

**BEFORE THE HEARING PANEL**

**IN THE MATTER** of the Resource Management Act 1991 (RMA)

**AND**

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

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**REBUTTAL STATEMENT OF EVIDENCE OF DR ANN MCEWAN TO  
SUBMITTER #199 (ON BEHALF OF SNR LIMITED)  
12 APRIL 2023**

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## Introduction

- 1 My name is Dr Ann Elizabeth McEwan and I am a heritage consultant with over 30 years' experience in the field. I hold a PhD in architectural history from the University of Canterbury, am an experienced peer reviewer and expert witness, and a full member of ICOMOS New Zealand.
- 2 Since I established Heritage Consultancy Services in 2006 I have undertaken the review of the built heritage schedules for the Kaipara, Thames-Coromandel, Waikato, Nelson, Waimakariri, Selwyn, Timaru and Gore district plans. I have also worked for Christchurch City Council on a number of heritage projects over the years, including assessing all of the currently proposed Residential Heritage Areas [CCC Plan Change 13].
- 3 I am the author of the 'Heritage Issues' chapter in *Planning Practice in New Zealand*, edited by Caroline Miller and Lee Beattie (LexisNexis, 2017/2022), which was given the John Mawson Award of Merit by the NZ Planning Institute in 2018. In 2015-16 and 2021 I was engaged as a Professional Teaching Fellow in the School of Architecture and Planning at the University of Auckland. I am also the co-author of the paper presented at the New Zealand Planning Institute conference held in Christchurch in 2010, which Ms Kellaway has appended to her statement of evidence.

## Code of Conduct

- 4 I have read and am familiar with the Code of Conduct for Expert Witnesses in section 9 of the Environment Court Practice Note (2023). I have complied with, and will follow the Code when presenting evidence. I also confirm that the matters addressed in this Statement of Evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## Scope of Evidence

- 5 I have not provided a Statement of Evidence in Chief (as there were no further comments on the Fairview Downs HHA in the s42A report). This statement concerns the submission to PC9 that requested Fairview Downs be scheduled as a historic heritage area (HHA), and is in reply to

Lynette Williams' and Laura Kellaway's evidence dated 28 April 2023, on behalf of SNR Limited.

- 6 The fact that this rebuttal statement does not respond to every matter raised in the evidence of a submitter 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.

### **Response to Lynette Williams**

#### *Paragraph 17*

- 7 In response to paragraph 17, I acknowledge that Ms Williams characterises her evidence as a 'first step in the process to understand and identify, protect, and manage the city's historic heritage and relevantly, within the area of Fairview Downs'. However, best practice steps to verify the history and potential heritage value of some or all of the suburb would include the preparation of a comprehensive history of residential development in Fairview Downs and encompass profiles of the major developers, information about the architectural styles and construction methods employed, and information about the people who built and first lived in the area. Comparative analysis of housing in Fairview Downs in relation to other parts of the city would then be essential to gauge the level of significance, if any, of a potential HHA.

#### *Paragraph 18*

- 8 I concur with Ms Williams that a 'further detailed individual assessment' would be required in order to justify scheduling Fairview Downs as an HHA (see paragraph 7 above).

#### *Paragraph 30*

- 9 In response to paragraph 30, I support Ms Williams's recommendation that 'additional evaluation [should] be carried out in Fairview Downs, focusing on the area's architectural and historic value to the city against the criteria for HHAs'. My support should not, however, be taken as confirmation that I believe Fairview Downs has significant heritage value, given that I do not believe Ms Williams' statement of evidence currently

provides enough historic information and heritage assessment to justify that conclusion. Furthermore, as I have major reservations about the HAA assessment criteria developed by Mr Richard Knott, I believe that the additional evaluation recommended by Ms Williams should be undertaken using the criteria for heritage assessment that is to be found in the Operative Hamilton District Plan.

*Paragraph 48*

- 10 In response to paragraph 48, I do not believe that Ms Williams has established that the 'specific history of Fairview Downs, its housing and its association with the rural farming community on the outskirts of Hamilton represent significant aspects of the history of Hamilton'. Only a comparison with other parts of the city could give rise to such a finding in regard to Fairview Downs.

*Attachment 1*

- 11 In response to Ms Williams' 'Historic Study of Fairview Downs', which is appended to her statement of evidence, I accept her historical summary, but do not consider that it addresses the potential historic significance of the area.

**Reply Evidence – Laura Kellaway**

*Paragraph 18*

- 12 I do not consider Ms Kellaway has provided a 'revised assessment' of sufficient detail to support the 'proposed extent' of a Fairview Downs HHA that she illustrates on page 25 of her evidence (see also Appendix 2). Best practice historic heritage area assessment involves a close examination of both the extant heritage fabric and the historic evolution of an area in order to justify the boundaries that are incorporated into a district plan. The detailed analysis required to establish the boundaries of an HHA should then be included in the documentation that is available to owners to help them understand the role their property plays within an HHA and the extent to which they will be subject to any relevant planning rules.

*Paragraph 30*

- 13 In response to paragraph 30, I do not believe that Ms Kellaway has established that Fairview Downs is a 'significant local example of Hamilton city's historic development' because such a finding would require an analysis of Fairview Downs in comparison with other 1960s and 1970s residential developments around the city. Furthermore I do not consider that residential development that simply illustrates the growth of the city at a particular point in time can be ascribed 'significance', which denotes 'importance', without such a comparative analysis.

*Paragraph 41*

- 14 I agree with Ms Kellaway that 'historic research and valuing' is required to justify scheduling of historic heritage areas.

*Paragraphs 44-53*

- 15 In response to paragraphs 44-53, in which Ms Kellaway revises Mr Knott's scores for five street clusters in Fairview Downs, I note that the total scores given to these areas do not exceed 5, which is the lowest level required for an area to be recommended for scheduling according to Mr Knott's assessment methodology (see Knott report, pp 1454-1455). I note specifically that Mr Knott and Ms Kellaway both score 'Block A', which includes that part of the subject area south of Powells Road, as either 2/7 or 4/7. Neither score is high enough, according to Mr Knott's methodology, to merit scheduling as an HHA.

*Paragraph 57*

- 16 In response to paragraph 57, and as noted above in regard to paragraph 18, I do not believe that Ms Kellaway has provided sufficient evidence in her statement to justify the proposed extent of a potential Fairview Downs HHA.

*Paragraphs 66 and 67*

- 17 In response to paragraphs 66 and 67, I fully concur with Ms Kellaway that the RMA definition of 'historic heritage' should be applied when assessing potential HHAs. Furthermore I agree with Ms Kellaway that there appears to be, based on the information before this hearing, potential architectural and historic values present in Fairview Downs. I do not consider, however, that the evidence provided to date unequivocally demonstrates the presence of an HHA in Fairview Downs.

*Paragraph 72*

- 18 I agree with Ms Kellaway that, on the face of it, Fairview Downs 'requires more assessment of historic heritage values'.

*Paragraph 74*

- 19 In response to paragraph 74 I do not believe that Ms Kellaway, relying in part on the input of Ms Williams, has established that 'approximately 400 houses should be included in the proposed HHA'. With the possible exception of a large-scale state housing subdivision, such a large number of houses is not typical in my experience of historic heritage areas and therefore raises concerns about whether the proposed boundaries are robust and defensible.

*Paragraph 75*

- 20 I agree with Ms Kellaway that Fairview Downs could be considered as an HHA, subject to a full assessment and the development of robust and defensible boundaries.

**Conclusion**

- 11 I accept the historical information compiled by Ms Williams and her characterisation that this could constitute a first step in an assessment process for a potential Fairview Downs HHA.
- 12 I agree with Ms Kellaway that Fairview Downs warrants further investigation to determine if some or all of the suburb possesses sufficient heritage significance to merit scheduling as a Historic Heritage Area.

- 13 I do not consider that there is sufficient evidence before the panel to support scheduling a Fairview Downs HHA, especially when the boundaries of such a potential area have not been robustly established. Furthermore, in view of the scores given to the area south of Powells Road by Mr Knott and Ms Kellaway, I would question whether that area should be included in any future consideration of a Fairview Downs HHA.

**Dr Ann McEwan**

**12 May 2023**