

BEFORE THE INDEPENDENT HEARING PANEL

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

AND

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

**STATEMENT OF EVIDENCE OF DR ANN MCEWAN
28 APRIL 2023**

Introduction

- 1 My name is Dr Ann Elizabeth McEwan and I am a heritage consultant with over 30 years' experience in the field. I hold a PhD in architectural history from the University of Canterbury, am an experienced peer reviewer and expert witness, and a full member of ICOMOS New Zealand.
- 2 Since I established Heritage Consultancy Services in 2006 I have undertaken the review of the built heritage schedules for the Kaipara, Thames-Coromandel, Waikato, Nelson, Waimakariri, Selwyn, Timaru and Gore district plans. I have also worked for Christchurch City Council on a number of heritage projects over the years, including assessing all of the currently proposed Residential Heritage Areas in the city [Attachment 1].
- 3 I am the author of the 'Heritage Issues' chapter in *Planning Practice in New Zealand*, edited by Caroline Miller and Lee Beattie (LexisNexis, 2017/2022), which was given the John Mawson Award of Merit by the NZ Planning Institute in 2018. In 2015-16 and 2021 I was engaged as a Professional Teaching Fellow in the School of Architecture and Planning at the University of Auckland. I have served on the Auckland, Hamilton and Waipa councils' Heritage Advisory Panels in the past and, since May 2011, I have written a weekly column about historic buildings and structures in Hamilton and the Waikato region.

Code of Conduct

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

Scope of Evidence

- 5 This statement concerns those submissions to PC9 that requested central Frankton be scheduled as a historic area, as well as the consequent recommendation by HCC's consultant Mr Richard Knott to recommend a proposed Frankton Commerce Street HHA.

Executive Summary

- 6 None of the submissions received by HCC that referred to the presence of heritage values in Frankton's commercial area mapped a potential HHA or provided evidence to substantiate the nature and/or extent of such an area. The inappropriate assessment methodology used and the scant information provided by HCC in regard to the proposed HHAs, including the 'Frankton Commerce Street Historic Heritage Area', do not, in my opinion, establish in a robust and defensible manner the presence of HHAs in Hamilton. In the case of the proposed Frankton Commerce Street HHA, the councils' experts have not established the existence of an HHA according to the Waikato Regional Policy Statement and Hamilton District Plan criteria for historic heritage resources. In my opinion the late recommendation to schedule the Frankton Commerce Street HHA should therefore be rejected by the hearing panel.

HCC's assessment criteria

- 7 The fundamental problem, in my opinion, with the identification of any and all of the proposed HHAs in PC9 is that HCC has adopted a new set of assessment criteria that are not in keeping with best practice and do not give effect to the RMA, Waikato RPS or the Hamilton District Plan. Historic heritage resources are defined in the RMA as possessing any of the following qualities: 'archaeological, architectural, cultural, historic, scientific and technological' [RMA Interpretation]. Such resources include 'historic sites, structures, places, and areas' [emphasis added]. 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.
- 8 In the Waikato Regional Policy Statement, which is included in Mr Knott's statement of evidence at Appendix 4, the assessment criteria for historic and cultural heritage repeats the RMA qualities of such resources and then provides a finer level of detail to help users understand how 'historic qualities', for example, can be understood and applied.
- 9 In the Operative Hamilton District Plan the defining qualities of historic heritage resources are taken from the RMA and RPS. Statements that

amplify or clarify the meaning of the terms are then provided to prompt a full assessment of a heritage item. Contrary to the position taken by Messrs Knott, Gu and Miller, there is no best practice rationale for developing a different set of criteria for HHAs, given that they are encompassed by both the RMA definition of historic heritage resources and the RPS heritage criteria, which refer to 'places and areas'.¹

- 10 The assessment criteria that Mr Knott has used to identify and assess the proposed HHAs depart significantly from the criteria in the RPS and ODP, which give effect to the RMA. The key words 'representative' and 'consistency' that appear in Mr Knott's assessment criteria are not heritage qualities as per the RMA and only the former appears in the RPS and ODP in reference to architectural style or potential scientific data (RPS APP7, ODP Appendix 8]. While the amplifying statements under each heritage quality heading are slightly different in the Hamilton District Plan from the RPS, this is quite common around the region and the country and the key feature of both the Waikato RPS and the Hamilton District Plan heritage criteria is that they repeat the heritage qualities itemised in the RMA.
- 11 By contrast, the criteria adopted by Mr Knott are more in keeping with the qualities of character and amenity that typically arise in a street of villas or bungalows, for example, where there is a consistent visual quality that can be experienced from the public realm. Mr Knott's reliance on physical descriptors, such as Block Layout, Lot Size and Street Frontage Treatments, demonstrates a focus on physical characteristics that are largely predicated on residential environs, whereas they are now being applied, in the case of Frankton's Commerce Street, to commercial streetscapes.² Furthermore, the criteria's broad reference to 'representative heritage themes' appears to sanction the absence of the detailed and specific historic narratives within each HHA summary statement that are fundamental to establishing heritage significance.
- 12 In addition to the problematic criteria that HCC has adopted, 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

¹ See Richard Knott's HCC HHA Assessment report (2022) and Ki Gu's and Robin Miller's HHA peer reviews (March 2023).

² The RMA, RPS and HCC ODP make no special distinction between different types of heritage resource, such as between ecclesiastical, commercial, and residential buildings. Best practice is therefore to adopt and apply heritage assessment criteria that are applicable to all natural and physical resources that embody New Zealand's history and cultures (RMA Interpretation).

applicant having to navigate the district plan to gain a resource consent. The information requirements for HHA resource consent applications call for a consideration of effects on the 'authenticity, integrity and consistency of the visual and physical qualities of the area' (PC9, 1.2.2.8b), as well as a description of the area and subject site, the purpose and necessity for the proposal, and an assessment of the degree to which the proposal will be sympathetic to the heritage values of the HHA. In the absence of a robust and comprehensive report as to the history and heritage values of an HHA and the properties within it, the information burden will fall on applicants who will have to commission a lengthy heritage report and largely surmise the values that may be affected.

- 13 Two examples of what I consider to be best practice Historic Heritage Area reports are appended this statement (**Attachments 1 & 2**). Recently notified by Christchurch and Wellington City Councils, these heritage area reports have been prepared in the context of the Medium-Density Residential Standards but are fully cognisant of the definition of historic heritage resources in the RMA. They also provide a level of detail that establishes a robust and defensible basis upon which to protect these areas under RMA s6(f) and facilitate the preparation and assessment of any resource consents that arise from district plan scheduling. I would note, in respect of Christchurch City Council's Plan Change 13, that only ten Residential Heritage Areas have been identified across the entire city, which indicates I believe the high threshold of significance that must be met if scheduling on a district plan is to be justified.
- 14 The 'Victoria Street, Hamilton Historic Heritage Assessment' report prepared by Mr Knott (21 June 2002, **Attachment 3**) comes much closer to providing the level of detail needed to substantiate the significance of historic heritage areas but I believe that Mr Knott is incorrect when he states in that report that there is no available local guidance as to how to assess heritage areas. In addition to the Heritage New Zealand Pouhere Taonga 'Significance Assessment Guidelines' (**Attachment 4**), which have as their sub-heading 'Guidelines for Assessing Historic Places and Historic Areas for the New Zealand Heritage List/Rārangi Kōrero' [emphasis added], Auckland Council has devised a 'Methodology and guidance for evaluating Auckland's historic heritage' (2020) that includes 'Historic Heritage Areas' (**Attachment 5**) and the Quality Planning web site provides extensive information about Historic Heritage and advises that heritage criteria 'should be based on the definition of historic heritage

under the RMA' (<https://www.qualityplanning.org.nz/node/749>). Currently the 'Victoria Street, Hamilton Historic Heritage Assessment' is an anomaly, given its more detailed analysis, within the HHA documentation presented by Hamilton City Council but, as with the other area statements, it too relies on assessment criteria that are inappropriate and inconsistent with the RMA and RPS.

Frankton Commercial Centre HHA

- 15 In his statement of evidence Mr Knott writes thus about the newly proposed Frankton Commerce HHA:

This area was not previously assessed as the focus of the original report was on residential areas, as discussed above. Two assessments have been prepared of this area; of the section of Commercial Road from Lake Road to High Street, and of the shorter section of Commercial Road from Kent Street to High Street only. The latter was considered to be representative of the Late Victorian and Edwards and during and after inter-war growth (1890 to 1949) Development Period and is recommended as a new HHA, subject to more detailed research into its representativeness and confirmation that the creation of this new HHA is within scope [p. 34].

- 16 The development period mentioned here is simply a chronological era during which Frankton, like greater Hamilton, was evolving as a settlement. There is no evidence provided by HCC that the period between 1890 and 1949 is singularly important in the history of Frankton, Hamilton, or the Waikato region and therefore, in my opinion, no particular heritage value can be ascribed to commercial streets that feature buildings dating from 1890-1949. An example of a historic heritage area that is associated with a significant and singular development period is the Grahamstown section of Thames, which is scheduled in the Thames-Coromandel Proposed District Plan as a historic heritage area and embodies a distinctive heritage narrative encompassing mana whenua and colonial interactions and the development of the Thames goldfield (**Attachment 6**).
- 17 In his assessment of the section of Commerce Street between Kent and High Streets, Mr Knott erroneously, in my opinion, states the view that

'The section ... remains relatively unaltered, illustrates consistency and is still representative of the historic establishment and evolution of the local centre' [p. 47]. Contrary to this view, buildings on both sides of commerce street, including that owned by the K'aute Pasifika Trust, have been modernised or replaced, as can be seen from the aerial view Mr Knott provides in his report. By contrast the Frankton Railway Village HHA not only possess a clearly defined and nationally significant historic narrative but also retains a much higher level of authenticity and integrity, which can be seen at both a streetscape and individual property level.

- 18 The brief assessment report that is now part of Appendix 8 for PC9 [item 10, Frankton Commerce Street] states that the proposed HHA *'illustrates the historic significance of Frankton as a Borough'* but provides no testimony as to how the buildings within the proposed area embody this high level of importance. As indicated above, reference to what might be described as a 'catch-all' development period stretching from the late 19th to the mid-20th century is so broad as to be applicable to almost every town centre in the country and the historical information that is provided is generic to Frankton as a whole, rather than to the south-west end of Commerce Street in particular.
- 19 While Mr Knott concludes that the Commerce Street HHA is 'representative' of the development period there is no mention of 'consistency' in Mr Knott's assessment. This suggests to me, in light of the comment Mr Knott makes in his Statement of Evidence [para 52] about the origin of the assessment methodology in response to residential intensification, that the criteria are not in fact fit for purpose in the assessment of commercial HHAs. Consequently applying the HHA criteria adopted by HCC does not, in my opinion, give rise to a finding of significant heritage value for Commerce Street in Frankton. Furthermore, in the absence of a similar report to that prepared for the Victoria Street HHA, I do not believe that HCC has sufficient grounds, even on the basis of the revised Appendix 8 summary report prepared by Mr Knott, to justify scheduling Frankton's Commerce Street as an HHA.

Response to Submissions

Submission 427 – Waikato Heritage Group – Laura Kellaway

- 20 This submission, which was not mentioned by HCC in its letter to K’aute Pasifika Trust dated 21 October 2022, identifies a number of properties at 112, 135 & 137, 175, 188, 189-199, and 206-210 Commerce Street as having potential heritage values. These properties are owned by other parties and the potential heritage status of individual buildings will be the subject of hearings in November.

Submission 452 – Laura Kellaway

- 21 The submitter seeks the inclusion of *‘Frankton commercial area [including early 20th century buildings to post tornado], and associated Frankton community heritage buildings as items, and as per Frankton Community Plan, and as a proposed historic area in Chapter 19’.*
- 22 The nature and extent of a potential Frankton commercial historic area is not specified in the submission. The reference to the Frankton Neighbourhood Plan (**Attachment 7**), which was adopted by HCC in 2016, suggest that the submitter may have in mind the stated long-term action of developing a ‘Commerce Street Character Overlay’. If this is the case then a character overlay is a distinctly different planning tool from an HHA and would, I assume, be outside the scope of the current proceedings.

Submission 196 - Chow Hill Architects Ltd

- 23 The submitter referred to a concern that ‘there is no proposed historic heritage area on central Frankton’ in PC9 as notified. The submitter requested: *‘review historic heritage [in] Frankton’s town centre and Claudelands for both individual and historic area inclusion to better represent the development of the city, as a historic town centre [Frankton] and historic suburb centre [Claudelands] as identified in the associated Community Plans’.*
- 24 Individual items are being addressed at hearings later in the year but in regard to HHAs the submission is of a general nature and the submitter

did not provide supporting evidence to indicate the nature or extent of a potential historic heritage area in central Frankton.

Submission 307 - Antanas Procuta

- 25 The submitter made the same submission points as Chow Hill Architects Ltd. See above.

Submission 474 – Margaret Louise Sale (Frankton East Residents Group)

- 26 This submission seeks the '*heritage identification of High and Commerce Streets so that [t]here is a historic Frankton railway town historic area within Hamilton City*' [para 28].
- 27 No supporting evidence was supplied to establish the specific heritage values and/or the scope and extent of a potential heritage area in these streets.

Conclusion

- 28 Given that none of the relevant submissions provided heritage evidence to identify and substantiate a Historic Heritage Area in Frankton's Commerce Street and that HCC's assessment criteria and methodology are inconsistent with New Zealand best practice, I am of the opinion that the proposed Frankton Commerce Street Historic Heritage Area should be rejected by the hearing panel.

Dr Ann McEwan

28 April 2023

Attachment 1: Sample Residential Heritage Area report for Christchurch City Council prepared by Heritage Consultancy Services [August 2021].

Attachment 2: Sample Wellington City Council Historic Heritage Area Evaluation Report [July 2021].

Attachment 3: R Knott 'Victoria Street, Hamilton Historic Heritage Assessment [21 June 2022].

Attachment 4: Heritage NZPT 'Significance Assessment Guidelines' [March 2019].

Attachment 5: Auckland Council 'Methodology and guidance for evaluating Auckland's historic heritage' [August 2020].

Attachment 6: Heritage Consultancy Services 'Grahamstown Heritage Area, Thames' report [February 2012].

Attachment 7: HCC 'Frankton Neighbourhood Plan' [2016].