BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER THE	Resource Management Act 1991
IN THE MATTER OF	Plan Change 9 (Historic Heritage and Natural Environment) to the Hamilton City Operative District Plan – Built Heritage, Stage 1
IN THE MATTER OF	Submission #2424 of Ray and Wendy Pickett, the owner of the property at 13 Hammond Street

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EXPERT EVIDENCE SUBMISSIONS ON BEHALF OF RAY AND WENDY PICKETT, 13 HAMMOND STREET, HAMILTON

Heritage

25 July 2024

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1 INTRODUCTION

1.1 Our names are Ray and Wendy Pickett, the owners of 13 Hammond Street, Hamilton.

1.2 We have sought expert witnesses to provide evidence on the Built Heritage assessment, soil stability, and structural integrity of the property.

1.3 This is in response to clause 30(f) of the "MEMORANDUM OF COUNSEL ON BEHALF OF HAMILTON CITY COUNCIL – dated 9 April 2024, it states:

(a) *"Ray Pickett: This submitter continues to oppose the scheduling of the building at 13 Hammond Street as BH item #217. This item is recategorized by HCC as 'High – Plan Ranking B' and continues to be pursued. The submitter challenges this heritage value and raises seismic and roofing issues. Resolution of this matter will require the hearing of expert evidence."*

1.4 Expert evidence has been sought and obtained from:

(a) Adam Wild, of Archifact – Architecture & Conservation Limited.

(b) Olivia Hooker, Geraint Walters, and Doug Harbutt, of GWE Consulting Engineers Limited.

(c) Avinash Bandaru, of AB Consulting Engineers Limited.

2 EXPERT EVIDENCE REPORTS

2.1 Expert evidence reports have been received from:

(a) Adam Wild, of Archifact – Architecture & Conservation Limited.

(b) Olivia Hooker, Geraint Walters, and Doug Harbutt, of GWE Consulting Engineers Limited.

(c) Avinash Bandaru, of AB Consulting Engineers Limited.

2.2 Copies are attached.

3 ADAM WILD, OF ARCHIFACT – ARCHITECTURE & CONSERVATION LTD EXPERT EVIDENCE

3.1 Adam Wild's credentials and experience are outstanding in the field of Built Heritage and Architecture.

3.2 Adam's report highlights key findings, these include:

(a) The association of the property with Alfred Ebbett runs the risk of being over "conflated," as Adam Wild's points out in clause 4.4 (a) of his evidence.

(i) "Historic qualities – medium [local]. 13 Hammond Street's associations with Alfred Ebbett is acknowledged, but his significance is more generally associated with the automotive business in Hamilton 1928. The Ebbett's automotive dealership established in 1928 was a success under the ownership of Alfred Ebbett. The Ebbett Group now represents 25 brands across 20 dealerships in New Zealand. There is a risk of conflating the significance of the Ebbett dealership with the 22-year ownership by Alfred Ebbett with the house at 13 Hammond Street".

(b) For a decision of this weight; to designate the property as Built Heritage (High) requires a conservative approach to the creditability of evidence. The association with Chitty as the architect requires concrete evidence, not inferred. As Adam Wild identifies in *Clause 4.5 (b) of his evidence;*

(i) *"Physical/aesthetic/architectural qualities – medium [local]. … References to the work of Chitty as being stylistically similar, contemporaneous, and local are not unreasonable, but without evidence to that attribution cannot be made. While there has emerged more contemporaneous links between the consent for a house in Hammond Street in 1935 and the tender for a house by Chitty in Hammond Street in the same year, direct lines connecting these two actions need more research to be reliable".*

(c) There are inconsistencies in assessment practice. *See below, Clause 4.5 (b) of Adam Wild's evidence.*

(i) *"Physical/aesthetic/architectural qualities – medium [local]. … The comparative analysis undertaken by HCC also shows that there are other examples of Arts and Crafts and Spanish Mission-styled buildings of various typologies. Notably a number notified as built heritage via PC9 have not been pursued by HCC and whose presence collectively suggests an absence of rarity. I note that the absence of a place from a heritage list does not mean that it is necessarily without historic heritage value and so the group considered by the HCC provides an important comparative context with respect to the 'rarity' sub-criterion considered "moderate" in the WSP assessment and not described in the THS assessment".*

3.3 Adam Wild's overall assessment is "Medium" not "High". See below clause 4.4 of Adam Wild's evidence.

(a) *"My own assessment of the 13 Hammond Street found that it has an overall ranking of medium significance at a local. That was based on 13 Hammond Street achieving medium significance for historic qualities, physical/aesthetic/architectural qualities and context qualities. All other qualities were assessed as either low or not assessed qualities. As part of that assessment (and in accordance with the Endorsed BH Assessment Methodology guidance*

note), I considered the various descriptions of the heritage criteria contained in the AC Methodology, and the HNZPT "Significance Assessment Guidelines".

4 OILIVIA HOOKER, GERAINT WALTERS, DOUG HARBUTT'S, OF GWE CONSULTING ENGINEERS EXPERT EVIDENCE

4.1 This report forms an important basis for the findings detailed in Avinash Bandaru's, AB Consulting Engineer's report.

(a) Below is an excerpt from the GWE report:

(b) *"Our review of the available aerial imagery indicates several large trees were located in the affected corner of the building which may explain the settlement and possibly the zone of* ***very low strength soils*** *encountered between 1 and 1.7m depth in Bore Hole No. 2. Should the building be repaired then the area of foundations affected will require underpinning or re-piling. This will require a pile to be installed at a depth where the soils strengths achieve 300kPa. The bore holes indicate that this is in the order of 2-3m depth."*

5 AVINASH BANDARU'S, AB CONSULTING ENGINEERS EXPERT EVIDENCE

5.1 The engineering report highlights the following concerns/issues with the property at 13 Hammond Street, including:

(a) *"Record documents and observations on site revealed significant structural cracks in the subfloor walls and near the base of buttress walls."* Page 3 of 37.

(b) *"Leaks in the roof are exasperated by the heavy roof as they are not suitable for accommodating large deformations in the supporting structure. A lightweight roof sheeting or other suitable roofing solutions that are more accommodating of deformations might be needed."* Page 15 of 37.

(c) *"The existing soil on site does not meet the 'Good ground' requirements as specified in NZS 3604 as per the Geotechnical Report. Hence, the existing building foundations need to be suitably strengthened by underpinning and by providing pile foundations that are founded on suitable stratum."* Page 15 of 37.

6 HAMILTON CITY COUNCIL SITE VISIT

6.1 Two representatives from Hamilton City Council met me on site on 12 June 2024.

A copy of their report can be viewed on this link: https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-9/#e4008

6.2 In their report the following comments were made, regarding:

6.3 Maintenance:

(a) The HCC report states in clause 54 *"Mr Pickett's submission details that the property is unoccupied and untenanted as there are issues with leaks, dampness and drafts through misaligned doors and window compromising healthy home standards. At the site visit Mr Pickett updated us that the residence is now healthy home certified and currently tenanted."*

(b) This detail was sourced from my report dated 27 August 2023, and at that time the property was unoccupied and untenanted. In fact, the home was unoccupied and untenanted for over six months. Because of the financial burden and increasing interest rates, we had no option but to do repairs, to bring the home up to healthy homes standard, so it could be let. The new tenants occupied the property in February 2024. Our preference would have been to sell the house to a developer during this time. However, no developer is interested in purchasing a property with heritage status. The financial burden this process has inflicted upon us is intolerable. Since the property has been rented, there have roof leaks that can only be satisfactorily addressed by re-roofing. As stated in previous reports, the house needs to be re roofed with urgency.

(c) During the visit I showed the two HCC staff the ground depressions on the front lawn and the resulting cracks in the foundations of the property. The ground depressions were identified in the GWE Consulting Engineer's report and the cracks in the foundations noted in AB Consulting Engineer's report. The worst of these, at the front door entrance, have been covered with mortar, but I expect it will not be too long before cracks reappear.

(d) I also offered the HHC staff the opportunity to view the cracks in the kitchen pantry wall – they declined to enter the house.

(e) As stated in my previous reports, there are three reasons for the deferred maintenance.

(i) I underwent life-saving surgery after a cancer diagnosis, followed by a lengthy recovery.

(ii) Our intention was to sell the property for development and therefore, there was no justification to carry out expensive maintenance.

(iii) The major maintenance issue is the roof, this needs to be replaced with a lighter substrate, as detailed in the Engineer's evidence. Until the Built Heritage process is concluded, the roof continues to deteriorate.

6.4 Built Heritage value:

(a) The HCC report states, in Clause 52 "I have reviewed submission #4242 from Ray and Wendy Pickett. I note that Mr Pickett does not challenge the identified heritage qualities of 13 Hammond Street, but rather acknowledges the intrinsic heritage and aesthetic value of the property and opposes the scheduling of the place based on maintenance and financial challenges."

(b) The above statement about the heritage qualities is quoted from our first submission dated 27 August 2023. And it is true the appearance of the property has unique character. However, at the time there was no indication, our property was designated "High", this recategorization occurred at a later date and to quote the above statement in the current context is a convenient misrepresentation of our position on Built Heritage – we not only oppose the Built Heritage because of the unsustainable financial burden it places upon us, we oppose it because we do not agree with the "High" ranking and believe it should be "Medium" as assessed by Adam Wild.

7 RAY AND WENDY PICKETT'S PERSPECTIVE, 13 HAMMOND STREET

7.1 As stated in our first submission dated 27 August 2023, we oppose then and continue to oppose the scheduling of 13 Hammond Street, Hamilton as Built Heritage.

7.2 We have stated our opposition to the Built Heritage scheduling as detailed in our previous reports dated:

(a) 27 August 2023, 13 Hammond St., Built Heritage Submission

(b) 12 November 2023, 13 Hammond St., Built heritage Assessment Methodology.

(c) 22 March 2024, 13 Hammond St., Built Heritage.

7.3 This has been a grilling process with substantial impacts on our financial position and well-being. Our lives have been placed in limbo as we continue to wait for a conclusion to this process.

7.4 In Council's Hearing Session 2 report dated 27 October 2023. It states Council's commitment is "not to create a financial burden on ratepayers." That has not been our experience. There is an $80,000 Council fund to assist with maintenance of heritage homes. Based on the last the three year's financial data available on Council's website. The average contribution of these funds to private citizens is less than $3,000 per dwelling and there has only been a hand full or recipients. We do not have the financial capacity to carry out the necessary maintenance nor do we see Council has the scope

to assist with the necessary maintenance to ensure the sustainability of the property at 13 Hammond Street.

7.5 The current state of the roof is not only problematical because of leaks, there is the risk of falling debris and injury, during and/or after a seismic event.

8 SUMMARY

8.1 We have provided expert evidence as requested in the "MEMORANDUM OF COUNSEL ON BEHALF OF HAMILTON CITY COUNCIL – dated 9 April 2024.

8.2 Adam Wild's – Heritage assessment is "Medium" not "High."

8.3 GWE Consulting Engineers Ltd report highlights there are "very low strength soils encountered between 1 and 1.7m", and re-piling is required, "Should the building be repaired".

8.4 Avindash Bandaru, AB Consulting Engineers Ltd report highlights the structural integrity of the property is compromised, through significant structural cracks, leaks exasperated by the heavy roof, and soils that do not met the 'Good ground' requirements.

8.5 This has been a long and drawn-out process that has brought significant costs to our wellbeing and financial position. Expert evidence has identified, very poor soil quality, and significant flaws with the structural integrity of the property. Our heritage expert has provided evidence that the overall ranking should be "Medium."

8.6 Therefore, we seek a fair and reasonable judgement based on the Commissioners' consideration of the expert evidence presented in this report.

Dated 24 July 2024

Ray and Wendy Pickett
13 Hammond Street, Hamilton