

BEFORE THE HEARING PANEL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

Proposed Plan Change 12 to the Operative Hamilton City District Plan

**STATEMENT OF EVIDENCE OF DEBORAH FISHER
FOR THE JOINT OPENING HEARING**

INTRODUCTION

My name is Deborah Fisher and I am a 2nd generation resident of Fairview Downs. I was born in Hamilton and have lived here for almost my entire life. I grew up in Fairview Downs and chose to buy my house and raise my family in the area largely due to the character of the area which has remained relatively unchanged for the last 50 years.

I have watched many changes and developments throughout the city over many years change how the city operates, works and grows. There are however still pockets of the old Hamilton before it became big enough to be considered a city, so it was with some relief when Special Character Zones were introduced to protect some of our City's character. While it is gratifying that these areas will now be considered for Historic Heritage Areas the removal of Special Character Areas from the District Plan is concerning on a personal level as this leaves no opportunity for Fairview Downs or any other Character area to have current or future protection from housing intensification.

QUALIFYING MATTERS – SPECIAL CHARACTER

1. The request is that Council retain Special Character Zones as well as including new Historic Heritage Areas in the face of Government mandated urban intensification. This is in support of a submission made on HCC Plan Change 12, . Plan Change 9 which will include the new Historic Heritage Areas will not be considered for more than 6 months possibly more than a year and could be appealed to the

Environment Court, taking even longer. Areas currently protected by Special Character Zones will have this removed before being able to have any certainty about whether Historic Heritage Areas will be incorporated into the District Plan.

2. The suburb of Fairview Downs has submitted and collected petitions requesting that it be considered for both Historic Heritage Area status or at the minimum Special Character Zoning. The current situation leaves communities with no protection until decisions are made, provides no forethought of areas future generations may want to preserve and is stressful to those affected.
3. The Waikato Heritage Group submission [submission # 155] states “the removal of Character Zones does not leave the option for historic heritage that may not meet the threshold to be considered under Character zone and associated amenity values. This can also provide a transition between the main zone and historic heritage.”
4. I am concerned about this as it removes the opportunity for additions to the existing character areas to be properly considered and offers no alternative way of protecting areas of demonstrable ‘character’ within the city that fail to meet the historic heritage threshold under Plan Change 12.

5. The deletion of “special character areas” set out in Chapter 5 of the Operative District Plan effectively removes the protection of those places where special character is informed by development patterns and other special characteristics.
6. ‘Special character’ protects areas that have special values identified in district plans. Special character contributes to amenity value and decision makers under RMA, s 7(c) must “have particular regard to ... the maintenance and enhancement of amenity values”. Several district and unitary councils around New Zealand protect special character in their district plans – as does Hamilton in the Operative District Plan.
7. It is worth noting that the inclusion of special character zones in the district plan was a conscious decision made by HCC in the first place, recognizing the importance of preserving the unique features and qualities of particular areas. These are long standing and agreed planning approaches with the community.
8. Special Character Zones are used to preserve the unique features and qualities of a particular area, such as its architectural style, street layout, and vegetation. These zones help to maintain the visual appeal and livability of the neighborhood for residents, visitors, and future generations.

9. Plan Change 12 needs to give recognition to character areas as a 'qualifying matter'. Provision is made under s77I(J) for "any other matter that makes higher density, as provided for by the Medium Density Residential Standards or policy 3, inappropriate in an area" to be applied as a Qualifying Matter, but only if section 77L is satisfied. In addition, character overlays can potentially be considered under s77I(a), part of what contributes to the character of an area.

10. The Medium Density Residential Standards should be applied through Plan Change 12 in focused areas of Hamilton where it can be shown that this will result in well-functioning urban environments rather than a blanket residential standard. 3 x 3 housing units (3 units x 3 storeys) is not what is anticipated in areas like Fairview Downs and will have negative consequences.

Why is it important to include both special character zones and historic heritage areas in the district plan?

11. Special Character Zones and Historic Heritage Areas are two distinct but complementary tools for protecting the cultural and historical heritage of our communities. Special Character Zones are used to preserve the unique features and qualities of a particular area, such as its architectural style, street layout, and vegetation. These zones help to maintain the visual appeal and livability of the neighborhood for residents, visitors, and future generations. Historic Heritage Areas, on the other hand, are used to recognize and protect

areas that have historical, architectural, or cultural significance. These areas are often associated with a specific period of time or cultural group and may include buildings, structures, and landscapes that are representative of that period or group.

12. Special Character Zones and Historic Heritage Areas play a crucial role in preserving the unique cultural and historical identity of our communities. The current District Plan's inclusion of these zones and areas is a reflection of the community's desire to protect and celebrate the heritage and character of our neighborhoods.

13. The proposed removal of Special Character Zones before the consideration of Historic Heritage Areas for neighborhoods like Fairview Downs is a cause for concern as it undermines the community's efforts to preserve their unique identity. Furthermore, the retention of Peacocke subdivision's special character zone while simultaneously removing the protection for existing neighborhoods is unjust. It is essential that the HCC retain Special Character Zones and include new Historic Heritage Areas in the District Plan in order to uphold the community's wishes and preserve the cultural and historical identity of our neighborhoods.

14. The inclusion of Special Character Zones and Historic Heritage Areas in a district plan is in line with the principles of sustainable development. As outlined by the United Nations, sustainable development aims to meet the needs of the present without compromising the ability of future generations to meet their own needs. Preserving our cultural and historical heritage is a key aspect of this principle, as it allows future generations to understand and appreciate the history and identity of their community.
15. In addition, the New Zealand Planning Institute (NZPI) has developed planning guidelines for the protection of heritage sites, which recommends that local authorities include provisions for the protection of heritage sites in their district plans.
16. The Resource Management Act 1991 (RMA) also recognizes the importance of special character in the built environment. The RMA requires that the district plan identify and provide for the protection of the amenity values of an area (under section 7), and this should include the special character of an area. This includes the visual appeal, the layout and form of the built environment, and the vegetation and landscape of the area. The RMA also requires that local authorities take into account the values of an area when making decisions that may affect it.

17. Part 2 of the RMA contains the purpose and principles of the Act. The purpose of the Act is set out in Section 5 as being to promote the sustainable management of natural and physical resources. The purpose of the Act therefore is to enable people and communities to provide for their well-being while managing resources. This section also requires planning decisions to adequately avoid, remedy or mitigate adverse effects on the environment – something that is not achieved with Plan Change 12.
18. The RMA defines amenity values as: “...those natural or physical qualities and characteristics of an area that contributes to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”
19. The National Policy Statement on Urban Development talks about how amenity may ‘develop and change over time in response to the diverse and changing needs of people, communities, and future generations’. Plan Change 12 includes very little recognition of the unique local character of particular residential areas. Council should introduce Character as a Qualifying Matter so the amenity and unique characteristics of areas in Hamilton are protected.

20. Section 7 of the RMA, and in particular sub-sections (c) and (f) allude to links between the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment. Providing for Character overlays as a Qualifying Matter will help maintain/enhance amenity values within the urban environment and the quality of the environment will also be promoted.

21. The preservation of both special character and historic heritage is important in city planning as "Special Character Zones" help to maintain the unique character of an area. They play a vital role in protecting the amenity and character of our neighborhoods which in turn enhances the overall well-being of the community. These zones are designed to preserve the unique features and qualities of a particular area, such as its architectural style, street layout, and vegetation. This helps to maintain the visual appeal and livability of the neighborhood for residents, visitors, and future generations.

22. Historic Heritage Areas, on the other hand, are used to recognize and protect areas that have historical, architectural, or cultural significance and provide a connection to the past and a sense of history and identity for the community. These areas are often associated with a specific period of time or cultural group and may include buildings, structures, and landscapes that are representative of that period or group. They allow future generations to understand and appreciate the history and identity of their community.

23. Research has shown that the preservation of neighborhood character and amenity can have a positive impact on the overall well-being of a community. A study by the Australian Heritage Council found that "sense of place" and "sense of community" were important factors in people's overall well-being and satisfaction with their neighborhood. The National Trust for Historic Preservation in the United States has found that historic preservation can lead to increased civic pride and a sense of community identity. Additionally, a study by the University of Otago found that the retention of special character in the built environment can lead to an increase in property values, as well as an increase in social capital and community cohesion.

24. A study by the University of Cambridge found that the preservation of special character in urban areas can lead to an increase in community attachment, pride and sense of belonging. The study also found that the preservation of special character can lead to an increase in the number of local businesses, which can contribute to the local economy and create jobs. Furthermore, a study by the University of Glasgow found that the retention of special character in the built environment can contribute to an increase in physical activity, as people are more likely to walk and cycle in areas that have a strong sense of place.

25. Given the potential benefits of preserving special character, such as increased community attachment, pride, sense of belonging, local businesses, reduction in crime, and physical activity, and the alignment with sustainable development principles and the RMA, it is imperative that HCC retain Special Character Zones and include new Historic Heritage Areas and Character areas in the District Plan as they are essential in protecting the amenity and character of our neighborhoods. This will not only uphold the community's wishes but also contribute to the overall well-being and amenity of the community.

26. Special Character Zones as currently provided for under the Operative District Plan should be retained and deemed 'existing qualifying matters' under the RMA. New Character areas, such as Fairview Downs, and other areas should also be considered in the Plan Change 12 process.