

**BEFORE THE INDEPENDENT HEARING PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

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

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**MEMORANDUM OF LAURA KELLAWAY  
FOR THE JOINT OPENING HEARING**

**DATED 17 FEBRUARY 2023**

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**Additional Comments for Joint PC12 Planning Session 1 17 02 2023- Laura Kellaway**

- 1 My evidence focuses on the wider framework of the proposed district plan changes in regards:
  - 1.1 strategy for character and historic heritage which includes sense of place, and identity
  - 1.2 unintended consequences of the proposed changes to character and potentially historic heritage by processing PC12 ahead of PC9 on the Hamilton City environment;
  - 1.3 character as an ‘other qualifying matter’ which is consistent with the requests of the Waikato Heritage Group and other lay submissions; and
  - 1.4 consistency of approach to character across councils – a regional approach
- 2 Hamilton as part of the Waikato has its own distinctive character, with existing character areas that the community identifies with and have been long established. Both character and built historic heritage has regional importance.
- 3 There is an interrelationship between character and historic heritage, need careful sustainable management and are finite. Both can provide a modifier in periods of rapid growth and ensure identity and place markers are retained.
- 4 An integrated regional approach to retaining character and built heritage as part of a well functioning urban environment, is in line with the approaches of the acts and operative district plans.
- 5 Retaining character and identity along with Modifying (reducing heights) is particularly relevant in a city that is domestically scaled, as it is in the Waikato’s small towns , as acknowledged by Waipa District Council. Character has been addressed by Waipa District Council, to modify the impacts of the Amendment Act and NPS-UD.
- 6 In regards HCC Pc9 is a long overdue significant city wide review of the city’s historic heritage strategy, which includes regional Historic heritage. PC9 is not a plan change inclusive of character. Historic heritage, including substantial new policies and rules has been split across the two PCs. In addition Proposed HCC HHAs include both residential and a commercial zone, where housing intensification is included, are split across the plan changes.  
Best practice would be to progress PC9 in an integrated approach, but along with character.
- 7 From PC 12 Hearing this week Mr Muldowney noted that: “identifying qualifying matters was not exclusive to the council”-
  - 7.1 Character can be considered as a qualifying matter – there is explicit provision for “other matters” to be included
  - 7.2 Character can also potentially fall as a section 6 matter of national importance as character can have historic elements, and in many cases does. That means it could also be treated under the defined qualifying matter for heritage. Further assessment is required.
  - 7.3 This which would support community submissions requesting existing character areas be considered, (and potentially new areas included).
  - 7.4 Evidence of range of submitters shows that both for and against there is concern over character (existing and proposed) and requests to retain;
- 8 At Tuesday’s hearings It was noted that “Policy 3 (NPSUD) which focuses on density increases, is one of the Policies and does not have a higher weight than other policies”.This is helpful. For instance achieving a well functioning urban environment, as required by Objective 1 of NPSUD is important. Character is part of a well functioning urban environment and an important urban design/ element retaining sense of identity.
  - 8.1 .Amenity values are still relevant under Section 7 of the RMA and are part of sustainably managing the environment, along with avoiding significant adverse effects on the environment (including on people and communities). Reducing the impact of high density is important on existing communities

- 9 Mr Muldowney noted “concerns in regards sequencing and need for integration of PC9 and PC12 for HCC proposed HHAs” in regards Hamilton city.
  - 9.1 This is supported as integration and sequencing is important.
  - 9.2 Best practice would be PC9 to be progressed first. However in my view sequencing and integration scope should include character to address existing character areas and proposed new character areas.
- 10 Day one evidence from Waipa District Council on the topic of character as a qualifying matter has been addressed and consulted on with the community, however this is not the strategy in Hamilton. Retaining existing character is clearly in submissions in both Waipa and Hamilton.
- 11 Aligning the other qualifying matters gives opportunity for a consistency of approach to character across the Waikato would be an improved strategy and work towards retaining sense of identity and the ‘character’ of Waikato suburbs and towns(which is undefined) when assessing effects and progressing a well functioning urban environment (as per Objective 1 NPSUD).
- 12 Addressing HHA as a specific topic (in Pc12) as recommended by Mr Muldowney is Supported, and in my view will go some way to allow earlier discussion between parties. However ask that:
  - 12.1 Character should be included as an associated component with historic heritage HHAs).
  - 12.2 If Urban design is a specific topic, both character and historic heritage, should also be addressed within this topic.
- 13 In my evidence I have provided three appendix as support:
  - 13.1 Appendix 1- Sample of Section 32 report (under s77 l) for Qualifying matter – Character as a preliminary examples -shows that using existing documentation of HCCs own character review there is a baseline for progressing, backed by the existing SCZ documents and HCC Review of Existing Character.
  - 13.2 Appendix 2- Sample of Submissions on character and areas- shows the range of concerns on charter and that there has been insufficient information and mixed submissions between PC9 and Pc12 in HCC.
  - 13.3 Appendix 3- HCC Review of Existing Character areas prepared by Lifescapes-report 2021 for Pc12 speaks to four of the existing SCZ with ‘historic’ character, the proposed HHAs, and has included a site specific survey.
- 14 The strategy for historic heritage and character requires a higher level of strategy and detail, than provided in HCC. Both should be based on modern reviews that are comprehensive. Consistency across councils in both is appropriate.
- 15 Character is a critical element of retaining sense of identity in the significant changes proposed in PC12, as in Waipa. It requires a finer graining of investigation and analysis in PC12. Character as a qualifying matter can be used to modify the scale and effects of PC12 to an appropriate level and provide for housing in a way that protects special character values in Hamilton and regionally.

Laura Kellaway  
17 02 2023