

BEFORE THE HEARING PANEL

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

AND

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

**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 [refer to 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.

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 the proposed Myrtle Street and Te Aroha (West) Street Historic Heritage Area and sets out the reasons why I do not believe that either the property at 24 Te Aroha Street or the area mapped as the proposed HHA should be subject to the heritage provisions of the Hamilton District Plan.

Executive Summary

- 6 Notwithstanding the submission made by the owner of 24 Te Aroha Street to PC9, the proposed Myrtle Street and Te Aroha (West) Historic Heritage Area remains unaltered in the HCC evidence presented to this hearing. The inappropriate assessment methodology used and the scant information provided by HCC in regard to all of the proposed HHAs do not, in my opinion, establish in a robust and defensible manner the presence of HHAs in Hamilton. In particular the heritage values of the Myrtle Street and Te Aroha (West) HHA are not substantiated by reference to an 1890-1949 development period and in the absence of any specific information about the history and design of the houses within the area.

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'.

- 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 when compared to the RPS, this is quite common in New Zealand and the key feature of both planning documents is that they repeat the heritage qualities provided in the RMA.
- 11 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 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 falls on applicants who will have to commission a lengthy heritage report and largely surmise the values that may be affected.
- 12 Two examples of what I consider to be best practice Historic Heritage Area reports are appended this statement. Both have been prepared in light of the Medium-Density Residential Standards, are cognisant of the definition of historic heritage resources in the RMA, and provide a level of detail that establishes a robust and defensible basis upon which to protect these areas under RMA s6(f) and facilitates preparation and assessment of any resource consents that arise from district plan scheduling.

Te Aroha Street HHA

- 13 I have reviewed Hamilton City Council's documentation regarding the proposed Myrtle Street and Te Aroha Street (West) Historic Heritage Area and undertaken additional research to extend the information provided in the PC9 report.
- 14 I do not consider that the brief council description of the HHA, both in PC9 as notified and the revised summary provided in the council's expert heritage evidence, substantiates the heritage significance of this area, which has a typical, rather than notable, history and architectural form for this part of Hamilton.
- 15 Council documentation provides no information about who designed, built, owned and occupied the dwellings in the proposed HHA and do not offer any information that would justify the boundaries that have been set. The summary statement included in PC9 as notified notes that 'a number of newer developments [in the area] do stand out and have an impact on the consistency of the streets'. Despite this statement it does not appear that these intrusive elements have been considered in assessing and mapping the HHA.
- 16 The house at 24 Te Aroha Street appears to have been built for Catherine and Harold Jessop in c.1938. Harold was a pastry cook and the Jessops remained in residence until their deaths in the early 1980s. The house is a California Bungalow style dwelling and is thus typical of interwar housing in Hamilton and throughout New Zealand. In my opinion the former Jessop house is a character house that is typical of the interwar development of Hamilton East. It stands on the periphery of the proposed HHA and at the east end of the south side of Te Aroha Street, which is of variable integrity and consistency.

Conclusion

- 17 Given that HCC's assessment criteria and methodology are not consistent with the statutory planning framework and do not conform to New Zealand best practice, I believe Hamilton City Council has failed to establish that either the house located at 24 Te Aroha Street or the parts of Myrtle Street and Te Aroha (West) Street identified as an HHA have historic heritage significance and therefore merit scheduling on the Hamilton District Plan.

If, however, there is support and further evidence supplied by HCC or other submitters to justify an HHA in this area, then I recommend that the south side of Te Aroha Street be excluded in view of the level of modification in this part of the proposed HHA.

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].