

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER OF:

Hutt City Proposed District Plan
Change 56: Enabling Intensification
in Residential and Commercial Areas

RIGHT OF REPLY OF CHESSA STEVENS – HERITAGE ASSESSMENT

Dated 7 June 2023

INTRODUCTION

1. My full name is Francesca Louise Stevens. I practice under my abbreviated name, Chessa Stevens. I am Principal Conservation Architect and National Built Heritage Lead at WSP New Zealand Ltd. I hold a position as Technical Principal in recognition of the experience that I have in my field of expertise.
2. I have the following qualifications and experience relevant to the evidence I shall give:
 - (a) I hold a Master of Arts with Distinction in Conservation Studies from the University of York, United Kingdom.
 - (b) I hold a Bachelor of Architecture with Honours from Victoria University of Wellington, New Zealand.
 - (c) I hold a Bachelor of Arts degree from Victoria University of Wellington, New Zealand.
 - (d) I am a Registered Architect with the New Zealand Registered Architects Board.
 - (e) I am a member of the Executive Board and Co-Secretary of ICOMOS New Zealand (the International Council of Monuments and Sites). All ICOMOS members are required to comply with the organisation's Code of Ethics and Standards of Practice which include:
 - i. at clause 1.1(a), maintaining an appropriate professional awareness of contemporary conservation philosophy, practice, and techniques and relevant legal requirements; and
 - ii. at clause 1.3(a) giving professional advice and evidence that is consistent with the ICOMOS NZ Charter.

- (f) I have approximately fifteen years' experience in architecture, specifically specialising in heritage and historic buildings.
 - (g) I have been employed in a specialist built heritage role at WSP (formerly Opus International Consultants) since 2015.
3. I have prepared this Right of Reply on behalf of Hutt City Council (HCC) in response to public submissions and submitter evidence relating to the Residential Heritage Precinct (Chapter 4F 5.1) and Heritage Areas (Chapter 14F Appendix Heritage 3) within Proposed District Plan Change 56: Enabling Intensification in Residential and Commercial Areas (PC 56)
 4. In this Right of Reply, I refer to my Evidence dated 7th March 2023 and Speaking Notes dated 28th April 2023. My commission and details of my involvement with PC 56 are provided in paragraphs 5 to 27 of my Evidence.

Expert Witnesses – Code of Conduct

5. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that except where I state I am relying on information provided by another party, the content of this evidence is within my area of expertise.

RESPONSE TO GENERAL MATTERS RAISED BY COMMISSIONERS

6. With regards to the distinction between “heritage” and “character”, I refer to paragraphs 9 to 11 of my Evidence, and paragraph 5 of my Speaking Notes. In general, heritage areas will typically possess character values, being “common, consistent natural and physical features and characteristics that collectively combine to establish the local distinctiveness and identity of

a residential area”.¹ However, heritage areas must also meet the requirements of Policy 21 of the Wellington Regional Policy Statement (RPS): specifically, they must contribute to an understanding and appreciation of history and culture by way of their historic, physical, social, or tangata whenua values, or through their surroundings, rarity or representativeness.

7. Further, I refer the Commissioners to the Explanation for Policy 21 given in the RPS (with emphasis added):

*Policy 21 provides criteria to ensure significant historic heritage resources are identified in district and regional plans in a consistent way. The criteria are based on the Resource Management Act definition of historic heritage and commonly used assessment methodologies. They provide the basis for describing and evaluating historic heritage, including the physical, historic, social and other values that people attach to historic heritage. Wellington Regional Council, district and city councils are required to assess a place, site or area against all the criteria, but may use additional criteria. A place, site or area identified must, however, fit one or more of the listed criteria in terms of contributing to an understanding and appreciation of history and culture in a district in order to have significant historic heritage values.*²

8. To reiterate, a place or area need only meet one criterion set down in Policy 21 to be considered as having significant historic heritage values provided that, in meeting one criterion, it contributes to an understanding or appreciation of history and culture in the district.
9. Further, I would highlight to the Commissioners the following:

¹ This is the definition of Character used in the Lower Hutt Residential Character prepared for Hutt City Council by Boffa Miskell, agreed to by HCC. URL:
<https://huttcity.maps.arcgis.com/apps/MapSeries/index.html?appid=6c9fcab16190466ebf3c98a509d0161e>

² Greater Wellington Regional Council (Updated 2022) *Regional Policy Statement for the Wellington Region*, Policy 21

- (a) The existence of houses or streetscapes that are similar to those in the Residential Heritage Precinct proposed under PC 56, either within the district or nationally, does not mean that the areas identified in PC 56 do not meet the criteria of Policy 21. It may (but by no means necessarily) be that the area of vernacular buildings does not have historic heritage significance as a result of rarity; but rarity is only one of seven criteria.
- (b) Each individual building within a heritage area does not need to meet (any of) the criteria of Policy 21 in order for the area to meet the criteria of Policy 21. On this matter I refer back to paragraphs 12-14 of my Evidence - particularly paragraph 14 which states:

... it is not necessary for a Heritage Area to contain scheduled heritage items. There are areas where there may be no individual items that meet the criteria for scheduling alone, but where there is a consistency of building age, architectural style, materials, height, shape, site position, and site coverage that give the area physical heritage values. Often, this consistency is the result of development during a specific time period, or for a particular purpose, meaning that they also have historic and social heritage values.

I note also the oral submissions of both Dean Raymond and Reuben Daubé of HNZPT on this matter.

RESPONSE TO SUBMITTERS

10. Ahead of preparing this Right of Reply, Hutt City Council (HCC) provided me with a list of submissions, further submissions, recordings of oral submissions, submitter evidence, and supplementary submitter evidence that included comments relating to heritage areas. In preparing this Right of Reply, I have relied on this information, and have only read or listened to the following:
- (a) Submissions 27, 33, 37, 41, 44, 47, 48, 50, 55, 56, 63, 93, 102, 116, 118, 120, 121, 132, 143, 145, 157, 161, 163, 175, 196, 206, 212, 213, 233, 238, 239, 243, 244, 246, 248, 255, 274, 277.

(b) Further submissions F01, F03, F08, F17, F22.

(c) Oral submissions from:

- i. Clive and Shelley Eastwood;
- ii. Heritage New Zealand Pouhere Taonga;
- iii. Graeme Lyon;
- iv. Michael and Mary Taylor;
- v. Bill Magan;
- vi. Neil McGrath;
- vii. Sandra Walker;
- viii. Laura Skilton;
- ix. Hutt Voluntary Heritage Group;
- x. Andrew Hendry;
- xi. Sandra Griffith;
- xii. Tom McLeod;
- xiii. Petone Historical Society;
- xiv. Jackson Street Programme;
- xv. Kainga Ora;
- xvi. Maria Shardlow;
- xvii. Petone Community Board;
- xviii. Te Rūnanga o Toa Rangatira;
- xix. Tuatoru and Sienna Trusts;
- xx. Shayne Hodge.

(d) Submitter statements of:

- i. Brian Boyer, Sienna and Tuatoru Trusts;
- ii. Laura Skilton;
- iii. Sandra Walker;
- iv. Shane Hodge;
- v. Onur Oktem, Te Rūnanga o Toa Rangatira.

(e) Statements of Evidence of:

- i. Sylvia Jean Allan on behalf of Petone Historical Society (including additional information);
- ii. David Batchelor on behalf of RLW Holdings (including Supplementary Statement);
- iii. Neil Kemp on behalf of VHG;
- iv. Reuben George Daubé on behalf of Heritage New Zealand Pouhere Taonga;
- v. Dean Raymond on behalf of Heritage New Zealand Pouhere Taonga;
- vi. David Alan Pearson on behalf of Kāinga Ora – Homes and Communities.

11. I have not necessarily commented on all of the submissions, further submissions, oral submissions, submitter statements, or Statements of Evidence identified in paragraphs 10(a)-(e), because:

- (a) In some cases, there were no heritage-related matters that required a response, or the matters raised will be addressed by HCC's reporting officers.

(b) Where a submission was not followed by a further submission, oral submission, or submitter statement, and I have addressed the heritage-specific matters of the submission in my Evidence-in-Chief, I have no further comment to make.

12. In line with my Evidence dated 7th March 2023, I have responded to points made by multiple submitters where I consider these points to be the same, or where differences are inconsequential. I have used sub-headings to identify these.

Response to General Matters Raised by Submitters

Voluntary Heritage Scheduling

13. As noted in paragraph 81 of my Evidence, the Hutt VHG (157) requests that HCC adopt the following policy:

That a property should only be classified as heritage in the District Plan with the express written consent of the property owner.

14. This “voluntary” approach to heritage scheduling is supported in several other submissions as cited in Appendix 1 of the Hutt VHG’s further submission (F01), some, many of which I have reviewed (as identified above).

15. On this matter I refer to HCC’s Reporting Officers and legal advisors; in particular, to paragraphs 11-19 of the letter to HCC from DLA Piper dated 27 January 2023. At paragraph 12, this letter states:

There is no legal basis for Council to adopt a policy of only listing a heritage building in the District Plan where the owner agrees to that listing. The preference of the owner, and any effect of the listing on the value of the property, are not relevant considerations under the RMA when deciding whether a place has heritage values that warrant it being

*listed. Such considerations are not mentioned in the RPS criteria in Policy 21.*³

Insurance of Properties in Heritage Areas

16. As stated in paragraph 88 of my Evidence, I am not an insurance expert. I acknowledge that, depending on the specific district plan rules, it is possible that homeowners may bear some additional cost for non-standard materials when repairs are required to buildings within scheduled heritage areas. However, I maintain that there is a paucity of evidence to support the claim made in the oral submissions and written statements by Shayne Hodge (63), the Hutt VHG (157), and all those submissions that have relied on information provided by the Hutt VHG including (but not necessarily limited to) 27, 41, 47, 56, 118, 120, 121, 196, and 239 that insurance premiums for houses in heritage areas *are (or would be)* higher as a *direct* result of their having heritage status.

(a) With regards to the submission of Shayne Hodge, I note that the advice he received from ICIB Brokerweb Insurance and Risk Advisory (provided in Appendix 5 to his written statement) explicitly states that some insurers may charge slightly more premiums, but that this (in their opinion) cannot be justified.

(b) With regards to the submission of the Hutt VHG, and all submitters citing a 25% increase in insurance premiums, I refer back to paragraphs 88(a)-(c) of my Evidence.

17. Further, I point the Commissioners to advice given by HNZPT which states that:

The heritage status of a building should not affect insurance eligibility and the cost of insurance should largely depend on the size, use and physical condition of the property. Age should not have a major effect in how a property is assessed, or its risk of damage. If a property is well maintained,

³ Letter from DLA Piper (Stephen Quinn) to HCC (Emily Campbell), 27 January 2023 (Appendix 4 to Council Officer Report for Independent Hearing Commissioners on the subject of Hutt City Proposed District Plan Change 56, dated 7 March 2023).

particularly with good electrical wiring, strengthening and fire protection, Heritage New Zealand considers that insurance should be available as for non-heritage buildings.

Because RMA district plan rules do not normally require repair using exact replica and expensive original materials such as rimu or kauri, repair costs should not be too dissimilar to those for any other non-listed building. Therefore, the simple fact that a building is old should not result in high insurance costs.⁴

18. Notwithstanding the above, it must also be acknowledged that PC 56 does not (in general) seek to introduce any new rules regarding materials to be used in repair or reconstruction of buildings within heritage precincts or areas.

Financial Implications of Resource Consent

19. In their presentation, the Hutt VHG (157) contend that changes or alterations to buildings within scheduled heritage areas “require a more expensive, uncertain, and time consuming consent process”. A similar concern is raised in several other submissions, including (but not necessarily limited to) 27, 56, 120, 121, 196, and 239.
20. In general, while I am of the view that district plan rules and associated resource consent requirements are the best mechanism for protecting historic heritage within New Zealand’s current statutory framework, I acknowledge that resource consent requirements and fees can be an impediment to property owners. On the matter of consent fees, I note that:
 - (a) The resource consent fees charged in New Zealand are high generally. Internationally, in jurisdictions such as Victoria (Australia) and England (UK), the cost of planning permission is structured differently than it is in New Zealand, and is significantly lower:

⁴ <https://www.heritage.org.nz/faqs>

- i. Planning permit fees in Victoria are charged on a sliding scale depending on the cost of the development, starting at \$206.40 AUD (approximately \$220.00 NZD).⁵
- ii. In England a planning application for alterations to a single house costs £206 (approximately \$400.00 NZD).⁶

Notably, these jurisdictions much more frequently require planning permits to be obtained for changes to places in heritage or conservation areas, and much more frequently require permits to be notified.

- (b) Resource consent fees can be reimbursed or waived at the discretion of council. For example: Wellington City Council offers resource consent fee reimbursements of up to \$2,500.00 for each resource consent application made for a scheduled heritage building by a private individual or a charitable trust.⁷

Maintenance and Repair

21. In their presentation, the Hutt VHG (157) contend that “specialised maintenance and repair work to preserve historic features and materials” will place additional costs on the owners of buildings within the Residential Heritage Precinct. A similar concern is raised in several other submissions, including (but not necessarily limited to) 27, 41, 47, 48, 56, 118, 120, 121, 196, and 239.

⁵ City of Melbourne Schedule of Fees (effective 1 July 2022) URL:

<https://www.melbourne.vic.gov.au/SiteCollectionDocuments/planning-schedule-of-fees.pdf>

⁶ A Guide to the Fees for Planning Applications in England (amended 2022) URL:

https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf

⁷ The consent must be required as a direct result of the building’s heritage status; and the Council’s heritage advisors must support the proposed works, and can impose conditions on the consent that require the reimbursement to be repaid back to council if the conditions are breached. <https://wellington.govt.nz/property-rates-and-building/building-and-resource-consents/resource-consents/resource-consent-fees/fee-reimbursements-for-heritage-items>

22. During their oral submission, Clive and Shelly Eastwood (41) also contended that the rules that will be imposed on their properties as a result of being included within the proposed Petone Foreshore Heritage Area will restrict what they are able to do to their properties to such an extent that it will be “too hard” to carry out “repairs and maintenance”.
23. In principle, I do not disagree that there *can sometimes* be additional costs associated with carrying out like-for-like repairs to historic buildings. However, I note the following:
- (a) The rules that will be imposed on the Residential Heritage Precinct, including the Petone Foreshore Heritage Area under PC 56 relate to limitations on building height and density only, to the extent necessary to protect historic heritage as a qualifying matter under the NPS-UD. They do not restrict repairs and maintenance.
 - (b) Furthermore, I note that it is commonplace in district plans for repairs, maintenance, redecoration, and minor exterior alterations to individually scheduled heritage buildings or buildings within heritage areas to be permitted activities that do not require a resource consent. This is the case in the Operative Lower Hutt District Plan (refer rule 14F 2.1).
 - (c) Other forms of financial relief for the owners of buildings with heritage status are available to councils, such as rates relief. For example: Nelson City Council has historically offered rates remission for owners of scheduled heritage buildings of up to 50% provided that the owner made a commitment to the ongoing retention and maintenance of their building to ensure its heritage value is retained.⁸ I note that this suggestion is made by Glen Andrews in his submission (277).

⁸ Up to 50% remissions were offered for Group A scheduled heritage buildings, and up to 25% for Group B scheduled heritage buildings in 2021. Properties owned by the Crown or by Council or its entities were excluded.

Decline in Property Values

24. In their oral submission, the Hutt VHG reiterated statements made in their written submission (157) that a 10% loss in the value of properties included in a heritage area could be anticipated based on a study carried out by Bade et al in Auckland in 2020 which found a predicted price reduction for houses in heritage areas of 9.6%. I have already addressed this in paragraph 86(b) of my Evidence.⁹

25. In her submission (47) Sandra Griffith states:

Real Estate data and reports have shown heritage listing reduces the value of a property by 10 to 30%, further too that Real estate agents have been pretty honest in their take saying many potential buyers immediately lose interest when they learn that a property is heritage listed.

The same statistic is given in several other submissions, including (but not limited to) 21, 41, 56, 118, 120, 121, 196, 239. However, none of these submitters provide data or other evidence to support this claim.

26. Some submitters presented anecdotes to support their submissions that there would be a decline in property values as a result of being scheduled.

(a) In his oral submission, Neil McGrath (212) gave an example of 722 High Street, which he states took 11 months to sell at a time when other properties “were selling within 1-2 months”. He continued: “I spoke to the agent and she told me that when interested buyers learned that it was heritage classified ... that they withdrew” and the result was “only one buyer” who purchased the property for “\$2.4M”. He considers that this demonstrates that heritage scheduling has an adverse effect on “small home owners” who “don’t have other assets”.

<http://www.nelsoncity.co.nz/assets/Building-Planning/Downloads/heritage-maintenance/Remission-of-Rates-for-Heritage-Maintenance-Information-sheet-2021.pdf>

⁹ I note that the study also found there was a 7.91% increase in price when a house was within both a heritage area *and* a special character area.

I contend that, even if Mr McGrath had provided evidence to support his story, this is one example of an individually scheduled heritage property, not a property in a heritage area subject to different rules.

(b) In his oral submission, Shayne Hodge (63, F08) cited “real estate advice” regarding the difficulty of selling properties in the Patrick Street Heritage Precinct due to the district plan rules. Again, these statements are not supported with evidence.

Development Rights

27. In their written (157) and oral submission, the Hutt VHG contend that “heritage restrictions limit ability to develop or modify the property”. This is stated in several other submissions, including (but not necessarily limited to 27, 41, 47, 48, 56, 118, 120, 121, 196, 239). On this matter I refer to HCC’s Reporting Officers and legal advisors

Demolition Controls

28. In their oral submission, the Hutt VHG reiterated statements made in their written submission (157) that PC 56 does not introduce demolition controls for the Residential Heritage Precinct “which shows the primary intent is to mitigate the effects of the intensification law, not to preserve heritage houses”.

29. This point was also raised by Shayne Hodge (63) in his oral submission and written statement, where he opines that “the process is without merit” because the owners of buildings in the proposed Petone Foreshore Heritage Area “can demolish but not increase the footprint of the home” which “is simply unheard of in any heritage designation” and, in his opinion, demonstrates “is using the heritage exemption as means of preventing intensification”.

30. Concern regarding the lack of demolition controls in the proposed Residential Heritage Precinct was raised by some submitters:

(a) Laura Skilton in her submission (44), oral submission and written statement, identifies the risk that if demolition is not prevented then the housing in the precinct will not be preserved.

(b) David Pearson in his Statement of Evidence on behalf of Kainga Ora, states (at paragraph 6.1(d)):

Kāinga Ora questions the potential loss of heritage buildings as currently demolition of unscheduled buildings within a heritage area is a permitted activity. Kāinga Ora considers that Council should undertake a further plan change to strengthen the heritage provisions.

31. I do not disagree that the absence of demolition controls for the Residential Heritage Precinct proposed in PC 56 is problematic, and there is a heightened risk that PC 56 may encourage some homeowners to demolish their dwellings and build new when they would otherwise have altered or added to their existing buildings. I am uncomfortable with this risk.

32. However, my understanding is that, for legal reasons, PC 56 can only introduce limits on building height and density, not demolition. By introducing rules to control building height and density in heritage areas, PC 56 provides a greater degree of protection to the proposed Residential Heritage Precinct than would otherwise exist if the precinct and the associated height and density limitations were not put in place. Therefore, the intention of PC 56 is to provide for a greater degree of protection for historic heritage overall.

33. For further comments on this matter, I refer to HCC's Reporting Officers and legal advisors.

The Heritage Inventory Review Process

34. In their written (157) and oral submission, the Hutt VHG correctly state that there have been multiple previous reviews of the heritage inventory since the current Lower Hutt District Plan was made operative, but these reviews did not identify (in particular) the Petone Foreshore Heritage Area. This matter was also raised by the submitter Shayne Hodge (63) in his oral submission and

written statement, and by the Commissioners. On this matter I refer to HCC's Reporting Officers and legal advisors.

35. Some submitters made unsubstantiated statements during their oral submissions regarding the Heritage Inventory Review process and the level of independence with which it was carried out. As per paragraph 13 of my Speaking Notes, I refute wholeheartedly any implied or outright accusation that the Heritage Inventory Review undertaken by WSP and Ian Bowman was not independent. I also wholeheartedly refute any insinuation that the evidence I have given in relation to PC 56 is not independent and in accordance with the Environment Court's Code of Conduct.

Submissions Against the Proposed Residential Heritage Precinct

Submissions of the Hutt Voluntary Heritage Group (Hutt VHG)

36. Many of the matters raised in the Hutt VHG's written submission (157), further submission (F01), oral submission, and statement are addressed in paragraphs 13 to 34 above. Further to this, I address other matters raised by the Hutt VHG below.
37. The Hutt VHG contend that the proposed Residential Heritage Precinct include houses "that are not heritage".
 - (a) One of the reasons that Hutt VHG gives to support its submission that the proposed Residential Heritage Precinct includes "houses that are not heritage" is that many of the houses within the proposed Heritage Areas are "run of the mill, dime a dozen family homes". They contend that such houses "certainly don't possess significant heritage value as required by RPS21". I disagree, and refer to paragraphs 9(a) and 9(b) above.
 - (b) Another reason that Hutt VHG gives to support its submission that the proposed Residential Heritage Precinct includes "houses that are not heritage" is that many of the houses within the proposed Heritage

Areas are in poor condition. On this matter, I refer to paragraphs 10-12 of my Speaking Notes.¹⁰

38. In an attempt to further demonstrate their point that the proposed Residential Heritage Precinct include houses “that are not heritage”, the Hutt VHG presented a set of slides, stating:

Let’s have a look at the houses in the proposed “heritage areas”, to see if they meet the RPS test of being of “significant heritage value.” I will show you some houses in the Hutt and ask you identify which ones the Council is proposing be heritage zoned, and which ones it is not.

For completeness, I address each of these examples below, but in a slightly different order to that in which they were presented for ease of explanation:

- (a) 73 Hutt Road is within the Hutt Road Railway Heritage Area and is discussed extensively in paragraphs 61-69 of my Evidence.
- (b) 6-8 Hector Street is included Hutt Road Railway Heritage Area. Together, they are one of five residential duplexes in Hector Street, all of which are proposed for inclusion in the Hutt Road Railway Heritage Area as they make an important contribution to the area’s historic, physical and social values. As an unusual cluster of early 20th century semi-detached dwellings they also make a particular contribution to the area’s rarity.
- (c) 30 Elizabeth St is a good example of a New Zealand Railways cottage and is included in the Moera Railway Heritage Area because it reflects and contributes to the historic, physical and social values for which that area has been identified.

¹⁰ I also note the submissions of Tom McLeod (213) and Brian Boyer of the Tuatoru and Sienna Trusts (175, F03) with regards to the way in which the Hutt VHG choose to present their interpretation of what should and should not be heritage to their members and the wider public.

- (d) 2 and 4 Queen Street are included in the Petone Foreshore Heritage Area. They are both early 20th century dwellings. They are both small, single storey, timber framed, and timber clad buildings with hipped rooflines that retain some of their historic detailing such as frieze panels and corbels below the eaves. They have both been modified. They are also both in poor condition. Nevertheless, they share and contribute to the historic, physical and social values of the area. On matters of modification and condition, I refer to paragraphs 9-12 of my Speaking Notes.
- (e) 45 Queen Street is included in the Petone Foreshore Heritage Area. It is a villa that has been substantially extended in a way that has changed, but has not entirely obscured, the historic building. It can still be read within its context as sharing and contributing to the historic, physical and social values of the area. I refer again to paragraph 9 of my Speaking Notes.
- (f) 3 and 5 Bolton Street are included in the Petone Foreshore Heritage Area. 5 Bolton Street is a bungalow that has been modified with the addition of a second storey and a garage on the street front, while 3 Bolton Street was constructed c.2009. While these buildings do not share all of the values for which the area has been identified, they have been built in such a way that they do not detract from the values of the area either.
- (g) The property Hardham Crescent is within the Hardham Crescent State Housing Heritage Area. The building identified in the presentation is one of five purpose-built blocks of flats in the proposed area which retains a high level of authenticity as a state housing development taking up the entirety of the street.
- (h) The individual properties that are identified in the presentation as “not being within heritage areas” may have heritage values identified as part of the Heritage Inventory Review. However, they are not located in areas where there are shared or common heritage values across adjacent or nearby properties.

39. Notwithstanding the above, I do not disagree that the proposed Residential Heritage Precinct include houses that do not share or contribute to the heritage values of the area in which they are located. As such, the assessment of heritage areas provided in the Heritage Inventory Review identifies properties that have buildings that contribute to the values of each heritage area within the proposed Residential Heritage Precinct. The properties that have not been identified as having contributing buildings include those that contain modern or heavily modified buildings that do not contribute to, or align with, the values of the area. Due to the scope of PC 56, it does not introduce any new rules relating to whether or not properties have been identified as having contributing buildings.

Evidence of Neil Kemp on Behalf of the Hutt Voluntary Heritage Group (Hutt VHG)

40. At paragraph 6 of his Statement of Evidence, Mr Kemp states:

I believe I offer a demonstrable degree of architectural knowledge and understanding of heritage architecture.

41. Beyond his thesis, written more than 40 years ago, Mr Kemp provides no evidence to demonstrate that he has particular training, practice experience, professional recognition, or interest in the areas of architectural history, built heritage or conservation. While I do not dispute Mr Kemp's expertise as an Architect, it is my opinion that his statement at paragraph 6 is misleading with regards to his expertise.¹¹

42. At paragraph 16, Mr Kemp states that, as there is no national direction on how to assess historic heritage, the "current assessment of 'Heritage Areas' is subjective as there is no established measure or benchmark to apply aside

¹¹ In addition to the Code of Conduct for Expert Witnesses in the Environment Court, I note that Mr Kemp is subject to the New Zealand Registered Architects rules which, at Rule 51 states:

A registered architect must not represent or promote the architect's capability, business, or professional services and activities in a false, fraudulent, misleading, or deceptive manner.

from “opinion.” Relatedly, at paragraph 18, Mr Kemp states that the criteria used to identify the historic heritage values of the areas in the Heritage Inventory Review “are not nationally recognised nor is any criteria provided as to the qualifications properties must [have] to be categorised within them”.

43. I recognise that the lack of national direction on the matter of historic heritage significance assessment is problematic. However, Mr Kemp’s statement that the criteria used in the Heritage Inventory Review are “not nationally recognised” is incorrect. Historic heritage is defined in section 2 of the RMA. In the absence of national direction on how to assess historic heritage under the RMA definition, local authorities set heritage assessment criteria for their jurisdictions in accordance with the requirements of the RMA, often with guidance from HNZPT and/or with heritage experts. The criteria of RPS Policy 21 (refer paragraph 7 above) have been developed in accordance with this process, and HCC is required to comply with the RPS.
44. Further, RPS Policy 21 sets out definitions for each criterion, which have been rigorously applied throughout the Heritage Inventory Review process. Therefore, Mr Kemp’s statement that no criteria are provided “as to the qualifications properties must [have] to be categorised within them” is also incorrect.
45. I therefore disagree with the contentions made by Mr Kemp at paragraphs 20 to 24 and 28 of his statement regarding the assessment of the values of the Petone Foreshore Heritage Area.
46. At paragraph 17, Mr Kemp states that “it is nonsense” that any collection of buildings will meet the criteria for scheduling if they do not include a scheduled heritage item. On this matter I refer back to paragraphs 7 to 9 above and paragraphs 1 to 2 of my Speaking Notes.
47. At paragraph 19, Mr Kemp asks how can heritage areas be justified when the great majority of properties they contain “are either modern or heavily modified”? On this matter, I refer to paragraph 9(b) above regarding contributing buildings, and make the following additional points:

- (a) Mr Kemp has provided no evidence to support his claim that the “great majority” of properties in the proposed Petone Foreshore Heritage Area are modern or heavily modified.
 - (b) An area that has heritage value is likely to include buildings or places that have been modified, either because these modifications occurred before the area was recognised as having heritage values, or because modifications have been permitted or made in accordance with relevant consents. In some cases, modifications will add to heritage values; for example, in an area where modifications occurred to several buildings within a certain time period for historically or socially significant reasons, and/or where the modifications share similar physical values.
48. I refer Mr Kemp’s assertions regarding character at paragraph 25 of his evidence to HCC Reporting Officers, noting also my statement at paragraph 6 above.
49. I refer Mr Kemp’s assertions regarding the financial implications of heritage scheduling at paragraphs 26, 29 and 32 of his evidence to HCC Reporting Officers, noting also paragraphs 16 to 26 above.
50. I therefore necessarily and strongly refute the assertion made at paragraph 36 of Mr Kemp’s statement that HCC cannot rely on my evidence. I believe that the heritage areas proposed in PC 56 have heritage values that meet the RPS criteria as set out in the Heritage Inventory Review and in my Evidence.

Submission of Shayne Hodge

51. In his written submissions (63, F08), oral submission and written statement, Shayne Hodge has made statements regarding voluntary heritage scheduling and the financial implications of being included in a heritage area similar to those of the Hutt VHG and other submitters, which are addressed at paragraphs 13 and 33 above. On the matter of consultation, I refer to HCC’s Reporting Officers.

52. In his oral submission and written statement, Shayne Hodge explained his intention to represent his daughter who owns 25 Buick Street which is proposed for inclusion in the Petone Foreshore Heritage Area.
53. Mr Hodge contends that the “process for identifying what is heritage” in the case of the Petone Foreshore Heritage Area was flawed, and that the criteria of RPS Policy 21 have not been appropriately applied. I disagree, and refer to paragraphs 7 to 9 above, and the explanation of values for this area in the Draft Heritage Inventory Assessment and reiterated in paragraphs 43(a) to 43(e) of my Evidence.
54. Mr Hodge is concerned that, under the provisions of the Petone Foreshore Heritage Area proposed in PC 56, his daughter will be unable to make alterations to her property which she has already had designed. The basis for this belief was advice from his daughter’s architect. However, the provisions of PC 56 do not impose a prohibition on any work to buildings within the area. As identified during Mr Hodge’s oral submission, a consent pathway is available to make modifications to dwellings within the area as a restricted discretionary activity.

Submission of Clive and Shelly Eastwood

55. In their written submission (41) Clive and Shelly Eastwood make statements regarding voluntary heritage scheduling and the financial implications of being included in a heritage area similar to those of the Hutt VHG and other submitters, which are addressed at paragraphs 13 to 33 above.
56. In their oral submission, Clive and Shelly Eastwood identified themselves as members of the Hutt VHG and the owners of 27 and 29 Buick Street which are within the proposed Petone Foreshore Heritage Area.
57. Mr and Mrs Eastwood contend that their properties in Buick Street “are old but are not heritage”, in particular because they have features that are different to other houses in the street and have had some modifications. I do not agree. It is evident that 29 Buick Street, in particular, has had some modifications that have reduced its authenticity as an early 20th century dwelling. Never-the-less, as two timber framed, timber-clad, single storey

dwellings with hip or gabled roof forms, originally constructed in the early 20th century and retaining some historic features, both houses contribute to the historic, physical and social values for which the Petone Foreshore Heritage Area has been identified in the Draft Heritage Inventory Assessment and at paragraph 43(a) to 43(e) of my Evidence.

Submissions of Sandra and Russell Walker

58. Sandra and Russell Walker made separate written submissions (48 and 50 respectively) but gave a combined oral submission. Many of the statements made in their written submissions regarding voluntary heritage scheduling and the financial implications of being included in a heritage area similar to those of the Hutt VHG and other submitters, which are addressed at paragraphs 13 to 33 above.
59. In their oral submission, Russell and Sandra Walker identified themselves as the owners of 163 The Esplanade, Petone. This property borders, but is not within, the proposed Petone Foreshore Heritage Area.
60. Specifically, in their oral submission (and associated written statement), Mr and Mrs Walker identified four “arguments against the Hutt Heritage Zone”. I have assumed that, when using the term “Hutt Heritage Zone”, they mean the proposed Residential Heritage Precinct, and the areas that this precinct encompasses.
 - (a) The first is that it will restrict development by limiting the ability of property owners to develop their land or make changes to their property which “can be seen as unfair and infringing on people’s rights”. I refer the question of development rights to HCC’s Reporting Officers and legal advisors.
 - (b) The second is that limiting development could have negative economic impacts for property owners and the community by decreasing job opportunities or growth that would come with development. No evidence is provided to support this claim. In fact, international studies have shown that the opposite is often true: the retention and preservation of heritage buildings and areas creates jobs and

promotes economic development by attracting people to live, work, and visit these areas.¹²

- (c) The third is that the cost of maintaining and preserving historically significant buildings or areas “could fall disproportionately on property owners ... who may be required to bear additional expenses associated with preservation requirements”. With regards to the scope of the rules being introduced in PC 56, and options for reducing perceived financial burdens of owning a property in a scheduled heritage area, I refer to paragraphs 19 to 23(c).
- (d) The fourth is that creating the heritage area could “bind communities to the past or limit their options going forward”. However, they also acknowledge that it will offer protections for the future. I refer to my comments at paragraph 68 regarding protection of values for the future.

Submissions of Michael and Mary Taylor

- 61. Michael and Mary Taylor made separate written submissions (33 and 255 respectively) but gave a combined oral submission.
- 62. Michael Taylor’s submission (at 33.4) requested that HCC:

get serious about Heritage, but:

- (a) *Proceed with consultation with residents*
- (b) *Have a well defined and published specifications about what can and cannot be considered “Heritage”*
- (c) *Be realistic about what can and cannot be done to modernise/alter/improve Heritage properties: the existing rules*

¹² Rypkema, Donovan D. (2005) *The Economics of Historic Preservation: A Community Leader’s Guide*. USA: National Trust for Historic Preservation

are far too restrictive and impinge seriously on property owners rights.

63. Matters raised at (a) and (c) of Mr Taylor's submission will be addressed by HCC's Reporting Officers, noting that (c) is out of scope for PC 56.
64. With regards to the matter raised at (b) of Mr Taylor's submission, which he reiterated during his oral submission, I do not disagree. Clear, consistent and widely available national direction on how to identify and sustainably manage historic heritage in New Zealand is lacking, as I have already discussed above. However, I also refer the submitters to RPS Policy 21.
65. Echoing the matter raised at 33.4(c) of Mr Taylor's submission, both Mr and Mrs Taylor stated in their oral submission that they objected to properties being included in heritage areas without the consent of the property owner on the grounds that "the existing [heritage] rules are far too restrictive and impede on owner's rights" but they were unable to cite any specific rules. On this matter I refer to paragraphs 21 to 23 and 27 above.

Sandra and Bryce Griffith

66. In her written submission (47) Sandra Griffith made statements regarding voluntary heritage scheduling and the financial implications of being included in a heritage area similar to those of the Hutt VHG and other submitters, which are addressed at paragraphs 13 to 33 above.
67. In their oral submission, Sandra and Bryce Griffith identified themselves as the owners of 35 York Street which is not within the Moera Railway Heritage Area as proposed in PC 56.¹³ Confusion regarding the inclusion of this property will be explained by HCC's Reporting Officers.

¹³ This property was included in earlier iterations of the Moera Railway Heritage Area which initially covered a substantial area of Moera based on its development by the New Zealand Railways Department in the 1920s.

68. Mr and Mrs Griffith stated in their oral submission that they believe that the heritage areas proposed in PC 56 demonstrate “a lack of foresight for constituents of the future” and do not “acknowledge flow on effects for future generations”. I contend that there is great foresight in protecting historic heritage from inappropriate subdivision, use and development for future generations.

Submissions to Remove Properties from the Residential Heritage Precinct

Submission to Remove Property from Hutt Road Railway Heritage Area

69. In his submission (248) Andrew Hendry requests that his property at 176 Hutt Road be removed from the Hutt Road Railway Heritage Area. I have responded to this submission in paragraphs 70-71 of my Evidence. Nothing in Mr Hendry’s oral submission has changed my position on the property at 176 Hutt Road.

Submission to Remove Properties from the Petone State Flats Heritage Area

70. The submission of Kāinga Ora to have properties removed from the proposed Petone State Flats Heritage Area, and the supporting Statement of Evidence and oral submission of David Pearson, are discussed in paragraphs 97 to 112 below.

Submissions in Support of the Residential Heritage Precinct

71. I acknowledge the written and oral submissions of Laura Skilton (44), Graeme Lyon (102), Brian Boyer of the Tuatoru and Sienna Trusts (175, F03) that support the establishment of the Residential Heritage Precinct (or areas within it).
72. I also acknowledge the submission of Kāinga Ora and the supporting Statement of Evidence and oral submission of David Pearson in support of the establishment of heritage areas that are largely or entirely made up of state housing within the Residential Heritage Precinct, albeit that they request some properties to be removed from the Petone State Flats Heritage Area.

Submission of Tom McLeod

73. Tom McLeod identified himself during his oral submission as being the owner of 213 Bolton Street, which is within the proposed Petone Foreshore Heritage Area. In his oral submission, he reiterated points from his written submission (213) including:

I feel that this Residential Heritage Precinct initiative will benefit the area. Furthermore, I strongly support the idea of protecting these homes from the possibility of three to six-story developments being built in such a neighbourhood where this would clearly be at odds with the aesthetic and appeal of this historic area, for both residents and visitors alike.

... I believe homeowners will benefit from the discouragement of large unsympathetic developments, while having the freedom to make the alterations we may like to make. It also does not necessarily preclude subdivision, if there is deemed no clear breach of the area's heritage under a resource consent application, should someone wish to further develop their property.

74. In his oral submission, Mr McLeod stated that there was no reason why there cannot be some intensification within the proposed heritage areas. He presented an example of a property at 18 Bolton Street where the section has been subdivided and a two storey home built on the rear section to demonstrate this.
75. I agree that with Mr McLeod that intensification occur in scheduled heritage areas without negatively impacting on their heritage values. I also agree with Mr McLeod that PC 56 provides consenting pathways for property owners to make changes to their properties within the proposed Residential Heritage Precinct that would enable them to be subdivided and developed. I also note that, when asked if he would consider a requirement to obtain a resource consent to make alterations to his property as a deterrent, Mr McLeod responded that, in principle, he would not.

Submissions for the Extension of the Petone Foreshore Heritage Area

76. Submissions from Laura Skilton (44) and Graeme Lyon (102) requested that Beach and Bay Streets be added to the Petone Foreshore Heritage Area. These

are discussed at paragraphs 47-49 of my Evidence. In their oral submissions, representatives of the Petone Community Board and the Petone Historical Society confirmed their support for the Petone Foreshore Heritage Area and the inclusion of Beach and Bay Street.

77. With reference to paragraphs 3-4 of my Speaking Notes, I reiterate that I reviewed Beach and Bay Streets for their heritage value, and it remains my opinion that they warrant inclusion in the Petone Foreshore Heritage Area.
78. Sylvia Allan, as expert witness for the Petone Historical Society, stated in her oral submission that she considers Nelson Street to be of greater heritage value than Beach and Bay Streets because there are several individually scheduled heritage buildings in the street.
79. It is my opinion that individually scheduling properties in Nelson Street is more appropriate than including it within a heritage area as the properties individually meet the criteria of RPS Policy 21, while a majority of other properties in the street do not share the values of the Petone Foreshore Heritage Precinct due to modern development.

Submissions to Add Property to the Riddlers Crescent Heritage Precinct

In their submission (163.8 and comments on Amendment 178) the Petone Historical Society requests that the boundaries of the Riddlers Crescent Heritage Precinct proposed in PC 56 be reverted back to the Operative District Plan boundaries for the Riddlers Crescent Historic Residential Activity Area. A similar submission is made by Living Streets Aotearoa (233).

80. At 233.6-233.8, the submission from Living Streets Aotearoa states:

An Historic Heritage Area should not have gaps or holes, instead, non-contributing places within the area should be identified as such. This is the approach taken in the Heritage Inventory Review. "Contributing" means contributing to the historic character of the area.

... several properties are identified as not containing "contributing buildings/Areas". These are 2 Riddlers Crescent, 4 Riddlers Crescent, 5

Riddlers Crescent, 31 Riddlers Crescent, 33 Riddlers Crescent, and 61 Riddlers Crescent.

... only 5 Riddlers Crescent is excluded from the proposed heritage overlay and is treated differently from the other non-contributing properties in the zone.

81. The submission continues, at 233.11:

The proposed High Density Residential zone permits buildings of up to six storeys, with no limits on style of construction. A modern building of this scale within the Riddlers Crescent Heritage Precinct would detract from this picturesque, informal, and human scaled character.

82. I agree that there is potential for any development at 5 Riddlers Crescent to impact on the heritage values of the Riddlers Crescent Heritage Precinct.

83. Therefore, on further reviewing the written and oral submissions of the Petone Historical Society and Living Streets Aotearoa, the Draft Heritage Inventory Record for the precinct, and the provisions that would apply to 5 Riddlers Crescent under PC 56 if it were not included within the precinct, I agree that it is appropriate to include 5 Riddlers Crescent in the Riddlers Crescent Heritage Precinct, but that it should not be identified as “contributing”, as shown in the Heritage Inventory Assessment. This is a change in my position as stated in paragraph 78 of my Evidence.

Submissions on the Extent of the Jackson Street Heritage Precinct

84. There were multiple submissions made requesting the inclusion of Jackson Street as far east as Cuba Street in the Jackson Street Heritage Precinct, including: Heritage New Zealand Pouhere Taonga (HNZPT) (37.21), Petone Community Board (116), Petone Historical Society (163.9), Sheree Freeman (143.7), Martha Craig (243.7), Rex Torstonsen (244.7) and Brett Nicholls (246.7). This was supported by the further submission of the Jackson Street Programme (F06), the Statement of Evidence of Sylvia Jean Allan (on behalf of the Petone Historical Society), and oral submissions from the Petone

Community Board, the Petone Historical Society and Sylvia Allan, and the Jackson Street Programme.

85. Reasons given by the Petone Historical Society to support the direct transfer of the current boundaries of Petone Commercial Activity Area 1 to the Jackson Street Heritage Precinct in PC 56 include:

(a) there are historical reasons why these boundaries were established (as explained in the Statement of Evidence of Sylvia Allan);

(b) these boundaries are now longstanding and have “settled”;

(c) Cuba Street provides “natural geographical encapsulation” of the area;

(d) the design guide for this area has helped to control new developments within the area; and

(e) owners who were previously required to comply with the design guide but will be outside of the heritage precinct may wonder why it was ever necessary to comply.

86. I do not dispute the points at 85(a) to 85(d). However, it is nevertheless my opinion that the buildings at 313 to 337 on the northeastern side of Jackson Street, and 374 to 378 on the southwestern side of Jackson Street, are either modern or heavily modified. Further, these sites are positioned at the end of the area and can necessarily be read as distinct from the area, rather than being disbursed through the middle of the area where development would impact on the cohesiveness and shared values of the area. I therefore do not believe that these properties contribute directly to the heritage values of the area for which the Jackson Street Heritage Precinct is identified.

87. As stated in paragraph, 34 of my Evidence, I support the addition of the properties at 354, 358, 360, 362 and 364 to the Jackson Street Heritage Precinct to incorporate the contributing buildings.

88. I note that the Statements of Evidence and oral submissions of Reuben George Daubé and Dean Raymond on behalf of HNZPT are in agreement with my Evidence.

Submissions on Height Controls Within and Around the Jackson Street Heritage Precinct

Submission to Increase the Permitted Height in the Jackson Street Heritage Precinct

89. In their oral submission, the Jackson Street Programme stated that they support the Petone Historical Society with regards to the height limits around the proposed Jackson Street Heritage Precinct, but request that the permitted height within the precinct be increased from 10m to 13-14m, as buildings of 10m are “not economically viable”. One of the Programme’s submitters also gave an example of a building owner within the precinct who wishes to replicate historic features of their building façade that would take the overall height of the building above 10m.
90. I agree with statements made by representatives of the Jackson Street Programme that it is critical to maintain and enhance the “heritage look and feel” of Jackson Street and that “this is what makes it a street the public want to shop and dine at” but that it is also necessary “to allow income from buildings, as they require upgrading, to cover increased costs, and be economically viable.” I also agree that it is “completely possible” to allow buildings to be constructed to the height of 13-14m with appropriate design and setbacks in a way that maintains the heritage values of the precinct.
91. I believe the proposed permitted height of 10m within the Jackson Street Heritage Precinct is appropriate. It does not mean that any development over 10m will be prohibited. PC 56 provides a consent pathway for building owners to undertake developments within the Jackson Street Heritage Precinct that are over 10m. This process will ensure that any developments over 10m are designed to avoid or limit negatively impacting on the heritage values of the precinct, which is consistent with the Programme’s stated views and objectives. I do not support increasing the permitted height of buildings within the proposed Jackson Street Heritage Precinct beyond 10m. I acknowledge that the resource consent process may add additional costs for building owners, and refer to paragraph 20(a) 20(b) above.

Submissions to Limit the Height of Buildings Adjacent to the Jackson Street Heritage Precinct

92. In their oral submission, the Petone Historical Society reiterated their request that the maximum height limit for properties adjacent to the Jackson Street Heritage Precinct be set at 4 storeys or 22m. As stated in my Evidence, I do not disagree that lower height limits around the Jackson Street Heritage Precinct would represent a sensitive and suitable response that would likely avoid any negative impact on the heritage values of the precinct. However, my position remains unchanged from that articulated at paragraph 39 of my Evidence.
93. In her Statement of Evidence and oral submission, Sylvia Allan discusses the zoning of central Petone as a metropolitan area and the possibility that there are planning mechanisms that offer HCC other ways of controlling height in and around Jackson Street. On this matter I refer to HCC's Reporting Officers.

Submission Relating to Height of Buildings Within Petone Commercial Activity Area 1

94. As discussed above, the Jackson Street Heritage Precinct proposed in PC 56 does not align with the boundaries of Petone Commercial Activity Area 1 in the Operative District Plan. In her written submission, Rachel Williamson representing RLW Holdings (238) seeks clarity on how buildings that remain within Petone Commercial Activity Area 1 but are outside the proposed Jackson Street Heritage Precinct will be impacted by PC 56 – in particular, how the proposed permitted height of 22m (6 storeys) will be safeguarded for these sites – given that the design guide for Petone Commercial Activity Area 1 would still (at the time of her submission) apply to these properties.
95. RLW Holdings engaged David Batchelor to provide a Statement of Evidence on PC 56. In his Evidence, and Supplementary Statement of Evidence, Mr Batchelor proposes a series of amendments to Chapter 5B to provide the clarity being sought by RLW Holdings.
96. In general, I refer this matter to HCC's Reporting Officers to respond. However, I note the following:

- (a) It is my opinion that development on these sites should be sensitive to the heritage values of the Jackson Street Heritage Precinct. In this respect, I support provisions that would control development on these sites, including where the height of those developments would be between 10m (the permitted height for the precinct) and 22m (the permitted height for properties adjacent to the precinct). However, I also understand that the scope for such provisions within PC 56 may be limited by the legislation under which it is being prepared.
- (b) Further, it is my opinion that developments above 22m on these sites could be designed in such a way that they are contextually appropriate, but that, the higher a development becomes, the less likely it is to be sensitive to its context, particularly as there is already a notable difference in the permitted heights of 10m and 22m. Therefore, while I do not object to the changes proposed in paragraph 21 of his Supplementary Statement of Evidence, I am also comfortable with the provisions as drafted by the Reporting Officers.

Submissions on Petone State Flats Heritage Area

- 97. I address the submission of Kāinga Ora with relation to the Petone State Flats Heritage Area in paragraphs 93 to 98 of my Evidence. Below I respond specifically to points raised in the Statement of Evidence and oral submission of David Pearson of DPA on behalf of Kāinga Ora.
- 98. At 6.1 of his Statement of Evidence, Mr Pearson identifies four matters in Kāinga Ora's submission relating to the proposed Petone State Flats Heritage that he addresses in his Evidence:
 - (a) *Kāinga Ora seeks the exclusion of 2-6 East Street and [80] Adelaide Street and the single dwellings and duplexes located at 81-89 Adelaide Street.*
 - (b) *Kāinga Ora is seeking to change the title of heritage area...*

(c) *Kāinga Ora considers that qualifying matters should be addressed in a district-wide heritage chapter, rather than through precincts and rules located within the residential chapters of the District Plan.*

(d) *Kāinga Ora questions the potential loss of heritage buildings as currently demolition of unscheduled buildings within a heritage area is a permitted activity. Kāinga Ora considers that Council should undertake a further plan change to strengthen the heritage provisions.*

I address each of these matters individually below.

Exclusion of Properties

99. With regards to the properties at 2-6 East Street and 80 Adelaide Street, Mr Pearson states at paragraphs 9.7 to 9.9 of his Evidence:

... 80 Adelaide Street and 6 East Street were originally constructed as two buildings of a group of four located around a central courtyard. The grouping, I suggest, was a clear architectural statement about the desirability of forming communities amongst their inhabitants. Although the two buildings that remain appear to be reasonably intact and therefore retain moderate heritage values, they are missing the other half of the group and the courtyard. What was originally devised as a group can no longer function.

As noted the buildings that remain have moderate architectural values, however, I consider that the Scholefield Street flats which have a similar architectural language are a better representative example of the typology. For these reasons I consider that there is little reason to include the remaining two buildings at 2-6 East Street and 80 Adelaide Street in a heritage precinct.

100. I do not dispute Mr Pearson's statement that the buildings at 80 Adelaide Street and 2-6 East Street were originally constructed as two of a group of four, and I agree that the demolition of the other two buildings that made up this group have had a negative impact on the contextual values of the buildings that remain.

101. I also agree with Mr Pearson's statement that the buildings at 80 Adelaide Street and 2-6 East Street "retain moderate heritage values". Although the buildings have had some modification, and are similar to some other buildings included in the area, these buildings can still be recognised as good examples of their typology. They share and contribute to the values for which this area has been identified.

102. On this basis, my opinion that the buildings at 2-6 East Street and 80 Adelaide Street should remain within the Petone State Flats Heritage Area is unchanged.

103. At paragraphs 8.4 and 8.5 of his Evidence, Mr Pearson sets out the history of the single dwellings and duplexes within the proposed Petone State Flats Heritage Area. The first to be built were the single dwellings and duplexes at 452-470 Jackson Street, which form the northeast boundary of the proposed heritage area. The single dwellings and duplexes at 69-91 Adelaide Street were the next to be built, immediately adjacent to the Jackson Street properties, and facing onto a "village square" (enclosed by Adelaide Street). At paragraph 8.6, Mr Pearson continues:

These single dwellings and duplexes, particularly those facing Jackson Street area are mostly intact and, in my opinion, represent a remarkable collection of dwellings designed in the International Modernist style. Unlike state housing which, up to that point had been designed in an English Cottage style from the Garden City era with tiled hipped roofs, these units were a radical departure, with flat facades, 'flat' roofs (in reality a shallow pitched roof behind a parapet) an emphasis on horizontality and spare, geometric forms. While there is a common theme throughout, there is also a range of plan layouts giving rise to a variety of external forms with no two adjacent houses being the same.

104. With regards to dwelling at 81 Adelaide Street, Mr Pearson states at 10.5 of his Evidence:

I accept that 81 Adelaide Street may be largely original, however, it is largely obscured and makes little contribution to the streetscape.

105. While I agree that the building at 81 Adelaide Street is largely obscured from the street, and that it therefore does not make a strong contribution to the visible streetscape, it still contributes to the heritage values of the area. From a distance, the dwelling is still visible and can still be read in conjunction with the other contributing buildings. My opinion that 81 Adelaide Street should remain in the Petone State Flats Heritage Area is therefore unchanged.

106. With regards to the duplexes at 83-85 and 89-91 Adelaide Street, Mr Pearson states at 10.6 of his Evidence that these buildings:

... were designed as Modernist duplexes, however, they have been extensively modified. In particular, they were designed with a near flat roof behind a parapet to give the appearance of having a flat roof. They now have a mono-pitched roof with an overhang... [and] have now lost one of their most distinguishing characteristics being the parapet with the flat roof behind.

107. I agree that the rooflines of the duplex flats at 83-85 and 89-91 have been modified, and this has negatively impacted their architectural integrity and their legibility as part of the group of buildings constructed in the Jackson- - Adelaide-Schofield Street block. However, the buildings' other architectural features – their footprints and site layouts, window and door joinery, cladding materials and feature brickwork remain largely intact. Further, the buildings remain part of the collection that were purpose designed and built as state housing in this location. Therefore, it is my opinion that, despite the altered rooflines, that 83-85 and 89-91 Adelaide Street share and contribute to the heritage values for which the Petone State Flats Heritage Area has been identified, and they should remain within the area.

108. With regards to the dwelling at 87 Adelaide Street, Mr Pearson states at 10.7 of his Evidence that these buildings:

The remaining single dwelling at 87 Adelaide Street is recognisable as an original State house, however, the addition on the front is completely out of character and detracts from its original design.

109. With reference to paragraph 9 of my Speaking Notes regarding 87 Adelaide Street, modifications have changed, but do not entirely obscure, the original building, which can still be read within its context as sharing and contributing to the values of the area. My opinion that 87 Adelaide Street should remain in the Petone State Flats Heritage Area is therefore unchanged.

Name of the Proposed Petone State Flats Heritage Area

110. In relation to matter 6.1(b), Mr Pearson (at 5.13 and 13.1) suggests that the name of the Petone State Flats Heritage Area be changed to “Petone State Housing Heritage Area”. I have no objection to this proposed name change.

Provision of a District-Wide Heritage Chapter

111. In relation to matter 6.1(c) I agree. However, I understand that PC 56 fits into the Operative District Plan structure and that this will be addressed as part of the future District Plan Review. I therefore refer further comment on this to HCC’s Reporting Officers.

Demolition Controls

112. In relation to matter 6.1(d) I also agree, and refer to paragraphs 28 to 33 above.

Submissions on Sites of Significance to Māori

113. I acknowledge and share Te Rūnanga o Toa Rangatira’s concerns regarding the absence of sites and areas of significance to Māori in PC 56 raised in their submission (274), subsequent oral submission and statement; and the similar statements made by Sandra and Bryce Griffith in their oral submission.

114. I refer to paragraph 8 of my Speaking Notes with regards to the exclusion of tangata whenua values from the Heritage Inventory Review process that was undertaken by WSP and Ian Bowman.

Submission of Heritage New Zealand Pouhere Taonga

115. I note that the Statements of Evidence and oral submissions of Reuben George Daubé and Dean Raymond on behalf of HNZPT are generally in agreement with my Evidence and support my recommendations.



Chessa Stevens

WSP Principal Conservation Architect and National Built Heritage Lead

7 June 2023