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 EVIDENCE OF Alexander Elliott

Dated 24 July 2024

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1. My name is Alexander Elliott.

2. I am representing a group of residents that has advocated for the protection of Claudelands over several planning cycle, starting with activism to establish the original Claudelands Special Character Zone several decades ago. There were 19 signatories to the PC12 submission that I made on behalf of the group, which we are now calling the **Claudelands West Protection Group**. There has been continuity of engagement of several members of the group with planning processes related to Claudelands. I have been involved with 'our' group and its progenitors for the last 25 years. I have led submissions on previous plan change proposals, including submissions and evidence on PC9.
3. I am not presenting evidence as an expert, but as a well-informed member of the public with a longstanding interest in planning processes related to Claudelands.
4. Our PC12 submission related to protection of the historic heritage of Claudelands West. The group was generally supportive of the provisions in Chapter 19 of PC12, because they retained or strengthened existing policies, objectives and rules and standards related to the Claudelands West Historic Heritage area (HHA), compared with provisions for the Special Residential Zone in the operational plan. Such provisions have been important historically in protecting the integrity of the character of the area. The area was severely threatened by inappropriate development in the 1970's, but planning rules introduced with establishment of the Special Character Zone and subsequent variants were effective in stemming the erosion of values of the area. Claudelands West is consistently assessed as having high heritage values. The proposed provisions in PC12 retained many of the earlier protections, which help ensure enduring protection of the Claudelands West area.
5. Given our long-standing interest in protecting the Historic Heritage, our submission on PC12 supported restrictions on activities (activities such as apartments and demolitions) and rules and standards such as building

setback, density, height, and other provisions that protected the area from inappropriate development, as required by the RMA. Our support remains for such restrictions. Past experience shows that such restrictions are effective and necessary. Any weakening of them threatens the integrity of the HHA and is therefore opposed.

6. Proposed restrictions on ancillary residential units, two or more residential units, duplexes, apartments, terraced housing, and demolition are consistent with long-established protections for Claudelands. In some cases these provisions have been strengthened slightly compared with the operative District Plan – for example, two or more residential units on a single site are now classed as D, which we support, as it is consistent with the stronger protections afforded to HHAs compared with earlier Special Residential areas. We therefore wish to see such proposed revisions to rules and activities retained.
7. We also note that demolition or removal of existing residences is now class D. The requirement to consider the policy 19.2.4d "Discourage the demolition or removal of buildings from an HHA..." is important to our group, as it will discourage the removal or demolition of pre-1939 housing, which is an essential part of the historical heritage of the area.
8. Our submission regarding protection of such buildings was dismissed by Laura Galt as not relevant to PC12, because it is the topic of PC9. However we are not seeking protection of such buildings as listed or scheduled buildings, rather as a historic feature of the *area*, which should be afforded protection under PC12. Actually, PC12 contains many provisions for protections of built heritage, and so protection of pre-1939 buildings in not merely a matter for PC9. We therefore request that the matter protection of pre-1939 buildings be reconsidered.
9. Despite our support for the protections of HHAs (and West Claudelands) in PC12, we have severe concerns regarding Laura Galt's recommendation to remove most density restrictions related to HHA. We argue that her evidence on this matter should be dismissed, and the density limitations in HHAs should be retained as in the original PC12. The reasoning is as follows:

a) Density of housing is an important feature of the Claudelands HHA. This has been noted in several expert assessments of the characteristics of Claudelands, and is mentioned specifically in Chapter 5 of the operational plan. Density was one of the key characteristic used by experts to assess whether an area should be an HHA. To remove density restrictions would mean that this essential aspect of historic heritage could be threatened.

b) Removal of most density restrictions would enable housing developments down the rear of properties, especially when considered along with the proposed reduction of lot sizes to 300m^2. Individually and cumulatively, this would detract from the historical heritage of the area, which is based on single residences on moderately large lots. Even though new buildings would most likely be on rear sections, building on rear sectionss would impact on the nature of the area, giving the impression of cramped infilled housing that is inconsistent with heritage values.

c) There is little supporting analysis provided by Ms Galt in her written evidence in relation to removal of the density restrictions. Her reasoning in Appendix B is truncated, to the point where there is no or very little support provided.

d) Ms Galt's justification for removal seems to rely on aligning with subdivision amendments recommended by Ms Thomson. This seems inappropriate, as those recommendations address subdivision (Chapter 23), which is a different matter from HHA provisions (Chapter 19). It is not appropriate to assume that reasoning that is applied to subdivision should translate directly onto HHA provisions.

e) Further, we consider that the evidence provided by Ms Thomson in relation to removal of subdivision site minimums for HHA is flawed. Ms Thomson argues that Discretionary Activities cannot have specific standards (to support the removal of such standards). Her claim that Discretionary Activities cannot have specific standards is wrong. Section 87A of the RMA says that "A discretionary activity must also

comply with any requirements, conditions and permissions specified in the Resource Management Act, regulations or relevant plan". Also, we reject Ms Thomson's claims in her Appendix B that submission points demonstrate that the potential for subdivision is varied and dependent on the historic heritage values – this point seems to be asserted by Thomson, rather than supported by submissions. This weak and unsupported reasoning in Appendix B of Ms Thomson's evidence, which Ms Galt relies on, calls into question Ms Galt's justification for removing density restrictions. Therefore, Ms Galt's arguments for removing density restrictions are not supported, and her recommendation to remove most density restrictions should not be adopted.

f) As another point in relation to removal of density restrictions, we note that there were few submissions calling for removal of density restrictions in HHA. Furthermore, there were several submissions that supported the proposed restrictions (by supporting the proposal in part, or stronger), including my submission. Given the existing precedent for density restrictions in Claudelands under the operative plan, and the increased protections that should be applied under HHA, there should be greater weight given to submissions that support retaining density restrictions.

g) Subdivision minimum lot sizes for HHA were removed in the proposed PC12. Therefore, the key restraint regarding density is in Chapter 19 HHA. Removal of Chapter 19 density restrictions removes nearly all rules regarding subdivision and density specific to HHAs, thereby enabling inappropriate subdivision and developent of HHAs.

h) Strangely, Ms Galt retains one density restriction related to ancillary residential units. No reasoning was provided for retaining this restriction while abandoning other restrictions of a similar nature (e.g., 600 m^2 for a single residence). If there is cause for retaining the one provision, there is cause for retaining them all (but, removing that provision would not justify removing all).

i) Given the points above, we strongly request the retention of density restrictions related to HHA be retained as in the PC12 proposal.

10. While we did not originally submit on the subdivision aspects of PC12, that was predicated on the proposed general residential lot size. With the proposed reduction from 400 to 300 m^2 for general residential areas, the issue now has direct implications for historic heritage. As argued earlier in my evidence, this reduction impacts a critical aspect of HHA, and we therefore consider that 400 m2 or larger subdivision (vacant lot) size is more relevant for HHA, and request that the general residential rule remain and 400 m2, or that a new minimum rear vacant lot size of 400m2 be re-introduced, to protect HHAs from inappropriate subdivision, as required by the RMA.

11. In summary, the decisions we seek are:

A. Retain or strengthen the activity status in the proposed PC12 or its amendments relating to:

Ancillary residential units, 2 or more single residential units, Duplex, Apartment, Accessory building, Ancillary residential structure, Terraced housing, Demolition or removal of existing residential unit, Papakainga, Residential Centre, and Rest home.

B. Introduce specific mention of the importance of retaining pre-1939 buildings in the Claudelands West HHA (or more generally).

C. Retain or strengthen the amended provisions regarding building height, setback, and all other specific or implied conditions regarding bulk, design and so on that are intended to protect the integrity of the HHA.

D. Retain the density provisions in the Proposed PC12 as they relate to HHA. Do not adopt the removal of density restrictions proposed in the 2024 amendments.

E. Retain the subdivision minimum lot size of 400m^2 for general residential areas, or add this or larger minimum specifically for HHAs.

Alexander (Sandy) Elliott on behalf of the Claudelands West Protection Group.