BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 12 to the Operative Hamilton City District Plan

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STATEMENT OF REBUTTAL EVIDENCE OF LAURA JANE GALT

(PLANNING – HISTORIC HERITAGE AREAS)

Dated 14 August 2024

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INTRODUCTION

1. My full name is Laura Jane Galt.

2. My qualifications and experience are as set out in paragraphs 1 to 4 of my primary statement of evidence dated 3 July 2024 (**primary evidence**).

3. I reconfirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and I agree to comply with it.

PURPOSE AND SCOPE OF EVIDENCE

4. The purpose of this rebuttal statement of evidence, which is provided on behalf of Hamilton City Council (**HCC**) as Plan Change 12 (**PC12**) proponent, is to respond to matters raised in planning expert evidence in relation to the PC12 Historic Heritage Area (**HHA**) topic.

RESPONSE TO SUBMITTER EVIDENCE

Special Character Areas

5. Ms Laura Kellaway on behalf of the Waikato Heritage Group (**WHG**) and Mr Niall Baker both raise the matter of the deletion of the Special Character Zone from Chapter 5 of the Operative District Plan (**ODP**) through PC12. Mr Baker also argues that special character should be considered as a Qualifying Matter (**QM**) because the deletion results in a vacuum and there is a risk to character not being identified and protected in Hamilton.

6. Ms Kellaway shares the same views as Mr Baker, however, specifically seeks that the special character part of Chapter 5 is retained and utilised

for the HHAs that HCC is no longer pursuing[1] through PC9 as HHAs.

7. As set out in my primary evidence, HHAs are recognised as a QM and, given the requirements at the time of notification and that still apply, I still consider this the most appropriate approach.

8. The submitters suggest reinserting the HHAs that HCC are no longer pursuing in PC9 as character areas through PC12. However, it is not as simple as taking HHA assessments and inserting them as special character because they did not meet the HHA threshold. These areas, if they were to become character areas, would require specific assessment as a character area. While similar in certain aspects to heritage areas, for example the age of the housing typologies and how intact an area is, the same heritage criteria do not apply.

9. Furthermore, a different set of provisions would be required as the existing Claudelands and Hamilton East provisions have not been assessed in terms of s32 of the Resource Management Act 1991 (**RMA**) to determine if they are appropriate for any other character areas.

10. I disagree with Mr Baker's conclusion that we can now introduce special character as a QM in PC12.

11. In my opinion, the only instance where the reintroduction of special character could potentially occur would be the ODP character areas (eg Claudelands and Hamilton East), however through PC9 these areas were reassessed and HCC is recommending their protection as HHAs. It is therefore appropriate to delete the corresponding character area rules from Chapter 5 at this stage.

[1] Angleasea Street; Augusta, Casper and Roseburg Streets; Casey Avenue; Graham Street; Hooker Avenue; Jamieson Crescent; Jennifer Place; Lamont, Freemont, Egmont and Claremont Streets; Marama Street; Marire Avenue, Parr Street and Taiwha Street; Oxford Street (East), and Marshall Street; Oxford Street (West); Seifert Street; Springfield Crescent; Sunnyhills Avenue.

Deletion of density standards

12. Both Ms Kellaway on behalf of WHG and Mr Alexander Elliott on behalf of Claudelands West Protection Group seek retention of the density standards that I recommend deleting from Chapter 19 in my Primary Evidence. Both submitters consider that the standards are critical to ensure the protection of heritage.

13. In my primary evidence I relied on Ms Laura Thomson's subdivision evidence. I continue to support Ms Thomson's primary and rebuttal evidence where she maintains the view that the retention of the discretionary activity status is sufficient to enable the protection of HHAs from inappropriate subdivision, and that the amended activity status enables the consideration of all relevant parts of the District Plan, as set out in paragraph 6 of Ms Thomson's rebuttal evidence.

14. In regard to the density standards, I am still of the view that deletion of these is appropriate because the corresponding activity status in Chapter 19 are also discretionary activities, and the same situation also applies as with the subdivision amendments, in that the discretionary activity status allows for all parts of the District Plan to be considered.

15. It is also noted that by including density standards, it could be argued that a level of development is expected in HHAs and subsequently land use consents are granted at those densities. Furthermore, this could undermine any subsequent subdivision consent in that, because the built form is already existing, the effects of the subdivision are minor resulting in the erosion of the existing subdivision pattern.

16. In response to Mr Elliott's question of why the remaining density standard was retained, this is required as the addition of an ancillary dwelling is a

restricted discretionary activity, and therefore it is appropriate to include standards to control the form of ancillary dwellings.

Building Heights in Non-Residential HHAs

17. Ms Kellaway on behalf of WHG seeks that building heights are introduced for HHAs that do not have an underlying residential zone. PC12 relates specifically to amendments for residential activities and enabling housing. Therefore, any amendments relating to HHAs, including height provisions where there are other underlying zones have not been addressed in PC12. As these HHAs and extensions of HHAs into other zones have been proposed through the hearing on PC9, unless specifically related to residential development, these should be addressed in PC9.

Building heights and side setbacks

18. In paragraph 45 Ms Kellaway supports the amended height restrictions that have been reintroduced for the Frankton Railway Village (**FRV**) but seeks individual heights be applied consistently to other HHAs based on the information. Mr Baker in paragraph 9.34 also supports the FRV and Hayes Paddock heights being included to reduce the visual adverse effects, however he considers that the principle also applies across other HHAs, and the rule should be applied consistently.

19. The rear site height rules have not been identified for individual HHAs except for those already in the ODP. Further if specific HHAs heights were considered important they should have been identified in PC9 which has not occurred, if it had then it could have been introduced to PC12 via HCC's own submission.

20. Further in paragraph 46 Ms Kellaway states it is unclear why Hamilton East and Claudelands have separate side and rear setbacks rules and that if

developed under older rules, then there should be a similarity to all or a specific table for each.

21. The side and rear setback rules Ms Kellaway mentions are from the ODP special character zone rules in Chapter 5. However, I am unclear as to what is being sought by Ms Kellaway to be able to respond appropriately on this point.

Pre-1939 dwellings

22. Mr Elliott notes in paragraphs 7 and 8 that there should be specific mention of retaining pre-1939 dwellings in the Claudelands HHA. It is not clear in his evidence if the intention is to amend the policy or another part of the provisions. However, I still consider any amendments to the policy or the HHA Statements that are specific to some HHAs, as sought by Mr Elliott are a matter that should be addressed in PC9, specifically in the relevant HHA statement. My reasoning for this is that discretionary activity status for demolition for any dwelling in a HHA is discretionary (as provided for in PC9) and the proposed amended assessment criteria (3 July 2024) require consideration of the HHA Statement when addressing a resource consent in an HHA.

Laura Jane Galt

14 August 2024