

**BEFORE A HEARING PANEL
CONSTITUTED BY NELSON CITY COUNCIL**

IN THE MATTER

of an application by **CCKV Maitahi Development Co LP** and **Bayview Nelson Limited** for a change to the Nelson Resource Management Plan (Plan Change 28)

IN THE MATTER

of Part 5 and Schedule 1 of the Resource Management Act 1991

REBUTTAL EVIDENCE OF ROBIN MILLER

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Section A – Expert Code and Scope of Evidence

Expert Code

- [1] While this is not an Environment Court hearing I have met the standards in that Court for giving expert evidence.
- [2] I have read the Code of Conduct for expert witnesses issued as part of the Environment Court Practice Note 2014 (Part 7). I agree to comply with the Code of Conduct. I am satisfied that the matters addressed in this statement of evidence are within my expertise. I am not aware of any material facts that have either been omitted or might alter or detract from the opinions expressed in this statement of evidence.

Scope of Evidence

- [3] The purpose of this evidence is not to restate matters that are already contained in reports or that have not been identified as controversial following expert conferencing. Rather it is to address significant matters in contention arising from submissions or any matters of disagreement between experts.
- [4] My rebuttal evidence relates to the undated memo from Dr. Ann McEwan to Gina Sweetman/Nelson City Council as far as it concerns the part entitled “Statement of Evidence of Robin Miller” paragraphs 8 – 19 and “Conclusion” paragraphs 22 – 24.

Section B – Rebuttal Evidence

- [5] I agree with Dr. McEwan when she says that we are in agreement that the shearing shed has heritage value, and that it is the extent of the building’s heritage significance that is in dispute.
- [6] In response to para. 9, I noted the question mark to which Dr. McEwan refers and the uncertainty she has about the age of the building. To me, “Mid-19th century?” leads the reader to the suggestion that the building could be 1850s/1860s and, hence, one of the District’s oldest buildings. However, it is only a small part of the building – three short walls of timber-

framing, three windows, and an associated area of timber flooring - that, in my view, could be pre-1900. This should be clarified, in the interests of transparency, in the post-JWS Council Heritage Assessment that Dr. McEwan has prepared. This is my reason for raising this point.

- [7] Para. 10 – Dr. McEwan records in her heritage assessment that the Run has a history of being leased. She refers to an early lessee, James Winter, and a 20th century lessee, Samuel Eden. To these two, I can add others including James Newport, John Warnock, G. Branford, and Esmey and Victor Thomason; all of whom were tenants of various parts of the Run right through until the Richardson family terminated the remaining leases around 1918/1919. I do not dispute the Richardson family's association with the Maitai Run; but I do believe the magnitude of the family's association with the shearing shed itself needs to be clarified. I doubt very much that the Richardson family were responsible for the construction of the *original* building on the subject site. Instead, I believe it more likely that it was built by a tenant given that the Run was tenanted for many years prior to the land reverting to the family in stages up to about 1919. The Richardson's direct association with the building began around the end of the First World War.
- [8] I have read the family history and I respect the part that Ralphine Richardson played in the Matai Run. The shearing shed undoubtedly has an association with Ralphine Richardson, but the depth and meaning of that association needs to be evaluated carefully. My experience from having been involved with heritage assessments for nearly 20 years is that the strongest association is created where notable people have been born, or lived their lives, in a building or where a very notable event relating to a person occurred in a building. In the case of the shearing shed, the building (and others on the site) came into the possession of Effie and Ralphine Richardson when the tenancy of the land it is on ended. I respect the family history that she was involved in farming activities at the site between about the end of the First World War and the 1960s. However, I can find no features, such as particular design elements/flairs or graffiti, that now display a physical link between Ralphine Richardson and the building. I acknowledge that there is graffiti relating to Rebecca Richardson (1967) and

other members of the local farming/shearing community largely from the 1960-80 period and this is why I have recommended that certain elements of the building are salvaged. Dr. McEwan states that she considers the historic significance of the association between the building and Ralphine Richardson is 'high'. In my view, the magnitude of this association is no more than moderate.

- [9] Para. 11. I note Dr. McEwan's statement that her Cultural & Spiritual assessment of the shearing shed is consistent with every other assessment she has provided to Nelson City Council. The definition/threshold in the Operative NRMP for Cultural and Spiritual significance is that:

'The heritage item contributes to the distinguishing characteristics of a way of life, religion, philosophy, custom, practice or other belief. A group or community holds the building, place or object in a high esteem. The heritage item has special significance to the tangata whenua.'

- [10] Dr. McEwan states in her heritage assessment that the culture - the way of life - that she is referring to is that of the Richardson family, in particular Ralphine Richardson. However, she does not elaborate on the distinguishing characteristics of the Richardson family to which the building contributes culturally.
- [11] My interpretation of 'Cultural and Spiritual significance' and why it is included as one of the heritage assessment criteria in the District Plan is a little different. I consider it is meant to relate to cultural groups, such as a society or a group characterised by shared ideas, values, customs or behaviour¹. The Cultural and Spiritual significance criteria is, in my view, not applicable to the shearing shed or the Richardson family.
- [12] I would add that, with regard to community esteem, I note that none of the public submissions have referred to the shearing shed as being held in community esteem.

¹ Guidelines for Assessing Historic Places and Historic Areas for the New Zealand Heritage List/Rārangī Kōrero, Heritage New Zealand Pouhere Taonga [March 2019]

- [13] Para 12 & 13. I re-affirm that I do not consider the shearing shed to be a '*significant* example of a particular style or time period'. With regard to technological significance, I would question exactly which element(s) of the shearing shed Dr. McEwan believes to have important technological and scientific interest through its rarity and educational value and has the potential to provide further information through research? Dr. McEwan has also confused this assessment criteria with my comments under the assessment criteria of 'Archaeological significance', where I have said the site has the potential to provide archaeological information.
- [14] Para 15. Dr. McEwan and I are agreed that she has not applied her own draft WWNP criteria to her heritage assessment. I am not a planning or legal specialist and, therefore, cannot comment as to whether she is correct in considering only the Operative NRMP criteria.
- [15] There are three occasions in Dr. McEwan's memo (para 10, para 16 and para 18) where she questions whether I have underplayed the heritage significance of the building. I have endeavoured to carry out an impartial assessment based on the factual information that I can discern from the limited historical records that are available and from the physical evidence that I can see in the building itself. For the reasons outlined above and in my earlier advice and evidence, to my mind the building has some level of historical & social, archaeological, and group, landmark and contextual significance. I do not believe the other criteria apply to the shearing shed and that it is incorrect to try and fit this building into all 7 criteria. As a result, my assessment of the heritage significance of the shearing shed is less than her own. I do not consider that I have diminished its significance at all; I have just presented my considered objective judgement of it.

Conclusion

- [16] The purpose of heritage assessment is to identify the heritage values and the magnitude of *significance* of a place. In essence, what makes a place special and the magnitude of that specialness. In respect to the Nelson Resource Management Plan, this significance is to the District.

- [17] The shearing shed is a very simple, small-scale building with two or three shearing stands, a wool store room, and the remains of pens. It is built of wood and iron and has at least 3 phases of development with the majority of development being in the 20th century. Even if Dr. McEwan is correct that the building should not be assessed under the yet to be notified WWNP and, hence, should not be considered in the light of the Nelson Thematic History, it is still relevant that the Thematic History does not recognise sheep farming as being a key element to the development of Nelson. Accordingly, sheep farming is not recognised as part of what makes Nelson special or distinctive. Since the latter half of the 19th century and throughout the 20th century sheep farming, like cattle farming and dairying, has widely existed across much of New Zealand, particularly the South Island, as a means of feeding people and providing resources, such as wool and leather. If this was a particularly distinctive or unusual activity in the development of Nelson, I doubt the author of the Thematic History, would have missed it even with the time constraint that the author has as a disclaimer (para. 16).
- [18] Spread across the country, there are some special shearing sheds – significant for various reasons, such as large size, unusual or distinctive materials, special design features like wool press towers, and group value with other station/estate buildings. The subject shearing shed has none of these features.
- [19] In the case of the subject shearing shed, I disagree that I have diminished its heritage significance. I have recognised its historical and social value (including its association with the Richardson family). I have also recognised its potential archaeological value (and that of the site) and its contextual value. The disagreement between Dr. McEwan and myself is over the magnitude of the shearing shed's significance and whether it has other heritage values, such as cultural, architectural and technological, that I have not accounted for.
- [20] Finally, with regard to my stated dismissal of the viability of the building for reuse (para. 18), I have set out my opinion in my evidence. I believe that what I have recommended as mitigation measures in terms of salvage,

recording and dissemination of the resulting information (please refer to Rule X.10) are as realistic as can be reasonably achieved given the condition of the building.

Dated 05 July 2022

A handwritten signature in black ink, consisting of a stylized 'R' followed by a series of loops and a final dot.

Robin Miller