

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of an application for a
proposed Private Plan Change (Private Plan
Change 28) by CCKV Maitai Dev Co LP and
Bayview Nelson Limited to the Nelson City
Council associated with the rezoning of
approximately 287-hectares of land located
within Kaka Valley, along Botanical Hill and
Malvern Hill on land at 7 Ralphine Way,
Maitai Valley and Bayview Road as detailed
within the application.

S42A SUMMARY REPORT TO THE COMMISSIONERS

**MR GREG HILL (CHAIR), MS SHEENA TEPANIA, MS GILLIAN WRATT, AND MR NIGEL
MARK-BROWN**

**SECTION 42A SUMMARY REPORT OF DR ANN MCEWAN, HERITAGE SPECIALIST –
HERITAGE CONSULTANCY SERVICES, ON BEHALF OF THE NELSON CITY COUNCIL**

21st July 2022

Introduction

- 1 I am a qualified and experienced expert in heritage identification and assessment. Full details of my qualifications and experience are set out in the s42A report.
- 2 Of particular relevance to this hearing, my heritage assessment work for Nelson City Council [NCC], commencing in 2015, has involved a number of work streams. The first was to review all of the C ranked heritage items scheduled in the operative Nelson Resource Management Plan [NRMP] to determine whether they merited retention in the plan as A or B ranked items or, if they did not possess significant historic heritage value, to be excluded from the schedule in the proposed Whakamahere Whakatū Nelson Plan [WWNP]. This work was predicated on the policy decision taken by NCC that the C category was not to be included in the WWNP because it did not give effect to RMA s6(f); given that C ranked items in the NRMP are not subject to any rules other than a requirement to notify the council two months prior to demolition.
- 3 My work for NCC, encompassing circa 377 individual built heritage items and ten heritage precincts, has always been undertaken with reference to research files and assessment reports held by NCC and the thematic historic overview written by Dr John Wilson; neither source purported to be exhaustive in its assessment of all the potential historic heritage resources of the city. I would note in this regard that heritage assessment work in Aotearoa New Zealand is undertaken as an iterative process rather than a de novo one and that it is quite common for 'new' heritage items to be brought to light via the notification of a proposed plan or plan change, a structure plan or resource consent process.

Background

- 4 The Sharland submission and Policy RE6.1 in the notified version of PPC28 provided my entry point to these proceedings and hence a review of the Young and Miller reports. On that basis I attended expert conferencing, at which the issue of whether scheduling was outside of scope was raised but not adequately resolved to my satisfaction. The evidence presented by M/s Duncan also canvases issues concerning the heritage values of the plan change area. Like M/s Duncan, I remain concerned about the absence of a Cultural Impact Assessment at this time, although the applicant's position would appear to be that future resource consents can fill that void.
- 5 I prepared my assessment of the subject building with reference to the assessment criteria in Appendix 1 of the operative NRMP, on the basis that if scheduling were to occur via this plan change it would be under the auspices of the operative plan and not the proposed WWNP. In conjunction with Dr Greg Mason, I prepared revised criteria and an assessment methodology for the proposed WWNP and I attach a copy of the new criteria, which was supplied to the applicant on 21 April of this year. As can be seen the revised criteria are very close to the criteria in the operative plan. Two minor revisions involve the conflation of group and landmark values, to better satisfy best practice and align with the RMA definition of historic heritage, and the separation of technological and scientific values for the same reasons. I do not consider that use of the proposed plan's criteria would materially alter my assessment of the significance of the shearing shed and would note that the guidance notes in the attachment may assist the panel in understanding how I came to recommend a B ranking for this heritage item.
- 6 The experts have formed a view, in my opinion, that the shearing shed has heritage value. On that basis rules have been provided at Schedule X.10 for a controlled activity status for demolition of the building. I do not consider that such an activity status is appropriate in light of

RMA section 6(f). If the applicant's experts had not identified heritage value then there would be no need for expert input into this matter, nor for any provisions in Schedule X.

Response to Mr Miller's rebuttal evidence

The numbers in brackets refer to paragraphs in Mr Miller's rebuttal statement of evidence:

- 7 [6] It is not in question that the building has been added to and altered over time. This is typical of most, if not almost all, heritage buildings and my assessment of significance does not solely rest on the potential mid-19th century origins of the building, although it is not in dispute that the farm has been developed since that time. Having reached an agreement as to the heritage value of the structure, Mr Miller's identification of individual walls and flooring is more appropriate to a heritage conservation plan than a heritage assessment – unless he would argue that the building lacks sufficient authenticity and integrity to merit scheduling [putting the ranking to one side for the moment], which I do not believe he has. [The ICOMOS NZ Charter provides relevant definitions of both authenticity and integrity; see attached].
- 8 [7] The history of leasing the run is agreed but I dispute that this therefore undermines the significant historic association of the Richardson family with the property and the shearing shed. Heritage assessment of rural buildings typically gives considerable weight to ownership but I would also argue that the lessees are part of the history and therefore heritage value of the building. I would consider that the experts agree that the property has a very long continuous history of ownership and, later, active management by the Richardsons.
- 9 [8] Mr Miller appears to be privileging heritage buildings in which 'notable people' have been born or lived their lives or where a notable event relating to a specific person has occurred. I do not consider that this approach can be reconciled with the high heritage significance that may be ascribed to a church, government building, or bridge. It is no more reasonable to expect that a specific physical feature of the building links it directly to Ralphine Richardson than to look for a feature of the Church Steps on Pikimai Church Hill that forms a direct link to Thomas Cawthron; rather the historical and social significance criterion is met by an intangible association between the item and a 'notable person, event, time period or activity'.
- 10 [10] The 'distinguishing characteristics of a way of life' referred to in my assessment relate to an aspect of the way of life of the Richardsons and their farm workers. I could perhaps have been a little more overt in stating that this aspect relates to the practice of sheep farming, in which Ralphine Richardson was an active participant. The shed also embodies the culture of the shearing shed workers, which can be evidenced by the graffiti to which Mr Miller refers.
- 11 [11] Mr Miller cannot redefine an assessment criterion [cultural] contrary to that in the NMRP. The Heritage New Zealand Pouhere Taonga guidelines referred to in the footnote are not relevant in this regard.
- 12 [15] I still hold to my view that Mr Miller has underplayed the significance of the building, especially in regard to its historical & social significance, and that this has resulted in our dispute over the significance of the shed.
- 13 [17] I did not state that the thematic history should not be involved in the assessment of this structure; rather I identified the gaps and limitations Dr Wilson identified in presenting his study. Sheep farming is mentioned in relation to Nelson's history on *Te Ara*, the online encyclopaedia of NZ [<https://teara.govt.nz/en/nelson-region/page-9>], and sheep were being farmed in Nelson by the late 1840s. Mr Miler appears to be arguing here that sheep farming is not special or distinctive to Nelson and therefore the shearing shed cannot be considered significant – surely the same argument could be made for an Anglican Church or a school? [I would note in this

regard that I have recommended that the former 'Drumduan' stables at Glenduan [Mackay farm building, c.1845] be scheduled as an A ranked item in the WWNP. As a metropolitan council the heritage resources of Nelson are overwhelmingly urban in nature, but the rural history of the district is embodied in a number of buildings, including the former 'Woodstock Park' farm building in Covent Drive [c.1853/54?] and a number of farmhouses and homesteads, most of which are now part of the suburban fabric of the city.

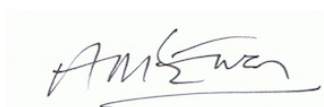
- 14 [18] I do not dispute that there are more significant examples of shearing shed buildings in other parts of New Zealand; none, however, is located on this site with this structure's association with the Richardson family and the Nelson's rural history.

Additional information provided by Mr Harley

- 15 Mr Harley provided some supplementary information at the hearing last week about his involvement, in 1970/71, in temporarily uplifting the shearing shed floor to extract sheep manure and assisting farm staff with some internal alterations and/or additions. He did not provide any information that pertained to the exterior of the building and I therefore do not consider that Mr Miller's characterisation of the building as a '1970s iteration of the building' is supported by Mr Harley's evidence before the panel.

Conclusion

- 16 In my opinion the heritage values of the shearing shed, particularly in regard to its high historic significance due its association with Ralphine Richardson, support a B ranking according to the heritage assessment criteria in the operative NRMP. I also consider a B ranking is supported using the revised criteria and assessment methodology in the proposed WWNP.
- 17 I do not believe that Rule X.10 will provide adequate mitigation for the loss of a significant historic heritage resource.
- 18 It is my recommendation that, if scheduling is deemed to be beyond the jurisdiction of these proceedings, bespoke rules for the recognition and protection of the former Richardson / 'Maitai Run' shearing shed should be included in Schedule X until such time as the building can be proposed for scheduling as a B ranked item in the proposed Whakamahere Whakatū Nelson Plan.



Dr Ann McEwan
Heritage Consultancy Services

Attachments: NRMP [operative] and WWNP [proposed] heritage assessment criteria and methodology; ICOMOS NZ Charter extract showing definitions of 'authenticity' and 'integrity'.