

**BEFORE THE INDEPENDENT HEARING PANEL**

**IN THE MATTER**

of the Resource Management  
Act 1991

**AND**

**IN THE MATTER**

Proposed Plan Change 12 to the  
Operative Hamilton City District  
Plan

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**MEMORANDUM REGARDING PROPOSED DEFERRAL OF PLAN CHANGE 12  
HEARING**

**ON BEHALF OF WAIKATO HERITAGE GROUP**

**DATED 04 07 2023**

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## MAY IT PLEASE THE PANEL

1. By memorandum dated 29 June 2023, counsel for Hamilton City Council (HCC) requested Independent Hearing Panel (IHP) to defer the substantive hearing on Plan Change 12 (PC 12) scheduled to commence on 4 September 2023 until early 2024. The reason for that request is so that the revised flood hazard and modelling can be taken into account in the PC12 process.
2. The IHP Direction 16 invites any party seeking to address the IHP on the deferral request to lodge submissions. Waikato Heritage Group (WHG) hereby does so.
3. We are concerned that if the IHP undertakes hearings in 2024, the ability to fully consider Qualifying Matters such as Special Character overlays will be necessarily constrained, especially for Council experts.
4. In similar way, WHG wants to ensure robust consideration is still given to aspects that not directly related to, or affected by changes to the planning responses for flooding, such as Special Character overlays.
5. We are also concerned that Plan Changes 9 and 12 will not have integrated decision making if PC 12 is deferred until 2024. Some of the planning/development controls for Historic Heritage Areas are within PC 12. On the current timetable PC 9 will be decided on in advance of PC 12. We understand the s42A reporting teams are different across the two plan changes which does not support an integrated approach.
6. Overall, we are supportive of a deferral, subject to:
  - a) Confirmation that the expert conferencing session planned for July 2023 are also paused until notification of the flood hazard plan change;
  - b) Integration is maintained between PC 9 and PC 12 especially in respect of proposed Historic Heritage Areas, Scheduled heritage items, and Special Character Zone areas.
  - c) The deferral allows sufficient time to fully consider additional qualifying matters such as Special Character Overlays without the excuse of time pressure caused by the deferral.

7. WHG wants to see integrated approach across plan changes. For example, there was discussion of 'buffer zones' around Historic Heritage Areas that need to be considered within PC 12.
8. It is sought to ensure sufficient time is allowed through the PC 12 evidence and hearings processes to consider the integration and inclusion of historic heritage and special character as qualifying matters.
9. WHG agrees that PC 12 should be paused as clearly not all the evidence to make informed decisions is before the Panel. It is not yet known what new information will be presented by the Council in the flood plan change. Therefore, it's possible that even if it is thought a particular topic could proceed now, it may transpire that the further information, or decisions on other topics based on the further information, may require any hearing on any topic that proceeds now to be reconvened.
10. Proceeding with any topic hearing before notification of the flood plan change could create barriers to further participation by submitters who may lack the financial resources to attend hearings that may be to be reconvened; and proceeding with expert conferencing would similarly undermine the process, if not all information is available for discussion.
11. Subject to the conditions in paragraph 6, we support the Council's request that Plan Change 12 be paused.

Waikato Heritage Group

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