

**BEFORE AN INDEPENDENT HEARINGS PANEL
IN CHRISTCHURCH**

TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI

UNDER the Resource Management Act 1991 (the **RMA**)

AND

IN THE MATTER OF the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

**STATEMENT OF REBUTTAL EVIDENCE OF DR ANN MCEWAN ON BEHALF
OF CHRISTCHURCH CITY COUNCIL**

QUALIFYING MATTERS: HERITAGE AND RESIDENTIAL HERITAGE AREAS

Dated: 9 October 2023

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EXECUTIVE SUMMARY

1. My rebuttal principally responds to heritage assessment matters raised in the statement of evidence provided by Mr John Brown on behalf of Kāinga Ora. I also touch briefly on the evidence of Mr Tim Joll on behalf of Kāinga Ora, Mr Jeremy Phillips on behalf of Carter Group Limited and Ms Catherine Boulton on behalf of Christ's College.
2. My evidence seeks to provide clarity and address inaccuracies in relation to:
 - (a) The interpretation and application of section 6(f) of the Resource Management Act 1991 (**RMA**). In my view 'the protection of historic heritage resources' provided by this section is not limited to nationally significant resources as stated by Mr Brown and others.
 - (b) The scope of the identification of Heritage Areas (**HAs**). For clarity, HAs are not limited to residential areas, they need not include individual heritage items of significance, and nor must they distinguish between highly significant and significant areas.
 - (c) Mr Brown's and Mr Phillip's assertions of a lack of comparative analysis in identifying HAs, concerns about clarity and consistency in the Residential Heritage Area (**RHA**) assessments and methodology used, and issues about the relevance of Certificates of Compliance (**CoCs**) in assessing heritage values.
 - (d) The meaning of various terms and the processes for assessing and categorising HAs.

INTRODUCTION

3. My name is **Dr Ann Elizabeth McEwan**. I am an independent heritage consultant and the principal of Heritage Consultancy Services.
4. I prepared a statement of primary evidence on behalf of Christchurch City Council (**Council**) dated 11 August 2023. My primary evidence addressed the identification of RHAs arising from the submissions and further submissions on Plan Change 14 to the Christchurch District Plan (the **District Plan; PC14**).
5. I have the qualifications and experience set out at paragraphs 6, 7 and 10 to 13 of my primary evidence. I attended the expert conference for heritage on

21 September 2023 and am a signatory to the Joint Witness Statement that was produced following that conference.

6. I repeat the confirmation given in my primary evidence that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and that my evidence has been prepared in compliance with that Code.

SCOPE OF REBUTTAL EVIDENCE

7. In preparing this rebuttal statement, I have read and considered the evidence filed on behalf of submitters, as that evidence relates to my primary evidence. I respond to the evidence of the following witnesses, to provide clarity and address inaccuracies:

- (a) Mr Brown for Kāinga Ora;
- (b) Mr Joll for Kāinga Ora;
- (c) Mr Phillips for Carter Group Limited; and
- (d) Ms Boulton for Christ's College.

JOHN BROWN FOR KĀINGA ORA

8. Mr Brown suggests, at paragraphs 3.2(b) and 4.13 of his evidence, that there is a requirement under RMA section 6(f) for scheduled historic heritage resources to be of 'national significance'. In my opinion there is no such requirement and the 'protection of historic heritage resources' instead identifies this aspect of resource management as a matter of national importance. The Canterbury Regional Policy Statement (**CRPS**) and the District Plan provide for this by creating the framework for identifying and protecting historic heritage resources whose significance to the region and the city makes them worthy of protection under the RMA.
9. Mr Brown does not state whether or not he considers any of the 11 HAs proposed for scheduling fail to meet the threshold for scheduling as significant historic HAs.
10. Contrary to the concern expressed by Mr Brown at paragraph 3.3 (c) of his evidence, I do not believe that the Council has limited the identification of HAs to residential areas and, in doing so, has created a sub-category of

HAs. It is correct, however, to say that only residential areas are being proposed for scheduling via PC13/14. Other types of potential HAs, e.g. commercial areas, which may have been considered in the past, have been largely compromised by the Canterbury Earthquakes and post-EQ development.

11. Mr Brown implies, specifically in respect of the Chester Street East RHA, that the Council may have elevated character areas to RHA status.¹ In my opinion this is not the case and the assessment criteria and methodology have been applied with the same rigour that would be expected with a non-residential HA.
12. Mr Brown points to 'an apparent lack of correlation' between the Heritage New Zealand Pouhere Taonga (**HNZPT**) list entry for the Lyttelton Township Historic Area (list # 7784) and the Lyttelton RHA. This reflects the substantial impact of the Canterbury Earthquakes on Lyttelton's commercial area since the area was listed by HNZPT in August 2009. The boundaries of the Lyttelton RHA have been carefully considered in light of recent fieldwork and research and there are a number of scheduled items within the commercial town centre that offer protection to a diverse range of building typologies.
13. At footnote 2 on page 4, Mr Brown states, in respect of Riccarton House and Bush, that some scheduled items within the District Plan 'might also be viewed as a heritage area'. I agree with this point, in as much as some scheduled items are grouped under umbrella terms, as is the case with Riccarton, the former Halswell Quarry and Victoria Square, for example. I consider that this indicates the somewhat artificial distinction between heritage sites, structures, places and areas identified in the RMA (Interpretation) and CRPS (Policy 13.3.1). Regardless of the way in which a heritage resource has been named, I believe that the essential function of the heritage schedule within a district plan is to protect significant resources that are supported by robust and defensible evidence.
14. While I acknowledge Mr Brown (at paragraph 4.4) supports the use of HAs to meet the direction provided by RMA section 6(f) I would note that a HA need not 'include numerous individual heritage items of significance'. In fact

¹ At footnote 1 on page 4 of his evidence.

some areas, such as Wayside Avenue, may have no individual items that are scheduled but nevertheless embody significant heritage value.

15. At paragraph 4.8 of his evidence Mr Brown appears to suggest that the Council is proposing to schedule a new, seemingly less broad, type of HA. The use of the term 'Residential Heritage Area' within the name of all 11 of the HAs proposed for scheduling is instead purely descriptive in intent – just as the geographical references in the HA names (Heaton Street, Wayside Avenue etc) are. There is no such typological specificity about the Akaroa HA because it encompasses multiple typologies.
16. Mr Brown considers the heritage assessment statements flawed because they do not identify whether an HA is either 'highly significant' or 'significant' (paragraph 4.12). There is no requirement in the District Plan and nor is it best or common practice to distinguish between 'highly significant' and 'significant' HAs in New Zealand. Agreement between the experts on this point is recorded in the JWS Heritage, dated 21 Sept 2023.
17. At paragraph 4.14 Mr Brown does not specify in subclauses (a) through (d) which reports he believes require more comparative analysis and where, purportedly, inconsistencies arise with individual property ratings. In the absence of a list of identified reports and site records I am unable to address the inconsistencies Mr Brown believes to be present.
18. Mr Brown notes that I did not undertake any direct consultation or engagement with mana whenua in identifying RHAs, but all HA reports were informed by the Ngāi Tahu Atlas (<https://kahurumanu.co.nz/atlas>) and I understand there have been broader processes for the Council to engage with mana whenua on the plan changes as required under the RMA.
19. While I can appreciate that the common use of terms used to categorise individual properties within the RHAs and Character Areas (**CAs**) may be confusing (see paragraph 4.17 and 4.18 of Mr Brown's evidence), this is simply, in my opinion, the result of using the most appropriate terms within two assessment regimes that are closely aligned. Use of the same or similar words does not, I believe, establish that heritage and character values have been conflated in the HA reports.
20. Mr Brown has not provided (at paragraph 4.20 of his evidence) any examples to illustrate his concern about what he describes as the '*de facto*'

categorisation of scheduled heritage items as defining elements within an HA. I believe there are two aspects to the categorisation of individual scheduled items as 'defining' HA properties. First, most of the scheduled items that are located within an RHA are residential buildings; their values are therefore directly relevant to those of the area as a whole. Where this is not the case, as at Wigram, Heaton Street or Macmillan Avenue for example, the scheduled buildings or places are nevertheless integral to the heritage values of the area, as shown in each RHA report. Secondly, I consider that the lower categorisation of a scheduled item within an HA could create a conflict between the rules that apply to scheduled items and areas.

21. Mr Brown considers that local, regional or national significance should be addressed to, in his view, clarify the RHA assessment statements (paragraph 4.22 of Mr Brown's evidence). I consider that such a geographic categorisation is contrary to the assessment criteria in both the RPS and the District Plan.
22. I do not agree with Mr Brown's evidence at paragraph 4.25, where he states that 'the majority of individual sites in Chester Street East and Lyttelton appear to be identified as neutral or intrusive'. Council officers can provide further detail on this point.
23. At paragraph 4.26 of his evidence Mr Brown compares the categorisation of sites made by me, in regard to the RHAs, and other Council experts, in relation to the CAs. I can only speak to the categorisation of the former and believe that I have robustly assessed each property in terms of the definition of the ranking terms (Defining, Contributory etc) and the contribution each makes to the heritage values of the area as a whole.
24. At paragraph 4.26a Mr Brown has, understandably on reflection, confused the date of the underlying Deposited Plan provided in the assessment report with the 1936/37 design of the Piko/Shand (Riccarton Block) State Housing RHA. The Department of Housing overlaid their state housing scheme on DP 5888, which was drawn up in May 1921. The caption of the plan within the heritage report could be amended to eliminate this possible source of confusion.

25. With reference to Mr Brown's paragraph 4.26d, the properties at 10 and 10A Paeroa Street have been assessed and mapped as 'neutral', not 'contributory' as Mr Brown states.
26. Finally, at paragraphs 7.5 - 7.6 Mr Brown raises the issue of the CoCs for demolition that have been obtained by Kāinga Ora for the houses they own within the Piko/Shand HA. In my opinion, it is contrary to best and accepted practice to assess heritage values on the basis of what may happen in the future, including, but not limited to, the actioning of CoCs.

TIM JOLL FOR KĀINGA ORA

27. As discussed above, Mr Joll also puts forward (at paragraph 6.8 of his evidence) the position that CoCs diminish heritage values. I do not consider this approach to be correct or consistent with best practice heritage identification and assessment methodologies.

JEREMY PHILLIPS FOR CARTER GROUP LIMITED

28. In paragraphs 40 to 49 of his evidence Mr Phillips seems to be disputing the existence of HAs. I believe this is contrary to the RMA and CRPS, as well as the operative District Plan.
29. At paragraph 46 of his evidence Mr Phillips disputes that a robust evidence base has been provided by the Council in the form of the heritage assessments reports I have prepared, while accepting that he is not, himself, a heritage expert. I stand by the evidence-based assessment process that I undertook for the Council.
30. Mr Phillips (paragraph 111 of his evidence) also appears to consider that section 6(f) of the RMA only applies to nationally important heritage items, which I have commented on above.

CATHERINE BOULTON FOR CHRIST'S COLLEGE

31. At paragraph 23(c) Ms Boulton advances the proposition that CoCs diminish heritage values. As stated above, I do not consider that this is correct, nor is it best practice.

Dr Ann McEwan

9 October 2023