

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of Proposed Plan Change 9 to the Operative Hamilton City
District Plan

MEMORANDUM OF JEAN MARY DORRELL AND DAVID EDWIN WHYTE IN
RESPONSE TO DIRECTION #14

6 AUGUST 2023

Jean Dorrell and David Whyte
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MAY IT PLEASE THE HEARING PANEL

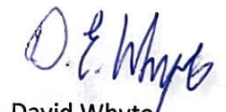
1. Paragraph 19 of the HCC legal memo dated 1 August 2023 raises how to proceed with HHAs. Our request is that it continues as currently proposed with the expert mediation on 24 August 2023 and a revised HHA document from Mr Knott on 22 September 2023, leading into additional hearings in November 2023 and hopefully some decisions from the panel.
2. In an email from Mr Rice dated 2 August, he noted that *"The conferencing has been set down for 24 August 2023. This was delayed as the experts were sorting who was available when and an agreeable date was needed for all."*
3. This suggests, not surprisingly, that it is not easy to arrange for a number of experts to all be available at the same time.
4. Unlike the Built Heritage, the issues with HHA methodology have been largely identified and discussed (although not yet resolved or agreed). To merge the HHAs and Built Heritage in any way will likely result in a backwards move for HHAs and a potential for neither to be effectively resolved.
5. Refining the methodology of HHAs will not necessarily alter many of the submissions already made and heard. For example, people who oppose being in an HHA or are not currently in a proposed HHA but wish to be so, will still have the same view.
6. As you heard in the May/June 2023 hearings, being in a proposed HHA can cause considerable stress. That stress is worsened by ongoing uncertainty. For example, Mr Bakshi of Marshall Street spoke on 2 June 2023 about his concerns that he cannot put up a secure high fence (due to HHA restriction) so that his children can safely play outside without having to worry about intruders, and also cannot sell his house as no one wants to buy an HHA house with no proven history to support the HHA label. In another example, Ms Walsh of Oxford Street spoke on 31 May about being unable to make plans for her retirement due to the proposed HHA which would prevent her from building a granny flat on the front of her property. In a third example, Ms Briggs of Seifert Road spoke on 2 June 2023 of having to put her building plans on hold, which impacts both her and her builder.
7. While it is important that the Panel and HCC get it right, the human aspect needs to be acknowledged and taken into consideration before considering any **further** delay to HHA decision making.

Directions Sought

8. The hearings and actions for the HHAs should progress as already planned in Direction #10.
9. We agree that the November hearings for built heritage should not go ahead as planned as it will waste more time and resources to have oral submissions when the underlying methodology has not yet been agreed.
10. The methodology for built heritage should be reviewed and agreed by experts. This should be separate to the review for the methodology of HHAs.

Dated 6 August 2023


Jean Dorrell


David Whyte