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 NATALIE THOMSON

(SUBDIVISION)

Dated 14 August 2024

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INTRODUCTION

1. My full name is Laura Natalie Thomson.

2. My qualifications and experience are as set out in my primary statement of evidence dated 26 June 2024 (**primary evidence**).

3. I reconfirm that I have read and am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and I agree to comply with it. I am presenting this evidence on behalf of Hamilton City Council (**HCC or Council**).

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 the following planning evidence by submitters relating to the Subdivision Chapter and specifically to Historic Heritage Areas (**HHA**):

    a) Ms Laura Liane Kellaway on behalf of Waikato Heritage Group;

    b) Mr Alexander Elliot on behalf of the Claudelands West Protection Group;

    c) Mr Niall Baker.

REBUTTAL POINTS

Subdivision Provisions for Historic Heritage Areas

Ms Laura Kellaway on behalf of Waikato Heritage Group

5. Ms Kellaway in her evidence is not supportive of the removal of the

minimum allotment size and shape standards recommended in the updated provisions included as part of proponent evidence circulated on 26 June 2024. Ms Kellaway does not consider that the discretionary status, without the assistance of more specific standards, is sufficient to retain the heritage values within the HHA's. Ms Kellaway also disagrees that rule 23.7.3 would be appropriate as a guide for subdivision within an HHA, and that retention of Rule 23.7.8 is more relevant for HHA's.

6. I have considered Ms Kellaway's evidence and I remain of the view that the discretionary activity status is sufficient to enable the protection of the HHAs from inappropriate subdivision. This activity status enables assessment of any relevant parts of the District Plan, including the objectives and policies of Chapter 19 and assessment criteria regarding historic heritage within 1.3 Assessment Criteria, Appendix 1, Volume 2. While the exact detail of some of these provisions is still to be confirmed through Plan Change 9 (**PC9**), a review of the proposed provisions and supporting evidence shows that is it proposed to include specific statements on each HHA which would also be considered.

7. In considering the relief sought by Ms Kellaway regarding the allotment size and shape standard, it is my professional view that the deletion of rule 23.7.2 p is the most appropriate response to ensuring the HHAs are protected from inappropriate subdivision. Rule 23.7.2 p as notified proposed a density for HHA's of 600m^2 for front, corner and through allotments and 400m^2 for rear allotments. While the allotment size and density resulting from this standard may be appropriate for some of the HHA's, I consider that it would enable subdivision which is not in keeping with the current subdivisional pattern in all of the HHA's.

8. The Acacia Crescent HHA is an example where a subdivision standard of this nature would support further subdivision which is likely to undermine the heritage values of the area. This HHA contains 52 allotments, with 4 being rear lots created as a result of infill subdivision. The remaining 44 allotments appear to be largely unchanged from the

original development. However, a high proportion of the allotments are in excess of 1000m^2, and as such sufficient size to achieve further subdivision in accordance with the density standard. In my opinion this would be in conflict with the historic heritage values of this area.

9. Whilst my recommendation remains to delete rule 23.7.2 p, I have further considered the potential impact of rule 23.7.2 a which sets out the minimum allotment size for a vacant allotment within the General Residential Zone (**GRZ**) as 300m^2 net site area. The majority of the HHA's have an underlying zone of GRZ; as such, whilst the activity status for subdivision within an HHA elevates to discretionary, I recommend an amendment to this provision to exclude sites within an HHA from this standard.

Mr Alexander Elliot on behalf of the Claudelands West Protection Group

10. Mr Elliot in his evidence is also not supportive of the removal of the allotment size and shape provisions for HHA's in the subdivision chapter. While the evidence does reference all HHA's it also specifically focuses on the Claudelands West area which is the Claudelands West Special Residential Zone under the Operative District Plan (**ODP**). This zone is partially covered by two proposed HHA's; being the Claudelands HHA, and the Myrtle Street and Te Aroha (West) Street HHA.

11. As set out above, I remain of the opinion that the allotment size and shape provision for HHA's should be deleted. With specific reference to the HHA's that contain sites currently within the Claudelands West Special Residential Zone under the ODP, I note that the density provisions for this zone require 600m^2 per detached dwelling on front, corner, through and rear allotments. As such, the rule 23.7.2 p proposed under PC12 has the potential to enable a density of development within these HHA which exceeds that currently provided for under the ODP.

12. I consider that my recommendation to exclude sites within an HHA from

rule 23.7.2 a will address the concern expressed by Mr Elliot in his evidence regarding the potential impact of the GRZ allotment size standards on historic heritage.

Mr Niall Baker

13. Mr Baker in his evidence is not supportive of the removal of the minimum allotment size standards with regard to HHAs and points to the s32 report which identified that the lot sizes were based on a comparable average lot areas throughout the HHAs. Mr Baker also provides the view that an activity status of non-complying rather than discretionary would be a preferable activity status to enable the protection of historic heritage from the potential impacts of subdivision.

14. My assessment above regarding the minimum allotment size standard is also relevant to respond to Mr Baker's evidence. I do not alter my recommendation to remove rule 23.7.2 p. under PC12.

CONCLUSION

15. I have reviewed the evidence specific to the Subdivision Chapter and have responded to the evidence statements of:

    a) Ms Laura Liane Kellaway on behalf of Waikato Heritage Group;

    b) Mr Alexander Elliot on behalf of the Claudelands West Protection Group;

    c) Mr Niall Baker.

16. I propose one further amendment to the provisions, as set out in paragraph 9 above, in response to the matters I have considered. This amendment is set out in the revised plan provisions referred to in **Appendix A**.

Laura Natalie Thomson

14 August 2024

APPENDIX A

OFFICERS' RECOMMENDED AMENDMENTS TO PC12 PROVISIONS IN RESPONSE TO SUBMITTER AND SUPPLEMENTARY EVIDENCE

A full set of the recommended amendments dated 14 August 2024 is available on HCC's external PC12 website at:

Proponent Rebuttal Evidence

https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-12/#e4211