

**IN THE MATTER** of applications pursuant to the  
**Resource Management Act 1991**

**BY** **Hamilton City Council**

**FOR** **Application for consent to  
demolish a Category B Heritage  
Building (Municipal Pools) and  
undertake associated earthworks  
and site remediation at 30 Victoria  
Street, Hamilton Central, Hamilton**

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**STATEMENT OF EVIDENCE (HERITAGE)**

**Richard John Knott**

**18 October 2019**

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## **1.0 INTRODUCTION**

- 1.1 My full name is Richard John Knott. I am a specialist in Heritage Matters. I have worked in the areas of heritage/building conservation, urban design, special character and planning for 30 years. This includes 12 years working in New Zealand and 18 years working in the United Kingdom.
- 1.2 I hold a Post Graduate Diploma Building Conservation (2002), Master of Arts Urban Design (1995), (post-graduate) Bachelor of Planning (1989) and Bachelor of Arts (Hons) Town and Country Planning (1988). I am a Member of the Institute of Historic Building Conservation, Chartered Town Planner (Member of the Royal Town Planning Institute) and Member of the Institute of Highway Engineers. In July/August 2016 I attended the University of Southern California's 'Fundamentals of Heritage Conservation' short course.
- 1.3 I am the holder of a Making Good Decisions Certificate (with Chairs Endorsement) and have sat as an Independent Planning Commissioner for Auckland Council, Hamilton City Council, Taupo District Council, Tauranga City Council and Whangarei District Council.
- 1.4 I run my own practice, Richard Knott Limited, specialising in heritage buildings and areas, urban design, special character issues, master-planning and town planning for a variety of private and public clients. In New Zealand, I have provided heritage building reports and advice for Auckland Council, Christchurch City Council, Queenstown Lakes District Council and Hamilton City Council and a range of private clients. I have also sat as Planning Commissioner on a number of heritage related hearings.
- 1.5 I have held various senior heritage and urban design positions in New Zealand and the UK, including Group Manager Urban Design at Manukau City Council and (built environment) Conservation Officer at the Borough of Poole (UK), both of which included responsibility for all heritage matters across the Council areas. Prior to establishing Richard Knott Limited in early 2014, I was an Associate Director at AECOM NZ Limited and ran its Design and Planning business for New Zealand.
- 1.6 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and have complied with that practice note in preparation

of this evidence. I agree to comply with it in presenting evidence at this hearing. The evidence that I give is within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me that might alter or detract from the opinions that I express in this evidence.

## **2.0 SCOPE OF EVIDENCE**

2.1 I have been retained by Hamilton City Council - Planning Guidance Unit to provide heritage advice relating to the consent application by Hamilton City Council - Community Facilities (the applicant).

2.2 I am familiar with the local area and made a specific visit to the site on the 29th August 2018. This included the opportunity to enter the site to view the pool complex in detail.

2.3 I took part in the Heritage Experts Caucus on the 19<sup>th</sup> August 2019.

2.4 I prepared a Heritage Peer Review Memo dated 3<sup>rd</sup> July 2019 (*my memo*).

2.5 The purpose of this statement of evidence is to address matters raised in the application relating to heritage and consideration of submissions in this regard.

2.6 In preparing this evidence I have reviewed the following:

- a. Resource Consent Application and Assessment of Environmental Effects: Demolition of Municipal Baths Category B Built Heritage (H88), Bloxam Burnett & Olliver, November 2018 (AEE)
- b. Hamilton Municipal Pools, Assessment of Heritage Values, Archifact Architecture and Conservation Limited, October 2018 (*Assessment of Heritage Values*)
- c. Municipal Pool – Victoria Street, Options Report, WSP Opus, August 2018 (*Options Report*)
- d. Memo 29<sup>th</sup> July 2019, Archifact Architecture and Conservation Limited (*Archifact Memo*)

- e. Structural Assessment – Grandstand at Municipal Pools, SSP Opus, October 2019 (*Grandstand Structural Assessment*)
- f. Memo 07 October 2019 (considering structural assessment of grandstand by WSP Opus), Archifact Architecture and Conservation Limited (*Archifact Grandstand Memo*)
- g. Memo 07 October 2019, consideration of structural assessment of grandstand (by WSP Opus), Bloxham Burnett Oliver (*BBO Grandstand Memo*)
- h. Evidence of Colin Jacobson regarding Structural matters, 16 October 2019 (*Structural Evidence*).

2.7 My evidence covers:

- Background (section 3.0)
- Existing Heritage Values (section 4.0)
- Options Report and Grandstand Structural Assessment (section 5.0)
- Operative District Plan and Best Practice (section 6.0)
- Submissions (section 7.0)
- Mitigation (section 8.0)
- Conclusion and Summary (section 9.0)

### **3.0 Background**

- 3.1 The Municipal Pools are included on Schedule 8A Built Heritage of the Hamilton Operative District Plan as a Category B item; item no.88. Plan Ranking B places are:

*‘Historic places of significant heritage value include those assessed as being of high or moderate value in relation to one or more of the heritage criteria and are considered to be of value locally or regionally.’*

### **4.0 Existing Heritage Values**

- 4.1 The Assessment of Heritage Values submitted as part of the application provides an overview of the history of the heritage place. It includes an assessment of the buildings against the criteria used to identify the heritage value of historic places

from 8-1.2 of the operative District Plan (ODP), although the methodology used in the report does vary from that set out in the ODP (as discussed in my memo).

4.2 The Assessment of Heritage Values states that:

*...The low significance evaluation in 13 of 15 heritage assessment criteria (and its moderate ranking in only two criteria acknowledges that the historic heritage values for which the Municipal Pools were included in Schedule 8A Built Heritage of the District Plan have been eroded to a point that its inclusion in Schedule 8A is now questionable...*

4.3 Notwithstanding the above, it was agreed at the Heritage Expert Caucusing by all heritage experts, including Mr Wild, that the place (site, buildings, context) is worthy of being scheduled.

4.4 It is therefore clear that all experts accept that the complex is worthy of its heritage status.

## **5.0 Options Report and Grandstand Structural Assessment**

5.1 The Options report considers the condition of the existing pool complex, its earthquake risk and provides three options; (i) build new on site, (ii) strengthen pool walls and upgrade services and buildings and (iii) demolish entire site and develop into green space.

5.2 Whilst I accept the conclusions of the report, I commented in my Heritage Peer Review Memo dated 3<sup>rd</sup> July 2019 that it would have been useful if it had considered a wider range of options.

5.3 Subsequently, the Applicant has provided a further Structural Assessment of the Grandstand. This has been peer reviewed by Mr Jacobson for the Council. As confirmed in his Structural Evidence he is of the opinion that *'from a structural perspective, demolition of the entirety of the pools complex, including the Grandstand is justified'*.

5.4 I accept this expert opinion.

## 6.0 Operative District Plan and Best Practice

6.1 I consider that Objective 19.2.3 and its associated policies are critical to the consideration of this application to demolish a heritage building. In particular:

*Objective 19.2.3, The heritage values of significant buildings, structures and their immediate surroundings are protected.*

*Policy 19.2.3b - Demolition or relocation of buildings and structures ranked B in Schedule 8A should be discouraged.*

*Policy 19.2.3c - Subdivision and development shall retain, protect and enhance the heritage values of any building or structure listed within Schedule 8A.*

*Policy 19.2.3g - The continued use or adaptive reuse of any building or structure of identified heritage value shall be encouraged.*

*Policy 19.2.3i - Encourage the strengthening of buildings in Schedule 8A to increase their ability to withstand future earthquakes while minimising the significant loss of associated heritage values.*

(Emphasis added)

6.2 Whilst Policy 19.2.3b is not directive and only discourages the demolition of category B buildings, Policy 19.2.3c is directive and states that heritage values of any building or structure listed shall be retained. These policies need to be balanced to provide direction on this matter.

6.3 International building conservation best practice and the ICOMOS New Zealand Charter 2010 recognise the importance of having an appropriate use or purpose for a heritage place, to encourage investment in its upkeep:

*'The conservation of a place of cultural heritage value is usually facilitated by the place serving a useful purpose....Where the use of a place is integral to its cultural heritage value, that use should be retained...'<sup>1</sup>*

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<sup>1</sup> ICOMOS New Zealand Charter 2010, Section 8, Use

- 6.4 In this case the expectation that development shall retain, protect and enhance the heritage values of the building needs to be balanced against the reports submitted with the application which indicate that the Municipal Pools complex is not currently capable of serving a useful purpose and would at a minimum, require significant upgrade and alteration (potentially including substantial demolition and rebuild) before it could be brought back into use.
- 6.5 Whilst I consider that an alternative option which looked to upgrade the building but retain some heritage fabric, such as that provided by Mr Wassung, would have some merit from a heritage perspective, it would still have a very significant impact on the integrity and heritage value of the complex. The various reports submitted with the application, including the Grandstand Structural Assessment also cast doubt on the viability of achieving this.
- 6.6 In this case, it has been clearly established that the Municipal Pools complex is not fit for purpose and that very significant investment, far greater than ongoing maintenance, is required to bring the complex back into an appropriate use. I therefore question whether it is realistic to expect the Council to retain the pools/buildings.
- 6.7 I believe that consideration of Policy 19.2.3c must recognise that the complex is in poor condition, does not meet accepted standards for earthquake risk or access for people with disabilities and is not currently fit for purpose. Given this, I agree with the conclusions of the AEE that it is unrealistic to seek to retain the municipal pools in their current condition and that change and loss of fabric is inevitable. This is supported by the additional information provided by the Grandstand Structural Assessment.

## **7.0 Submissions**

- 7.1 Thirty-four submissions were made to the proposal, with all but one opposing the application.
- 7.2 A large number of the submissions raised heritage related matters and in particular that the buildings should be upgraded rather than demolished as they are of heritage interest and in a historic part of Hamilton. Matters raised by submitters include:

- That Hamilton's dwindling heritage should be respected and preserved, in line with the requirements of Part 2 of the RMA that historic heritage should be protected from inappropriate subdivision, use, and development. This includes, but is not limited to, submissions 05, 06, 07, 12, 13, 14, 15, 17, 20, 21, 22, 23, 26, 27, 30, 32.
- Further options should have been considered, including submissions 17, 20, 22, 23.
- The replacement of the buildings with interpretive signage is inadequate mitigation, submission 17
- That a Hamilton Historic Heritage Preservation Trust should be set up to maintain the building, submission 17
- That the heritage assessment or archaeological report is flawed, submissions 17, 22, 26, 29
- That many people associated with pool are/were/have become notable members of the Hamilton Community, submissions 07, 14, 30
- Considerations should be given to the impact on the ODP Scheduled and Heritage New Zealand Listed Band Rotunda located next door, submission 15
- The current disrepair is due to a lack of investment and represents demolition by neglect, submissions 27, 33

7.3 The comprehensive submission by Mark Wassung (submission 23) includes a staged concept for a new mixed-use development of the site including the retention of elements of the existing building and upgraded swimming pool facilities along with a cost estimate (prepared in 2013) for the scheme.

7.4 I have significant sympathy with heritage matters raised in the submissions. However, in relation to the retention of the existing complex of buildings, as indicated above I believe that it is important to recognise that the complex is in poor condition, does not meet accepted standards for earthquake risk or access for people with

disabilities and is not currently fit for purpose. I believe that these current flaws with the buildings have contributed to the lack of investment in the pools complex and its continued deterioration, rather than vice versa. With the additional information from the Grandstand Structural Assessment, I consider that it is unrealistic to seek to retain the municipal pools in their current condition or to seek to retain part of the site/structure/buildings.

7.5 I am familiar with Heritage Preservation Trusts and Building Preservation Trusts, and whilst I see significant benefit in them managing heritage buildings and sites, I believe that they are most successful where it is possible to establish an appropriate active use of a building/site (and they are able to obtain an income from this to fund work and maintenance). As outlined above, in this case there are significant limitations on the ability to allow the public to use the building as existing, and whilst a Preservation Trust could be a means for the future management of an upgraded or altered site (were this feasible), I do not believe that it would be immediately appropriate to the current situation.

7.6 As noted above, I believe that it would have been more useful if the Heritage Assessment had more closely followed the process established in the ODP, and accept that the significant number of people associated with the pool who are/were/have become notable members of the Hamilton Community should have been better recognised in the Heritage Assessment.

7.7 I understand that it is not the intention that there be any alterations made in the immediate locality of the Scheduled and Heritage New Zealand Listed Band Rotunda to the east of the pool complex, although were consent granted a condition could be added to ensure that appropriate protection is given to the Band Rotunda during demolition and other works on the application site.

## **8.0 Mitigation**

8.1 As Policy 19.2.3c indicates that development shall retain, protect and enhance the heritage values of any building or structure listed within Schedule 8A and given that there will clearly be adverse effects from the loss of the Municipal Pools complex, I consider that appropriate mitigation measures should be put in place if consent is granted to allow the demolition of the buildings.

- 8.2 The application initially only proposed limited mitigation measures including interpretative signage, although Mr Wild subsequently proposed additional options in his Memo dated 29<sup>th</sup> July 2019.
- 8.3 Mitigation was also discussed at the Heritage Expert Caucus. I agreed that appropriate mitigation for the loss of the building could be the development of an interpretation plan by a relevant interpretation expert.<sup>2</sup>
- 8.4 I therefore recommend that a condition be added to any consent which may be granted requiring that an interpretation plan be prepared by a relevant interpretation expert, and that this plan be implemented in full.
- 8.5 We discussed the potential contents of an interpretation plan at the Heritage Expert Caucusing, including retention of fabric and its incorporation into the landscape design of the area. I also note that conditions regarding mitigation and interpretation are put forward in the BBO memo dated 7<sup>th</sup> October 2019. However, I do not consider either of these lists to be exhaustive; they do not cover all available options. I consider that it would be more appropriate for an interpretation expert/specialist to develop ideas for the interpretation of the site with the involvement of the community resulting in the development of a Site Restoration and Interpretation Plan.
- 8.6 I therefore believe that before a decision is made on the final contents of a site restoration and interpretation plan it is important that:
- An appropriately qualified and/or experienced interpretation expert be contracted to investigate options, to put forward recommended options and then write the site restoration and interpretation plan.
  - Other experts should be made available to support the interpretation expert as required, to consider the feasibility of options (this could include, but not limited to, a structural engineer and a landscape architect).
  - Further research be carried out regarding the intangible, social significance of the Municipal Pools (including matters discussed in the submissions) to

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<sup>2</sup> Municipal Pools Joint Witness Statement of Heritage Experts, 19<sup>th</sup> August 2019, Mitigation Item (c)

ensure that this can be incorporated into the site restoration and interpretation plan.

8.7 A suggested wording for the condition is:

*The consent holder shall engage a suitably qualified and experienced interpretation expert to prepare a Site Restoration and Interpretation Plan. The Site Restoration and Interpretation Plan is to be certified at least twenty working days prior to the commencement of demolition works (except site preparation works as described in Condition 2) by the Hamilton City Planning Guidance Manager. The objective of the Plan is to appropriately record the history, including the social history, of the former Pools facility and to determine appropriate interpretation through site restoration measures.*

*The Site Restoration and Interpretation Plan shall be prepared through a consultation process involving the submitters to the application and shall identify the specific measures that are to be undertaken as part of the site restoration.*

*The measures to recognise heritage values proposed through the Site Restoration and Interpretation Plan shall be implemented as part of the immediate site restoration, or otherwise to a programme and timeframe confirmed by the Hamilton City Planning Guidance Manager through certification of the Site Restoration and Interpretation Plan.*

*In the event that subsequent demolition activity results in the discovery of archaeological remains, the consent holder shall submit a revised Site Restoration and Interpretation Plan for certification by the Hamilton City Planning Guidance Manager, incorporating measures to recognise archaeological values. Such measures shall be prepared through a consultation process involving Te Ha o Te Whenua o Kirikiriroa and Waikato Tainui.*

## **9.0 Conclusion and Summary**

9.1 It is clear that the building is worthy of its current District Plan B Ranking. There is therefore an expectation that any development shall retain, protect and enhance the heritage values of the site and that demolition of the building should be discouraged.

- 9.2 However, in this case it has been clearly established that the buildings are not fit for purpose and that very significant investment, far greater than ongoing maintenance, is required to bring the complex back into an appropriate use. On balance, I do not believe that there is a case which can be argued that the complex, which has significant defects, is not fit for purpose and which cannot be brought into active use without very significant alteration, should be retained in its entirety.
- 9.3 I therefore accept that it is not realistic to expect the building to be retained.
- 9.4 I therefore accept that the demolition of the municipal pool complex and associated grandstand is justified, but recommend that an appropriate condition, as set out above, be placed on any consent granted requiring that an interpretation plan be prepared by an appropriately qualified/experienced expert and thereafter implemented in its entirety to provide mitigation for the loss of the complex.



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Richard John Knott

Dated 18<sup>th</sup> October 2019