

**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 1 Historic Heritage Areas

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**STATEMENT OF REBUTTAL EVIDENCE OF LAURA LIANE KELLAWAY**

**ON BEHALF OF WAIKATO HERITAGE GROUP**

**DATED 12 May 2023**

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## INTRODUCTION

1. My full name is Laura Liane Kellaway.
2. My qualifications and experience are as set out in paragraphs 1 to 9 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 Waikato Heritage Group as Plan Change 9 (**PC9**) submitter, is to respond to matters regarding Historic Heritage Areas (**HHAs**) raised in the expert evidence lodged for Council and other submitters.
5. I have broken my responses into two main sections:
  - a) Council and Submitter evidence regarding methodology; and
  - b) Submitter evidence regarding other matters. This includes submissions regarding HHAs, provisions etc.
6. The purpose of this evidence is not to restate matters that are already contained in my Primary evidence. The fact that this rebuttal statement does not respond to every matter raised in the evidence of Council experts, and submitters 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.

## DR ANN MC EWAN EVIDENCE ON BEHALF FOR KAUTE PASIFIKA TRUST

7. I agree with Dr Mc Ewan there is an issue with the assessment criteria used to identify the proposed HHAs in PC9. In my view further work is needed to ensure these give effect to the RMA, Waikato Regional Policy Statement and the Operative Hamilton District Plan.
8. Further, I agree with Dr Mc Ewan that *"It is standard best practice around New Zealand for regional policy statements and district plans to align their heritage assessment criteria with both the qualities and types of historic heritage resources described in the RMA"*. I also agree that the RMA, RPS and HCC ODP make no special distinction between different types of heritage resources and utilising appropriate heritage assessment criteria applicable to the range of natural and physical resources would be appropriate. In my view, such heritage resources can include (but not limited to) residential, commercial, archaeological and historic landscape features, and can be seen as layers of historic heritage.
9. Dr Mc Ewan has noted that the terms 'representative' and 'consistency' used in the HHA assessment criteria are not heritage qualities as per the RMA. That suggests the proposed HHA criteria is more aligned around qualities of urban character and amenity (e.g., visual consistency of housing types), as opposed to historical significance values such as local, regional, and national significance. As an example, the wide presence of front fences appears to have downgraded the HHA street scoring in some instances. The presence of front fences that obscure views into the property may not necessarily diminish or impact on

heritage values. Historic heritage can exist beyond what can be viewed from the public realm.

10. I would like to record my agreement with Dr Mc Ewan's statement of *"the paucity of supporting evidence for each of the HHAs is concerning, both from the point of view of defending the decision to schedule and also for an applicant having to navigate the district plan to gain a resource consent"*. In my Primary evidence I noted the need for further research and assessment, based on heritage valuing, to occur.

#### **BORIS BOGDANOVIC EVIDENCE ON BEHALF OF HERITAGE NEW ZEALAND POUHERE TAONGA**

11. I would like to record my agreement with Mr Bogdanovic in regards Historic heritage areas that *"The interlinked heritage values of HHAs recognise historic heritage significance that may be locally, regionally, or nationally important, or in some cases all three at the same time. HHAs differ from Character Areas as they have the added layer of identified significance. Significance is informed by the history that occurred in that area, those buildings, their setting, and development and that is associated with people and events or illustrate a way of life or broad societal trends in the past. 'Character Areas' do not consider significance and focus more on visual qualities."*
12. In addition I agree with Mr Bogdanovic that *" edge locations in historic areas are particularly vulnerable, where the loss of heritage elements begin to erode the whole."*

#### **JOHN BROWN EVIDENCE ON BEHALF OF KAINGA ORA HERITAGE**

13. I agree with Mr Brown's statement 1.2 (a) *"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. "This is in line with my primary evidence and allows for a more comprehensive identification and assessment.*
14. I agree, in part, with Mr Brown's statement 1.2(c) that *"there is a lack of comparative analysis provided to justify inclusion as an HHA when considering local regional or national level significance."* The Waikato Regional Council does not have a regional study and associated associated schedule at this time which would be an appropriate base tool to consider local and regional historic heritage. Comparative analysis has not been included in the HCC documentation.
15. In regards existing Special Heritage Zones and some other areas, I agree in part with Mr Brown's statement on 1.3(a) that *"There are grounds for considering the existing Special Heritage Zones and some other areas, particularly in Hamilton East, as historic heritage areas;"*. There are existing background reports for previous scheduling of overlays which would provide historic heritage valuing, subject to review.
16. I agree with Mr Brown's comments in principle, in 4.29 in regards additional supporting documentation. Historic heritage valuing requires a greater depth of research and assessment for each proposed HHA, This research should in my view form part of the initial assessment process to inform observation and provide both tangible and intangible values

to be considered.

17. I disagree in part with Mr Brown's recommendation under 8 "*that fences and walls forward of the front building line (i.e., to the street) be a permitted activity and subject to prescriptive permitted activity standards concerning fencing typologies that are appropriate.*" This is too permissive, at this time, based on limited current documentation, and does not allow sufficient protection for identifying and retaining historic fencing and historic built landscape, which has not been included as part of the HHA assessments by a heritage landscape specialist as in my primary evidence. Historic heritage fencing and built landscape typologies have not been addressed and have may impact or not on the integrity of the historic area. If historic built landscape was assessed this would provide a greater degree of understanding of these elements which form both setting and context, such as in the Frankton Railway Village where original NZ Railways fencing is still evident and was specifically designed in type and height. In some proposed historic areas historic fencing may have limited impact and historically been mixed typologies, in which case Mr Brown's recommendation, in part, for standard agreed typologies under 1.2 would be appropriate. However finer graining is needed to provide a range of typologies or standards for specific HHAs in regards built landscape. It is unclear how historic built landscape (of significance) is identified and protected, if permitted activity status is applied at this stage with limited documentation.
18. Mr Brown in 8.15 considers Heritage Impact Statements and also discretion in regards requiring HIS. In my view, with specific regard to fencing and built landscape, it should be possible in principle for each proposed HHA to identify historic built landscape within a conservation plan that gives guidance to both owners and planners, and may reduce the costs involved with standard typologies along with protection of historic fencing. However guidance documentation has not been provided to review. I agree in part that if the level of guidance provided overall in proposed HHAs is improved that this may assist in reduction of costs while retaining heritage values.
19. Mr Brown in 5.2 noted that he considered *that the evaluation criteria as set out in the WRPS/ ODP can feasibly be 'scaled' up to consider HHAs.*" I agree and is in line with an integrated approach to historic heritage identification and assessment.
20. I agree with Mr Brown's statement in 5.12 that *Being 'representative of a significant development period in the region or nation' is a broad brush, and in my opinion, the development periods as presented do not strongly connect with the local story of Hamilton or its specific neighbourhood history.*" I agree with 5.13 in part, that WRPS criteria could provide the finer grain.
21. In regards graining I agree with Mr Brown's statement 6.3 on periods and 6.4. 6.5 and 6.6 and 6.5 as discussed in the Expert Conference on Historic Heritage Areas.
22. I agree with Mr Brown's consideration of *"directly evaluating areas using the WRPS and ODP criteria, and by reference to comparative examples locally, regionally and nationally to justify inclusion at the level of s6 of the RMA. This would also ensure greater consistency at the regional and national level in the identification of historic heritage areas"*.
23. I agree with Mr Brown's comments in regards Setting and Surrounds definition 8.17, 8.18, 8.19 and 8.20. It allows for a more integrated definition and understanding of historic heritage as place, and for inclusion of a range of areas which may not be building based. This does however as noted in my primary evidence requires a more integrated approach to

identification and assessment by a range of heritage specialists which includes, but is not limited to archaeology, heritage landscape and cultural landscape assessment, to acknowledge the various layers of historic heritage.

## **CONCLUSION**

24. In conclusion, I agree in principle with Mr Brown with the use of historic heritage within the Structure of the WRPS and ODP as it relates to the evaluation of Historic Heritage Values, and, in part, support concerns regarding the identification of some of the proposed Historic Heritage Areas (“HHAs”) and the methodology utilised to justify their status under s6 RMA.
25. I support that the method of identification of historic heritage, and the spatial identification of HHAs in particular, should use the established criteria for historic heritage evaluation within the ODP and the WRPS.
26. Comparative analysis at local, regional and national level significance, would provide an improved level of assessment to justify inclusion as an HHA, and potentially allow for some variation in application of degrees of controls to retain heritage values of the specific HHA.
27. A higher level of fine graining and further refinement on periods is still required to support a number of proposed HHAs. Further research and heritage valuing is required for a number of the proposed HHAs.

Dated this day of 12<sup>th</sup> day of May 2023.

Laura Liane Kellaway