

Kia Ora and good morning, and thank you for the opportunity to speak today.

My name is Deborah Fisher, and I would like to read a joint statement on behalf of the Waikato Heritage Group, Niall Baker, Margaret Sale and myself. Following submissions, it was realized there was some commonality in what we were asking for, with the common point being character so we are presenting as a group.

While we have sought legal advice, we do not have legal representation today.

[See attached statement]

With our submitter grouping, I will speak first, followed by Margret Sale and then Laura Kellaway as expert witness.

I have lived in Hamilton for almost my whole life, and I've resided in a variety of neighborhoods including Frankton, Pukete, Claudelands and Fairview Downs, each with their own unique character.

My evidence today focuses on provision for character as a "qualifying matter". Character is not just about buildings and heritage; it's about a sense of place, belonging, and community. It encompasses amenity factors like noise, sunlight, air quality, privacy, and security, which in turn influence demand and price. While the RMA requires amenity to be protected, the MDRS removes all consideration of amenity and completely disregards the wishes and desires of thousands of Hamiltonians living in existing suburbs.

Many in my community have expressed their thoughts and concerns by signing one or both of the petitions attached to my Plan Changes 9 and 12 submissions. The petitions were collected one after the other, with the first one requesting that Fairview Downs be considered a Historic Heritage Area under Plan Change 9, and the second one requesting that Special Character Zones be retained under Plan Change 12 and that Fairview Downs be given this status if it is not designated as a Historic Heritage Area under Plan Change 9.

I spent a collective three weeks outside the Powells Road shops to collect these petitions.

There was so much confusion in the community from the very beginning. There is a real muddle between Plan Change 9 and Plan Change 12 that local residents just can't understand. I had to explain to residents the 2 different Plan Changes that required 2 separate petitions requesting similar but different outcomes.

Under Plan Change 12 the character chapter is being removed, except for Peacocke area rules. But under Plan Change 9 Historic Heritage Areas are being created. With two separate plan change processes going on how do we ensure the outcomes we are seeking are achieved and things don't fall between the cracks?

During the weeks I spent collecting the petitions, I heard many stories from long-term and second-generation residents and visitors, including the son of the previous owner of the house I've lived in for the last 24 years, a relative of the original owner behind me that was married on the property, a former classmate from primary school, and families who are still neighbors more than 50 years after building their homes. Many described how the Fairview Downs neighborhood grew, expanded, and changed but still retains its own unique character and charm.

While it was not always easy, the overwhelming support I received from the community to protect our character and heritage is the reason I'm here today. This is evidenced by the petition of 90 people asking for our area to be included as a character area/precinct/overlay – or whatever planning tool is the right one.

A further petition relates to the Historic Heritage Areas under Plan Change 9.

Character can be included as an “other matter” under the qualifying matter legal framework. Waipa and other Councils have done this. Special Character Zones must be retained in the Hamilton District Plan as a Qualifying Matter, and Council should seriously listen to those communities requesting protection to ensure that it fulfills its obligations to the community it represents.

Most communities are not opposed to intensification, with some two-story and unit complexes already blending in with the existing housing. However, the MDRS forces those that wish to stay to accept amenity losses that are life-changing when development happens around them or sell and move themselves, and thus the community is eventually lost completely to new development and history. Plan Change 12 and MDRS allow development to occur that is not in keeping with existing established neighborhoods; it will, in some cases, literally replace these communities completely.

It is possible to allow intensification and development in existing areas without completely losing the character of an area, as evidenced in the application of the current operative district plan. While it is commendable that Hamilton City Council is looking to transition current Special Character Zones to Historic Heritage Areas, removing Special Character Zones from the District Plan entirely fails to acknowledge the difference between heritage and character. Hamilton City Council acknowledged the importance of character to communities when it originally included Special Character Zones in the District Plan and emphasized the importance of maintaining character in the planning and development of Peacocke.

In conclusion, I want to emphasize there is a difference between Character and Heritage and a need to retain Special Character Zones in the District Plan. My community and I strongly believe that Character matters in good urban planning, and we would like both Heritage and Character to be protected. Removing Special Character Zones from the District Plan entirely fails to acknowledge this difference or the communities wishes. Therefore, I urge the panel to seriously consider our request and retain Special Character Zones in the District Plan as Qualifying Matters to enable development that is in keeping with existing established neighborhoods. I ask the panel to consider new areas such as Fairview Downs as a Character area if it is not designated as a Historic Heritage Area under Plan Change 9.

Thank you.