

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Hamilton City Council PC9 – Historic
Heritage and Natural Environments

AND Independent Hearing Panel –
Direction #14

COMMENT ON DIRECTION 14
Peter Skilton on behalf of submitters

INTRODUCTION

1. I have lodged submissions on Plan Change 9 on behalf of a number of submitters whose properties have been encumbered by either Historic Heritage Area, Archaeological Site or Listed Heritage Building notations.
2. These submitters are:
 - Peake – HCC Response #353934112
 - Brown – HCC Response #878177160
 - Taylor – HCC Response #934728065
 - Marra – HCC Response #963905216
 - Cojac Properties Ltd – HCC Response #220589729
 - Stuart-Jones – HCC Response #58737028
 - Wilson – HCC Response #642699312
 - Clayton – HCC Response #1019624467
3. These are people who are generally not well resourced or inclined to incur the cost of engaging specialists or legal representatives to attend expert conferencing and be heard in relation to their submission points.
4. The submissions were originally lodged on 24 August 2022.
5. The approach taken to date in relation to Historic Heritage Areas has been less than ideal for these submitters.
6. All of the submitters I represented on the Historic Heritage Areas topic decided not to present evidence at the hearing, largely because:
 - (a) of the uncertainty of the Section 42A report in relation to reasons for why their specific submission points and relief sought were rejected;
 - (b) the need to engage additional expert evidence to further their submission points in relation to changed HCC methodology and the additional costs associated with this; and

(c) they perceived that the process was fait accompli.

7. These submissions have not been withdrawn and remain live.

COMMENTS – DIRECTION #14

8. My remaining submitters in relation to the Built Heritage and Archaeological Sites topics are:

- Taylor – HCC Response #934728065
- Marra – HCC Response #963905216
- Stuart-Jones – HCC Response #58737028

9. Almost 12 months has expired since these submissions were lodged. Until recently Hamilton City Council had not made any contact with me regarding the Built Heritage topic, being the subject of Direction #14.

10. These submitters do not yet know Councils position on their submissions.

11. Whether or not they decide to proceed to invest in their submissions and engage in expert conferencing would largely depend on knowing Councils viewpoint on their submissions.

12. It is inappropriate to expect submitters, through the submission process, to be part of the development of Councils altered assessment methodology.

13. Before having to decide on whether or not to address the issue of assessment methodology, submitters should be informed by HCC as to whether their submissions are recommended to be accepted or rejected.

14. This should be done before any expert conferencing on assessment methodology and planning framework commences.

15. The committee should consider the impact of the process followed for Plan Change 9 to date. At least five submitters have not proceeded to be heard in support of their submissions on Historic Heritage Areas.

16. It would be unfortunate for more submitters to become disillusioned with Resource Management Act processes.

Peter Skilton