

BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER

of the Resource Management
Act 1991

AND

IN THE MATTER

Proposed Plan Change 9 to the
Operative Hamilton City District
Plan

**MEMORANDUM IN RELATION TO DIRECTION #14
REGARDING PLAN CHANGE 9 BUILT HERITAGE TOPIC
ON BEHALF OF WAIKATO HERITAGE GROUP
DATED 7 AUGUST 2023**

MAY IT PLEASE THE PANEL

1. The Independent Hearing Panel (IHP) has d directions in respect of the Built Heritage topic (Built Heritage), which is scheduled for hearing commencing 6 November 2023. The reason for the HCC request is *“to ensure an efficient hearing of submissions on these remaining PC9 topics”*.
2. The panel subsequently invites any party wishing to comment on the proposed directions and how to ensure integration with the Historic Heritage Area (HHA) topic to file memoranda by 4pm Tuesday, 8 August 2023. Waikato Heritage Group (WHG) hereby does so.
3. The IHP Direction 8, dated 14 June 2023 stated:

*“Whilst there is clearly support for the inclusion of stronger provisions in the District Plan, **both heritage experts and lay submitters expressed concerns about the methodology adopted** as well as areas identified for inclusion. We also record that some HHAs were not expressly contested by submitters – but the Panel is not minded simply to endorse those HHAs with a s.6(f) RMA protection **given the extent of professional disquiet**”* (emphasis added)

4. Within Direction 8, the IHP identified the following key areas of concern:
 - a) *The relationship of Mr Knott’s assessment criteria with that of the WRPS Appendix 7;*
 - b) *The “moderate” threshold adopted by Mr Knott for inclusion as a s.6(f) HHA;*
 - c) *The size / scale of some of the proposed HHAs; and*
 - d) *The unevenness of the time bands of the three development periods adopted by Mr Knott.*
5. It was further stated that *“To some extent those matters may reflect Council’s relatively late change in direction from heritage themes to development periods, and a change of heritage consultants. The absence of national or agreed heritage industry assessment methodology and/or standards is a further complication”*
6. WHG has submitted on some proposed HCC items and also submitted 192 Proposed Schedule Items plus interiors. Given that the formal submission period

closed on 2 September 2022 it is considered that HCC should be aware of the number and nature of submissions on the Built Heritage topic at this time.

7. HCC have stated in their memorandum that *“ultimately there needs to be a consistent assessment methodology across HHAs and Built Heritage”*. This relates directly to a submission point of WHG in its original submission on Plan Change 9, set out below:

Plan Section	Decision Requested	Reason
Chapter 19 – Historic Heritage	Assessment Criteria for Historic Heritage Areas to be the same as for Historic Heritage Items [Buildings and Structures]	Consistency in the plan and with the Waikato Regional Policy Statement and the RMA.

8. As in submissions in 2022 WHG wants to see integrated approach to Plan Change 9, and supports consistency in assessment methodology across HHAs and Built Heritage.
9. Accordingly, WHG agree there is merit in determining an assessment methodology which is common to both HHAs and built heritage items. Our view is that the upcoming HHA expert conferencing could address the assessment methodology for both HHAs and built heritage items. However, we seek a revised Council position (expert evidence) on this and deferral of the scheduled conferencing session to allow time for proper preparation if both HHAs and built heritage items are to be conferenced, in light of potential revised or new criteria.
10. WHG agrees an interim panel decision on the assessment methodology that applies to HHAs and Built Heritage would be appropriate. This would allow submitters including WHG experts to have as much certainty as possible on the assessment methodology to be applied to the assessment of built heritage item, before the hearings in November.
11. However, we seek the IHP ensure sufficient time is allowed for heritage assessments of individual items to be re-evaluated in light of the interim decision. Sufficient time is needed following the issue of the interim decision for the production of expert evidence and material for the hearing. As previously noted, WHG submitted 192 Proposed Schedule Items plus interiors so this could take some time to revisit.

12. Of the three topics proposed to be specifically included in the November Hearing it is unclear if there is fairness for all parties if in regards built heritage items only part “*iii. Built Heritage items which are opposed and for which HCC agrees can be withdrawn*”, is selected and confined. WHG seeks fairness for all parties. Equally if all parties agreed to items to be scheduled these could be considered to reduce wait times for submitters.
13. In summary, WHG requests:
- a) The upcoming HHA expert conferencing could address the assessment methodology for both HHAs and built heritage items. A revised Council position (expert evidence) is provided before the conferencing. The expert conferencing session be deferred to allow for this work.
 - b) Sufficient time is allowed for assessments of built heritage items to be re-evaluated in light of any interim decision on assessment methodology issued by the panel.
 - c) Alternative tabling of hearing of the individual built heritage items, rather than the HCC proposed part (iii), is considered to seek fairness for all parties.

Waikato Heritage Group

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