BEFORE THE HAMILTON CITY COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

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

AND

IN THE MATTER **Session 3 – Built Heritage items**

STATEMENT OF EVIDENCE OF LAURA LIANE KELLAWAY

ON BEHALF OF WAIKATO HERITAGE GROUP # 427

(BUILT HERITAGE OVERVIEW)

DATED 3 JULY 2024

EXECUTIVE SUMMARY

1. WHG proposed a preliminary list in 2022 for PC9 which was compiled by historians and community members. It included identification of places that had been previously identified since the 1990s and may not have progressed. A preliminary survey also included identifying themes and areas of the city where proposed mapping did not seem to cover parts of the city including the west and outer areas. This preliminary list was further reduced and in March 2024 a Categorisation report was provide which identified
    a) 2 proposed items that may be of outstanding heritage values
    b) 76 proposed items of high heritage values.

2. The voluntary nature of the group and supporting parties such as the Waikato Historical Society have endeavoured to research and review approximately 78 proposed places. This has not been possible and the items that will not progress are advised to the panel in Appendix 2.

3. The following evidence statement include the following appendices:

    a) Appendix 1 Revised or new Items with specific assessments.
    b) Appendix 2 Items which WHG will not progress, and includes items that:
        i. proposed items that are modified, or removed and are now assessed as at the medium threshold
        ii. proposed two items that are under CoC and Fast Track processes

INTRODUCTION

4. My name is Laura Liane Kellaway.

5. I have prepared this statement of evidence on behalf of Waikato Heritage Group (WHG) in respect of built heritage assessments matters arising from the submissions and further submissions on the Plan Change 9 (PC 9). Specifically, this statement of evidence relates to matters in the Heritage Schedule.

6. Waikato Heritage Group (WHG) is a non-statutory, independent voice for heritage in Hamilton. Their main aim is to help preserve historic places in Hamilton; and the greater Waikato region for the benefit of present and future generations and to lift awareness and appreciation of heritage values. WHG members have been involved in identifying and protecting the region's limited historic heritage for many years and include historians, conservation architects, and members of the community. This work has included key roles in, identifying Waikato heritage and individual items within Hamilton City, establishing community-recognised historic areas and sites including South End Victoria Street, Frankton Railway Village and Hayes Paddock, and seeking a heritage fund and support.

7. The Waikato Heritage Group submission number is # 427 and includes a further submission.

8. I am authorised to provide the evidence on behalf of the WHG.

QUALIFICATIONS AND EXPERIENCE

9. I hold a Bachelor of Architecture Degree and a Master of Architecture Degree from the University of Auckland. I am a member of ICOMOS New Zealand. I am a registered Architect and a Fellow of the New Zealand Institute of Architects. I have practised for over thirty years specialising in heritage with experience in the building, heritage consultancy and architecture, and am a Waikato based Historian.

10. As a long-term resident of Hamilton, I am familiar with both Hamilton and the greater Waikato region.

11. My practice involves architecture and assessing and addressing heritage-related and architectural issues in New Zealand and includes submitting to Hamilton City Council

District Plans since 1991. I have been engaged as an expert witness. I have worked with a range of councils, including as Conservation Architect for Heritage New Zealand Pouhere Taonga. I have been involved in identifying and assessing historic heritage in New Zealand, including the Waikato, for over thirty years, and assisting heritage owners. I have provided advice on historic places and areas, character areas and historic areas since the 1990s.

12. I have written and reviewed statements about physical heritage as a means of establishing heritage values, reviewed building developments, participated in heritage studies, written Conservation Plans and been involved in historic and character areas in New Zealand for over 30 years. I was directly involved in the Waikato Heritage Study 1997, the only Waikato regional based heritage study, which looked at the Waikato region, including themes and potential heritage areas.

13. I have undertaken oral history including co-leading a project with 25 architects and associated professionals working in Hamilton from the 1940s, and completed a number of oral histories.

14. I am familiar with the existing Hamilton City Council Operative District Plan Historic Heritage Items schedule, and many of the buildings, structures and places that have been identified over the last 35 years. I have been involved in inventories and heritage surveys in the Waikato region.

15. In a private capability capacity or on behalf of Hamilton City Council I have also visited several of the places prior to 2023.

.

EXPERT WITNESS CODE OF CONDUCT

16. Although this is a Council hearing I confirm that I have read the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although this is a Council hearing have approached the preparation of this evidence in the same way as I would for the Environment Court. I have read and agree to comply with that Code. Except where I state that I am relying on the evidence of another person, my evidence in this statement is within my area of expertise. I have not omitted to consider any material facts known to me that might alter or detract from the opinions that I express.

17. I note my conflict in relation to a personal submission, and as a former member of the Waikato Heritage Group. And I have previously been commissioned by HCC to provide an assessment report on the former NZ Co-operative Dairy Factories complex in 2003.

SCOPE OF EVIDENCE

18. My statement of evidence addresses the following historic heritage matters:

    a) General comments on built heritage issues

    b) Schedule 8A Heritage Buildings.

    c) Assessments completed for Built heritage items (Appendix 3)

    d) Non statutory provisions

    e) WHG items no longer being pursued (Appendix 2) including the HCC categorization items.(Appendix4)

19. My evidence excludes the revised heritage assessment for WHG 012 Deanwell School which will be covered separately under Ms Williams evidence.

20. My statement of evidence does not address Notable trees, Sites and Areas of Significance to Maaori, or the proposed schedule of archaeological sites. However, where sites are known to have archaeological value or associated landscape elements this has been noted in the heritage assessment for further investigation.

MY INVOLVEMENT IN PC 9

21. To date I have been involved in the process from notification of PC 9. I assisted the WHG with a preliminary city-wide built heritage survey assessment.

22. I have presented expert evidence to the hearing panel on various heritage-related matters as part of the session 1 and 2 Plan Change hearings that took place in 2023.

23. I have participated in expert conferencing for Historic Heritage Areas (HHAs) in 2023 and another session regarding Historic Heritage Items (criteria and threshold) in late 2023.

24. Earlier this year I provided a Categorisation Report with the assistance of the WHG exercise, in order to establish whether proposed items may reach the higher threshold proposed in November 2023. It was limited to a high level review and did not include further assessment or research.

25. With WHG I also reviewed the HCC Categorisation, which resulted in WHG supporting 23 of the proposed HCC items that were categorised below the new threshold. No further information or evidence was provided by HCC except the Peer Review statements provided in June 2024.

26. At the request of WHG I have undertaken discussions with Council staff with one meeting in January 2024 and another in May 2024 (by zoom) to understand Council's approach to the upcoming hearings, and to share relevant information.(Individual assessment files supporting the WSP draft heritage assessment were not available and have not been shared).

BACKGROUND DOCUMENTS

27. In preparing this evidence, I have considered the following documents:

a) Heritage New Zealand Pouhere Taonga criteria guidelines
b) HNZ Reports for individual places and background reports
c) Auckland Council criteria guidance
d) ICOMOS Aotearoa Charter (2010)
e) WSP/HCC draft assessment reports (Appendix 1-4)
f) Proposed HHA assessments by Mr Knott and reports relevant to HHI
g) Draft Thematic review of Hamilton 2020
h) Waikato Heritage Study 1997
i) Files of the former New Zealand Historic Places Trust Waikato Branch
j) Opus Report for HCC Plan Review 2001
k) Matthews and Matthews Ltd Heritage reports for HCC Review 2015-6
l) Architectural and Heritage Collections – Waikato Museum, Hamilton Public Library Collections and National Archives
m) Council planner reports – session 1-2 hearings…
n) Government Heritage Policy 2022
o) Further submissions (2023 and 2024)
p) ACC on economics of heritage (costs and benefits)

q) WHG Assessments

METHODOLOGY IN ASSESSING WHG BUILT HERITAGE ITEMS

28. As noted above, I have reviewed the plan change materials which relate to the Built Heritage topic. The following paragraphs document my review process to inform the opinion offered in this evidence.

    a) My first step was to undertake a desktop analysis of existing information. This was primarily the draft WSP Inventory Assessment Form and submitter's expert reports (where provided) alongside recent [2023] Google Street View images to determine if the place was extant since the 2022 site visits.

    b) I conducted site visits from the public realm, unless given permission to view. The extent of the site visit is generally restricted to viewing the item from a public place except when:

        i. The item is a public building or is located in a public place – for example, within a park such as Parana Memorial bridge; or
        ii. The item provides a public function – for example, the public areas of shops; or
        iii. The owner invites the person undertaking the assessment onto their property such as for 2 and 4 Bryce Street and the former Ruakura cottages/ Waikato University buildings on Ruakura Road.

29. I acknowledge that site visits are an important step for assessing built heritage and understanding the place and its setting. Features and modifications that contribute or detract from heritage value can rarely be fully understood from the public realm.

30. I consider it is good practice to include a site visit, when able, to help with assessing its heritage values, in particular to ensure that the physical values identified in a desktop study are evident at the place, however this was beyond the means of the community group.

31. Where a site visit is not possible, then other sources of information can be considered. Some examples include:

    a) Existing HNZPT or HCC reports that included a site visit.

    b) Resource consents and building consents.

    c) Photographs or videos that are published in books, or online.

    d) Images from real estate and other websites.

e) Archives (national and local)

f) Google Maps/ Street View, aerial maps and other online mapping.

g) oral information

32. I then undertook a detailed site analysis using the revised criteria. This included sourcing previous Council heritage inventories, archival and museum collection research, historic records, historic aerial photography and architectural plans. I received some background research documents from WHS and WHS and I reviewed these where required to verify or extend information. Modern Council building and resource consenting information was also collated where available but was limited.

33. Existing limitations with the poor recording and retention of records and base research within Hamilton and areas that have come into the city over the last 120 years is a particular issue where permits and records are minimal, in my view, compared to other cities. Problems with finding sufficient documents has been highlighted within the draft WSP inventory process and from WHG submissions.

FINAL WHG ASSESSMENTS AND ISSUES

34. Since the completion of the categorization report in March 2024, the WHG has recently recognised that there was insufficient time and resources to research and assess all items identified by the group. It is noted that the panel had previously noted concern.

35. As such, I have been engaged to prepare heritage assessments for the highest priorities for research and assessment. These are:

a) 35 assessments have been provided based on the revised criteria and associated threshold.

b) Some proposed items have fallen below the new threshold on further investigation. The assessments list and assessments are appended in Appendix 1

c) One item 018 Deanwell School will be addressed in Ms Williams Evidence.

d) The following items have been withdrawn as result of demolition, relocation:

i. 135 Horsham Downs Road - Flaxdale

e) the following items have been withdrawn as result of further submission which have identified Code of Compliance and Fast Track application in that is in process,

i. 84- 118 Peachgrove Road

ii. 1 Rostrevor Street

.

a) For the items provided in 2023 I have provided, where able, a revised assessment. For some assessments I have not provided a full re-assessment of the original WHG assessments form but have provided a review report and noted a final rank. The existing assessment has been used, information modified and checked it against the new criteria and the threshold of high.

b) .In my view these are highly rated examples meeting the PDP revised criteria and threshold of high heritage qualities.

Additional Information from Further submissions

36. As a result of Further submissions and the processes in June 2024, additional information has been provided by owners and considered by the WHG. As a result of considering the information and impacts the following items have been withdrawn by WHG:

a) Former Flaxdale 135 Horsham Downs Road which was recently relocated outside the city boundaries, and any scheduling will not be able to be given effect.

b) Former CAC Flats 84-118 Peachgrove Road WHG #028 xx

i. WHS have advised that WHG#028 CAC Flats 84- 118 is formally withdrawn as result of Fast Track applications, Code of Compliance, and the proposed development.

c) A list of the items to be progressed to Session 3 is appended (Appendix 1) and a list of those which will be withdrawn (Appendix 2 & 4) by WHG.

HCC PROPOSED ITEMS

37. WHG proposed to support a further 23 historic items which were re categorized and below the revised threshold, with an expectation of further background information.

.

38. In discussions with HCC no further information was available from the draft WSP work. A summary review report by HCC Expert was provided two weeks ago but has been insufficient to progress the 23 items sufficiently.

Additional Information from Further submissions

39. As a result of Further submissions processes in June 2024, additional information has been provided by owners and considered by the WHG. As a result of considering the information and impacts the following items have been withdrawn by WHG:

a) Former Flaxdale 135 Horsham Downs Road which was recently relocated outside the city boundaries, and any scheduling will not be able to be given effect.

b) Former CAC Flats 84-118 Peachgrove Road WHG# 028

    i. WHS have advised that the CAC Flats 84- 118 is formally withdrawn as result of Fast Track applications, Code of Compliance, and the proposed development.

COMMENTS ON GENERAL ISSUES AND FURTHER SUBMISSION

Public Access / Visibility

40. The HNZPT discussion paper does not discuss public access (including visibility from public places) but considers the historic heritage terminology under the RMA and suggests a conceptual framework that includes residential buildings as historic places – see figure 6 below. The paper acknowledges that although “historic heritage is a

public good" the majority of historic places and areas are owned by private individuals and groups[1]

Suggested Historic Heritage Framework		
Group	**Explanation**	**Examples**
Historic place (building)	A place that contributes to an understanding and appreciation of New Zealand's history and cultures. It may include any land, temporary or permanent movable or immovable building(s) or structure(s) and anything that is in or fixed to any land. The term may include any building registered as a Historic Place under the Historic Places Act 1993.	Commercial, industrial, residential, and public buildings. Recreational structures (e.g. gazebos), infrastructure (e.g. bridges), memorials, retaining walls

41. While the HNZPT New Zealand Heritage List/Rārangi Kōrero website notes[2]:

> *Remember, most places on the List are not accessible to the public. Entry of a place on the New Zealand Heritage List does not give rights of access and private property rights must be respected.*

42. Most heritage places do not generally admit public access for the purpose of providing for an understanding and appreciation of New Zealand's history and cultures, as noted in the RMA definition of heritage. There is no public access to private places when scheduled.

43. Visibility of a property from public places can contribute to the streetscape character, townscape values, and/or be part of historic areas. While a number of scheduled items that are included in the Operative district plan Schedule 8A are visible from the street, however not all, including schools and houses.

44. Accessibility/visibility from a public space are not a fundamental requirement of the RMA, and some items that are included in Schedule 8A are not publicly accessible or visible from public places. These places meet the requirements of other heritage criteria, even though they do not generally have significant townscape values. Private houses are types of heritage that meet the definition of heritage in the RMA but are also most likely to include limited access or visibility.

45. Although not always seen, all of these places may contribute to an understanding and appreciation of New Zealand's histories and cultures.

[1] HNZPT, Guide to the management of historic heritage: district plans, 21.4, page 11

[2] https://www.heritage.org.nz/faqs

Setting /Surrounds/Curtilage

46. I recommend defining an appropriate curtilage and extent for built heritage items and consider depends on several factors including:

a) Clearly defining the place itself within its context i.e. what are its component parts and how do they relate to the structures and features around it, both historically and physically?

b) Ensuring the inclusion of any structures or features including spaces that are intrinsically and / or physically connected to the main place e.g. forecourt, steps and driveways, annexes, grounds (landscaping and vegetation), fences, gates etc. historic heritage (Items) may also be included which are landscape rather than buildings. This allows for a more appropriate and modern definition as ' historic place' which better informs heritage values.

c) Ensuring, as far as practicably possible, that the curtilage, the setting of the place retains a sufficient margin (area) in the case of buildings, views of all key façades from obvious vantage points. In the case of iconic buildings, views to and from greater distances should be protected. The proposed rule framework doesn't seem to progress these important townscape principles which form part of good urban design.

d) The existing legal boundary can usually be utilised where the land parcel is not too large and the heritage place is the overwhelmingly significant feature of that parcel. But equally places may span over several sites. This should be based on historical information and heritage values should be a base for the extent.

Condition of a building or structure

47. I note that heritage assessments generally consider conditions only to the extent that conditions may affect the integrity of a place. Intactness and authenticity are components of integrity, and replacement of short lifespan fabric (for example – glass, external finishes) do not preclude a place from having heritage qualities/values. For more information on integrity see Auckland Council's Methodology and guidance for evaluating Auckland's historic heritage[3].

48. While in the past a place may be set in a particular time period, the cumulated changes are also considered as part of the progress of use (unless no or negative values are

[3] Methodology and guidance for evaluating Auckland's historic heritage, Auckland Council, 2020, pages 12-13 https://www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage/protecting-our-heritage/Documents/methodology-guidance-evaluating-aucklands-historic-heritage.pdf

assessed). This is particularly relevant when there are multiple different histories of a place, or uses. These uses may also have heritage values.

49. My view is that a place can have significant values, despite its state of repair. A building can have significant integrity even if it is in poor condition. This position is supported by advice from:

a) HNZPT – including in their document Significance Assessment Guidelines: Guidelines for Assessing Historic Places and Historic Areas for the New Zealand Heritage List/Rārangi Kōrero[4].

b) Historic England – including direction from the Department for Digital, Culture, Media & Sport (UK), Principles of Selection for Listed Buildings, which includes the following direction[5]:

> *State of repair: the general state of repair and upkeep of a building will not usually be a relevant consideration when deciding whether it meets the test of special architectural or historic interest. The Secretary of State will list a building that has been assessed as meeting the statutory criteria, irrespective of its state of repair. Loss of original fabric will however be a relevant consideration when considering special interest.*

Reasonable Use and Demolition by Neglect

50. The Resource Management Act 1991 (the Act) imposes an obligation on local authorities to recognise and protect historic heritage (s 6(f)). While mechanisms exist within the Act for local authorities to place heritage orders on land (see Part 8), local authorities most commonly discharge their s 6 obligation to protect historic heritage by scheduling sites, buildings, places and areas with heritage value in district plans (Heritage Scheduling). Scheduled historic heritage can then be protected from inappropriate subdivision, use and development by including specific objectives, policies and rules in district plans.

51. The additional protections associated with Heritage Scheduling can impose significant restrictions on landowners' ability to use their land. This dynamic is an example of a

---

[4] Rebecca O'Brien and Joanna Barnes-Wylie, *Significance Assessment Guidelines: Guidelines for Assessing Historic Places and Historic Areas for the New Zealand Heritage List/Rārangi Kōrero,* HNZPT, 2019, page 63
https://hnzpt-prod-web.azurewebsites.net/media/b2emu5pe/significance-assessment-guidelines.pdf

[5] Department for Digital, Culture, Media & Sport (UK), "State of repair", Principles of Selection For Listed Buildings, paragraph 23, page 7
HTTPS://ASSETS.PUBLISHING.SERVICE.GOV.UK/GOVERNMENT/UPLOADS/SYSTEM/UPLOADS/ATTACHMENT_DATA/FILE/757054/REVISED_PRINCIPLES_OF_SELECTION_2018.PDF

general tension that exists within the Act between the private property rights of landowners and the broader public interest. This tension can lead to acrimonious disputes between the Council and landowners.

52. A way the Act attempts to address this tension is through section 85. In recognising that a rule or other provision in a plan can have a significant effect on the way in which landowners can use their land, s 85 provides landowners with two possible options for challenging the provisions of a plan or proposed plan. These challenges are on the basis that such a provision would render the land incapable of reasonable use.

53. Section 85 provides a way for landowners to challenge Heritage Scheduling. The Act provides two mechanisms for challenging a provision on the basis of reasonable use. First, under s 85(2) a landowner has the ability to challenge a provision by way of a submission on a proposed plan or change to a plan on the basis that the provision would render their interest in land "incapable of reasonable use". A local authority, if convinced by the submission, may modify or delete the provision. This decision can be appealed to the Environment Court pursuant to clause 14 of schedule 1. Second, where the timeframe for making submissions on a plan has expired, a landowner can still challenge a provision under s 85(3) by requesting a change to a district plan pursuant to clause 21 of schedule 1.

54. My understanding is a balance between a landowner's private property rights and the impact that Heritage Scheduling against the broader public interest of retaining the Heritage Scheduling needs to be considered in these cases.

55. Unfortunately, demolition by neglect can sometimes be the consequence of scheduling a building. The owner can opt to leave the building to deteriorate to the point where demolition becomes the only option. In these cases, apart from seeking a Heritage Order and acquiring the building the Act provides no mechanisms to force an owner to at least maintain a building so the status quo is maintained. Council such as Wellington are moving towards a rule framework for this.

56. Heritage building owners often face other challenges in maintaining their asset, including seismic strengthening requirements, market demands (i.e. difficulties finding tenants), and insurance costs.

57. Since the Canterbury earthquakes, people's sensitivity to the vulnerability of heritage buildings to seismic events has grown significantly. Seismic strengthening is a real issue for these buildings both in terms of building costs to achieve the city's particular seismic strengthening requirements (in terms of the requirements in the Building Act), and insurance costs. Government assistance funding such as Heritage Equip has not

been replaced with any alternatives. In some cases, insurance is still a significant cost even after bringing the building up to code. Enabling ongoing use and providing specialist advice is perhaps one of the better tools available to local authorities to protect and use their heritage and historic character assets.

Impact of heritage listing on property values

58. As a conservation architect and heritage expert I am unable to respond directly to property value concerns arising from heritage scheduling. And I note that there is no Cost analysis report provided. I can offer some general comments drawing on studies that I am familiar with which suggest a general effect of heritage listing on the sales prices for houses to be in the approximate range of plus or minus 10% (from the 2018 reference) depending on the heritage listing.

59. Auckland Council has provided an annual report on historic heritage for a number of years, which is a good means to help understand the impact on a city. A 2018 report on the Auckland's special character areas, heritage areas, and proximity to heritage items[6] found that:

a) A price premium exists in special character areas in Auckland. Aucklanders are willing to pay on average 4.3% more for a house in a special character area.

b) There is also a 6.6% price premium for protected heritage properties if they are within a special character area.

c) Over the 2006-2016 period, Aucklanders were found to pay an average of 10.1% less for a protected heritage house. This may be the result of the real and perceived development opportunity costs of protected heritage places. However, over time this trend is declining and in 2014 and 2016 the effect was closer to 0%.

d) There is a "heritage aura" effect in Auckland. Aucklanders tend to be willing to pay more to live close to a protected heritage place.

60. The research provided additional information for the 2018 Auckland's Heritage Counts annual summary[7] which noted that:

---

[6] David Bade et al, *The Price Premium of Heritage in the Housing Market: Evidence from Auckland, New Zealand*, 2018 https://www.researchgate.net/publication/330414692_The_Price_Premium_of_Heritage_in_the_Housing_Market_Evidence_From_Auckland_New_Zealand).

[7] Auckland's Heritage Counts 2018 Annual Summary, Auckland Council website accessed March 2023, pages 19-22 https://www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage/docsheritagecountssummaries/aucklands-heritage-counts-2018.pdf

a) Median house prices for both heritage and special character area properties have been well above the overall median for the Auckland housing market.

b) This does not necessarily mean that heritage houses are more valuable because they are heritage but suggests that heritage and special character area houses may be more sought after and/or located in more desirable suburbs than other Auckland houses.

c) The sales of heritage and special character area properties show similar trends to general Auckland property sales.

61. Australian studies have found that heritage listing generally has no effect on residential property values but can sometimes have a positive influence on price of up to 12%[8].

62. UK studies of property prices have found that "there is substantial value attached to a number of natural habitats, designations, heritage sites, private gardens and local environmental amenities[9]

63. Empirical studies of sales prices for heritage properties in New Zealand, Australia, and the UK suggest that heritage properties can be sought after by buyers, and that heritage listing may also have a positive effect on achieved sales prices. It is not reasonable, therefore, to generally assume a substantial reduction in the sales value of all heritage listed houses without evidence.

64. Based on the above, it would be appropriate in my view for submissions expressing concern in this regard to be supported by formal valuations using standard methodology and potentially peer reviewed by a suitably qualified expert.

Modern heritage

65. Historic heritage is now commonly assessed from the second half of the 20th century with DOCOMOS, one organisation that looks at Modernist heritage such as the buildings of Miles Warren in Canterbury. Tr does not need to be 100 years old to be considered in New Zealand and internationally. In the 1950s and 60s heritage that was only 50 years old was considered. In Hamilton for example railway houses at less than 70 years were assessed. More recently concerns have been made internationally and

[8] ACT Government, *Debunking the myths of heritage listing*, fact sheet. https://www.environment.act.gov.au/__data/assets/pdf_file/0006/1131639/Heritage-Factsheets-Debunking-the-myths-of-heritage-listing.pdf ; Does the Housing Market Value Heritage? Some Empirical Evidence (researchgate.net)

[9] Gareth Maeer et al, *Values and benefits of heritage: A research review,* Heritage Lottery Fund Strategy and Business Development Department (UK), 2016 https://www.heritagefund.org.uk/sites/default/files/media/research/values_and_benefits_of_heritage_2015.pdf

here in New Zealand of the loss of post 1940s buildings, and one of the more recent Heritage Listings was the 1991 Wellington Central Library[10] by architect Athfield.

PLANNING FRAMEWORK

66. Planning provisions in PC9 initially were separated for each 'type' i.e. HHA and HHI. There has been some alignment in approach which includes the shared revised criteria. I support this approach, but not in regard to threshold revisions, as noted in the JWS.

BUILT HERITAGE IN HAMILTON

67. HCC last undertook a comprehensive citywide stocktake of the Built Heritage in the City in the late 1990s.And at that time many of the identified HH were not progressed. Although s 6(f) was introduced to the RMA in 2003, that did not result in changes to the ODP in relation to historic heritage prior to the 2012 District Plan Review, except in relation to a small number of specific areas including Hamilton East and Temple View which were the subject of a plan variation.

68. Mr Muldowney has stated previously that it has been 23 years since a city-wide heritage review. In addition, the draft WSP Report provided for the notification process has stated the limitations of the draft inventory and that it was not a city wide approach, and was not integrated with the associated proposed HHA process.

69. While HCC has endeavoured to rectify over two decades of lack of progressing identification and protection in PC9 this has left Hamilton's finite historic heritage subject to risk and modification.

70. The 2001 Opus Report commissioned by council advises on progressing a number of items such as Little Bull, the Cenotaph and Angus Flood and Griffiths mural. The resulting processes of the 2016 review did not lead to improvement. This is evidenced in the removal of scheduled places from demolition and modification.

    a) Little Bull is included in WHG 191 and is attached as a statement evidence.(Appendix 3)

[10] Heritage New Zealand Pouhere Taonga Listing 2021 List number 9761

71. In my view there are difficulties in understanding Hamilton heritage and as a comparison to other cities, as its time periods are much later, and its major growth period is post 1945, and information resources are limited. In addition specific supporting studies studies have not been completed or integrated as part of the approach to the draft inventory which would have allowed a greater understanding of Hamilton's HH.This potentially impacts on early 20th century commercial heritage and later post war heritage identification.In my view this has impacted on the draft WSP inventory and the availability of documentation.

WHG BUILT HERITAGE ITEMS PROCESSES

72. The following addresses the WHG reduced list processes.

73. I carried out visits to the proposed preliminary WHG Heritage Items in 2023 and over the last three months, from the road, for many of the categorisation proposed WHG historic items. Some proposed items were not viewable from the street only, and alternative sources have been used.

74. I have indicated in individual assessments where a property has been visited and whether the interior was viewed.
    a) The following owners agreed to site visits:
        i. 2 and 4 Bryce Street - Tainui Holdings Group
        ii. Ruakura Houses Ruakura Road- Waikato University

75. Public places have been visited including interiors open to the public
.

76. The following proposed HCC owned property (including interiors) has been visited with the owners:
    a) Caretakers House Memorial Park (proposed by HCC)
    b) Parr House Memorial Park
    c) Parana Park Memorial bridge
    d) Former Waterworks and Pumping Station Cobham Drive
    e) Former CAC workshop/ Squadron Building Wairere Drive
    f) the NZR Institute Pukeko Street

77. Several interiors were submitted by the WHG to support a more modern approach to identify and protect places which include their settings, in order to have an integrated

approach to protecting and providing an understanding of the values associated with this.

78. No interiors are protected within the ODP, including items that are interiors.

79. The panel has advised in the previous hearing 2 that no further interiors will be progressed but that a proposed rule framework will be proposed to be included.

80. I have not provided WHG interior assessments

BUILT HERITAGE THRESHOLDS

81. Raising the threshold for inclusion as historic heritage was discussed at the expert conference in late 2023 along with modifications to the notified criteria. The experts, except myself, agreed to raise the threshold from moderate or medium to high expert conference However there was no further investigation on whether this would provide better identification and protection, or the potential long term impact on the existing schedule.

82. The question of how to determine whether a building or structure is an item of historic heritage, and therefore requires protection from inappropriate subdivision, use and development under s 6(f) of the RMA, is the central issue.

83. It is apparent that there is no national direction on this issue, and each Territorial Authority is responsible for its own approach. However, caution should be applied in simply following another Council's methodology, which is not binding or authoritative from one Council to another.

84. Currently there is a very different range of provisions and threshold and criteria, with the Heritage New Zealand criteria the only nationally used documentation with clear guidance and thresholds for inclusion as HH.

85. In terms of the RMA definition the following needs consideration, as they must be present in any item deemed to be historic heritage:

a) The item is a natural or physical resource.

b) The item makes a contribution to an understanding and appreciation of New Zealand's history and cultures.

d) That contribution must be derived from any one archaeological, architectural, cultural, historic, scientific or technological quality within the item; and

e) The item can include historic sites, structures, places and areas.

86. Within the definition there is no mention in the RMA of concepts such as *low, moderate, high, significant, or outstanding,* or any other similar descriptors. These concepts have been introduced by heritage experts and planners in their efforts to give practical effect to the definition of historic heritage. There is no statutory requirement that an item display the identified qualities to a certain threshold descriptor. The RMA does not require that a natural or physical resource has 'significant', 'high' or 'outstanding' heritage value. It only requires that the qualities of the identified natural and physical resource 'contribute to an understanding and appreciation of New Zealand's history and culture'.

87. The focus should be on whether it has an archaeological, architectural, cultural, historic, scientific, or technological quality; and then whether it contributes to an understanding and appreciation of New Zealand's history and cultures, from any one of those qualities.

a) Historic;
b) Associative value,
c) Archaeological
d) Architectural; physical
e) Cultural
f) Scientific
g) Technological

88. In my view any threshold must be linked to whether the item contributes to an understanding and appreciation of New Zealand's history and cultures, deriving from any one of the qualities.

89. Were an area to exhibit 'moderate' value in respect of one or more APP7 criterion, it may still 'contribute to an understanding and appreciation of New Zealand's history and culture'.

90. Whether it does or not will require a judgement to be made, but the fact that the presence or characteristics of the criteria may have only been recognised as 'moderate' may mean that the contribution is lower, or even in some cases so weak as to make no contribution.

91. A Place having ‘moderate’ value in respect of one or more APP7 criterion would be more likely to make a clearer and direct contribution to the understanding and appreciation of New Zealand’s history and culture, in so much as for a criterion to be evaluated as ‘moderate’ there would need to be clear evidence of the significance of the place and its role in Hamilton’s history; it would have significant heritage value.

92. In my view a 'moderate’ threshold is a useful standard to set in terms of being satisfied that the criteria make the necessary contribution to an understanding and appreciation of New Zealand’s history and culture.

93. Places that may be ‘medium' on the scale of evaluation indicators, can meet the statutory definition of historic heritage, and be protected from inappropriate subdivision use and development.

94. With the additional proposed change to the threshold from middle to high it is unclear what impact is made on the existing and proposed HH. In my limited review of a range of places since the categorization it can mean that plans that are moderate are of HH values, as is used within the Categories 1 and 2 process of HNZPT, and by the comparison process that is considered part of best practice.

95. In my review the boundary is difficult but equally the threshold may be a barrier and result in historic heritage being lost. It is noted that there are a number of places that may have met the middle threshold.

COMPARISONS

96. Until such time as there is a regional study and or inventory it may be difficult for proposed HH to pass the threshold, which will now be tested in the revised PDP. It is likely places previously identified may fall below the threshold, and further reduce Hamilton’s HH.

STATUTORY CONSIDERATIONS

97. The amendment to the RMA in 2003 that elevated the protection of historic heritage to a ‘matter of national importance’. The RMA defines historic heritage as those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures. It includes archaeological, architectural, cultural,

historic, scientific, technological qualities; historic sites, structures, places, and areas; archaeological sites; sites of significance to Māori; and surroundings.

98. An integrated approach would assist in understanding and also allow for an approved approach to identification and protection as places. The current approach in my view has missed the opportunity to consider interrelated places and different values.For example the inclusion of social values or qualities should be included in any current criteria, and would then align with the Waikato Regional Policy Statement, and the Heritage New Zealand Pouhere Taonga Criteria Guidelines, and associated criteria..

NON-STATUTORY OPTIONS

99. I generally support the heritage schedules in principle but consider that the process could be much improved by public engagement and consultation to identify the places that Hamilton's communities value.

100. Based on the above, my recommendation is that the Council carries out community engagement to identify the places that Hamilton's communities value. These places should be added to the non-statutory heritage database so that the information is available for future district plan changes.

101. There are also a number of processes that can assist owners including the following.

Support available to owners of heritage places

102. A common consideration is that heritage listing imposes costs and restrictions on building owners. To consider this, I have read guidance from the Quality Planning website and from Heritage New Zealand Pouhere Taonga (HNZPT) on the incentives that can be offered. These are:

a) Ministry for the Environment (MfE) Quality Planning website[11]

b) HNZPT "Incentives for Heritage Toolkit"[12]

103. The Quality Planning (QP) website considers that "primary options" for councils for the management of heritage places includes "information, guidance, incentives, ownership possibilities and rules". According to the QP website, incentives offered by councils are typically "modest" and include "architectural advice, waiver of consent fees, funds to assist private owners, and publicity". These incentives complement district plan

[11] MFE, "Evaluation of Options", *Quality Planning*, website https://www.qualityplanning.org.nz/node/750

[12] HNZPT, "Incentives for Heritage Toolkit" available from "Sustainable Management of Historic Heritage", accessed from the HNZPT website https://www.heritage.org.nz/resources/-/media/347790971826416188553 7ca1f980cf4.ashx

regulations and are relevant to the s32 RMA process to identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of district plan provisions.

104. HNZPT also provides more detail on possible incentives in their "Incentives for Historic Heritage Toolkit".These include:

a) Regulation

b) Regulatory incentives including consent fee rebates.

c) Non-regulatory incentives including grants, loans, rates tax relief, urban design, and promotion.

105. I recommend Council considers offering support to owners of heritage places that are scheduled in the district plan including:

a) Advice from specialists provided by council

b) Information

c) Guidance on heritage repairs and maintenance, shop fronts

d) Publicity and placemaking

e) Fee rebates

f) Rates relief

g) Grant funds

Advice from the Council's heritage advisors.

106. The Council's heritage team include advisors who can provide general advice on heritage and conservation matters, discuss initial proposals for works to heritage buildings, and direct owners to information on resource consent and building consent processes. HNZPT provides a similar service for the owners of places listed in the New Zealand Heritage List Rārangi Kōrero, and for matters related to archaeological authorities.

Information on heritage buildings, structures and areas.

107. The Council has prepared heritage inventory reports for each heritage building, heritage structure, scheduled archaeological site, and heritage area scheduled in the district plan. These reports generally include a history of the place, description of physical features, and an assessment of heritage significance.

108. The reports provide useful information for owners and consultant teams when they make decisions about heritage places. In my experience, they also simplify the process of writing conservation plans; preparing assessments of environmental effects for resource consent applications; and peer reviewing resource consent applications. I support this material being made more accessible.

Guidance on heritage management.

109. Along with advice to the owners of heritage places, the Council can provide non-statutory guidance including:

a) Heritage shop fronts guide to help owners of Hamilton's historic shops to recognise, maintain and enhance the architectural heritage of their buildings.

b) A non-statutory design guide.

c) Guidance on seismic strengthening for heritage building owners.

Publicity, placemaking, urban design, events, and promotion.

110. HNZPT considers that urban design placemaking, events and other promotional activities undertaken by local authorities should be considered as part of the possible incentives for heritage.

Heritage consent fee rebates.

111. There is also the concept of waiving the resource consent fees associated with Built Heritage applications. Variations of this method are also used by other councils (such as waiving heritage specialist fees) and provides a financial relief to an otherwise potentially financially burdensome exercise to ensure modifications to heritage items are in keeping with its character.

112. A heritage fee rebate could also be offered for projects that require resource consent where:

a) The application requires resource consent because of a heritage listing.

b) The Council supports the proposed works; and

c) The building is not owned by the Council or a government agency.

Rates remission.

113. There can also be options for owners to apply for an increase in the period for a rates remission for heritage buildings when they are earthquake-strengthened. Rates rebates on heritage listed properties could be provided for the recognition of the contribution heritage makes to the history of Hamilton.

HCC Heritage fund

114. Under Council's Long-Term Plan 2014-2024, $80,000 per year was available across Hamilton to property owners with either built heritage or a Group 1 Archaeological site on their land that meets the criteria under the Heritage Fund Guidelines. The grant funds projects including:

a) heritage conservation plans and build assessment reports

b) earthquake seismic -strengthening works

c) restoration and repair of leadlight windows and sash windows

d) repairs to porches and decorative plaster works, or borer treatment.

115. The Heritage Fund was initially set at $100,000 annually, however this was recently reduced through Council resolution by 20 per cent (to $80,000), and yet through PC9 have increased the potential number of properties that could apply for a grant. The previous recipients of the Heritage Fund since 2016 when it was first established are listed on Council's website, clearly showing that the fund is almost allocated to its full potential each year (aside from its first two years).It is noted that some councils have recently reduced their Heritage Funds, however Whanganui Council Heritage Fund has three rounds of funding awarded annually from a total funding pool of $100,000 a year.[13]

116. These three incentives outlined above; an increase to the annual Heritage Fund, a rates rebate and free or discounted resource consents for Built Heritage items, are all beneficial to the landowners and indirectly to Hamilton as whole, as Built Heritage items are preserved for the sake of the whole community. However, all these methods create a financial burden on ratepayers and are outside of the role and function of the District Plan and fall outside PC9. Instead, these are separate matters for the elected members of HCC to consider. I encourage them to do so.

[13] Heritage Grant Fund work is underway on buildings in Whanganui - NZ Herald

CONCLUSION

117. The inclusion of additional historic heritage will improve Hamilton's understanding of his histories and provide a better range; however, the process could be much improved.

118. A reliance on comparisons of both listed and scheduled places is in my view not helpful at this time, with a very limited identification process for several decades, This is compounded by regional heritage being identified and protected. There is the potential to either undervalue or overvalue. I support that a more comprehensive range of items is included rather than being in the situation of the only one of its kind'.

119. The integration of HH is important to understand places. The opportunity has not formed part of the PC9 approach.

120. Equally a middle or medium threshold, would in my view provide a wider selection of places and include local heritage which is important to local communities similar to HNZPT Category 2.

121. While there are different ways of identifying historic heritage, a thematic approach doesn't seem to be included, and may lead to places being lost, which was one of the WHG concerns. In viewing a range of different histories, it is clear there remain substantial gaps in a comprehensive understanding of Hamilton's 20th century heritage, and that it does not need to be more than 100 years old.

122. I support the following 24 proposed heritage items tabled in Appendix 1 as meeting the revised threshold of High for inclusion in the PDP Schedule 8A.

Laura Kellaway
03 July 2024