

**BEFORE THE HEARING PANEL**

**UNDER**

the Resource Management Act 1991

**AND**

**IN THE MATTER OF**

Proposed Plan Change 9 to the  
Operative Hamilton City District Plan

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**MEMORANDUM OF COUNSEL**

Dated: 7 March 2024

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## 1 INTRODUCTION

- 1.1 This memorandum is filed on behalf of New Zealand Police Nga Pirihimana o Aotearoa (*NZ Police*) in response to the Memorandum of Counsel on behalf of Hamilton City Council (*HCC*) filed on 1 March 2024 (*HCC memorandum*).
- 1.2 NZ Police lodged a submission on Plan Change 9 which, among other matters:
- (a) opposed the proposed inclusion of the Central Police Station building<sup>1</sup> via Plan Change 9 in Schedule 8A of the Operative Hamilton City District Plan (*Operative Plan*) as a listed built heritage item; and
  - (b) requested its removal from that notified Schedule.
- 1.3 Expert evidence in support of that relief was filed on behalf of NZ Police on 22 September 2023.<sup>2</sup>
- 1.4 The HCC memorandum responds to the Hearing Panel's Direction #21, which directed HCC to provide the Panel with a report which re-categorises HCC's remaining proposed built heritage items<sup>3</sup> in accordance with the interim guidance issued by the Panel on 27 November 2023 (*Re-categorisation Report*).<sup>4</sup> That interim guidance outlined the Panel's interim position on the appropriate methodology for assessing built heritage items, and the corresponding significance scale for categorising built heritage items (*Panel-endorsed significance scale*).
- 1.5 The Re-categorisation Report identifies how the proposed built heritage items were originally categorised in the notified Plan Change 9, and how each item is now categorised according the Panel-endorsed significance scale. The HCC memorandum advises that it will continue to pursue for inclusion in Schedule 8A, built heritage items identified

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<sup>1</sup> Located at 12 Anzac Parade, Hamilton; notified Schedule 8 ID# H153.

<sup>2</sup> Evidence was filed by Adam Wild and Veronica Cassin (Heritage), Superintendent Bruce Bird (NZ Police) and Grant Eccles (Planning).

<sup>3</sup> "Remaining built heritage items" refers to those items notified in Schedule 8A as part of Plan Change 9 which were not removed from that Schedule in Plan Change 9 – Decision #1, issued on 27 November 2023.

<sup>4</sup> Hamilton City Council Hearing Panel, Direction #21, paragraph 4, referencing paragraph 2(b). Hamilton City Council Hearing Panel, *Interim Guidance #1 – Plan Change 9, Built Heritage Assessment Methodology*, 27 November 2023.

in the Re-categorisation Report as having "Outstanding" or "High" significance according to that scale.

- 1.6 Of particular relevance to NZ Police, that Re-categorisation Report identifies the Central Police Station as having "High – Plan Ranking B" significance rating. As such, HCC intends to pursue inclusion of the Central Police Station as a listed built heritage item in Schedule 8A.

## **2 RESPONSE**

- 2.1 Direction #21 requires submitters wishing to take a position on the Re-categorisation Report to advise the Panel of that position by 15 March 2024.

- 2.2 In accordance with that direction, NZ Police advises that:

- (a) It opposes the re-categorisation of Central Police Station as having "High – Plan Ranking B" significance. The re-categorisation has not accounted for the more comprehensive assessment undertaken by experts engaged on behalf of NZ Police, and in particular, the opinions of Ms Cassin and Mr Wild, who conclude that the Central Police Station generally demonstrates a low level of heritage significance at a local scale, and is not an appropriate candidate for inclusion in Schedule 8A.<sup>5</sup>
- (b) On that basis, it continues to oppose the proposed inclusion of the Central Police Station via Plan Change 9 as a listed heritage item in Schedule 8A of the Operative Plan.

**DATED** this 7<sup>th</sup> day of March 2024



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F Lupis / R Murdoch

Counsel for New Zealand Police Nga Pirihimana o Aotearoa

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<sup>5</sup> Refer HCC Memorandum of Counsel, 13 December 2023, at [13], in which HCC advises that re-categorisation of the notified heritage items will rely on the analysis completed by WSP which informed the original notified Plan Change 9. Evidence of Adam Wild and Veronica Cassin (Heritage), filed on 22 September 2023 on behalf of NZ Police, paragraph 8.1.