

SECTION 32 REPORT: PROPOSED VARIATION 20: HAMILTON EAST RESIDENTIAL REZONING

1 INTRODUCTION

Hamilton City Council has developed the Hamilton East Residential Zone to address issues with the management of new development in the area. The community raised concerns regarding the uncontrolled removal and alteration of “character” buildings and the incompatibility of new development with the existing character and the effects on local amenity. This prompted Council to undertake a review of the Proposed District Plan provisions in respect of their applicability to Hamilton East.

1.1 The Public Concern

Submissions to Hamilton City Council 2007/08 Annual Plan expressed concerns regarding two matters relating to the future of Hamilton East; specifically:

1. Inappropriate forms of development in terms of subdivision, built form, intensity and lack of design controls; and
2. The need to recognise the special character of the area in terms of its heritage buildings, streetscapes and landscape.

Submitters sought a commitment to funding of a heritage assessment and the development of “Special Character Area” provisions within the District Plan to manage ongoing change in Hamilton East.

1.2 The Council Response

The Council developed a joint Council-consultancy team during 2008 and undertook a character assessment of the area to enable an analysis of the elements that constitute character and amenity.

In general terms the project brief developed sought to:

1. Identify and describe the elements that contribute to the character, amenity and heritage values associated with Hamilton East;
2. Consult with the community and stakeholder groups on these findings; and
3. Put options to Council to establish a more robust planning framework to manage change while safeguarding the character, amenity and heritage values of Hamilton East.

1.3 The Programme

A four phase programme was developed and is summarised as:

- Phase 1: Collect and interpret the field data;
- Phase 2: Consult with the community;
- Phase 3: Develop strategies to manage change; and
- Phase 4: Implement the preferred proposal.

A report was prepared and considered by Council and consultation with the community was undertaken. A public open day was held in Hamilton East and attended by 200 people in September 2008. A questionnaire was prepared and 206 completed responses were received and analyzed. Feedback indicated considerable

support for tightening controls on development in order to maintain the heritage and character of the area.

As part of phase 1 a review of the existing District Plan provisions was undertaken and it was identified that the existing controls were enabling development that was eroding the character of the area.

The report that summarised the field work and multi-discipline appraisal of the resource management issues is titled "Hamilton East Character Assessment" June 2008. The report was prepared by Environmental Management Services Limited (EMS) as lead consultant and principal authors (Murray Kivell, Ian Johnson) with input from Incite Consultants Limited (Jane Black), Boffa Miskell Limited (John Goodwin), and Ian Bowman Heritage Architect. The general findings of this report have underpinned the development of the proposed variation.

A second Open Day presentation was held in April 2009 where the strategic direction for the variation was outlined and further feedback sought from the community. This has provided the basis for further research and consultation which has led to drafting of the variation now proposed.

The assessment undertaken by the joint Council-consultancy team has affirmed that the preferred method to address the maintenance and enhancement of character and amenity in Hamilton East is to adopt:

- A new set of rule provisions known as the Hamilton East Residential Zone; and
- A new set of rule provisions for the Hamilton East Villa Heritage Precinct; and
- A modified set of rule provisions for the Hamilton East High Density Area (HDA).
- Scheduling of individual heritage items

1.4 Other Relevant Matters

In the course of the project the Resource Management (Simplifying and Streamlining) Amendment Bill 2009 was notified in February 2009 for public submissions by central government. One clause proposed was to prohibit area-wide rules for tree protection. This was an emerging resource management issue in Hamilton East. As a consequence further fieldwork and rule drafting on this topic has been deferred until there is clarification of this point in the gazetted Amendment Bill. Fieldwork should also assess the merits of protecting a further set of individual specimen trees on private property that have been assessed only in a preliminary manner to date.

Issues concerning the form, function and traffic management issues associated with the Hamilton East shopping centre were also placed on hold for fuller investigation as part of the District Plan review.

Issues concerning the merits and development of mixed use zoning provisions around Steele Park have also been placed on hold for further consideration during the District Plan review.

Issues concerning the development of "home occupations" along the Grey Street and Te Aroha Street corridors have also been placed on hold for further consideration during the District Plan review.

1.5 Key Reports

Key Reports prepared by the project team are:

- Hamilton East Character Assessment, June 2008;
- Consultation Feedback Report, November 2008;
- Hamilton East Individual Buildings Inventory 2008;
- Proposed Villa Heritage Precinct, 2008;
- Proposed 1950/60s Precinct, 2008;
- Proposed Soldiers' Cottages Precinct, June 2009;

Council reports that have a strategic influence shaping the direction and scope of the investigations completed by the project team are:

- CityScope (Council's Urban Design Strategy);
- Vista (the City Design Guide);
- The Creativity and Identity Strategy;
- Hamilton Urban Growth Strategy;
- Council Report: Hamilton East Village Streetscape Upgrade November 2006 regarding the Hamilton East Streetscape Proposal 2006;

This section 32 analysis relies on information gathered as part of preparing the variation.

1.6 Report Structure

The report discusses the following matters:

- Section 1: Introduction;
- Section 2: Section 32 Purpose;
- Section 3: Efficiency and Effectiveness Issues;
- Section 4: Overall Approach;
- Section 5: Proposed Variation 20: Hamilton East Residential Rezoning;
- Section 6: Statutory Evaluation;
- Section 7: Consultation; and
- Section 8: Summary and Conclusions.

1.7 Documents Comprising Variation 20

The documents that comprise Variation 20 - Hamilton East Residential Rezoning are:

- Policy Section 5.1 Residential Areas, and specifically Objective 5.1.7 providing for the Hamilton East Residential Zone;
- Policy Section 7.1 Built Heritage, providing for the Hamilton East Villa Heritage Precinct;
- Rule section 2.3 Heritage Items, which provides for scheduling of additional buildings in Hamilton East on the Heritage items Schedule;
- Rule Section 2.4 Heritage Precincts Overlay, providing for the Hamilton East Villa Heritage Precinct;
- Rule Section 4.1B Hamilton East Residential Zone;
- Rule 6.3 Subdivisional Standards for Individual Zones (consequential amendments);
- Rule 8.0 Definitions; and
- District Plan Maps (Amendment of Maps 11, 11a, 12, 15 and 16)

2 SECTION 32 PURPOSE

2.1 Overview

Before any change to a District Plan is publicly notified the Council is required to evaluate the appropriateness of the proposed changes and prepare a report that records the reasoning for the changes. This report is called the "Section 32 Report".

The purpose of this report is to formalise the process by which Council has evaluated the variation pursuant to Section 32 of the Resource Management Act 1991 ('the Act') and present a summary of that evaluation and the conclusions reached. The analysis undertaken follows the provisions of Section 32 and considers the various options evaluated and the various alternatives, benefits, and costs in developing the proposed variation.

The Section 32 analysis required by the Act formalises the process by which Council determines the suitability of options for dealing with resource management issues and achieving desired environmental outcomes. The purpose of the process is to ensure:

- that better outcomes are achieved;
- that the costs borne by affected parties are the least practicable, and consistent with achieving the purpose of the Act;
- that the Plan provisions Council has adopted are necessary and more appropriate (efficient and effective) than the alternatives.

To achieve the outcomes identified above a Section 32 analysis must evaluate:

- the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives; and
- the benefits and costs of policies, rules or other methods; and
- the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules and other methods.

Under Section 32 of the RMA, it is Council's duty before adopting any objective, policy or rule, to consider alternatives to the change and to assess any benefits and costs. The Council must, amongst other things, have regard to the extent to which the particular objectives, policies, rules or other methods are necessary in achieving the purpose of the Act.

Section 32(3) states:

"An evaluation must examine –

(a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act";

(b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives".

Section 32(4) states:

"For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account –

(a) the benefits and costs of policies, rules, or other methods; and

(b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods".

2.2 Hamilton East Residential Rezoning

The Section 32 analysis that follows, evaluates the general approaches that have been considered, and the broad outline of the proposed suite of measures to implement the new Hamilton East Residential Zone. Pursuant to Section 32(3)(b) and 32(4) of the Act, an evaluation is required of the appropriateness of policies, rules or other methods of achieving the objectives, including the benefits and costs, and the risk of acting or not acting.

It is anticipated that the proposed plan provisions may be further refined in conjunction with stakeholders as the proposed variation is refined through submissions following public notification, and as it progresses through the statutory process. Discussion on several key issues is presented in this report to summarise the approaches that were considered and debated with the community.

3 EFFICIENCY AND EFFECTIVENESS ISSUES

3.1 Guidance Provided By Existing Objectives and Policy for Residential Activities

The existing objectives and policies of the Proposed District Plan (References Version 2001) address issues in relation to retention of character and amenity values in the residential areas. This is in the context of there being generally one set of zoning provisions that apply for residential activities throughout Hamilton City. The exception to this being the recently approved Rotokauri Residential Zone where specific provisions were promoted through Variation 18 and were adopted by Council in late 2008.

Policy 5.1 of the Proposed District Plan (PDP) identifies the principal issues (in bold) for residential areas in Hamilton (with supporting commentary/explanation in italics) as:

The amenity values of residential areas can be adversely affected by intensified residential development, especially in established areas.

The long-term trend towards smaller households and lower maintenance properties is creating demand for more intensive development, with increased building coverage, paving and less open space. This has the potential to impact on residential amenity in a variety of ways.

Increases in site intensity, coverage and bulk through infill development or the development of high density housing have the potential to impact on to sunlight, privacy and the perception and provision of open space. Developing higher density housing in established residential areas can also result in the loss of mature trees, gardens and areas of bush from private land.

Site development can have impacts on the special character, heritage values or environmental significance of an area.

There are areas of the residential environment that are recognised as having a distinctive and special character. The character of these areas is derived from a range of factors including site layout, vegetation and fencing and the period housing stock. Some areas have more distinct heritage values resulting from the intactness of the area's built form, the age and styles of houses, or the streetscape.

The unique character or values of these areas can be compromised by site redevelopment, infill development, additions and alterations of existing buildings and the design and location of structures such as fences if these have little regard to the dominant character of the area.

Other areas, yet to be developed, derive their character from a combination of existing landscape, cultural, heritage and ecological values. Reflecting this character in the future built form offers the opportunity to create distinct residential neighbourhoods.

Insensitive residential development adjacent to important natural features like the city's gullies, the Waikato River, ridgelines and lakes can also detract from the "natural" character of these areas, limit public access, and affect natural ecosystems.

Demand for more diverse housing opportunities, including specialised accommodation, can result in adverse effects on amenity values.

Changes in the city's demographics mean that there is a diverse range of housing needs, including housing for people with disabilities, housing for older people, visitor accommodation and student hostels. There is also demand for intensive residential development close to the university, hospital and close to the central city.

While these are all residential activities, adverse effects on amenity values can include the incompatible scale and form of buildings, traffic, noise and safety issues.

Increasing demands for a range of non-residential activities in residential areas can have an adverse effect on amenity values.

A wide range of non-residential activities and home occupations in residential areas can contribute to the vitality of the surrounding area and improves access to services for residents. However, some activities can have adverse effects on residential amenity values and are not compatible with residential character. Adverse effects from these activities can include the volume or nature of the traffic they generate, noise, dust, odour and glare. Other effects result because of the scale of the activity and the size and bulk of buildings needed to house that activity is significantly different from typical dwellings in residential areas.

Lack of visual connectivity between dwellings and public spaces detracts from the safety and vitality of those areas.

High fences and side-facing development blocks the line of sight from residential areas to public spaces, increasing opportunities for crime and discouraging social interaction. Low fences and active frontages create passive surveillance opportunities, making people feel safer when using public reserves and improving the vitality of the area. Increasing the intensity of development, through height and density, in close proximity to public spaces can provide a sense of enclosure and passive surveillance.

Poor connectivity and low residential densities has the potential to undermine the viability of neighbourhood centres.

The viability of neighbourhood centres can be adversely affected if there are insufficient numbers of people living close by or their journey to a particular centre is too difficult. The facilities and services that neighbourhood centres support are an important element in the promotion of sustainable communities.

Facilities and services that are readily accessible to local people serve both as a focal point for community interaction, as well as promoting the use of more sustainable (and healthy) transportation nodes. It is important therefore that development in close proximity to neighbourhood centre activity supports these functions. (Variation 18)

In respect of the objectives and policies the District Plan has the following provisions that are relevant:

Objective 5.1.1 Residential Diversity and Densities

To enable a diversity of living environments which meet the differing needs of the city's population and support the viability of neighbourhood centres and facilities, while protecting residential amenity values. (Variation 18)

Policies

b) Encourage flexibility in density, building form and site development where the development is designed with regard to the character of the area and presents a high standard of amenity for residents and neighbours.

c) Enable various levels of building densities within the residential area taking into account the existing character of these areas and the capacity of the existing infrastructure.

d) Enable higher density residential development, including high rise development, in locations close to the central area, suburban and neighbourhood centres, tertiary education facilities and hospital. (Variation 18)

e) Ensure that residential areas with defined heritage values or identified environmental significance are protected to ensure that these values are retained.

Objective 5.1.2 Character and Amenity Values

To maintain and enhance character and amenity values of residential areas by ensuring a level of onsite amenity for residents and ensuring that neighbouring properties are not adversely affected by development.

Policies

a) Ensure that the size and scale of buildings and structures are compatible with the character and amenity of the residential area.

b) Ensure that buildings are designed and located to ensure that adequate levels of sunlight and daylight reach adjoining properties throughout the year.

c) Ensure that the design and location of buildings do not compromise the privacy of adjoining development, having regard to the character of the area.

g) Encourage the retention of significant vegetation and trees in residential areas to preserve the green open space character and environmental values.

h) Encourage high density housing to be designed so that it is compatible with existing development.

i) Ensure that multi-storey apartment buildings are designed with residential features such as balconies and on-site amenities to ensure high levels of residential amenity are maintained.

Objective 5.1.3 Non-Residential Activities

To enable for a range of non-residential activities within residential areas, while ensuring that they do not detract from the amenity values of the area.

Policies

a) Enable the establishment of home occupations throughout the residential area and ensure that any adverse environmental effects are avoided, remedied or mitigated.

The Plan then relies on a number of methods to implement the objectives and policies. These are principally through rules and standards for the Residential Zone, a high density area (HDA), a special character area for Claudelands West, Heritage items and precincts overlays and other statutory and non-statutory methods.

3.2 Current Rule Framework for Residential Activities

The activity status for the range of residential activities and some relevant standards that currently control new building bulk and location do influence the effects on the established amenity and character of a residential area. These parameters are summarised in the following table.

Rule 4.1 Residential Zone Provisions: Summary

Activity	Residential: General	Residential – High Density Area (HDA)
Detached dwelling	400m ² - Permitted	350m ² per unit (net site area)
Detached dwelling with ancillary flat	600m ² - Permitted	350m ² - Permitted
Apartment buildings	Discretionary	Controlled
Comprehensive Residential Developments (CRD)	Controlled	Controlled
Density		150m ² (average site area)
Site coverage	40% of net site area	50% of net site area
Building Height	10m	12.5m
Setbacks: Front	3m to local and collector roads; 5m to arterials;	3m to local and collector roads; 5m to arterials;
Setbacks: side and rear	1.5 m	1.5m
Outdoor Living Area	60m ² with 6m circle	40m ² with a 6m circle

This regulatory framework from the District Plan can be compared to a sample analysis of existing residential development in the general residential area of Hamilton East based on site assessments, reviews of aerial photographs and property files shows the following site attributes:

General Site Development and Building Footprint Characteristics: Summary

Lot Size	806m ²
Building height	4.8m
Front setback	9m
Side setback	3.2m
Rear setback	11.0m
Permeable surface in front yard	71%
Total impermeable surface	47%
Impermeable surface excluding buildings	19%
Building coverage	29%

The overriding impression is that built development is single storey, well set back from property boundaries including the street front, with extensive open space and vegetation around the dwelling.

Current Plan provisions therefore provide for a more intensive form and pattern of residential development than exists in the general residential area of Hamilton East.

3.3 Assessment and Short Comings with Respect to Residential Activities in Hamilton East

3.3.1 Overview

Through the field work, the character assessment and an analysis of recent consented developments it became evident that the current rule methods, objectives and policies do not address safeguarding existing character and amenity for Hamilton East. This finding is also generally reflected in the concerns from some sections of the community that recent development, which mainly complies with the rules and

standards of the District Plan is inconsistent with existing character and amenity for the Hamilton East neighbourhood.

The key tasks have been to:

- Identify and describe the character elements that contribute individually and collectively to the overall residential amenity values of Hamilton East;
- Understand the extent to which the loss or partial alteration of existing residential buildings would contribute to an overall loss of the character and amenity of Hamilton East; and
- Identify and safeguard existing residential buildings that contribute to the heritage values of Hamilton East.

3.3.2 Identifying & Safeguarding Character

The most challenging resource management issue has been to define as clearly as possible the built character and the extent to which different residential building styles have contributed to character and amenity in Hamilton East.

The built character of Hamilton East is based around the diversity of building styles that reflect the full history of development of Hamilton itself. Therefore there is no predominant style of residential building that characterises the area.

The inappropriateness of the existing bulk and location controls to reflect the existing scale and density of residential development has been addressed through the revision of several established rules governing bulk and location and the adoption of new performance standards to maintain established character and amenity in the general residential zone. Sections 4 & 5 address this matter more fully in association with an approach to conserve where necessary existing building stock, as described below.

3.3.3 Loss of Existing Building Stock

At present there is no requirement for resource consent to demolish a dwelling in the Residential Zone in Hamilton. Public sentiment and pressure has however arisen for a control on demolition in Hamilton East because of the loss of the intrinsic values of existing residential accommodation to the character and amenity of the area. The pattern and scale of demolition that has occurred between 2000-2008 has been reviewed and reported on. While Council's database may not be totally accurate (it does not always identify demolition as the principal activity and will therefore under record demolitions), records show that:

- 18 dwellings have been demolished;
- 10 of these have been in the HDA almost all of these have been replaced by four more units on a site;
- 6 dwellings have been demolished in the Residential Zone.

The objective of maintaining and enhancing the character of the area could be approached in two ways:

1. To protect the valued character (underlying and increasingly scarce building stock) that commonly sit on large lots and often with an entitlement to subdivision for infill development – the residences of pre-1940; or
2. To protect the more common building styles because they mirror the range of residential buildings that contribute to the overall character - the residences of pre-1960.

Approximately one-third of residences on street front sections are pre-1940 (and reflective of valued character) so would be “caught” by a pre-1940’s demolition control rule. In comparison, pre-1960’s residences (reflective of common character) are approximately two-thirds of the current housing stock on street front sections.

A Discretionary Activity status is proposed for demolition with assessment criteria focused on the contribution that the building sited on a street front section makes to the character and amenity of the area and streetscape (Rule 4.1B.1d). Council would therefore retain full discretion whether to grant or decline consent based on the circumstances in each case.

The following table summarises the implications for adopting one or other of the alternative “cut-off” dates as follows:

Pre 1940’s Demolition Cut-Off affecting Street Front Properties	Pre 1960s Demolition Cut-Off affecting Street Front Properties
Protects widely distributed, relatively scarce building stock that is under threat (33% of built stock)	Protects common character (65% of built stock)
Generally more ornate building forms	Generally more simple building forms
Tends to be on larger sections more likely to be subdivided and redeveloped.	
Consent hurdle and application costs potentially affecting 400 properties	Consent hurdle and application costs potentially affecting 785 properties
Noticeable increase in PGU consent applications	Potential for significant increase in PGU consent applications
More straightforward consent assessment	Assessment more complex and prone to challenge
Caters for growth and change in a controlled manner	Potential to hamper appropriate redevelopment

Based on the heritage architectural advice received the reason for selecting the pre-1960 cut-off date is to protect the overall character of Hamilton East which, in terms of built form, is defined by a range of single and two storey housing styles up to and including those of the late 1950s.

In summary, it is this relatively even spread of houses from the main periods of development in the suburb without any particular style or era standing out that define the character of Hamilton East. The periods of development and associated housing styles comprises:

- 1860s to 1890s Georgian box cottage;
- 1890s to 1915 plain and bay villas;
- 1890 to 1920 English domestic revival;
- 1915 to 1940 Californian bungalow (common till the depression);
- 1930s to 1940s Spanish mission;
- 1930s Art deco;
- 1930 to 1950 Moderne;
- 1950 to 1960 Modern movement; and
- 1950 to 1960 Californian Ranch.

After 1960, there is a range of mainly builder speculative houses and flats which contribute little to the character of the area.

Council has adopted the pre-1960's cut-off as a precautionary approach to maintain and enhance character in the neighbourhood. This control would not apply in the residential high density area (RHDA).

3.3.4 Recognising and Safeguarding Heritage

The District Plan currently identifies two Heritage Precincts and a number of specific buildings and features as Heritage Items and provides a suite of regulatory provisions to ensure that they are appropriately managed.

Hamilton East is contiguous with the Hayes Paddock Heritage Precinct and within the Hamilton East neighbourhood itself there are already 16 Heritage Items, 15 of which are classed as B or higher. All of the Items have been classed according to a range of criteria and all record the significance of the local setting as part of this classification. The Plan explains that this includes consideration of the contribution they make to the identity of the neighbourhood or surrounding area.

The demolition or removal of buildings within the Hayes Paddock Heritage Precinct is a non-complying activity. Elsewhere in Hamilton East a Discretionary resource consent is required for the demolition or removal of any class B Item and non-complying resource consent is required for the demolition or removal of any Class A or A+ Item.

In summary, whilst the Council strategy advocates a sensitive and informed approach towards management of the built environment and future development, the District Plan, being a key vehicle for the implementation of this strategy, includes little that would enable the protection of character and amenity values in Hamilton East. What exists are specific controls regarding a very limited number of Heritage items. Elsewhere, the Plan adopts a "one size fits all" approach that equally applies to the City's more recent suburban development.

3.3.4.1 Hamilton East Villa Heritage Precinct

The Villa precinct in Hamilton East has been identified as a heritage precinct for the city. The precinct comprises villa styled houses on Firth Street between Albert Street and Naylor Street, three houses to the west of Firth Street on Albert Street and two houses on Naylor Street.

Its heritage values are derived from it being a largely intact grouping of villas built on original town acres, reflecting both the popular house style of the time and the pattern of subdivision and settlement at the turn of the century in Hamilton East. The houses are now approximately 100 years old and the group forms a stylistically consistent, largely coherent and authentic precinct.

The houses individually are representative of the villa style common throughout New Zealand in the period and the group is a relatively rare large grouping of such houses in Hamilton. The area makes a significant contribution to the history, sense of identity and well-being of the city's residents.

In addition to the architectural values of the precinct the area is characterised by its low density and the relationship of the buildings to the streetscape. Careful management is required to ensure that the effects and cumulative effects of intensification or activities and increased density are taken into account. The District Plan provides for the retention of the key heritage, character and amenity

values of the precinct to achieve the overall protection of historic heritage under section 6(f) Resource Management Act 1991 - the protection of historic heritage from inappropriate subdivision, use and development. The precinct satisfies this statutory requirement.

3.3.4.2 Soldiers' Cottages, Cook Street (55-63 Cook Street)

From the consultation process a request arose to reconsider the merits of protecting a group of five detached bungalows on Cook Street as a heritage precinct. A further report was commissioned to establish the history and architectural significance of the grouping. While very informative, the conclusion from the assessment suggests that the grouping has local/neighbourhood significance which in Council's opinion does not meet the threshold test under Section 6(f) Resource Management Act 1991; to be classified as being a heritage precinct.

However, the grouping does have a unique character in terms of the homogeneity of the building styles for the five cottages to create a "minor landmark". On this basis, and notwithstanding their retention in the HDA, the Council has scheduled each property to require resource consent for demolition or alteration of the streetscape exterior of the individual buildings as a means to consider their conservation in the future.

3.3.4.3 Buildings that Warrant Individual Heritage Protection

Fieldwork and research has identified twenty-three additional heritage buildings that satisfy the heritage assessment criteria in the District Plan for scheduling for heritage protection. All but one item are private dwellings. This approach is consistent with Council's duty under section 6(f) Resource Management Act 1991 – to promote the protection of historic heritage from inappropriate subdivision, use and development.

3.3.5 Other Contemporary Guiding Principles

Recent work on the development of Council's core strategies in respect of urban design, (CityScope), and Creativity and Identity Strategy recognise that the existing built environment is an important component in the character and identity of the City and requires careful management. Such matters are more clearly expressed in Council's City Design Guide, Vista, which describes the approach that new development should take to ensure that it responds positively to local character and identity. Whilst such strategies and guidance are identified in the Plan as Other Methods through which the policy framework will be delivered, the focus is on new development rather than on the management of the existing building stock and recognition of the contribution this physical resource makes to local amenity values.

3.3.6 Resource Management Issues Summarised

The character assessment and review of the planning controls in place for Hamilton East raised questions in terms of the appropriateness of the controls in maintaining the character and amenity of the area. Specifically, the following issues provide the basis for development of new resource management provisions:

- Recent multi unit development in the High Density Area (HDA) optimises current plan provisions and is an incompatible feature of the street scene;
- Large parts of the existing High Density Area do not display the same character features of the remainder of the neighbourhood;
- The character of the area relies heavily on the diversity of the dwelling stock and extent of public and private vegetation;

- Recent development has removed older buildings, and replacement development often contains little vegetation;
- Recent development commonly in the RHDA and comprising multi-unit development has not adopted the characteristic orientation of dwellings towards the street;
- A number of valued older dwellings have no District Plan protection regarding their alteration, demolition or removal;
- Plan provisions provide little protection for trees currently making a significant contribution to local character.

Options were developed as are outlined in the following section for Council to consider and as a result:

- A new zone, the Hamilton East Residential Zone was developed, along with
- A customised set of rules and performance standards to maintain and enhance the character and amenity values of the general residential area, and
- An amended set of rules and performance standards to improve the general amenity of new development occurring in the HDA that is an integral part of the Hamilton East neighbourhood; and
- The identification of a Villa Heritage Precinct.

4 OVERALL APPROACH

Three broad approaches to address these short comings were considered in terms of the benefits and costs, and the efficiency and effectiveness in achieving the purpose of the Act. These options are:

1. **Status quo** - relying on existing statutory and non-statutory provisions;
2. **Delay** a review of the provisions until the review of the District Plan; or
3. **Respond** now to issues and consider a variation to the District Plan.

4.1 Option One - Status Quo

The existing provisions for the Residential Zone including the High Density Area as a single citywide approach, fails to protect the special character and amenity of the Hamilton East area. Specifically, in the Hamilton East, new development (which commonly is two storey apartments in the Residential General) is out of scale (in terms of height, bulk and location) and character with the existing character of the area (predominantly single storey detached dwellings) and is judged by expert review and consultation feedback from the local community to be having a detrimental effect on the amenity of the area.

The Higher Density Area (HDA) covers some of the oldest parts of Hamilton East and has an extensive interface with the general residential area as well as significant public spaces such as Steele Park and the Waikato River frontage. The provisions for this area are more permissive in terms of bulk and location as noted above, and have been in place since the 1970's. As a result the effect of development over the last thirty years has significantly diminished the character of these areas and generally reduced amenity values. Some larger developments have maximised their development potential of the site and as a result the built form, scale and orientation to the street is set apart from the existing built environment where development has traditionally been oriented to the street.

Sections of the Hamilton East community have been very outspoken about their concerns in respect of new development and the erosion of the character of the area. Council has agreed that the provisions of the Plan should be addressed to provide more effective control to maintain the character and amenity of Hamilton East.

To do nothing and maintain the status quo, would not be responding to the community's concerns or Council's priorities and would be likely to result in further degradation of the qualities of the area enjoyed by its residents.

4.2 Option 2 – Delay until the review of the District Plan

There has been considerable community concern about this matter and a submission was made in the last financial year (2007/08) to the Annual Plan seeking funding to carry out a review of the provisions in the Plan in respect of Hamilton East. This work has been completed and could feed into the District Plan review. However, this wider review is a significant body of work that is likely to take some years to complete and even longer to become operative. In the meantime, development is likely to continue in Hamilton East and further erosion of the character and amenity of the area would result.

The work carried out with funding allocated in the 2007/08 Annual Plan has been completed and to delay its progression would create continued uncertainty on the development of the area, and not give adequate effect to Council's own commitment to identify and address the relevant resource management issues to maintain character and amenity of Hamilton East.

4.3 Option 3 – Initiate a variation to the District Plan

As a result of the work undertaken in the last year to complete the Hamilton East Character Assessment and the public consultation following that exercise there is a reasonably high expectation in the community that the Council will act to make changes to the District Plan now.

There is a sense of urgency that has been expressed throughout this project by the community that they feel that the erosion of the character of the area is happening at a rate that would fundamentally change Hamilton East in the long term. The Council has generally been sympathetic to their concerns and supported the progression of the project to the preparation of a variation to the District Plan.

It is therefore considered that this option should be pursued to prepare and notify a variation to the District Plan this year. The risk of not acting increases the potential for continued demolition of existing dwellings particularly in the Residential General and their replacement with new forms of residential accommodation which individually and collectively "chip away" at the existing character and amenity of the neighbourhood.

4.4 THE COSTS AND BENEFITS FOR THE THREE STRATEGIC APPROACHES CONSIDERED AS VIABLE OPTIONS FOR MANAGING CHANGE IN HAMILTON EAST

4.4.1 OPTION ONE: Status Quo – Rely on existing statutory and non-statutory provisions

Benefits:	Costs:
<p>The existing approach is familiar and understood by Council and community.</p> <p>Current land uses are able to continue with similar effects.</p> <p>Avoids costs associated with preparing an amendment to the District Plan.</p> <p>Any change will occur as part of wider District Plan review process</p> <p>Implementation and compliance costs will remain similar.</p>	<p>Single, Citywide (one size fits all) approach to maintain character and amenity does not meet community expectations or reflect existing built environment.</p> <p>Does not promote Community Outcomes as expressed through submissions to Annual Plan or achieve CityScope principles.</p> <p>No certainty about the future form of urban development. Landowners and stakeholders may not be able to make investment or land use decisions with any certainty as to either timing or form of future urban development.</p>

Efficiency:

The costs associated with this option outweigh the benefits associated with the status quo, and therefore the approach is not considered to be efficient. The anticipated costs are a lack of community support for District Plan provisions as they relate to Hamilton East – this is an inefficient regime to manage change in the neighbourhood.

Effectiveness:

Urban development and management expectations of the Hamilton East community may not be met. Option One is not considered to be an effective option in terms of addressing the identified community and character and heritage issues that need to be addressed for Hamilton East.

Risk of Acting or Not Acting if there is Uncertain or Insufficient Information: It is considered that there is sufficient information to address aspects of the process of residential change affecting suburban development now being experienced in Hamilton East.

Appropriateness:

This option is not considered to be effective in achieving the new objectives and policies as they relate to Hamilton East developed through the field work and discussed with the community at two Open Day workshops, so the Status Quo option is not considered appropriate.

4.4.2 OPTION TWO: Delay until Review of District Plan

Benefits	Costs
The planning for Hamilton East can occur at a broad and holistic level as part of the	Potentially undesirable change to the character of Hamilton East may continue

<p>Plan review process,</p> <p>Urban design guidance can be provided at a City wide level rather than at a neighbourhood level.</p> <p>Provides clarity and certainty for land owners, developers, the wider community and Council as to the future direction of development and change as part of a City-wide framework.</p> <p>Promotes a better understanding of inter-relatedness of issues and proposed management approaches at a City wide level.</p>	<p>ahead of formal changes to the District Plan.</p> <p>Transition period between existing and any new rules may lead to lengthy period of uncertainty regarding final plan provisions.</p> <p>May deter or escalate re-development ahead of any intended rule changes being given effect.</p>
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Efficiency:

The costs associated with this option outweigh the benefits and therefore the approach is not considered to be efficient. The costs are an anticipated lack of community support associated with the delay in adopting District Plan provisions as they relate to Hamilton East – this is an inefficient regime to manage change in the neighbourhood.

Effectiveness:

Urban development and management expectations of the community may not be met. Option Two is not considered to be an effective option in terms of addressing the identified community and character and heritage issues facing Hamilton East.

Risk of Acting or Not Acting if there is Uncertain or Insufficient Information: It is not considered that there is insufficient information to address aspects of the process of change affecting suburban development now being experienced in Hamilton East.

Appropriateness:

This option is not considered to be effective in achieving the new objectives and policies as they relate to Hamilton East developed through the field work and discussed with the community at two Open Day workshops, so the Deferred option is not considered appropriate.

4.4.3 OPTION THREE: Initiate a variation to the District Plan

Benefits	Costs
<p>The planning for Hamilton East can move forward in a timely manner to provide a customised set of provisions to address the character, amenity and heritage elements that contribute to a broad and holistic understanding of these elements in the context of the local neighbourhood.</p> <p>Urban design guidance at a local level can be provided ahead of any decisions regarding City wide approach.</p> <p>Provides clarity and certainty for land owners, developers, the wider</p>	<p>Affects (re) development entitlements in the General zone and Residential High Density Areas.</p> <p>Increases consent requirements for new development.</p> <p>Adds a duty on all street front property owners to secure approval for alterations and demolition of pre-1960's dwellings.</p> <p>Increase administration /processing costs for Council as the regulator processing additional applications.</p>

<p>community and Council now as to the future direction, and appropriate form and scale of development in the Residential General and Residential High Density.</p> <p>Safeguards identifiable heritage dwellings and key residential enclaves for immediate protection, thereby fulfilling Council obligations under RMA Part II.</p>	<p>Increase the cost and compliance burden on owners of heritage properties added to the Register.</p>
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<p>Efficiency: The benefits associated with this option are suggested to outweigh the costs, and therefore this approach is considered to be efficient. The benefits are a regime to effectively manage change in the neighbourhood that meets community expectations.</p>
<p>Effectiveness: Urban development and management expectations of the community are more likely to be met. Option Three is not considered to be an effective option in terms of addressing the identified community character and heritage issues.</p>
<p>Risk of Acting or Not Acting if there is Uncertain or Insufficient Information: It is not considered that there is insufficient information to address aspects of the process of change affecting suburban development now being experienced in Hamilton East.</p>
<p>Appropriateness: This option is considered to be effective in achieving the new objectives and policies for residential development in Hamilton East, and therefore is considered appropriate.</p>

The above assessment has set out the costs and benefits for the three strategic approaches considered as viable options for managing change in Hamilton, and the efficiency and effectiveness of each in achieving the new objectives and policies of the Proposed District Plan.

On assessment of the information, Option 3 – Initiate a variation to the Plan, is the preferred approach for the following reasons:

- It is considered to be the option most consistent with and that best gives effect to the purpose and principles of the Resource Management Act 1991 by providing a comprehensive and holistic framework for managing urban development of the area.
- This option is consistent with the Proposed District Plan’s new objectives and policies for managing change in Hamilton East.
- It is consistent with and gives effect to the Community Outcomes desired for Hamilton City, as set out in the submission process to the Annual Plan 2007-2008.
- It is socially more acceptable and equitable to have a clear and transparent framework for managing effects associated with character, amenity and heritage at the neighbourhood level.
- The costs associated with preparing, implementing and administration of a Variation No. 20 to incorporate the changes are outweighed by the benefits associated with implementing a plan now for the future of Hamilton East Residential neighbourhood.

Option 3 represents the approach with the greatest ability to deliver these outcomes in a timely manner and is therefore the most appropriate in terms of the RMA and Proposed District Plan objectives and policies now to be promoted with respect to Hamilton East.

4.5 Evaluation of Options for “Best Fit”

Within the preferred option, there are three sub-options for drafting of the variation:

- 3a) Create a Hamilton East Special Character Area within Rule 4.1 Residential Zone similar to the Claudelands West Special Character Area provisions; or
- 3b) Create a new Rule 2.8 Hamilton East Character Overlay; or
- 3c) Create a new Rule 4.1B Hamilton East Residential Zone.

Option 3a) Hamilton East Special Character Area within Rule 4.1 Residential Zone

This approach is consistent with the provisions for Claudelands West Special Character Area. However the changes for Hamilton East are more extensive than those for Claudelands West, by not only amending existing rules but promoting new rules and standards, and would create a further ‘layer’ of rules in an already complex set of residential zone provisions. This would result in Rule 4.1 being more difficult to understand for plan users.

Option 3b) New Rule 2.8 Hamilton East Character Overlay

This approach would create a new overlay of the residential zone similar to that for Heritage Items and Precincts. While providing a separate chapter, it has to be read in conjunction with the Residential Zone rules as it provides additional rules. This has the effect of making the plan more difficult to understand for the plan users by adding a further layer of complexity.

Option 3c) New Rule 4.1B Hamilton East Residential Zone

This approach provides a new residential zone for Hamilton East with a complete set of rules in one place in the District Plan. While there is some repetition of the rules in the residential zone, it provides the plan user with the most easily understood provisions.

This option has been adopted for the variation because of its usability.

5 PROPOSED VARIATION 20: HAMILTON EAST RESIDENTIAL REZONING

The assessment of the merits of the proposed variation follows:

5.1 Consideration of Proposed Objective

The purpose of this section is to evaluate the proposed objectives to examine the extent to which each objective is the most appropriate way to achieve the purpose of the Act in accordance with Section 32(3) of the Act.

The current objectives generally address issues of character and amenity but do not specifically address the character and amenity issues surrounding the management of change in Hamilton East. The variation proposes one new objective and a series of related policies to better inform decision makers and developers on the nature of development that would be consistent with the character and amenity of the area.

The intent of the proposed objective is to clearly state the purpose of the Hamilton East Residential Zone – the maintenance and strengthening of the neighbourhood’s

distinctive character and amenity. It is considered that the proposed objective will be effective in achieving the purpose of the Act as it clearly states the purpose of the provisions, and addresses the key issues associated with the management of change in Hamilton East.

The proposed new objective is as follows:

Objective 5.1.7 Hamilton East Residential Zone

Management and development within the Hamilton East neighbourhood maintains and enhances its distinctive character and amenity values.

The objective adds to the existing objectives of the residential zone by explicitly recognising the specific character and amenity values of Hamilton East.

5.2 Evaluation of Methods for achieving the objective

An evaluation is required of whether the policies, rules, or other methods are the most appropriate for achieving the objectives. This evaluation needs to have regard to their efficiency and effectiveness; the benefits and costs of policies, rules, or other methods; and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

5.2.1 Evaluation of Policies

There are twelve policies proposed to be included in the variation concerning the elements of character, amenity and heritage that make Hamilton East distinctive as a residential area. The policies further amplify the objective in the District Plan and describe the resource management approach to key issues. The proposed policies are discussed below:

- a. *Ensure that development within the Hamilton East residential area is consistent with the generally low intensity residential character of the area, the high degree of private amenity space, the strong visual relationship to the street and the variety of building styles that depict the historical development of the area.*
- b. *Enable redevelopment opportunities within the Hamilton East High Density Area whilst ensuring that the siting, bulk and design of development recognises the strong visual relationship with the street scene and ensures the protection of private residential amenity.*
- c. *Avoid any adverse effects on character and amenity from medium and high density residential developments in the Hamilton East general residential area.*
- d. *Ensure the valued character of Hamilton East's distinctive streetscapes is retained.*
- e. *Ensure that new buildings and structures are in keeping with the scale and character of the area in terms of their height, scale, form and positioning.*
- f. *Ensure that new development does not adversely affect the amenity and privacy of neighbouring properties.*
- g. *Ensure that development maintains a strong visual relationship with the street in terms of building orientation, the treatment of front yard setbacks and the height of front yard fencing.*
- h. *Ensure that buildings are only located within the front setback where an alternative siting would be impracticable.*
- i. *Ensure that the removal or demolition of, or alteration and additions to buildings that contribute to local character or heritage values will not adversely affect the special character of Hamilton East.*

- j. *Ensure a minimum level of open space for use as outdoor living areas, planting, rubbish, storage and outdoor drying areas.*
- k. *Ensure a minimum level of permeable areas to encourage the retention of and provision for front yard trees and planting.*
- l. *Ensure that the provision and convenience of on-site parking will meet the needs of residents without reliance on off-site provision or adverse visual effects on the street scene.*

The above policies focus on the specific elements that contribute to the distinctive character of Hamilton East and identify the broad development elements that have a potential adverse effect on that character and its erosion, and that need to be controlled. The character consists of:

- In the Residential General zone:
 - A diversity of housing styles;
 - Consistency of height and scale of residential development;
 - Spaciousness and separation between dwellings;
 - Orientation towards the street;
 - Incremental infill in scale with existing housing;
 - Low building coverage;
 - A strong pattern of street trees and private planting;
 - A collection of villas in Albert Street.
- In the High Density Area (HDA):
 - A diversity of housing styles;
 - Larger scale multi-unit development not consistent with older established housing;
 - Lacking in amenity with neighbouring development (privacy for example);
 - Dominance of paved areas; and
 - Lack of on site planting.

Guidance on the acceptable elements for new development – its design, scale, form and layout, loss of buildings, planting, vegetation and open space should help minimise the potential to affect these character elements. The policies are therefore appropriate to achieve the objective of the zone.

Overall, it is considered that the proposed objective and policies are necessary to address the significant resource management issues identified. This will enable Council and the community to provide for their social, economic and cultural wellbeing (section 5(2)), the efficient use and development of physical resources (section 7(b)), the maintenance and enhancement of the amenity values (section 7(c)), and the maintenance and enhancement of the quality of the environment (Section 7(f)) as required under the Purpose and Principles of the RMA 1991.

5.2.2 Definition of the Boundary of Hamilton East Residential Zone

The boundary of the zone is defined by the consistency of the character and some natural/geographical boundaries where the area borders:

- The area borders Claudelands West Character Area to the north;
- The Hayes Paddock Heritage Precinct to the south west;
- Cobham Drive to the south and the Hamilton Gardens;
- Dey Street and the East Town Belt to the east; and
- Hamilton East commercial area and the Waikato River to the west.

5.2.3 Boundary of High Density Area (HDA)

The boundary of the existing High Density Area was established by the 1967 (and possibly earlier) District Scheme and continued into the existing 2001 Proposed District Plan. A key issue for the project became to re-evaluate the appropriateness of this boundary. Two alternative views were expressed by different sections of the community in respect of the existing boundary. One view was that the High Density Area (HDA) zoning would not provide for the retention of character and heritage values that remain in parts of the HDA. The other view coming from many property owners in the HDA was that long held development entitlements would be taken away with significant impacts on property investments and redevelopment prospects. The task was therefore to balance conflicting objectives of intensification with and character and amenity protection, in reassessing the boundary of the High Density Area.

The assessment of the HDA was done through site analysis (walkovers of the area and viewing the blocks from the footpath on several occasions during the course of the project and the review of aerial photos). While parts of the HDA retain a low-density character along the street front, other parts have undergone intensification particularly redevelopment on rear sites. Initially, it was proposed to reduce the extent of the HDA by returning areas with a predominantly low-density character to general residential zoning as a means to maintain existing character and amenity values. While reduced in area, the HDA was retained in areas closely linked to Steele Park, the Waikato River, the Hamilton East commercial centre and along the main transport routes.

The reduction of the HDA as a concept was discussed with Council and promoted for community consultation. A newsletter was sent out indicating the proposed changes, and the proposal outlined and discussed at the April 2009 public presentations.

Many property owners affected by the proposed re-zoning voiced strong opposition to the proposal to reduce the extent of the HDA.

Feed back received from the community during the April presentations captures the pros and cons for reducing in the HDA:

Weaknesses

- Is the aim to lock up the place? The idea of the HDA is to get people living close to town, work. People have bought properties knowing the HDA is there.
- At the LTCCP meeting intensification was promoted. Reduction in HDA and making it harder seems contrary to the Urban Growth Strategy.
- HDA – Mid block zone change - what happens when titles are merged? What zone does it become?
- Property owners in area for rezoning – change to residential will do nothing to improve the character of the area into the future because of the loss of value and redevelopment potential. No heritage properties in HDA so keep as it is.
- Reduction in property value where rezoned from HDA to general residential – is there compensation?

Opportunities

- Assessment criteria need to deal with style of building, rather than by size, bulk, location etc.

- The character comes from the streetscape so why change the HDA down the long driveways? Comment from public - Sometimes it is about access, about community that lives on rear sites, kids etc.
- Is there likely to be a variation in density on front sites compared to rear sites?
- General direction is very positive. Reduction of the HDA is unlikely because of the views of the owners (at least don't extend it). Problem in HDA of slums, rubbish, uncollected mail. Hamilton East is the best we have got (similar to Parnell) and is something to build on. The desirability of the neighbourhood compensates for the loss of HDA zoning.
- Happy to see Cook Street change to low density, soldiers' cottages are of distinct heritage value in Hamilton. All are 100 years old. Elderly owners are concerned what will happen to these as they move on.
- 65 Firth Street – loss of value/resale potential. Request property remains high density or alternatively property to the north become general residential also.
- Support changes – if anything, would like more restriction and conditions. High density developments destroy character and have flow on effect of lack of parking and traffic congestion.
- Issue is the low standards being applied to multi-unit developments. Unless stricter standards/assess criteria are introduced the problem is still going to exist even with changes in lot size, bulk and location. More beneficial to:
 - make multi-units and comprehensive residential developments discretionary activities;
 - strengthen objectives and policies so staff can decline;
 - pre-application system set up so developers know Council's expectations;
 - include urban design standards in the plan as comprehensive package which will achieve a higher standard;
 - Ensure staff trained well;
 - Different standards for infill development;
 - Treat HDA as separate to residential area; and
- Not about reducing HDA, but about improving the quality of development. Proposal in contrast to efforts to reduce urban sprawl. Will shift problem (of infill developments) elsewhere.

In light of these concerns, the rationale for reducing the RHDA was revisited, and further consideration given to the exact boundary of the area.

Issues relating to existing high density development in the area need to be taken into account. A large number of units are poorly maintained (rental) properties. The structural condition and existing character of some of these buildings do not contribute positively to the overall character of Hamilton East. Feedback received raises concerns that if these properties are unable to redevelop they would deteriorate further and become low cost rental housing (as is already the case with some properties).

A "block by block" review was carried out along with a streetscape assessment.

The block between Wellington, Firth, Nixon and Albert Streets has a strong link to Steele Park, especially on the corner of Wellington Street and Firth Street. While the street front properties are largely intact, there are a few apartments. A high level of intensification has also occurred on rear sites through both apartments and second

dwellings. The low-density residential character of the block has been eroded to an extent that today it has a distinct higher density quality.

The block between Clyde, Firth, Nixon and Cook Streets similarly has a high level of intensification on rear sites, and a number of street front properties have second and subsequent dwellings/ancillary flats. However, the Soldiers Cottages located along Cook Street are a unique part of the history of Hamilton, and provide a distinctive enclave that should be considered for protection (either through a demolition control, or heritage listing if warranted).

The blocks bounding Coates Street are of mixed quality, with a high number of rental properties and approximately 50% apartments. While a number of single dwelling residential properties remain, resource consents for apartments have recently been granted to reinforce the higher density apartment living that characterises the built environment of this block. A large property developer has also purchased a number of adjacent properties in preparation for a comprehensive residential development.

The block bounded by Albert, Grey, Wellington, Firth Streets already exhibits long established multi-unit development as well as providing for several community facilities (churches). Therefore, older and new multi unit development is the dominant built character and unlikely to change in the foreseeable future.

Kelvin Place is a distinct residential enclave which has a predominantly single storey/low-density character along the street front, but with several apartment developments established in recent years. The street layout, pattern of development and characteristics of the buildings have little resemblance to the remainder of Hamilton East. Given its proximity to the public transport network and high level of accessibility to suburban shopping, it has been determined that the long held intention for intensification should be retained, so no change to the cul de sac's zoning is proposed.

It is therefore recommended that the RHDA be kept as it originally was, except for the Cook Street “Soldiers’ Cottages” at 55-63 Cook Street (refer to section 3.3.4.2 for further discussion).

With the retention of the HDA it is proposed that Council look at providing a design guide for high density developments as part of the District Plan review to illustrate the built form and relationship that such development should have to the streetscape and general residential areas.

This along with the refinement to the standards to guide multi-unit development should improve the onsite amenity values of residents and neighbours living in the HDA in the future. Rules will provide for demolition of existing dwellings as a permitted activity to enable redevelopment to proceed and higher quality living environments to be provided for future generations.

5.2.4 The Permitted Baseline

This section discusses the specific methods that have been adopted and discusses the benefits and costs of those methods. The methods adopted are:

- A new set of rule provisions known as the Hamilton East Residential Zone; and
- A new set of rule provisions for the Hamilton East Villa Heritage Precinct; and
- A modified set of rule provisions for the Hamilton East HDA.

To maintain the character and amenity values of the neighbourhood the first step is to provide for a permitted baseline that will safeguard those important character elements.

The permitted baseline adopted now provides for one detached dwelling per site, an ancillary flat and accessory building throughout the Zone. In addition, the demolition or removal of any building constructed after 1960 (1 January) is permitted in the general residential area, while the demolition of any residential building of any age will continue to apply in the High Density Area of the Zone. This will enable redevelopment of the High Density Area to occur more readily for more intensive urban living and with less emphasis of maintaining character while maintaining general residential amenity.

Other specific changes to the City wide provisions are noted below along with the rationale and an assessment of the overall merits (costs and benefits).

Preferred Method: New and Revised Rules and Performance Standards

Clause	Change	Reason for Change	Benefits and Costs
4.1B.1 Rule a) – Permitted Activities	This clause provides for demolition and removal : <ul style="list-style-type: none"> • In the HDA; • For buildings constructed after 1960 in the Residential Zone <p>This is a new provision.</p>	Consideration of the character of the area needs to be limited to the general residential area/zone in order for plan users to have some certainty of the extent. Clarifies the scope of a permitted activity in the Hamilton East neighbourhood.	The provision imposes higher compliance costs where permitted standards not met for the applicant, but benefits the wider community by providing more effective control over the effects generated by removal of dwellings in the general residential area to maintain the character and amenity of the area.
4.1B.1 Rule - Activities c) Restricted Discretionary Activities	This clause provides for second and subsequent detached dwellings as restricted discretionary activities. This is a change from the existing controlled activity status.	This provision provides Council with greater control over the effects generated by the activity. The purpose is to ensure that plan users can address the stated assessment criteria to ensure the outcome sought from the zone can be met.	The provision imposes higher compliance costs for the applicant but benefits the wider community by providing more effective control over the effects generated by the activity and its effects on the character and amenity of the area.
4.1B.1 Rule - Activities c) Restricted Discretionary Activities	This clause provides for apartment buildings and Comprehensive Residential Development in the <u>High Density Area</u> as restricted discretionary activities. This is a change from the existing controlled activity status.	This provision provides Council with greater control over the effects generated by the activity, specifically, design and site layout, parking, loading and access. The purpose is to ensure that plan users can address the stated assessment criteria to ensure the outcome sought from the zone can be met.	The provision imposes higher compliance costs for the applicant but benefits the wider community by providing more effective control over the effects generated by the activity and its effects on the character and amenity of the area.
4.1B.1 Rule - Activities c) Restricted Discretionary Activities	This clause provides for alterations and additions to the streetscape exterior of any dwelling on a street front section constructed prior to 1960, including the Soldiers Cottages Cook Street; otherwise this rule excludes properties in the High Density Area.	This provision provides Council with greater control over the effects generated by the activity. The community has expressed strong concern at the loss of existing character and heritage. While many street front buildings would not warrant individual heritage listing, they contribute to the character of the area.	The provision imposes higher compliance costs for the applicant but benefits the wider community by providing more effective control over the effects generated by the activity and its effects on the character and amenity of the area.

	There is no control on this activity in the existing District Plan.		
4.1B.1 Rule - Activities d) Discretionary Activities	<p>This clause provides for the demolition of pre 1960s buildings as a discretionary activity, including the Soldiers Cottages Cook Street; otherwise this rule excludes properties in the Residential High Density Area.</p> <p>There is no control on this activity in the existing District Plan.</p>	<p>This provision provides Council with discretion whether to grant or decline a consent for the demolition of a dwelling. The community has expressed strong concern at the loss of existing character and heritage. While many buildings would not warrant individual heritage listing, they contribute to the character of the area. The built character of the area is comprised of a mix of housing types with some concentrations of particular types. All the building types prior to 1960 display the characteristics valued by the community – generally one storied single dwellings representing an era, careful use of materials and articulation, with openings and windows facing the street. Council therefore wishes to control their loss. The purpose is to ensure that the plan user addresses the appropriate assessment criteria to ensure that the outcome of the zone can be met.</p>	<p>The provision imposes higher compliance costs for the applicant but benefits the wider community by providing more effective control over the effects generated by the activity and its effects on the character and amenity of the area.</p>
4.1B.1 Rule - Activities d) Discretionary Activities	<p>This clause provides for Community Centres, CRD (except in the HDA), Education and training facilities, Health Care Services, Offices, Visitor accommodation, Residential Centres as Discretionary Activities.</p> <p>This is a change from the existing either permitted or controlled activity status.</p>	<p>This provision provides Council with greater control over the effects generated by the activity including the cumulative effects. These activities generate a broad range of effects and every site is different generating site specific effects such as traffic that can make them incompatible with residential amenity and character. The purpose is to ensure that plan users can address the stated assessment criteria to ensure the outcome sought from the zone can be met.</p>	<p>The provision imposes higher compliance costs for the applicant but benefits the wider community by providing more effective control over the effects generated by the activity and its effects on the character and amenity of the area.</p>
Performance Standards			
4.1B.2 Rule – General Standards a) Density	<p>This clause requires a minimum net site area of 600m² for detached dwellings, detached dwellings with an Ancillary Flat, and relocated dwellings on street front sections.</p> <p>The existing provision requires 400m².</p>	<p>A survey of lot sizes of street front sections showed that only 25% of sites are less than 600m² in area and the average site size is over 800m². This pattern of large lots with generous setbacks contributes to the character and amenity of the area. The existing minimum lot size of 400m² is not considered to be consistent with the objectives of the zone and this provision</p>	<p>There is some potential cost to owners of sites sized between approximately 870m² and 1250m² who may currently be able to subdivide their sections. Amongst a number of matters, subdivision of a site is constrained by the location of the existing building on the site and not all sites will be suitable. The benefits of a larger minimum net site area, are that</p>

		will ensure the outcome sought from the zone can be met.	the existing character of large lots is maintained.
4.1B.2 Rule – General Standards b) Site coverage	This clause requires that on street front sections, site coverage must not exceed 35%, 40% on rear sections, and 45% in the HDA. The existing provision requires maximum site coverage of 40% in the general residential area and 50% in RHDA.	A survey of coverage showed that the average coverage is less than 30% in the residential zone. New development that has been built within the existing rule has resulted in a loss of space around the dwelling and loss of planting and vegetation as a result. The characteristic pattern of development with low site coverage, generous green space and wide setback to boundaries is not achieved through the existing rule.	There is potentially some cost in terms of lost development opportunity of 5% for street front sections, and all properties in the HDA. The existing average coverage of sites is well below 35% and so it is not anticipated that this will be an issue. The benefits are that the character and amenity of street front properties are maintained.
4.1B.2 Rule – General Standards c) Permeable Surfaces	This clause requires that no less than 40% in the residential zone and 30% in the HDA, of the site should be of permeable surface. There is no permeable surface requirement in the existing District Plan.	The loss of permeable surfaces as a result of new development and the provision of paved drives and car parking detracts from the existing character and amenity contributed to by generous planting and vegetation. A secondary effect is the potential increase in surface runoff that enters the city's infrastructure. With a permeable surface requirement, then greater on site stormwater management is possible. This provision will ensure the objectives if the residential zone and the outcome sought can be met.	Retention of permeable surfaces is primarily an issue for redevelopment of sites where development seeks to maximise its opportunities. It is the effect of these developments that this rule seeks to control and is an appropriate measure. "Greenscape" management is achieved, and a potential reduction in reliance on the city's stormwater infrastructure is also a benefit.
4.1B.2 Rule – General Standards d) Building Height	This clause limits height of buildings on street front sections in the residential zone to be 7m; height of buildings on rear sections in the residential zone to be 8m and height of buildings in the High Density area to be 10m. The existing height limits are: 10m in the Residential Zone, 12.5m in the High Density Area.	A survey of building heights in the residential zone showed that the average height was 4.8m. Housing is generally one storied with some two storey houses. The 10m building height can provide for some 3 storied buildings (albeit that within the height to boundary provision many sites can not achieve the maximum height) which is not consistent with the character of the area. However, it is important to provide for some flexibility and provide for 2 storied buildings which can be achieved within a 7m height envelope. Within the HDA, existing building heights are the same range as in the residential zone. A survey of heights of recent development showed that the highest buildings were 9.9m. There are no developments that have achieved the full height of 12.5m. Balancing the concerns of the community about development that is out of scale with the character of the	There is some cost in terms of potential loss of development opportunity, but many sites are unable to achieve the full height allowable due to site constraints and the height to boundary rule. The benefits are that the established character and amenity of street front properties are maintained with higher scale development on rear sites and more compatible scale development in the HDA.

		area, with the objectives of the high density area resulted in a modified height of 10m. This will ensure the outcome sought from the zone can be met.	
4.1B.2 Rule – General Standards e) Height to boundary	This clause provides for the height to boundary measurement commencing at a vertical height of 2m in the residential zone and in the HDA where it has a boundary with the residential zone. The 3m measurement point is retained in HDA. The existing provision requires the measurement to be taken from a 3m vertical height at the boundary.	The predominance of one storied houses set back well back from boundaries is an important contributing element to the character and amenity of the area. Some new infill development, built within the existing rules, has resulted in buildings dominating neighbouring sites at the boundary and being out of scale with the existing character. A reduction in the vertical height from which the measurement is taken is appropriate to ensure the outcome sought from the rule can be met.	There is some cost in terms of potential loss of development opportunity. However with the reduced height this is an appropriate adjustment. This rule is a key matter that has an effect on the scale of development and its impact on the amenity of neighbouring properties.
4.1B.2 Rule – General Standards f) setback from road boundary	This clause provides for a 5m minimum setback from roads or the average of the front setback of buildings on street front sections and all accessory buildings including garages and carports to be located behind the building line established by the dwelling. 3m setback is retained in HDA. The existing provision requires a 3m setback from local and collector roads; 5m from arterial roads. Provision to build within setback is removed.	The wide setbacks from roads is a characteristic pattern of development. Very few houses are setback 3m as required by the District Plan. In a sample of 34 sites only 1 site had a setback of less than 3 metres and 32 sites had setbacks of 5m or more. The average was 9m. The existing provision does not deliver on the objectives of the residential zone and the provision for 5m consistent with that required for setbacks from arterial roads will ensure that the objectives are met and the outcome sought from the zone can be met.	There is some cost in terms of potential loss of development opportunity. This rule is a key matter that has an effect on the scale of development and its impact on the streetscape amenity.
4.1B.2 Rule – General Standards g) other setbacks	This clause requires a minimum 3m setback from one side boundary and 1.5m for other side boundary and rear boundary for street front sections in the residential zone; 1.5m for side and rear boundaries for rear sections. The existing plan requires a minimum of 1.5m for all other setbacks including HDA.	Setbacks from other boundaries generally exceed the minimum requirement. A survey of setbacks showed that the average setback at side boundaries exceeded 3m with rear setbacks exceeding 11m. Provision of one 3m side setback encourages the location of garages at the side or rear of sections reducing the impact of garages on the streetscape.	There is some cost in terms of potential loss of development opportunity. This rule is a key matter that has an effect on the scale of development and its impact on the amenity of neighbouring properties.
4.1B2 Rule General Standards h) Separation Distances & Privacy	This clause provides for the location of upper floor balconies and windows conditional on sill height/opaque glazing written signoff from neighbouring owners and occupiers This is an existing provision.	Control is to retain neighbour amenity and privacy with direct amenity effects to be considered by the neighbour	There is some cost in terms of potential loss of development opportunity. This rule is a key matter that has an effect on the scale of development and its impact on the amenity of neighbouring properties.
4.1B.2 Rule – General Standards	This clause requires 50% planting of any front yard setback within a	The planting of front yard setbacks is a key part of the established streetscape	There is some cost in terms of potential loss of development opportunity.

i) Planting and screening	<p>two year period.</p> <p>There is no existing requirement in Residential Zone.</p>	<p>character and amenity of the area. In the residential zone where there has been no requirement new development has resulted in the removal of planting on sites replaced with paved front yards. This is contrary to the objectives of the residential zone. This provision will ensure that the outcome sought by the zone can be met.</p>	<p>The benefits are that the established character and amenity of street front properties are maintained</p>
4.1B.2 Rule – General Standards j) Built form	<p>This clause requires that no wall of any building parallel to or up to 30° to any external boundary except the road frontage shall exceed 15m in length without there being a step in/out of at least 2m depth and 5m length.</p> <p>There is no built form requirement in the existing District Plan.</p>	<p>Long continuous unbroken walls along side and rear boundaries has an impact on the amenity of neighbouring properties and is not a characteristic pattern in the area. Some new developments however have maximised the development opportunities of sites which has resulted in dominant built form at boundaries sometimes reducing privacy between sites. This provision will ensure that the outcome sought by the zone can be met.</p>	<p>There is some cost in terms of potential loss of development opportunity. This rule is a key matter that has an effect on the scale of development and its impact on the amenity of neighbouring properties.</p>
4.1B.2 Rule – General Standards k) Fence Height	<p>This clause requires front or side yard boundary fences or walls located forward of the building line of the dwelling to be no higher than 1.2m.</p> <p>The existing provisions have no maximum fence height.</p>	<p>Where fences are used in the area the characteristic pattern is of low fences or planting to provide some enclosure and definition of the site. Increasingly, on some sites fences have been designed to provide greater screening and privacy to the development. These have the effect of creating barriers to the street, detracting from the open and informal character and amenity of the area. This provision allows for fences to provide enclosure while still achieving the objectives of the Residential Zone. This provision will ensure that the outcome sought by the zone can be met.</p>	<p>The benefits are that the established character and amenity of street front properties are maintained</p>
4.1B.2 Rule – General Standards l) Orientation	<p>This clause requires that all dwellings facing a public space must have a main entrance and at least one principal room on each floor facing the public space.</p> <p>There is no similar requirement in the existing District Plan.</p>	<p>The siting and orientation of dwellings is an important part of the built character of the area. Main entrances generally face the street with windows on all levels overlooking the street providing good outlook and amenity. New development has not followed this pattern but rather turned side-on to the street with blank walls and driveways providing a contrast to the built pattern. There is no rule or other method that addresses the objectives of the residential zone and this provision will ensure that the outcome</p>	<p>There is some cost in terms of potential loss of development opportunity.</p> <p>The benefits are that the established character and amenity of street front properties is maintained</p>

		sought can be met.	
Assessment Criteria			
4.1B.4 Assessment Criteria – Restricted Discretionary and Discretionary Activities a) General criteria b) site layout, building orientation and Design c) Parking, loading and access d) Accessory buildings located within the front setback e) non-residential activities (including visitor accommodation) f) Alterations and Additions to the Streetscape exterior of pre-1960's g) Demolition and Removal of Pre-1960s buildings	This clause provides assessment criteria for the consideration of activities in relation to effect on character and amenity.	Assessment criteria that address the character and amenity effects of activities are necessary to provide plan users with the matters that must be considered. Discretion provides some certainty as to the scope of Council's considerations while providing some flexibility in delivery of new developments.	There is some cost in terms of potential loss of development opportunity. Greater burden on applicants to provide information. More information is required to inform Council on the nature, scale and design of new development in the context of the valued character of the area.
Heritage Precincts Overlay			
2.4. Heritage Precincts Overlay 2.4.1C Activities in the Villa Heritage Precinct	A distinct area of heritage character has been identified and a new Villa Heritage Precinct has been created. The provisions of the Villa precinct provide for minor work on identified Villas as permitted activities, new dwellings, additions and alterations to Villas as restricted discretionary activities, and demolition of Villas as discretionary activities.	The heritage values of the area are an important part of the character of Hamilton East. The proposed precinct is a largely intact grouping of villas built on original town acres, which reflects both the popular house style of the time and the pattern of subdivision and settlement at the turn of the century in Hamilton East. The houses are now approximately 100 years old and the group forms a stylistically consistent, largely coherent and authentic precinct. The houses individually are representative of the villa style common throughout New Zealand in the period and the group is a relatively rare large grouping of such houses in Hamilton.	There is some cost in terms of potential loss of development opportunity. More information is required to inform Council on the nature, scale and design of new development in the context of the valued character of the area and the documented heritage concerning an individual building.

		Improved control on activities affecting the Villa Precinct is appropriate and this provision will ensure the outcome sought from the zone can be met.	
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5.2.4.1 Changes Proposed for HDA Provisions: Summary

The summary table below outlines the key rule changes affecting the Residential High Density (HDA) area only, that forms part of the Hamilton East Residential Zone. These changes would, if adopted, only apply to this HDA. The table makes explicit those provisions paraphrased in the table above, for ease of understanding.

Descriptor	Current Provision	Proposed Provisions	Explanation
Activity status			
Permitted	<i>Demolition or removal of any dwelling – only building consent required</i> One detached dwelling per site Ancillary flat	No change - <i>Demolition or removal of any dwelling – only building consent required</i> One detached dwelling per site Ancillary flat	Emphasis on enhancing amenity through “improved” design and overall site re-development under more stringent and new performance standards noted below
Controlled	Apartment Buildings Comprehensive Residential Development		
Restricted Discretionary		Apartment Buildings Comprehensive Residential Development	Elevates consenting process to enable Council to better evaluate building design and environmental effects
Standards: Existing			
Density	Detached dwellings:350m ² ; CRD: 300m ² ; Apartment buildings: 150m ² per unit	Unchanged	
Site coverage	50%	45%	Assessments indicate recent development is commonly between 40-45%
Building height	12.5m	10m	Bring built development to 2-3 storey development rather than 3-4 storey development, dependent on site size.
Height in relation to boundary	Rises from a point 3m above boundary when boundary meets boundary of Residential Zone; otherwise 3m	Rises from a point 2m above boundary when boundary meets boundary of Residential Zone; otherwise 3m	
Setback from road boundary	3m with provision for some development within front setback	3m, with no provision for development in front setback	Maintain streetscape appeal consistent with wider character and amenity of area
Other Setbacks	1.5 on other boundaries	1.5m with no discretion to reduce with neighbour signoff	
Separation Distance and Privacy		No change	
Standards: New			
Permeable surface	Nil	30%	Encourage site to reflect wider amenity and character of vegetated private space rather than tarmac and absence of

			green environment on private property. Reduced demand on City stormwater system from site runoff
Planting and Screening	Nil	50% of street front section	Promotes streetscape appeal consistent with character and amenity of wider area
Built Form	Nil	Building wall parallel to the boundary or up to an angle of 30° shall not exceed 15m without stepin/stepout of 2m depth and 5m length	Avoids “sausage flat” type development with substantial wall effects to neighbours’ properties.
Fence Height	Nil	1.2m	Promotes streetscape appeal consistent with character and amenity of wider area. Promotes open, informal amenity at street front, avoids “wall” effects.
Orientation	Nil	Primary entrance on ground floor and at least one principal room and window facing street	Promotes streetscape appeal consistent with character and amenity of wider area. Building oriented to street not internally.

In summary, the changes promoted:

1. Strengthen provision for Council to “control” apartment and comprehensive development by elevating their activity status to Restricted Discretionary Activity;
2. This consenting process is to be supported by more stringent performance standards along with new performance standards to encourage new development to be more in keeping with the wider area amenity of the Hamilton East area; and
3. Together with the proposed policy guidance and assessment criteria would better inform Planning Guidance Unit Hamilton City Council and applicants of the “intent” and desired outcomes from new (re) development in the area.

6 STATUTORY EVALUATION

6.1 Section 5 Purpose of the Act

The Act’s purpose is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development and protection of resources to enable people and communities to provide for their social, economic and cultural well being and their health and safety while avoiding, remedying or mitigating adverse effects on the environment.

The proposed variation refines the citywide provisions of the District Plan to promote a customised set of objectives, policies, methods including rules, performance standards and assessment criteria aimed at promoting the purpose of the Act.

6.2 Section 6 Matters of National Importance

6.2.1 Section 6(f) protection of historic heritage from inappropriate subdivision, use and development.

Historic heritage is defined in section 2 RMA 1991 as being:

(a) Those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:

- (i) *archaeological;*
- (ii) *architectural*
- (iii) *cultural*
- (iv) *historic*
- (v) *scientific*
- (vi) *technological; and*

(b) *includes –*

- (i) *historic sites, structures, places, and areas; and*
- (ii) *archaeological sites; and*
- (iii) *sites of significance to Maori, including wahi tapu; and*
- (iv) *surroundings associated with the natural and physical resources.*

This provides the statutory context for the application of section 6(f) in any particular circumstance.

The identification of the Villa Heritage Precinct and individual buildings that are suitable for listing as heritage buildings recognises the importance of heritage in Hamilton East and the wider city. The values associated with the proposed precinct as a whole and the individual dwellings that comprise the precinct have been recorded and documented to confirm these heritage values.

The option available is always to do nothing and not pursue recognition of these sites under the Proposed Plan and to rely on the goodwill of landowners, and other non-regulatory methods to retain and maintain these buildings. The preference however is to afford protection of these buildings and the proposed precinct because of their significance with the history of settlement of Hamilton East.

Other assessments of the building stock in Hamilton East identified a grouping of Californian bungalows and a group of post-World War 1 Soldiers' Cottages that could also have warranted recognition as heritage precincts. In both cases however, the merits for establishing separate heritage precincts is recommended for further consideration as part of the District Plan review.

With respect for the two block grouping of Californian bungalows adjacent to Cobham Drive, it has been recommended that this area be reconsidered as part of the City wide Plan review wherein their significance in a citywide context can be more appropriately assessed and a decision made as to their overall heritage significance. With respect to the grouping of five Soldiers' Cottages on Cook Street (55-63 Cook Street) the assessment is that they are of local/neighbourhood significance only and therefore not warranting of protection under Section 6(f) of the Act.

Council has determined however that the Soldiers' Cottages warrant some recognition and each site is scheduled to record that their demolition/alteration will require resource consent so their "local significance" can be more carefully considered at that time.

6.3 Section 7 Other Matters

6.3.1 Section 7 (b) The efficient use and development of natural and physical resources.

The provisions of the zone provide for the development of the area while recognising and ensuring that identified amenity, character and heritage values are taken into account. The provisions are suggested to promote the efficient use and development of the residential resources of the area.

- 6.3.2 **Section 7 (c) Maintenance and enhancement of amenity values**
 6.3.3 **Section 7(f) Maintenance and enhancement of the quality of the environment**

The provisions of the zone aim to ensure the maintenance and enhancement of amenity values by establishing rules for development that reflect the scale, form and layout of existing buildings.

6.4. Section 8 Treaty of Waitangi

The principles of the Treaty of Waitangi are not challenged by the proposed variation.

7 CONSULTATION

The following agencies have been consulted in the course of preparation of the proposed variation:

- The Minister for the Environment;
- New Zealand Historic Places Trust; and
- Housing New Zealand

Key steps in developing the variation where consultation has been an integral part of the process is summarised in the table below:

Project Phase	Date	Consultees	Purpose of Consultation
1		Hamilton East Community Trust (HECT)	Understand the details of the community group's submission to the Annual Plan process
2	September 2008	Ratepayers and Residents	Flyer informing of Open Day and its purpose
2	September 2008	Ratepayers and Residents	Open Day (10.00am-8.00pm) Included two public presentations and discussion forums.
2	September 2008	Ratepayers and Residents	Hamilton City Council website: Provide information on Open Day, questionnaire survey, project team contact details
2	September-October 2008	Stakeholders	Targeted interviews: HECT, Business Association, Historic Places Trust, Environment Waikato, Southern Cross Hospital, Sacred Heart Girls College, Hill Laboratories
3	January 2009	Ratepayers and Residents	Newsletter 1: Update on project progress, proposed Plan approaches
3	March 2009	Ratepayers and Residents	Newsletter 2: Update on project progress, findings , key issues and approaches
4	April 2009	Ratepayers and Residents	Second Open Day (Noon – 9.00pm) Included three public presentations of broad framework of variation.
4	April-June 2009	Individual Property Owners	Consider heritage values associated with individual properties Consider regulatory framework proposed with respect to HDA with owners and Waikato Property Investors Association Respond to specific enquiries concerning provisions and approach to heritage protection Complete "Soldiers' Cottages" heritage assessment
	July 6 2009	Ratepayers	Further meeting with Waikato Property Investors Association members.

Section 3.3.4 Recognising and Safeguarding Heritage, outlines the reasons for Council's initiative to promote a Villa Heritage Precinct, the scheduling for heritage protection of a further twenty-three individual properties, and in section 3.3.3 the reasons for the adoption of a demolition control measure to safeguard where appropriate the built character elements of existing dwellings that contribute to the residential amenity of Hamilton East.

Property owners affected by the heritage provisions proposed have been informed of this and feedback received either by way of meetings, phone calls, email correspondence and or letters. Certainly not all landowners support the proposed heritage protection measures as they may affect their properties and some wish their property to be removed from the schedule incorporated in the District Plan.

If scheduling were to proceed only on the basis of the agreement of each property owner then the Council is likely to be challenged by the wider community as not meeting its statutory obligations under Part 2, RMA 1991. The preference is for all properties identified and evaluated as meeting the criteria provided by the Act and the current provisions of the Proposed District Plan, to be included on the Schedule. Issues concerning public-private benefits, costs and cost sharing options with the community to maintain such valued buildings should be part of the Council's Heritage Policy, and certainly considered as part of the Plan Review process.

Ideally, increased heritage protection afforded/imposed by regulation should desirably be counter-balanced by non-regulatory measures or incentives to assist protect heritage resources over the long term.

8 SUMMARY & CONCLUSIONS

This report documents the evaluation of Variation 20 as required by Section 32 RMA 1991.

Policies which offer clear guidance as to the elements of character and amenity values to be maintained in the Hamilton East neighbourhood, and rules which adopt higher performance standards for the built environment and new standards for amenity protection and enhancement are the most effective and efficient means of mitigating those identified adverse effects of new residential development establishing in the local area.

Provisions presented in the variation recognise the established low density character and amenity of the general residential area of Hamilton East and at the same time promote provisions for the improved quality of higher density development in the High Density Area that is adjacent to the Hamilton East suburban shopping centre.

When compared with the alternative options the proposed variation is the most appropriate method for achieving the stated objectives for the Hamilton East neighbourhood of managing the future development of the residential area.