

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS
IN HAMILTON**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE
KIRIKIROA**

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

IN THE MATTER of the hearing of submissions on proposed Plan Change 9
(Historic Heritage and Natural Environment) to the Hamilton City
Operative District Plan

**MEMORANDUM OF COUNSEL ON BEHALF OF KĀINGA ORA - HOMES
AND COMMUNITIES**

Dated: 1 February 2024

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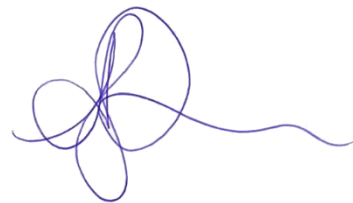
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MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL:

1. This memorandum is filed on behalf of Kāinga Ora-Homes and Communities (“**Kāinga Ora**”).
2. The purpose of this memorandum is to record the understanding of Kainga Ora regarding Hamilton City Council’s (**HCC**) memorandum of counsel dated 13 December 2023 and the Panel’s subsequent Direction #21 in relation to Historic Heritage Areas (**HHAs**).
3. The HCC memorandum advises the Panel that:
 - a. HCC no longer pursues the nine HHAs which Mr Knott had identified as being of “moderate” value but considers the remaining 20 HHAs which are classed by Mr Knott as either Outstanding or High under the scale agreed at HHA expert conferencing would also meet the same ranking under the interim guidance scale; and
 - b. amendments are required to the HHA provisions in response to the interim guidance, and for consistency with changes proposed to the built heritage provisions.
4. As a result, the Panel has issued Direction #21:
 - a. requesting any parties who support the retention of the nine ‘moderate’ HHAs identified by Council advise the Panel by 1 February 2024; and
 - b. requiring HCC to file a further memorandum by 2 April 2024 setting out its recommended procedural steps towards a final hearing of heritage-related matters in 2024.
5. Kainga Ora records its understanding that there will be an opportunity for further comment as part of the final hearing, including any response required to the amended provisions to be put forward by HCC on 2 April 2024.
6. For the avoidance of doubt:

- a. Kainga Ora supports the removal of the 9 HHAs identified by Council.
- b. Kainga Ora disagrees with HCC that the remaining 20 HHAs which Mr Knott classed as either Outstanding or High would meet the ranking under the interim guidance scale. Rather, and as outlined in earlier submissions and evidence:
 - i. there are a number of other HHAs which Mr Brown considers exhibit 'moderate' values at best and should therefore also be removed.¹
 - ii. there are a number of HHAs which are identified as outstanding but: (1) are at best high; and/or (2) require refinement to their extent.²

Dated this 1st day of February 2024



D A Allan / A K Devine
Counsel for Kāinga Ora – Homes and Communities

¹ Rebuttal of John Brown for Kainga Ora (Heritage) dated 6 October 2023 at paras 3.5 – 3.11. These HHAs being: Fairfield Road; Matai, Hinai and Rata Streets; Acacia Crescent; Ashbury Avenue; Wilson and Pinfold Street; Sare Crescent; Chamberlain Place.

² Rebuttal of John Brown for Kainga Ora (Heritage) dated 6 October 2023 at paras 3.3.