</u></p> <p>I. <u>The relocation is necessary to facilitate the on-site purpose, adaptive re-use, or protection of the building or structure or to ensure public safety;</u></p> <p>II. <u>The relocation allows for significant public benefit that would not otherwise be achieved;</u></p> <p>III. <u>Measures will be taken to minimise the risk of damage to the building or structure;</u></p> <p>IV. <u>The relocation will provide continuity of the heritage values of the building or structure;</u></p> <p>V. <u>The building or structure will remain within the site and is as close to the original location as is practicable; and</u></p> <p>VI. <u>The relocation maintains the heritage values and significance of the building or structure.</u></p>	Oppose in part	Kāinga Ora notes that the use of the term 'avoid' in Policy 19.2.3a is contrary to the directive under Environmental Defence Society Inc v New Zealand King Salmon Company Ltd [2014] NZSC 31 ("King Salmon") concerning the term 'avoid'. As the policy used avoid, there cannot be any exceptions to what is tantamount to a prohibited activity.	<p>Include the proposed provisions as-notified with the suggested amendments, to the extent they are consistent with the overall Kāinga Ora submission and relief sought.</p> <p>Kāinga Ora propose an alternative wording:</p> <p>19.2.3a <u>The relocation of buildings and structures in Schedule 8A within the site identified in Schedule 8A is avoided, except shall only occur where:</u></p>
Objective	Policies							
19.2.3 The heritage values of significant buildings, structures and their immediate setting and surroundings are protected.	<p>19.2.3a <u>Relocation of buildings and structures in Schedule 8A within the site identified in Schedule 8A is avoided, except where:</u></p> <p>I. <u>The relocation is necessary to facilitate the on-site purpose, adaptive re-use, or protection of the building or structure or to ensure public safety;</u></p> <p>II. <u>The relocation allows for significant public benefit that would not otherwise be achieved;</u></p> <p>III. <u>Measures will be taken to minimise the risk of damage to the building or structure;</u></p> <p>IV. <u>The relocation will provide continuity of the heritage values of the building or structure;</u></p> <p>V. <u>The building or structure will remain within the site and is as close to the original location as is practicable; and</u></p> <p>VI. <u>The relocation maintains the heritage values and significance of the building or structure.</u></p>							

Page 30

Issue / Provision from PC9 n.b. green and red highlights are from PC9		Position (Support / Oppose)	Reasons for submission	Relief sought:
38.	<p>19.2.3b Subdivision and/or development of buildings and structures retained at the site identified in Schedule 8A should be discouraged, shall retain, protect and enhance the heritage values of any building or structure listed within Schedule 8A, including by ensuring that:</p> <p>I. The proposal is compatible with the sensitivity of the heritage building or structure and its setting and surroundings to change and its capacity to accommodate change without compromising the heritage values of the building or structure;</p> <p>II. The proposal is compatible with the heritage values, including the form, character, scale, proportions, massing and finishes; and</p> <p>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;</p> <p>IV. The resulting setting of the building or structure is sufficient to maintain or enhance the heritage values.</p>	Oppose in part	19.2.3c - Kāinga Ora does not support the use of terminology which requires heritage values to be 'maintained or enhanced', or in the case of 19.2.3c, 'retain, protect and enhance'. This implies that all outcomes must be achieved at the same time, however existing heritage values cannot be 'retained and protected' while also being 'enhanced', therefore enhancements should be undertaken 'where practicable'.	For consistency, Kāinga Ora consider it appropriate to amend the proposed wording to simply: "retain, protect and where practicable enhance" .
39.	<p>19.2.3d Subdivision and development shall avoid any potential cumulative adverse effects on any building or structure listed in Schedule 8A.</p> <p>19.2.3d Buildings and development structures shall retain, protect and enhance the heritage values of any building or structure listed within Schedule 8A destroyed.</p> <p>19.2.3d Heritage buildings: The form, scale, character, location, design, materials and structure of any development within the setting of a heritage building or structure in Schedule 8A, shall be consistent with identified heritage qualities are not damaged or destroyed.</p>			<p>19.2.3d Identified heritage buildings and structures shall be used in a manner that ensures that identified heritage values are not damaged or destroyed.</p>

Page 31

Issue / Provision from PC3 n.b. green and red highlights are from PC3		Position (Support / Oppose)	Reasons for submission	Relief sought:
	<p>19.2.3a The development and new continued use or adaptive reuse of any development building or structure of identified heritage value shall be encouraged where:</p> <p>I. The continued use is <u>integral</u> to the heritage values of the building or structure, that use should be retained;</p> <p>II. Any works undertaken to adapt the building or structure for the new use are undertaken in a manner that is consistent with identifying and protecting the heritage values of the building or structure and its surroundings; and</p> <p>III. Any works undertaken are kept to the minimum necessary for the use or adaptive reuse and keep the heritage fabric of the building or structure as intact as possible.</p> <p>19.2.3b The site surrounding the heritage building or structure shall be protected to the extent that it contributes to the heritage values.</p> <p>19.2.3c This commitment to Any work for earthquake strengthening, fire protection, building services and accessibility upgrades to heritage buildings and structures must ensure that the materials and design reflect the heritage values, and avoid, remedy or otherwise minimise any adverse effects on heritage values, including by:</p> <p>I. Protecting, as far as practicable, architectural features and details that contribute to the heritage values of the building or structure;</p> <p>II. Retaining or reinstalling the appearance of existing the original facade; and</p> <p>Minimising the visual effects of additions to the heritage building or structure.</p> <p>19.2.3d Any work on heritage buildings and structures in Schedule 2A shall be carried out in a manner that:</p>			
40.			Kings One opposes the need to ensure works are reversible with the exception of 'damage' as these conflicts with ongoing maintenance and repair, which should be ensured	The following amendment is proposed: 19.2.3f <u>irreversible wherever</u>

Page 32

Issue / Provision from PC3 n.b. green and red highlights are from PC3		Position (Support / Oppose)	Reasons for submission	Relief sought:
	<p>I. Except any changes to those parts of the heritage building or structure that have more potential to accommodate change (other than where works are undertaken as a result of damage);</p> <p>II. Conserves, and wherever possible enhances, the authenticity and integrity of the building or structure;</p> <p>III. Identifies, minimises and manages risks or threats to the structural integrity and heritage values of the building or structure, including from natural hazards;</p> <p>IV. Documents the material changes to the heritage building or structure and heritage setting;</p> <p>V. Is reversible wherever practicable (other than where works are undertaken as a result of damage);</p> <p>VI. Distinguishes between new work and existing heritage fabric in a manner that is sensitive to the heritage values.</p> <p>Maintains the building or structure to prevent deterioration and to retain its heritage value.</p> <p>19.2.3e Encourages Modification of the strengthening interior of buildings, buildings or structures in Schedule 2A to ensure their ability to withstand future earthquakes while minimising is enabled as a means of encouraging use, re-use or adaptive reuse and facilitating the significant preservation and protection of associated the exterior heritage values.</p>		to ensure the ongoing preservation of identified buildings in schedule 2A	<u>practicable (other than where works are undertaken as a result of damage or for maintenance and repair).</u>