

**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)**

(HERITAGE)

28 APRIL 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 in support of its submissions on PC9.

1.2 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.
- (b) I have concerns regarding the identification of Historic Heritage Areas (“HHAs”) and the methodology utilised to justify their status under s6 of the Resource Management Act 1991 (“RMA”).
- (c) There is a lack of comparative analysis provided to justify inclusion as an HHA when considering local regional or national level significance.
- (d) The council appears to have conflated historic heritage under s6 RMA with character and amenity under s7 RMA¹.

1.3 Notwithstanding the above and were the commissioners minded to approve (some or all) of the HHAs and associated provisions I consider that:

- a) There are grounds for considering the existing Special Heritage Zones and some other areas, particularly in Hamilton East, as historic heritage areas;
- b) The requirement for Heritage Impact Assessments to be undertaken for properties in HHA’s should be amended to ensure that the required level of analysis is proportionate to the nature and scale of the works that are proposed to be undertaken.

¹ Refer Attachment 1

Requiring such assessments for *all* applications within proposed HHAs is inefficient, and places a disproportionate cost on landowners in addition to the restrictions (and mandatory resource consent processes) otherwise imposed through HHA identification.

c) I recommend 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.

1.4 Overall, I consider the proposed provisions of PC9 relating to the method of identification of historic heritage, and the spatial identification of HHAs in particular, should use the already established criteria for historic heritage evaluation within the ODP and the WRPS.

1.5 I consider that the focus on identifying ‘character’ attributes has resulted in situations where the HHA Overlay has been applied to sites and areas that do not contain sufficient intensity of ‘historic heritage’ fabric or merit protection under s6 of the RMA.²

1.6 As such, I do not agree with some of the conclusions drawn in the Section 32 assessment undertaken by the Council in support of PC9 (as notified) and I consider that PC9 should be refused (in part concerning historic heritage) as sought in the Kāinga Ora submission.

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 conservation 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 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.

Code of Conduct

- 2.6 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

- 2.7 Plan.Heritage Limited was engaged by Kainga Ora in August 2022 to review the Historic Heritage areas notified by PC9 and provide comment on the submission prepared by Kāinga Ora.
- 2.8 I visited Hamilton in August 2022 to understand the context of PC9, visiting most areas, but not all. The focus of my visit was on areas to the northwest and east of the CBD. Further outlying areas were not visited. I also did not visit the already existing special heritage zones (Hayes Paddock, Temple, Frankton Railway Village) at this time. I have viewed these areas remotely and also considered the documentation provided by HCC for these locations.
- 2.9 In 2023 I subsequently revisited the Fairfield area, Frankton (Commerce Street and environs) and some other locations east of the 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 as they have been notified.

Scope of Evidence

- 2.10 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 Mr Richard Knott. I have also read the evidence of Mr Kai Gu and Mr Robin Miller. In review of Mr Knott’s evidence.
- 2.11 I note that the relevant statutory documents to be considered have been identified within the HCC ‘planning report’.

Areas of Agreement

- 2.12 The PC9 hearing (“**the hearing**”) addresses submission points relating to PC9 in its entirety. The scope of my Kāinga Ora submission focussed largely on proposed HHAs and Historic Heritage Evaluation criteria.
- 2.13 Through expert conferencing that took place on 17th March 2023 prior to the PC9 hearing, I agreed with Mr Richard Knott that:
- (a) it was appropriate in principle to adopt HHAs as a planning tool for managing change; and
 - (b) the use of development periods of significance over the notified themes was more aligned to the evaluation criteria of the RPS and ODP in relation to historic heritage.
- 2.14 Therefore, my evidence does not address those matters and I agree with the recommendations of the reporting planner regarding the change from themes to development periods.

- 2.15 I support the following recommendations of the reporting planner such that this evidence does not specifically address the following:
- (a) I agree with the recommendations to remove four HHAs that were notified within PC9, being Anglesea Street, Jamieson Crescent, Marama Road, Oxford Street (west).³
 - (b) I agree with the removal of the definition of ‘historic heritage area’ from PC9 as ‘historic heritage’ is already defined within Part 1 of the RMA and this includes the term ‘areas’.⁴
- 2.16 Notwithstanding my concerns around the method of evaluation, I consider there is enough comparative information to indicate that the application of the HHA overlay would be appropriate in principle for:
- (a) Hayes Paddock,
 - (b) Frankton Railway Village
 - (c) Temple View Heritage Area.
 - (d) portions of Hamilton East, and
 - (e) portions of Claudelands West
- 2.17 This is subject to undertaking evaluation with the established criteria set out in the RPS/HCC and comparative analysis.
- 2.1 This evidence addresses the following:
- (a) Matters of concern raised by the Kāinga Ora submission
 - (b) Inconsistency with earlier assessments
 - (c) Evaluation methodology and the application of WRPS and ODP Historic Heritage criteria
 - (d) Limitations of indicators imply focus is on character attributes, rather than heritage values

³ Kāinga Ora has land holdings within the Jamieson Crescent and Oxford Street West HHA's.

⁴ 5.2.2

- (e) Application of scoring thresholds for Historic Heritage evaluation
- (f) Should HHAs be adopted - HHA provisions

3. MATTERS OF CONCERN RAISED BY KĀINGA ORA SUBMISSION

- 3.1 Kāinga Ora opposed in part PC9 on the basis that the majority of new HHAs proposed may not meet the requirements of Section 6 of RMA to the extent they qualify as historic heritage as a matter of national importance.
- 3.2 Kāinga Ora raised a number of concerns with the introduction of HHAs, and the methodology undertaken to identify and justify HHAs (as well as individual buildings):
 - (a) Inconsistencies with earlier investigations of ‘historic special character areas’ undertaken by Lifescapes Ltd, which appears to have led in some cases to a conflation of special character values to that of historic heritage.
 - (b) The assessment methodology (for HHAs and scheduled buildings introduced under PC9) unnecessarily departs from the existing established Historic and Cultural Heritage assessment criteria under Section 10A of the Waikato Regional Policy Statement (‘WRPS’) and existing Heritage Assessment criteria under Appendix 1.3 of the ODP.
 - (c) The Kainga Ora submission raised concerns that a mixed range of dwellings of varying quality did not necessarily equate to the quality of other historic heritage areas already established in Hamilton.
 - (d) Concerns were also raised regarding specific provisions.
- 3.3 I have reviewed the s42A recommendations and analysis and agree with the overall thrust of the Kāinga Ora submission. My evidence addresses the key issues raised in submission.

3.4 For those areas 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 areas already established in Hamilton or when compared to other Territorial Authorities throughout New Zealand that I have experience of.

4. INCONSISTENCY WITH EARLIER ASSESSMENTS

4.1 The process leading up to the notification of PC9 and the various studies that have preceded the identification of HHAs is outlined within section 3.4 of the HCC themes and issues report.

4.2 I note two main studies have been undertaken in response to National Policy Statement on Urban Development 2020 (“NPS-UD”), being:

- (a) A 2020 assessment of the Hamilton Area undertaken by Lifescapes Ltd (Carolyn Hill) (“**Lifescapes Report**”) ; and
 - (b) A 2022 assessment of the Hamilton Area for Hamilton City Council undertaken by Richard Knott Limited (“**RKL Report**”).
- (together “**the Reports**”)

As outlined below, the focus of the Reports differed in several respects.

Lifescapes Report

4.3 The Lifescapes Report was undertaken to provide (emphasis added)⁵:

‘a strategic level assessment of historical special character across the residential areas of Hamilton City. The purpose of the assessment is to assist HCC in its ongoing planning for residential growth in the city. The assessment contributes to HCC’s ability to proactively plan for maintaining and enhancing character qualities as a key part of the future development strategies required by the National Policy Statement on Urban Development Capacity (NPS-UDC).

⁵ Lifescapes Report 2020. P4

The assessment provides a high-level overview of the city in terms of special character. It is intended that this project is “Stage 1” of a two-stage process. Its key outcome is to identify areas that legibly represent themes of historical and physical settlement patterns, architectural forms and landscape qualities, and to signal these as potential special character areas (SCAs). This would lead to Stage 2, being a series of detailed area-specific studies of each potential SCA..

- 4.4 In this study, twelve “Areas of Interest” were identified across the city, including areas that represent suburban development from the 1920s up to the 1970s.
- 4.5 Existing character and heritage zones were initially excluded, but later reviewed as part of a second phase of work. Four study areas were identified for the second phase of work. These were:
- (a) Hamilton East;
 - (b) Claudelands;
 - (c) Frankton Railway Village; and
 - (d) Hayes Paddock.
- 4.6 The extent of each study area included the existing Special Residential Zones’ and Special Heritage Zones’ coverage plus additional streets in the vicinity where similar historic character attributes were present.
- 4.7 The key recommendations from Lifescapes Report are described in the Council s32 report:
- (a) Redefine Frankton Railway Village and Hayes Paddock as scheduled Historic Heritage Areas;
 - (b) Review boundaries for Hamilton East and Claudelands study area; and

- (c) to identify Hamilton East and Claudelands as ‘Historic Character Areas’

Richard Knott Ltd Report (RKL Report)

- 4.8 The s32 report states that in 2021 Council resolved⁶ to introduce of HHAs as part of PC9 and commissioned Richard Knott Limited to carry out a city-wide assessment identifying parts of Hamilton City which are of such heritage value locally, regionally or nationally that they should be identified as a HHA as part of PC9.
- 4.9 As part of the preparation for the RKL Report undertaken for HCC, Mr Knott developed a methodology and a set of criteria for the identification of HHAs in Hamilton were developed ‘using a Hamilton Specific method and criteria’⁷, which are distinct from the evaluation criteria for identification of heritage values already established in the WRPS and the ODP.
- 4.10 The key findings of the RKLreport were that:
- (a) a total of 32 historic heritage areas were identified recommended for scheduling;
 - (b) Mr Knott recommended that appropriate ‘bespoke’ provisions be developed for HHAs, including controls over the demolition, new buildings and structures, alterations and development on front, corner, through and rear sites.
 - (c) To be recommended for inclusion in a future HHA, any street must be a representative of one of the heritage themes which has historic heritage significance in the development of the city; and achieves an overall score of 5 to 7 (out of 7) against the consistency criterion.
 - (d) The ‘Heritage Themes’ initially identified have subsequently been changed following peer review recommendation from Dr Kai Gu to represent development periods.

⁶ S32 Report 2022 Appendix 2 pg 57. There is no reference to a formal resolution

⁷ RKL Report 2022 pg 7

Inconsistency in approach between the Reports

- 4.11 The scope and purpose of the Lifescapes Report is stated in the report introduction as follows (emphasis added):

*‘identify areas that legibly represent themes of historical and physical settlement patterns, architectural forms and landscape qualities, and to signal these as potential special character areas (SCAs)’.*⁸

- 4.12 The s42A report commentary also references ‘historic special character’ when talking about the focus of the assessment undertaken as part of the Lifescapes Report⁹. The working definition of ‘special character’ employed in the Lifescapes Report was:

*Special character areas (SCAs) are areas that have coherent physical and visual qualities that together represent historical themes of a city’s development. They contain a coherent concentration of natural and constructed features and characteristics that collectively establish the identity of an area and contribute to a distinctive “sense of place” when experienced from the public realm.*¹⁰

- 4.13 That description is, in my opinion, consistent with consideration under s7 RMA rather than the provisions in s6 RMA regarding heritage. I understand that Mr Knott’s original brief was to expand on the assessments undertaken by Lifescapes, and in particular the ‘heritage themes’ identified therein.
- 4.14 The initial work undertaken by Lifescapes was not, however, included in the PC 9 documentation or section 32 analysis, for comparison.
- 4.15 In contrast to the approach adopted in the RKL Report, the Lifescapes Report only recommended that the existing Frankton Railway area and its buildings, and Hayes Paddock be accorded s6 protection under the RMA, with the remainder of those areas investigated to be managed ‘under Chapter 5 of the District Plan’. Chapter 5 of the District Plan deals with ‘Special Character Zones’. In addition, the ‘study areas’

⁸ ‘Hamilton City Special Character Study 2020’, prepared by Lifescapes Ltd for HCC (June 2020), section 1.1.1.

⁹ See for example, PC9 Themes and Issues Report at page 8-9.

¹⁰ Lifescapes report, section 1.5.

noted in the Lifescapes report were to be considered potential future Special Character Areas ('SCAs').

- 4.16 Under the first studies, neither Hamilton East, or Claudelands, were recommended for inclusion as HHAs.
- 4.17 It is noted in the s32 report that the assessment by Richard Knott did not take account of these existing areas initially, though the Knott survey has subsequently recommended substantive areas of Claudelands and Hamilton East become HHAs;
- 4.18 These differing conclusions from two different specialists have not been addressed through the Section 32 report.

Peer reviews - Adam Wild

- 4.19 As outlined in the corporate evidence for Kāinga Ora, a peer review memorandum of the RKL Report was prepared by Adam Wild of Archifact¹¹. However, this peer review was not provided as part of the notified plan change documentation and was not provided as part of the Council's evidence.

- 4.20 In this document, Mr Wild considered that he was:

'convinced by Mr Knott's approach to the identification of some HHAs based on the collective values of individually listed assets within those areas as contributing to the recognition of the wider area's recognisable historic heritage value. However, some proposed HHAs do not, in my opinion, have an equally clear distinction that can be drawn. I feel that some proposed HHAs (as evidenced through the assessment sheets) risk redefining Special Character areas as some form of de facto HHA'

- 4.21 I agree that the presence of clusters of individual historic heritage places and acknowledgment of their collective values is a key consideration in identifying wider Historic Heritage Areas. This formed a key aspect of Plan. Heritage's review of the existing heritage

¹¹ Adam Wild memo to HCC dated 2022. The 'Archifact report' appended to legal submissions on behalf of Kāinga Ora.

precincts and areas in the Far North District Council ODP for a proposed plan change in 2020¹²:

‘There is no clear definition in the District Plan for a Heritage Precinct, Heritage Area, or Special Zones of historic heritage value . In general terms Section 5 & 5A appears to indicate that Heritage Precincts are ‘areas’ or ‘settlements’ that have ‘significant historic character’ or ‘a high degree of heritage value’. In other words they have special amenity and character in addition to their historical values. They have ‘a concentration of heritage resources within a relatively small locality’ or ‘clusters of historic buildings’.

- 4.22 Mr Knott in his evidence specifically notes that he did not take into account the work being undertaken by WSP in regard to individually scheduled places when assessing the HHAs.

Peer Reviews - Dr Kai Gu¹³

- 4.23 Dr Kai Gu undertook a peer review of Mr Knott’s 2022 report. I have reviewed this as part of the pre-hearing process. In my opinion the focus of the report is on the philosophical approach of applying spatial protection for heritage areas, rather than a direct review of the method employed or its output. There is no peer review of area scores, for example.
- 4.24 Dr Gu does refer to the importance of the application of regional policy controls and recommends that Development Periods of significance to the City be adopted, rather than the ‘Heritage Themes’ initially identified in the Lifescapes Report and adopted by the RKL report. I discuss this further below.

¹² Brown. A. and J. Brown., June 2020. Far North District Plan Review: Historic Heritage Stage One Background Research. Plan Heritage Ltd Report Prepared for Far North District Council

¹³ Peer Review Report: Plan Change 9 – Proposed Historic Heritage Areas (HHAs) by the Hamilton City Council

Peer Reviews - Origin Consultants

- 4.25 Mr Miller (primary author) in his peer review focused on the application of the methodology developed by Mr Knott and undertook a peer review of 8 discrete areas selected by HCC to confirm whether he reached a similar agreement. The fieldwork was undertaken with Mr Knott in attendance.
- 4.26 A key recommendation from this peer review was that further historical research and information was required to demonstrate heritage values.
- 4.27 I note that the Origin peer review report also did not apply the Historic Heritage Criteria set out in the WRPS / ODP, but followed a model of assessment and guidance prepared by ‘Historic England’¹⁴, and then applied this approach to reviewing the indicators established by Mr Knott.
- 4.28 The unit of assessment (street, block, street group) also does not appear to be consistent. The Origin report to some degree acknowledges this in some of the review commentary, noting that some areas in particular are not extensive, and also making recommendations to modify.

Addendum by Mr Richard Knott (RKL Addendum) & supplementary evidence

- 4.29 In response to submissions, additional information has been provided to augment the statements of significance as initially notified. However, in my opinion on review of these documents, they generally still do not apply a clear scale of ranking or value assessment, being in the main descriptive additions and additional historical background.
- 4.30 In my view this is of significance, because when following down from general policies in Section 19 which apply to all historic heritage, to

¹⁴ Historic England, Understanding Place: Historic Area Assessments, April 2017. Accessed at: <https://historicengland.org.uk/images-books/publications/understanding-place-historic-area-assessments/heag146-understanding-place-haa/>

assessment criteria, there is repeated emphasis placed identification of values and assessment of effects against them. For example:

Objective	Policies
<p>19.2.1a.1 The City's historicHistoric heritage shall be protected from that contributes to an understanding and appreciation of the adverse effects history and culture of subdivision the City is identified, use and development significant heritage resources are protected.</p>	<p>19.2.1a The City's historic heritage shall be protected from the adverse effects of inappropriate subdivision, use and development.</p> <p>19.2.1b Ensuring that where features have been destroyed or damaged, the historicalHistoric heritage resources and heritage values of these sites 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 Hamilton the City.</p> <p>19.2.1c Subdivision and development shall adhere to the conservation</p>

5. ASSESSMENT METHODOLOGY

Historic Heritage Areas (HHAs)

- 5.1 I consider that the existing provision for evaluation of HHAs within the WRPS should be the method employed for assessment of historic heritage places.
- 5.2 In the Expert conferencing Mr Knott and Mr Miller considered that the structure of the WRPS Criteria was focused on individual sites, and that this was a reason to adopt the bespoke method of analysis outlined in the RKL report. I consider that the evaluation criteria as set out in the WRPS/ ODP can feasibly be 'scaled' up to consider HHAs.
- 5.3 This is an approach I have taken when undertaking review of heritage areas for the Far North District Council, and it is also the approach used by Auckland Council when assessing historic heritage areas.
- 5.4 I note that the WRPS and ODP criteria specifically refer to 'areas' when assessing historic qualities. I agree with the view of Mr Robin Miller¹⁵ that some of the criteria relate primarily to individual places, but this does not preclude the application of the architectural qualities or other criteria matters on an area basis.

¹⁵ Evidence of Mr Robin Miller, para. 22.

- 5.5 The evaluation criteria for the WRPS and ODP are generally aligned, and I have included them in Attachment 2.
- 5.6 In my opinion this evaluation method provides for the analysis of areas as well as places.
- 5.7 There is an established threshold for inclusions as part of the criteria, though I note some changes to this are proposed through PC9 by WSP. I discuss this further below.
- 5.8 It is therefore not clear to me as to why alternative methods of assessment criteria and thresholds needed to be adopted.
- 5.9 I consider that the historic development themes relied upon in the work undertaken by Mr Knott, were originally formulated in the context of a comprehensive ‘special character’ review and assessment rather than an evaluation of historic heritage areas using the established WRPS or ODP Evaluation criteria.
- 5.10 As noted, these themes have since been refined into ‘development periods’ in response to submissions and the peer reviews commissioned by Council,¹⁶ the underlying principles that led to their identification (as SCA’s) remains. In my opinion, the Lifescapes Report provides an alternative conclusion, given that the majority of the HHAs promoted under PC9 were previously considered as having potential ‘special character’ values rather than ‘historic heritage’.¹⁷
- 5.11 I agree that the alignment to ‘development periods’ is more-responsive to the WRPS and the established criteria under WRPS Appendix 7 - Historic and Cultural Heritage Assessment Criteria.
- 5.12 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.

¹⁶ Evidence of Mr Richard Knott, para. 35-39.

¹⁷ Adam Wilde memo to HCC dated 2022. The ‘Archifact report’ appended to legal submissions on behalf of Kāinga Ora.

- 5.13 Within the broad periods selected, essentially any building would be representative of the period in which it was built, regardless of heritage values. In my opinion, the WRPS criteria as a whole could provide the finer grain which establishes the ‘why’, particularly through consideration of the assessment of ‘Historic Qualities’ and ‘Associative Value’ where:

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.

- 5.14 In my view, much of the information provided to justify inclusion of an area as an HHA, including the revised statements of significance, has not provided strong or clear indications of these direct associations. It is therefore not clear as to why alternative methods of assessment were adopted by Mr Knott in the first instance.

Section 32 Considerations

- 5.15 Michael Campbell’s planning evidence evaluates the plan change in terms of s32 RMA issues. In that context, however, I make the following brief observations with respect to the potential costs arising from the proposed provisions, based on my professional experience.
- 5.16 In my opinion, based on over 11 years of reviewing and preparing assessments for Councils or for private entities in several territorial authorities, the cost of suddenly requiring all properties within an HHA to undertake resource consents and, additionally to prepare heritage impact assessments, will be considerable. This scale may easily be understood with reference to HCC’s planning charges and hourly rates¹⁸.

6. GRAIN AND SCALE

- 6.1 The RKL Addendum acknowledges that the themes initially selected for consideration are not strongly aligned to the WRPS criteria for

¹⁸ <https://hamilton.govt.nz/your-council/fees-and-charges/planning-guidance/>

determining historic heritage values. This has now been replaced by Development Periods as indicated the Addendum figure:

Proposed Heritage Development Period	Previous Heritage Theme
<i>Pioneer Development (1860 to 1889)</i>	Early Establishment of a Service Town
<i>Late Victorian and Edwards and during and after inter-war growth (1890 to 1949)</i>	Early Establishment of a Service Town Railway Workers Suburbs. Comprehensive state housing schemes and control by the State Advances Corporation
<i>Early Post War Expansions (1950 to 1980)</i>	The construction company era, and The dominance of the private car and changing suburban form Comprehensive state housing schemes and control by the State Advances Corporation

Figure 1. Conversion from 'Heritage Themes' to Development Periods

- 6.2 These Development periods are then supported by a large-scale map produced as Appendix 3 to Mr Knott's Evidence.
- 6.3 I do not consider the grain of these periods to be helpful in attributing periods which are 'significant to the city'. As a whole, they simply encompass 'Every Period' of development between 1860 and 1980. By Way of example:
- 6.4 Due to the focus on built form the development periods fundamentally ignore pre-European Settlement patterns as evidenced by the archaeological resource and cultural traditions of the place.
- 6.5 'Early' Post War development to my mind does not include more than the first five years after 1945. The period indicated above as being a significant one reflects over two generations - Boomers and Gen X.
- 6.6 The 'Late Victorian, Edwardian, during WWI, interwar and WWII' period is especially broad-brush. In my opinion a finer grain would better express the 'story' of Hamilton and the surrounding environs.

7. THRESHOLDS

- 7.1 The evaluation criteria for the WRPS and the ODP are generally aligned and provide for the analysis of areas as well as places. There is also an established ‘ranking’ threshold for inclusion in Appendix 8 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.

- 7.2 The use of ‘High’ and ‘locally’ across both ranking categories means that a place which scored ‘high local’ could then be determined to be either Category A or Category B.
- 7.3 It should be noted that this ranking system 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. 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 Schedule.
- 7.4 It is also not consistent with the national ranking used by HNZPT (the top two tiers are equivalent).

7.5 The correlation of the assessment score with the plan schedule ranking is not consistent in itself, in that places of ‘high’ value may fall into either Group A controls or Group B rankings:

7.6 The WSP s32 report on the topic of individual Built Heritage places¹⁹ 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 historic heritage areas:

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

7.7 This approach potentially creates inconsistency in the evaluation and conflation of character elements to historic heritage, particularly where ‘low’ rating also can include places of ‘local significance’.

7.8 In my opinion the designators ‘Low’ and ‘Moderate’ demonstrate an interest, but not one which is ‘significant’ with regard to Section s6f of the RMA.

7.9 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)

¹⁹ S32 report Appendix 8. Hamilton City Council Heritage Inventory review Section 2.2

- (b) B ranking (equivalent to Category 2 places, typically locally, regionally, or nationally significant)
- (c) Moderate value (locally of interest, but not regionally or nationally significant under Section 6f).
- (d) Little value
- (e) None - No value identified

7.10 This approach may apply to individual ‘character buildings’ or areas of local merit and amenity, such as in the Auckland Unitary Plan, Christchurch and Wellington, qualifying as Special Character or ‘other matter’ under s7 of the RMA.

7.11 In my opinion the identification of proposed HHAs of ‘at least moderate value’ conflates areas of potential special character values to that of historic heritage. I consider that this may be resolved more appropriately with 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.

7.12 I provide an example in Attachment 4 to demonstrate the applicability of the WRPS criteria. These examples are based primarily on the information provided in the evidence of Mr Knott, Dr Gu and Mr Miller. Council information from the statements is provided in blue text. I have added additional information in black.

8. PROVISIONS

8.1 Although I am of the opinion that PC9 should not proceed as currently proposed with specific regard to historic heritage areas, should it be adopted I address particular matters in relation to proposed amendments to PC9 as it relates to the Kāinga Ora submission.

HHA Objectives and Policies

- 8.2 Although not raised in submission, in my opinion the recommended wording of Objective 19.2.4 and accompanying Policy introduces an unnecessary tautology and I recommend the following revisions:

Objective 19.2.4

That historic heritage areas which have ~~identifiable historic heritage~~ significance to the history and identity of the city are identified and protected from inappropriate subdivision, use, and development.

Policy 19.2.4a

Ensure that areas which have ~~identifiable~~ historic heritage significance are identified in Schedule 8D of the plan.

- 8.3 This makes it clearer that HHAs have defined heritage values, and that they have been identified prior to inclusion on the schedule.

Fencing forward of the front building line

- 8.4 Kāinga Ora opposed activities under 19.3.1(o), (p), and 19.3.2(h) that would require restricted discretionary activity consent for the construction of a fence.
- 8.5 The reporting planner has recommended that the submission be rejected, as in Mr Knott's expert opinion these are features which contribute to the identified values within HHAs and identified buildings.²⁰ Mr Knott notes at page 19 of his evidence (my emphasis):

'Recognising that open frontages are a significant historic heritage feature of many of the HHAs (the values of these are specifically referenced in the new statements for each HHA).

All fences forward of the dwelling now require a Restricted Discretionary consent within these identified HHAs and in the Frankton Railway Village HHA where whilst low fences are a characteristic of the area they have distinctive designs which need

²⁰ I find no specific assessment of the Kainga Ora submission by the reporting planner in this regard, but the matter was discussed during the Heritage and Planning expert conferencing.

to be respected if the heritage values of the area are to be protected.'

- 8.6 While I agree that the typology of fencing is one characteristic of the urban environment, I do not consider that the provision as a permitted activity of low (1.2m) fencing of a particular typology would be so significantly detrimental to the values of a place that it should in all cases require consent. The implication here is that, based on Mr Knott's evidence for individual HHAs referenced in the activity table, the absence of a fence on certain properties is so critical to their respective heritage values that granting of consent would result in 'more than minor' adverse effects and might not be achievable, in any case. This is not my view.
- 8.7 I therefore do not consider the requirement to obtain a restricted discretionary resource consent for the establishment or alteration of any fence forward of the dwelling to be an appropriate provision.
- 8.8 I agree with the Kāinga Ora submission that this can reasonably be managed through a permitted activity standard controlling fence heights above 1.2m and specified fencing typologies that are appropriate to the heritage area. Fences of inappropriate material or higher than 1.2m would still be controlled, and in my opinion this would appropriately manage the bulk of any potentially adverse effects arising from this activity. I therefore recommend that the notified PC9 approach to fencing be reinstated, where fencing forward of the front building line up to a height of 1.2m is permitted in HHAs under 19.3.2(h). In respect of built heritage under 19.3.1(o), I also consider (for the reasons above) that fencing is appropriate as a permitted activity with an associated permitted standard that may reference particular fencing typologies.²¹

Heritage Impact Statements

²¹ I accept that in respect of individual built heritage (scheduled buildings) the operative and notified approach was to require consent for fencing as an RD activity.

8.9 Kāinga Ora has made specific submissions on a range of provisions that require a Heritage Impact Statement for *any* activity requiring consent within a proposed HHA.

8.10 The submission considers this placed a disproportionate cost on landowners in addition to the restrictions and costs imposed through HHA identification. The additional cost to landowners is specifically noted in the s32 report prepared by HCC²²:

‘There are economic costs associated with the identification and protection of the historic heritage area as this will reduce the area of developable land available. There will be costs associated with requiring the preparation of a Heritage Impact Assessment and administration costs for resource consents for development within the area.’

8.11 The reporting planner considers submissions of the above nature in section 5.2.5 of the s42A planning report. Amendments are recommended to the ‘special information requirements’ chapter.

8.12 Mr Knott notes at page 11 of his addendum:²³

As described in the Themes and Issues report, where consents are required, they must be supported by a Heritage Impact Assessment (HIA). To ensure that the production of the HIA does not place too great a burden on an applicant, it is accepted that scope and complexity of the HIA should be commensurate with the application proposal.

To further assist in this matter, the updated descriptions to be provided for each HHA will clearly identify the key values of the area.

8.13 The amendment to section 1.2.2.8(c) notes (as notified) states:

‘...content and detail of the Heritage Impact Assessment must correspond with the scale, nature and potential adverse effects of the proposal’

²² Section 32 Analysis – HHAs - Table 2.4

²³ Attachment 1 to the evidence of Mr Richard Knott.

- 8.14 The requirement of an HIA means that, in practice, a specialist must be engaged by an applicant to undertake the assessment, and a corresponding specialist must be either directly employed by the requiring authority, or alternatively a corresponding specialist must be engaged to review the HIA. This introduces two sets of specialist costs in addition to any other costs associated with a resource consent.
- 8.15 While I agree that specialist information should be required and that this should be commensurate with the scale of the proposal, a proviso could also be added that this requirement might be waived at the discretion of the planning officer, where it is patently apparent that adverse effects will not arise from a proposal.

Setting and Surrounds Definition

- 8.16 PC 9 includes the proposed changes to the terms ‘Setting’ and ‘surrounds’ 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.

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.

- 8.17 The proposed definition of setting in my opinion conflates the nature of ‘setting’ with that of the surrounds or extent of a place that ‘is integral to its function, meaning and relationships’. In my opinion, this is actually the function of defining a surrounds or ‘extent’ of place. In my view, the setting is a much broader term to be considered, and this is well demonstrated by two definitions that I include below:

The definition adopted in AUPOP 2016²⁴ -

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, townscapes, streetscapes and relationships with other historic heritage places which contribute to the value of the place.

- 8.18 Or similarly the UK National Planning Policy Framework (NPPF) 2012 rev 2021²⁵

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.

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

‘It MAY include, or extend beyond, the entire curtilage of a place, and also include elements of the wider setting’

- 8.20 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

²⁴ AUPOP Section D18.1

²⁵ UK Govt National Planning Policy Framework 2021. Glossary

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 Areas (“HHAs”) and the methodology utilised to justify their status under s6 RMA .
- (c) There is a lack of comparative analysis provided to justify inclusion as an HHA when considering local regional or national level significance.
- (d) The Council appears to have conflated historic heritage under s6 RMA with character and amenity under s7 RMA.
- (e) Overall, I consider the proposed provisions of PC9 relating to the method of identification of historic heritage, and the spatial identification of HHAs in particular, should use the already established criteria for historic heritage evaluation within the ODP and the WRPS.
- (f) I consider that the approach I have table in my evidence better aligns with the WRPS and is also consistent with other Territorial Authorities.



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).

ATTACHMENT 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.

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
<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.	<p>A person, group, institution, event or activity that is of great historical significance regionally or nationally is closely associated with the place -</p> <p>Outstanding</p> <p>A person, group, institution, event or activity that is of great historical significance locally, regionally or nationally is closely associated with the place -</p> <p>High</p> <p>A person, group, institution, event or activity that is of historical significance to the local area, or region is associated with the place -</p> <p>Moderate</p>
Historical pattern: The historic place is associated with important patterns of local, regional or national history, including development and settlement patterns, early or	<p>Historic themes or patterns of national, regional or local importance are strongly represented by the place</p> <p>High</p>

Criteria	Description
important transportation routes, social or economic trends and activities.	Historic themes or patterns important to the local area or region are represented by the place
<i>Physical /Aesthetic/Architectural Qualities</i>	
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>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> <p>High</p>

Criteria	Description
	<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, age, appearance, style, scale, materials, proximity or use, landscape or setting which, when considered as a whole, amplify the</p>	<p>The historic place makes a very important contribution to the collective values of a group or collection of places</p> <p>High</p>

Criteria	Description
heritage values of the place, group and landscape or extend its significance.	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

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.

ATTACHMENT 3 – EXAMPLE HHA EVALUATION – AUCKLAND COUNCIL

A recent (August 2022) example of an approach using RPS criteria for assessing Historic heritage areas (Auckland Council Unitary Plan – PC81)

Attached separately

ATTACHMENT 4

WAIKATO REGIONAL POLICY STATEMENT EVALUATION CRITERIA EXAMPLE

Section 10 of the WRPS addresses Heritage matters. When assessing historic and cultural heritage Section 10a of the RPS, regard shall be given to the Heritage New Zealand register of historic places, historic areas and wāhi tapu areas and the following criteria.

The ranking scale adopted is aligned to that I have recommended in my evidence in chief and which is consistent with the methodology for Assessment of historic heritage places in the Auckland Unitary Plan as well as the approaches to historic heritage and special character adopted by other Tier 1 authorities nationally:

Outstanding Significance	Merits Scheduling under RMA Section 6	Typically aligned with HNZ Category 1
Considerable Significance	Merits Scheduling under Section 6	Typically aligned with HNZ Category 2
Moderate	Supports Scheduling Of local interest and amenity. Retention is desirable (e.g. under Part 7 of the RMA)	Typically a 'local list' or character building
Little	Some interest, but does not support scheduling	
None	No value identified	
Not Assessed	In some instance a value may not be assessed (e.g. Cultural values)	

Text in blue is that provided by the updated statement from the evidence of Mr Knott (Section 42a Report Appendix 8). All other text is provided from independent research.

Historical Background²⁶

The development of Hamilton in the aftermath of the Waikato War began in 1865 with the survey of land into allotments for both Hamilton West and Hamilton East.²⁷ Initially, though, the two sides of the Waikato River were divided territorially. The eastern side, from late 1868, was part of the broader and mainly rural Kirikiriroa Highway District,²⁸ while the western side initially came under the early Hamilton Highway District, a similarly rural-based territorial authority.²⁹ The beginnings of a more urban authority came in 1871, with *Auckland Provincial Gazette* proclamations of first the Hamilton West Township Highway District in July that year,³⁰ followed by the establishment of the Hamilton East Township Highway District two months later.³¹ In 1877, residents of both Hamilton West and East petitioned the Colonial Secretary for amalgamation into a combined borough,³² and this was instituted the following year.

In Frankton, a meeting of residents began to look into a proposal to break away from Ohaupo County in 1906, and sent a deputation to the County Council to that effect.³³ The Frankton Town Board came into being in January 1908,³⁴ lasting through to 1913 and the establishment of the Frankton Borough Council.³⁵ Frankton and Hamilton Borough Councils amalgamated in April 1917.³⁶

The coalescence of the territorial authorities into one body is indicative of the period of development undergone in the Hamilton area from the 1870s through to the period of the First World War. One factor alone is that Hamilton became linked with Auckland by rail from December 1877, and later with other parts of the Waikato, King Country, Piako and Bay of Plenty regions. By 1910, over 80 trains arrived at Frankton Railway Station each day.³⁷

By the start of the 1910s, Hamilton was already in somewhat of a housing crisis. In 1914, the Hamilton Borough Council proposed a scheme of building five houses at a cost of £400 each, with £5000 funding towards the scheme borrowed from the State Advances Department. The houses were to be given to borough employees, on a rent-to-own basis.³⁸

²⁶ Compiled by L Truttman for Plan.Heritage Limited. This is not an extensive history.

²⁷ J M Gainsford, "Hamilton Heritage Precinct – 1950s and 1960s Domestic Housing", unpublished draft report for Hamilton City Council, 2009, p.2

²⁸ *Southern Cross*, 6 November 1868, p. 3

²⁹ *Southern Cross*, 3 October 1868, p. 5

³⁰ *Southern Cross*, 27 July 1871, p. 2

³¹ *Southern Cross*, 16 September 1871, p.2

³² *Waikato Times*, 4 October 1877, p. 2

³³ *Auckland Star*, 4 October 1906, p.5; *Waikato Times*, 11 October 1906, p. 2

³⁴ *Waikato Argus*, 9 January 1908, p. 3(3)

³⁵ *Waikato Argus*, 3 May 1913, p.2

³⁶ *Waikato Times*, 2 April 1917 p.4(1)

³⁷ "Frankton History," Hamilton City Libraries, hamiltonlibraries.co.nz/heritage/discover-stories-and-articles/frankton-history, accessed 23 April 2023

³⁸ *NZ Times*, 2 March 1914, p. 2

At the end of the First World War, the issue of housing shortage in Hamilton became acute. Returned servicemen from the war, many marrying and starting families, needed homes, but the war had created both a labour shortage, and an increase in the price of building materials.³⁹ The Hamilton Borough Council had a proposed scheme under consideration "for building houses on idle borough lands," according to an editorial at the time.⁴⁰ To that end, they put the proposal to the ratepayers for a £20,000 loan to inaugurate their municipal housing scheme. It failed to get enough votes, however, so could not take place.⁴¹ The Hamilton Borough Council tried again late in 1920, this time announcing they would proceed with a £10,000 loan for workers' dwellings.⁴² This scheme appears to have resulted in five houses built in Palmerston, Rosstrevor, Hinemoa Streets, River Road, and at the corner of Grey and Wellington Streets.⁴³

During the early 1930s, the Coalition Government sought to alleviate the unemployment situation by offering a wages subsidy for the building industry. Fifty applications were received from Hamilton, and it was hoped that the subsidy would spark renewed house building activity.⁴⁴ However, its effect on improving the borough's housing shortage, which became acute around 1928, proved to be minimal.⁴⁵

By early 1937, despite around 200 new houses built in the preceding two years, the housing shortage was still an issue.⁴⁶ In February however, it was announced that Hamilton would be included in the Labour Government's housing scheme, with tenders to be called in March-April period for the first contract of 20 houses.⁴⁷ In April, a number of sites offered in the borough for state housing was viewed, including the borough council's land at Hayes Paddock.⁴⁸ Towards the end of May, the first four Housing Construction department contracts in Hamilton were advertised for tender: Dudley Avenue, Norton Road and Mariri Avenue.⁴⁹ These were followed in November 1937 by contracts for Forest Lake Road, Matai Street, Hinau Street and Carey Avenue.⁵⁰ Houses at Norton Road were approaching completion by February 1938.⁵¹

By September 1939, 36 units at the Richmond Estate had been completed, and a start had been made at Hayes Paddock.⁵² By March 1940, however, despite the

³⁹ Editorial, *Waikato Times*, 22 April 1919, p. 4

⁴⁰ *Waikato Times*, 3 January 1919, p.5

⁴¹ *Waikato Times*, 25 April 1919, p. 4

⁴² *Waikato Times*, 5 November 1920, p. 4(3)

⁴³ *Waikato Times*, 31 March 1921, p.5

⁴⁴ *Waikato Times*, 14 July 1933, p. 4

⁴⁵ *Waikato Times*, 19 September 1935, p. 3

⁴⁶ *Waikato Times*, 3 February 1937, p.6

⁴⁷ *Auckland Star*, 20 February 1937, p. 11

⁴⁸ *Waikato Times*, 9 April 1937, p. 6

⁴⁹ *NZ Herald*, 29 May 1937, p.24(4)

⁵⁰ *Waikato Times*, 10 November 1937, p. 2(4)

⁵¹ *NZ Herald*, 16 February 1938, p. 14

⁵² *Waikato Times*, 13 September 1939, p. 6

steady building construction underway, there were still over 400 applications with the Government for housing in the Hamilton area. ⁵³

After a hiatus during the war period, it was announced early in 1944 that the State Housing Department had purchased sites in the borough for 200 dwellings, with 30 houses under construction at that time. ⁵⁴ By July that year 100 houses were being constructed. ⁵⁵

Development Dates

- Between 1949 and 1953

City Extension

- Within the 5th extension, April 1949

Summary of Values

Fairfield Road was developed at a time when Hamilton was undergoing significant growth; it was about to reach a population of 30,000 and the post war period brought new ideas regarding the planning and layout of towns. The area records and illustrates this.

The Fairfield project, involving the construction of 800-1000 houses, was announced in April 1946. This was, at the time, in the Waikato County Council's area, and this created issues with regard to which authority would take on the responsibility of providing sewer and water services. ⁵⁶ Nevertheless, a first block of 23 houses at Fairfield was on the way to completion by June 1947, constructed using carpenters from the No 20 training centre for ex-servicemen in Hamilton East. ⁵⁷

The state housing on Fairfield Road was built somewhere between 1949 and 1953. It was named in 1948-9 by the Housing Corporation and Hamilton City Council, after the Fairfield Dairy Farm which had occupied this part of Hamilton.

The western section of the street, linking to Fairfield Bridge (which had opened in 1937), was already in existence in 1948, and the new section of curved road was extended from this to join with Heaphy Terrace, and a northern extension to link to Haultain and Tranmere Street. Existing lots were subdivided and developed for further housing within these streets in the same period.

By 1950, however, the progress of a number of state housing projects in Hamilton seem to have slowed, including Fairfield. ⁵⁸ In February, the proposal to construct pensioner units at Fairfield was put on indefinite hold, while the department's housing policy was under review. ⁵⁹ In July that year, it was announced that a number of sections yet to be built on at Fairfield would be made available for private purchase. ⁶⁰

⁵³ *Auckland Star*, 5 March 1940, p. 5

⁵⁴ *NZ Herald*, 15 January 1944, p. 6

⁵⁵ *NZ Herald*, 12 July 1944, p. 4

⁵⁶ *Gisborne Herald*, 13 April 1946, p. 7

⁵⁷ *Waihi Daily Telegraph*, 16 June 1947, p. 2

⁵⁸ *Te Awamutu Courier*, 14 April 1950, p. 4

⁵⁹ Memo to District Supervisor, Housing Construction Division, 8 February 1950, BCAO A943 22843 R19847467, Archives New Zealand

⁶⁰ *Gisborne Herald*, 13 July 1950, p. 8

By January 1951, work was continuing on Fairfield blocks A and B, but with considerable delays, due to issues around electrical reticulation, water supply, sewage connections, labour shortage and lack of building supplies. ⁶¹

The incorporation of more surrounding areas into the Hamilton district in the early 1960s created a demand for mass-construction of housing, now dominated in the area by private companies such as Neill Group and Keith Hay Homes. Along with this trend came the establishment of building societies, competing with the State Advances Corporation as mortgage lenders. ⁶²

The development already existing in the area prior to its being incorporated illustrates the pressure for development during the period and the scale of development which took place around the time of the expansion of the city illustrates the need for the 5th extension which added an additional 2,000 sections to the city. By 1951 Hamilton had reached 30,000 and the State was its biggest developer, with Fairfield being one of the new suburbs laid out by the state.

This development was accompanied by large areas of open space for recreation, along with shops at the intersection of Heaphy Terrace with Clarkin Road.

Existing Context⁶³

Whilst there has been some infill development in the area, buildings are generally simple state house designs, with weatherboard elevations under clay tiled hipped roofs (utilising both brown and terracotta coloured tiles). Many still have their original single chimney and multi-pane timber windows. There are some buildings with gabled roofs (although on the whole these still have weatherboard elevations).

Most dwellings now have a fully formed driveway from the street, although some lots do not have a formed vehicular access or only have a simple driveway formed by lines of concrete.

Front boundaries vary, with some lots retaining open plan (which would have originally typified the area) and/or planted boundaries. However, likely in response to the traffic along the street, there are a number of taller fences which due to the curving street are very dominant discordant features.

The front berm, with street trees, varies significantly in width providing the street with a very spacious character in parts. Lot sizes and layouts are reasonably consistent (recognising that the curves in street has impact on lot shape and layout). A number of the dwellings back on to Caro Park, with easy access to this from the local area (including from both Fairfield Road and Gardiner Place).

Developed by the state at the end of the Late Victorian and Edwardian and during and after inter-war growth (1890 to 1949) development period and crossing into the Early Post War Expansions Development Period (1950 to 1980), the simple state house designs, reflect the former whilst the curving street design moves away from the previously regimented grid street layouts to the post war free flowing street form.

⁶¹ Memo to district Supervisor, 15 January 1951, BCAO A943 22843 R19847467, Archives New Zealand

⁶² Richard Knott, "Hamilton City Historic Heritage Area Assessment", 6 March 2023, p.19

⁶³ From Hamilton City Council Hamilton City Historic Heritage Area Assessment Appendix 9 – Historic heritage areas

Evaluation of Significance

Table 10-1: Historic and cultural heritage assessment criteria Example – Fairfield Road HHA		
Criteria	Description	Comment
<i>Archaeological qualities</i>		
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.	The place does not include any identified archaeological sites under the definition of the HNZPTA 2014, or any identified sites of cultural significance.
	Rating	None
Research	The potential of the place or area to provide evidence to address archaeological research questions.	Any area has some generic potential, by virtue of human occupation and activity, to be investigated archaeologically. However, the area has low potential to address archaeological research questions as they relate to the history and development of Hamilton.
	Rating	Little
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.	The area is not included on the National List / Rārangi Kōrero. The place is not an archaeological site under the definition of the HNZPTA 2014, being established sometime after 1900. It is unlikely to be gazetted under the provisions of the Act as a post-1900 archaeological site.
	Rating	None
<i>Architectural Qualities</i>		
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).	The building stock includes typical example of post-war state house architecture from second half of the 20 th century. This is mixed with infill development from the early 2000s, particularly on subdivided or rear sites and within the visual catchment, but outside the delineated area. based on historical analysis of aerial photography, around 59% of dwellings within the HHA were established through the initial

Table 10-1: Historic and cultural heritage assessment criteria Example – Fairfield Road HHA		
Criteria	Description	Comment
		subdivision and construction period with which the area is associated 1950-1960 (See attached figures). This percentage is lower across the visual catchment.
	Rating	Moderate Local
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.	While some buildings of the State House style associated with development period of interest have been obviously modified the majority within the HHA area demonstrate reasonable integrity of design. Subdivision patterns have degraded to a degree as a result of later infill particularly from the 2000s
	Rating	Moderate Local
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.	Fairfield Road HHA contains numerous buildings and structures. In relation to the period of interest (1950-1960) The 'state house style influenced the use of materials and building techniques. These include the use of prefabricated timber and joinery framing, and design variations from 'stock' plans. Typical weatherboard construction, often with ceramic tiled roofs. These techniques and materials are typical for the manufacture of state house architecture nationwide and are present in thousands of buildings across the country. The area is not an early or rare example of this typology in the region.
	Rating	Little Local
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.	A specific engineer or planner that is directly associated with development has not been identified. The area and subdivision layout is reflective of state house planning development generally from the 1950s observed at the national level.
	Rating	Moderate Local
<i>Cultural Qualities</i>		
Sentiment	The place or area is important as a focus of spiritual, political, national or other cultural sentiment.	There is no particular association with a place or cultural institution (E.g. Church, Marae, Temple, Community or

Table 10-1: Historic and cultural heritage assessment criteria Example – Fairfield Road HHA		
Criteria	Description	Comment
		administrative facility) identified. The area is a typical suburban residential street.
	Rating	None
Identity	The place or area is a context for community identity or sense of place, and provides evidence of cultural or historical continuity	A number of recent news articles are available online have described the relationship between the community, Kainga Ora and HCC as being critical of the current degraded community environment and aspirational of change and redevelopment, to improve living conditions or local residents. This does not demonstrate any particular community association or attachment to this location in terms of its cultural or historical continuity, or 'sense of place'.
	Rating	None
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.	The place is residential in nature and does not include any particular site such as a memorial, cemetery or other place of commemoration. It provides a typical example of 1950s state house architecture and planning observable in many locations nationwide.
	Rating	Little Local
<i>Historic Qualities</i>		
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.	Fairfield Road itself is not representative of a single period of development. The HHA consists of the curving section of Fairfield Road from Haultain Street to Heaphy Terrace along with the short Gardiner Place which links north from this. This section was developed as part of a much larger block including streets to the north. The western portion from Haultain to Woodstock includes a later school development, and roads near the river were developed prior to 1940. The area delineated by the HHA is one of a large number of places initially developed in the 1950s in Hamilton.
<i>Scientific Qualities</i>		

Table 10-1: Historic and cultural heritage assessment criteria Example – Fairfield Road HHA		
Criteria	Description	Comment
Information	The potential for the place or area to contribute information about an historic figure, event, phase or activity.	The Fairfield Road HHA is a typical example of 1950s State House development and subdivision, which has been degraded to a degree by later infill particularly from the 1980s onwards, based on historical photography and mapping. It's earlier development period remains evident.
	Rating	Moderate local
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.	The place is not rare either locally regionally or nationally and does not exhibit any substantive scientific potential
	Rating	None
<i>Technological Qualities</i>		
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.	The place does not exhibit any particular technical achievement in design, construction or function.
	Rating	None

Overall conclusion

Fairfield Road exhibits moderate attributes which in general reflect the development of State Housing suburbs in Hamilton during the 1950s. It does not appear to be a significant example in terms of scale or with regard to the early provision of state housing through the First Labour Government (it is from the '5th extension' where provision for 2000 lots was made). It is not apparently directly associated with any key events or person of national interest, but is reflective, by definition, of the broader theme of state house development in New Zealand.

While the locale demonstrates the typical character of a state house suburb in clusters, it is eroded to some degree by more recent development, especially that from the 2000s. This more recent development retains similar development scale with pockets of increased density arising from subdivision of lots. This is especially prevalent on rear sites, but these are still clearly evident in the visible public realm.

In my opinion the area does not merit inclusion as an HHA for these reasons.

SUPPORTING ANALYSIS



Figure 27. Prior to the Fairfield Road extension, shown in 1948

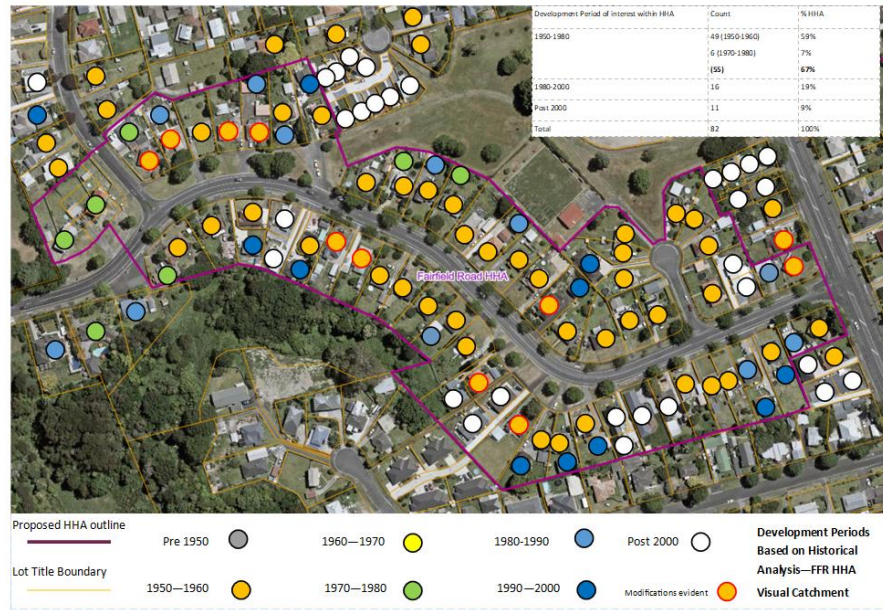


Figure – Historical Development Analysis

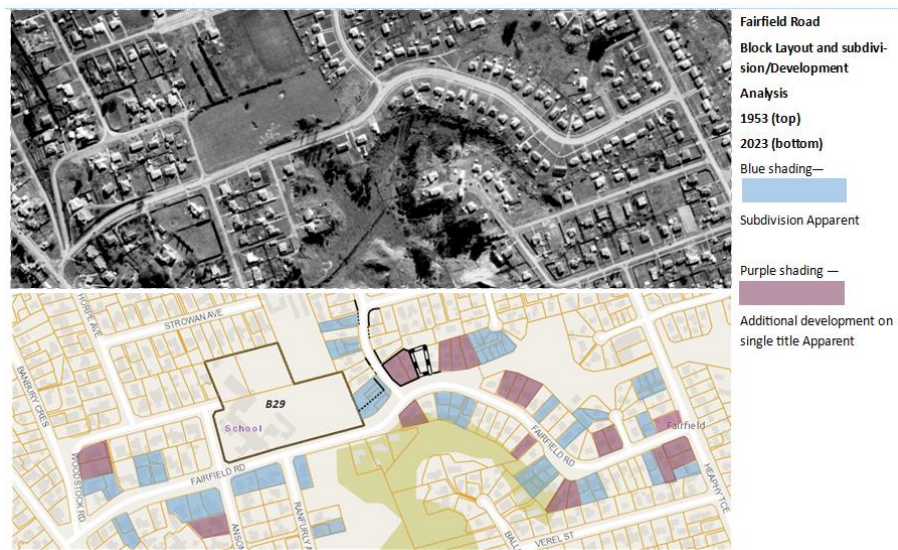


Figure – Subdivision Analysis