BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Plan Change 9 – Heritage and Natural Environments – Built Heritage

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SUPPLEMENTARY STATEMENT OF EVIDENCE OF LAURA JANE GALT

(PLANNING – BUILT HERITAGE)

Dated 3 July 2024

LACHLAN MULDOWNEY
BARRISTER

P +64 7 834 4336 **M** +64 21 471 490
Office Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

INTRODUCTION

1. My full name is Laura Jane Galt.

2. My qualifications and experience are as set out in my primary statement of evidence dated 1 September 2023 presented in Hearing 2 on the Built Heritage Topic (**primary evidence**).

CODE OF CONDUCT

3. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this is a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

SCOPE OF EVIDENCE

4. The purpose of this evidence, presented on behalf of HCC as proponent of Plan Change 9 (**PC9**), is to:

   a) Describe the minor updates to the notified version of the Built Heritage provisions that I recommend; and

   b) Briefly, comment on the proposed built heritage items recommended by Ms Caddigan for inclusion in Schedule 8A.

5. In preparing this evidence, I have primarily relied on the evidence of Ms Elise Caddigan.

EXECUTIVE SUMMARY

6. In my primary evidence dated 1 September 2023, I responded to submissions and further submissions on the Built Heritage Topic and described the amendments to provisions proposed under PC9 as notified. I have not repeated those matters in my supplementary evidence.

7. I have proposed additional amendments which are included in **Attachment 1** to my evidence. These include:

   a) A new permitted activity rule that addresses Built Heritage items listed in Schedule 8A to which a Certificate of Compliance for demolition has been granted by HCC;

   b) Changes recommended by the s 42A author in the Session 2 hearing;

   c) Corrections of any typographical and grammatical errors that I have identified; and

   d) A formatting change in which the final column of the Activity Status Table is split into two columns.

8. I support the amendments to Schedule 8A recommended by Ms Caddigan and rely on her heritage expertise in making those amendments which are set out in **Attachment 1**.

MATTERS COVERED IN PRIMARY EVIDENCE

9. My primary evidence:

   a) Sets out the background to the Built Heritage Topic;

b) Responds to submissions and further submissions on the Built Heritage Topic;[1] and

c) Describes the Built Heritage amendments to the Operative District Plan (**ODP**) provisions proposed under PC9 as notified.

10. Accordingly, the above matters are not repeated in this supplementary evidence.

ITEMS WITH A CERTIFICATE OF COMPLIANCE

11. Three submitters[2] have approached HCC requesting that a Built Heritage item proposed to be included in Schedule 8A under PC9 be removed on the basis that it is the subject of a Certificate of Compliance (**CoC**) for demolition. I am aware that several Built Heritage items proposed for scheduling are the subject of CoCs for demolition. My concern with agreeing to such requests is that while the Built Heritage items may be subject to a CoC, there is no guarantee that the demolition rights will be exercised. Until that demolition occurs, the item holds heritage values and warrants inclusion in Schedule 8A. I am reluctant to simply assume that because a CoC exists, the heritage values will inevitably be lost. A CoC may not be exercised, in which case there is a value to it being scheduled.

12. However, I agree that Schedule 8A protection for Built Heritage items which are being demolished because of a granted CoC is inefficient, particularly given that any replacement activity would still trigger the requirement to apply for a resource consent which would engage heritage values that no longer exist. Accordingly, in an attempt to strike a balance between the obligation to protect historic heritage and to avoid planning

[1] Paragraph 31 of my primary evidence records that I did not address all submission points, particularly where I do not recommend any changes to the notified provisions or where they are in support of the provisions as notified.
[2] The CoCs apply to Waikato University - B Block (H134), 65 Braid Road (Submission #153) and 104-118 Peachgrove Road (WHG #28).

inefficiencies, I propose that the items that Ms Caddigan has assessed as meeting the threshold for scheduling, be included in Schedule 8A. In addition, I recommend that the following permitted activity rule be included in the Activity Status Table as Rule 19.3.1p:

p. Demolition exercised within 5 years of the grant of a Certificate of Compliance granted on or before 22 July 2022.[3]	P

13. Rule 19.3.1p would be accompanied by a new note 3 that will be inserted underneath the Activity Status Table:

> 3. If a Certificate of Compliance is exercised in accordance with Rule 19.3.1 p. then the listing is deemed to be automatically deleted from Schedule 8A.

14. I recommend that the status of items in Schedule 8A to which the rule applies are clearly identified in Schedule 8A. Accordingly, items in Schedule 8A to which a CoC has been granted by HCC before 22 July 2022 will be marked with a circumflex. The circumflex will link to the following wording within Schedule 8A:

> 4. ID# with a circumflex (^) identifies items where if a Certificate of Compliance is exercised in compliance with Rule 19.3.1 p. then the listing is deemed to be automatically deleted from Schedule 8A and the underlying zoning rules apply.

15. The effect of these provisions is that an item to which a CoC for demolition applies, that has been assessed as meeting the threshold criteria for scheduling, is included in Schedule 8A as recommended by Ms Caddigan. However, upon exercise of the CoC, in accordance with proposed new Rule 19.3.1 p. above, the item is deemed removed from Schedule 8A, and there is no obligation to seek a resource consent or provide a heritage assessment in relation to the demolition activity nor any replacement activity. I consider that this approach strikes the appropriate balance between recognising the demolition rights attached to a CoC, and the requirement to protect existing heritage values. I acknowledge that identified potential Built Heritage items which are already demolished, or

in a state of demolition, will likely have lost their heritage values, and therefore the merits of scheduling will be eroded.

UPDATES TO PLAN PROVISIONS

16. I have made the following amendments to the Plan provisions in **Attachment 1**:

    a) As discussed above, I have introduced a new permitted activity rule that addresses Built Heritage items listed in Schedule 8A to which a Certificate of Compliance for demolition has been granted by HCC;

    b) Changes recommended by the s 42A author in the Session 2 hearing;

    c) Corrections of typographical and grammatical errors that I have identified; and

    d) Split the final 'other' column of the Activity Status Table into two columns.

AMENDMENTS TO SCHEDULE 8A

17. In her expert heritage evidence, Ms Caddigan provides recommendations on the six contested notified and recategorised Built Heritage items where a submission has sought its removal from Schedule 8A of the Plan. Ms Caddigan also provides recommendations on submissions seeking inclusion of places as Built Heritage in Schedule 8A. Amendments to Schedule 8A have been made in **Attachment 1** in accordance with Ms Caddigan's recommendations.

Laura Jane Galt

3 July 2024

ATTACHMENT 1

A full set of the recommended amendments to the PC9 provisions is available on HCC's external PC9 web page under the 'Provisions' tab:

https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-9/