

Minutes of an Extraordinary Meeting of the City Development Committee — OPEN

Time and date:	3.00pm, Friday, 12 September 2008.
Venue:	Council Chamber, 1 st Floor, Council Building, Garden Place, Hamilton.
Committee Members:	Councillors G M Saunders (Chairperson) G D Chesterman J R Gower R E Hennebry P M Mahood A R O'Leary
In Attendance:	Councillors Di Maio and Macpherson. General Manager Environmental Services, City Planning Manager and Senior Planner. Mr Ian Johnson, Consultant, Environmental Management Services.
Committee Advisors:	Mr A J Dick & Ms F M Yates
Apology:	Councillor Westphal
Resolved:	(Councillors Mahood/O'Leary) That the apology be accepted.

SECTION B: RECOMMENDATIONS OF THE COMMITTEE FOR ADOPTION BY THE COUNCIL

1. 124/8/4. Variation 11: Hayes Paddock Special Character Area

The Committee to consider a report and recommendations from the General Manager Strategic concerning the above.

Motion: (Crs Gower/Mahood)
That:

- a) the report entitled 'Hamilton City Proposed District Plan, Variation 1 Hayes Paddock Special Character Area — Supplementary Hearing Report' as circulated be received,
- b) the existing resolution of the Extraordinary Meeting of the City Development Committee of 24 July 2008 be revoked,
- c) the following statement be deleted from the Advisory Note to Rule 2.4 of the proposed plan provisions:

public notification of resource consent applications will not be required in relation to the Hayes Paddock Heritage Precinct unless special circumstances exist in terms of Sections 93 and 94 of the Resource Management Act.”,

- d) in view of the above change (c) above, the Committee amends the Reasons for its decision in respect of Submissions 23/F/10, 38/F/07 and further submissions FS04/01, FS05/89, FS05/122, FS06/93 and FS06/125 to read:
1. *The Variation, as amended, introduces a more rigorous and extensive resource management regime for the Hayes Paddock area and as such it is appropriate that property owners are assisted in complying with these additional requirements through the availability of help and advice.*
 2. *The removal of automatic notification to the New Zealand Historic Places Trust in respect of the Hayes Paddock Heritage Precinct will provide more certainty to applicants such that it will help to support continued investment in the historic heritage resource, and*
- e) the amended Variation 11 (Plan Provisions) as attached be adopted in replacement of proposals that were publicly notified on 14 October 2006.

The Motion was declared carried on the voices as the Committee’s recommendation for adoption by the Council.

Reasons for Decisions:

Issues raised by the submissions and further submissions in the Planning Report have been grouped into specific issues. Reasons for decisions taken relating to these specific issues are set out as follows:

Outright Opposition to the Variation

1. Withdrawal of the Variation as requested will not recognise and provide for historic heritage in an area acknowledged as being of historic heritage significance.
2. Withdrawal of the Variation as requested will not promote the purpose and principles of the RMA.
3. The Variation, as proposed to be amended, is consistent with the purpose and principles of the RMA.
4. In particular, the Variation as proposed to be amended will promote the sustainable management of and protection of an area recognised as being of significance for its historic heritage.

neighbourhood constitutes historic heritage within the terms of the RMA. As such there is a requirement for the variation to provide appropriate recognition and protection.

2. Without amendment, the Variation as publicly notified does not recognise or provide for the protection of the acknowledged historic heritage values within the area, in particular the original dwellings.
3. The proposed amendments to the Variation will provide appropriate recognition of the historic heritage values, providing a layer of scrutiny and control specifically related to historic heritage matters, in addition to the underlying zoning provisions.
4. The Variation as proposed to be amended is consistent with the purpose and principles of the RMA.
5. In particular the Variation as proposed to be amended will promote the sustainable management of and protection of an area recognised as being of significance for its historic heritage.
6. The proposed Heritage Precinct will enable people and communities to understand the historical significance of the Hayes Paddock neighbourhood and appreciate its special character and amenity values.

Concerns about Setbacks

1. The characteristic setback of dwellings in Hayes Paddock derives from the original design concept and is an important component of the historic heritage values of the area that should be recognised and provided for.
2. A significant proportion of the original dwellings remain and, in combination with a generous setback, make a significant contribution to the historic character of the streetscene.
3. Without amendment the Variation provides for significant new development to occur that, both individually and cumulatively, could seriously harm the historic heritage resource.
4. The proposed amendments to the Variation define a setback line that properly recognises the relationship of the dwelling to the street and sets out the criteria that will apply to ensure that future development will not harm this important component of the area's historic heritage.
5. Existing setbacks are not uniform throughout the neighbourhood and the introduction of an arbitrary setback distance would not provide adequate recognition of the setback or its importance in any individual circumstance.
6. The removal of any provisions in respect of setbacks would inadequately recognise and provide for the protection of an important historical design feature.

Concerns about Separation Distances

1. Separation between dwellings was an important feature of the original design concept and is part of the historic heritage values of the area.

variation provides for significant new development to occur that, both individually and cumulatively, could seriously harm

3. Without amendment the Variation unnecessarily constrains development at the rear of dwellings where it would not harm heritage values
4. The proposed amendments to the Variation define a setback line that properly recognises the relationship between dwellings and sets out the criteria that will apply to ensure that future development will not harm this important component of the area's historic heritage.
5. The proposed amendments reinstate the Residential Zone provisions in respect of the rear of dwellings as development here would not affect historic heritage values.

Concerns about Front Yard Fencing

1. The open character of the streetscene was an important feature of the original design concept and contributes to the historic heritage values of the area.
2. The removal of controls over front yard fencing would inadequately recognise and protect the open character of the streetscene.
3. Controls over fencing height will maintain the open character of the streetscene whilst enabling residents to achieve an appropriate level of security and privacy.
4. The introduction of controls over all forms of fencing would unnecessarily and unreasonably constrain the ability of residents to achieve appropriate levels of security and privacy without contributing significantly to historic heritage values of the area.

Concerns about the Protection of Buildings and Controls over new Development

1. The Variation, as proposed to be amended, is consistent with the purpose and principles of the RMA 1991.
2. The proposed objective will promote the sustainable management of the historic heritage resource in Hayes Paddock.
3. The objective, as proposed to be amended, is a critical element in the suite of provisions providing for the recognition and protection of historic heritage.
4. Withdrawal of the objective would necessitate removal of all proposed provisions regarding the recognition and protection of historic heritage values.

Policies

1. The subject matter of the policies, as proposed to be amended, comprises the critical elements of the historic heritage values of the Hayes Paddock area.
2. The policies, as proposed to be amended, provide a clear context for the development of rules and other methods necessary for the protection and sustainable management of the historic heritage resource.

be amended, support the stated objective and are consistent
Environmental Results described in the Plan in respect of historic

Explanatory Reasons

1. The amended wording is consistent with the objectives and policies set out in the modified Variation and will assist understanding and implementation of the Plan.

Methods

1. The Variation, as proposed to be amended, provides adequate description of the Methods that will be used and their intended purpose.
2. Reference to one specific aspect of control would create a misleading impression that other aspects are of lesser importance.

Rules

Activity Status Generally

1. A controlled activity status would provide an inadequate basis for the management of activities that either individually or cumulatively, could have a significant adverse effect on historic heritage values in the area.
2. The inability to decline consent to a proposal that does not implement the objective and policies would be inconsistent with the Anticipated Environmental Results.
3. The lack of an appropriate level of control will not enable the objective and policies to be achieved.
4. The discretionary status being proposed in replacement of the controlled activity status will support the objective and policies and promote the sustainable management of the historic heritage resource.

Garages/Car Ports (Accessory Buildings)

1. The siting of accessory buildings in the rear yard will not affect historic heritage values and can be appropriately managed through the application of the Residential Zone provisions.
2. Other than in the rear yard, accessory buildings have the potential to create serious adverse effects on the historic heritage values of the area that arise from the arrangement of buildings in relation to the street and the visual appearance of buildings both individually and in group value.
3. The lack of an appropriate level of control will not enable the objective and policies to be achieved.
4. The Variation as proposed to be amended will support the objective and policies and promote the sustainable management of the historic heritage resource.

the rear of buildings will not affect historic heritage values managed through the application of the Residential Zone provisions.

2. Other than at the rear, alterations and extensions have the potential to create serious adverse effects on the historic heritage values of the area that arise from the arrangement of buildings in relation to the street and the visual appearance of buildings both individually and in group value.
3. The lack of an appropriate level of control will not enable the objective and policies to be achieved.
4. The Variation as proposed to be amended will support the objective and policies and promote the sustainable management of the historic heritage resource.

Removal and Demolition

1. The removal or demolition of buildings comprising the critical elements in the street scene would have a profound and irreversible effect on a non-renewable historic heritage resource.
2. The loss or reduction of the existing stock cannot be mitigated in terms of historic heritage protection.
3. A non-complying activity status most appropriately reflects the purpose and intent of the Objective and Policies and will promote the sustainable management of the historic heritage resource.

New, Second or Subsequent Dwellings and Ancillary Flat

1. The siting of ancillary flats in the rear yard will not affect historic heritage values and can be appropriately managed through the application of the Residential Zone provisions
2. Other than in the rear yard, ancillary flats have the potential to create serious adverse effects on the historic heritage values of the area that arise from the arrangement of buildings in relation to the street and the visual appearance of buildings both individually and in group value.
3. New, second or subsequent dwellings have the potential to create serious adverse effects on the historic heritage values of the area that arise from the arrangement of buildings in relation to the street and the visual appearance of buildings both individually and in group value.
4. The lack of an appropriate level of control will not enable the objective and policies to be achieved.
5. The Variation as proposed to be amended will support the objective and policies and promote the sustainable management of the historic heritage resource.

provides an appropriate level of control that would enable they were inconsistent with the objective and policies for the area which, as proposed to be amended, are designed to recognise and protect the historic heritage resource.

2. The Variation, as proposed to be amended by the inclusion of additional assessment criteria, will support the objective and policies and promote the sustainable management of the historic heritage resource.

Building Height

1. A characteristic feature of the original design concept and the current environment is a general single storey building height.
2. The Variation, as proposed to be amended by the inclusion of a height standard will ensure that permitted activities undertaken in the rear yard will not adversely affect the visual character of the area of its historic heritage values.
3. The Variation, as proposed to be amended, will support the objective and policies and promote the sustainable management of the historic heritage resource.

Design Guide

1. Whilst providing helpful suggestions, without substantial alteration the Design Guide lacks sufficient clarity and specificity to enable the assessment of development proposals to ensure that they will adequately protect the historic heritage resource.
2. Without alteration the Design Guide does not provide adequate clarity regarding the matters that are critical to protection of the historic heritage resource.
3. The Variation, as proposed to be amended by the removal of the Design Guide and its replacement with specific assessment criteria, will provide a clear basis for the consideration of development proposals and the rejection of those that would not promote the purpose and principles of the RMA 1991.
4. The removal of the Design Guide as a rule within the Plan will not undermine its value as an educational tool or source of helpful information and would enable its continued review and alteration without necessitating statutory plan change processes.

Site Coverage

1. The introduction of an arbitrary standard has no basis in the original design concept for the Hayes Paddock area.
2. The low density character of the area is adequately protected by the Variation, as proposed to be amended, in terms of its historic heritage values.

Concerns about Subdivision

1. The existing lot pattern is characterised by a typical lot size and configuration that supports a pattern of built development which is such a strong feature of the overall neighbourhood design, layout and density and its historic heritage values.

disrupt this design feature to the extent that it would
bept and erode its historic heritage significance.

us most appropriately reflects the purpose and intent of the
Objective and Policies and will promote the sustainable management of the historic
heritage resource.

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Concerns about the Boundaries of the Area Defined as Special Character Area

1. The Hayes Paddock neighbourhood constitutes historic heritage within the terms of Section 2 of the RMA and as such there is a requirement for the Variation to provide appropriate recognition and protection.
2. The identification of a boundary is necessary to identify precisely the area of historic heritage importance in which the variation provisions will apply.
3. The Heritage Precinct boundaries, as proposed to be amended, will enable people and communities to understand the historical significance of the Hayes Paddock neighbourhood and appreciate its special character and amenity values.
4. The proposed inclusion of 54A Plunket Terrace within the Heritage Precinct recognises that this property constitutes historic heritage as part of the wider Hayes Paddock neighbourhood and should be the subject of appropriate plan provisions.
5. The exclusion of 61 Plunket Terrace from the proposed Heritage Precinct recognises that this property has been so radically altered and is so detached from other parts of the area displaying historic heritage values that its inclusion would not be consistent with the purpose and principles of the RMA 1991.
6. The exclusion of 101-121 Macfarlane Street from the proposed Heritage Precinct recognises that these properties, both individually and as a group, are detached from the remainder of Hayes Paddock, have little visual connection with it and do not display historic heritage attributes such that their inclusion would not be consistent with the purpose and principles of the RMA 1991.
7. The application of Heritage Precinct provisions to an area that does not display historic heritage attributes would impose an unnecessary burden on property owners and would not serve the purpose and principles of the RMA 1991.

Miscellaneous Matters

1. The amendment as requested relates to a proposal that is to be replaced by alternative provisions.
2. The Variation, as proposed to be amended, removes the Design Guide from being a statutory Rule within the Plan and incorporates its provisions into new assessment criteria.
3. Council is empowered by the RMA 1991 to consider submissions and to make decisions upon them and there are no exceptional circumstances indicating that Council is not able to, or should not undertake this function.
4. The Variation, as proposed to be amended, is consistent with the purpose and principles of the RMA 1991.

as proposed to be amended will promote the sustainable
tion of an area recognised as being of significance for its

6. The Variation, as proposed to be amended, is fully supported by a Section 32 evaluation demonstrating the appropriateness of the Plan provisions.
7. The Variation, as proposed to be amended, introduces a more rigorous and extensive resource management regime for the Hayes Paddock area and as such it is appropriate that property owners are assisted in complying with these additional requirements through the availability of help and advice.
8. The removal of automatic notification to the New Zealand Historic Places Trust in respect of the Hayes Paddock Heritage Precinct will provide more certainty to applicants such that it will help to support continued investment in the historic heritage resource.
9. In particular the Variation, as proposed to be amended, will promote the sustainable management and protection of an area recognised as being of significance for its historic heritage.
10. The alternative of a property specific or street based approach would not recognise or provide for the full extent of the historic heritage resource as required by the RMA 1991.
11. An approach that does not recognise or provide adequately for the protection of the historic heritage resource would not be consistent with the principle and purpose of the RMA 1991.
12. The Heritage Precinct boundaries, as proposed to be amended, will enable people and communities to understand the historical significance of the Hayes Paddock neighbourhood and appreciate its special character and amenity values.

The meeting was declared closed at 3.15pm.



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Proposed District Plan

The amended District Plan Provisions are attached.



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ordinary meeting of the City Development Committee before

Resolved:

(Crs Saunders/Chesterman)

That the recommendation in Section B be adopted.