

August 1, 2022

## **SUBMISSION**

### **Hamilton District Plan Change 9**

**From:** Gordon and Rita Chesterman

**Property Owners at:**

243 River Road, Claudelands

Valuation Number 049090 296 01

Legal Description Lot 1 DPS 63607, Lot 4 DPS 2756, Lot 5 DPS 2756, Part Lot 11 DP 11634

241 River Road, Claudelands

Valuation Number 04090 296 00

Legal Description Lot 1 DPS 2756, Lot 2 DPS 2756, Lot 3 DPS 2756

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### **SUMMARY**

1. We support transferring the West Claudelands Character zone into a new Historic Heritage Area (HHA), conditional on the new HHA continuing to protect the zone from Government driven intensification (3x3) and any further inappropriate development.
2. We support a small variation (about 100 homes as per Hamilton City Council map) within the current West Claudelands Character Area being removed from the new HHA to allow for intensification along Boundary Road and Heaphy Terrace.
3. We conditionally support our property at 243 River Road, Claudelands, being listed as a B Category historic home. That support is subject to appropriate incentives for all A and B classified properties in all HHA's throughout the city. See point 6. Otherwise, thanks but no thanks!
4. We support our property at 241 River Road, Claudelands, now in the West Claudelands Character Area, being included in the new HHA, providing there remains ongoing character protection to the area, including a ban on intensification, (3x3).
5. We urge Commissioners to note that in Claudelands, only 14 new properties have been listed for classification. Yet, we have identified a minimum of 30 more homes that we find, astonishingly, have failed to qualify as Category A or B.
6. We strongly urge Commissioners to recommend council establish incentives to encourage and enhance historic heritage in Hamilton.

7. We strongly urge Commissioners to acknowledge the high cost of repairs and maintenance to privately owned homes in HHA's throughout the city.
8. We strongly urge the Commissioners to reinforce the amenity value that historic heritage provides Hamilton, given that much of the city's heritage has been wrecked by poor quality developments.
9. We strongly urge approval of planning processes to allow for demolition within the HHA's but that urban design principals are required so new builds reflect the character of each HHA.
10. We wish Commissioners to note our dissatisfaction with the council's Communication process which we believe was designed to minimise stakeholder engagement, and woefully excluded a major stakeholder group, the individual property owners.
11. Property Rights: Do we actually have any?
12. Hamilton Heritage Plan 2016.
13. Other Points.
14. We wish to speak to our submission.

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## **1. SUPPORT FOR NEW HHA IN CLAUDELANDS**

- 1.1 We have lived in our property at 243 River Road, Claudelands, for 36 years and support the West Claudelands' Character area becoming a new HHA.
- 1.2 The new HHA appears to offer continued protection for a character zone.
- 1.3 Gordon served on the Hamilton City Council for 12 years, 6 as deputy Mayor.
- 1.4 During this time he chaired the Heritage Advisory Panel to develop the Hamilton Heritage Plan tabled and adopted in March, 2016.
- 1.5 Gordon provided some sponsorship to the original West Claudelands' Character group (no longer in existence) and was founder of a community action group called GRR (Guardians of River Road) also no longer operative.
- 1.6 With the buzz word of intensification, without appropriate urban design considerations, areas such as Claudelands are potentially once again in danger of being punished by developers as they did in the late 1950's and 60's.
- 1.7 It would be concerning for developers to be able to build 3 x 3 storey houses within HHA's without resource consent, when existing property owners within the new HHA will be required by law to have resource consent, and a heritage report, to build a fence, an addition or a new garage, as an example.
- 1.8 The question has to be asked: why will there be two categories of property owners, ones who don't need resource consent, and those who do?
- 1.9 In this situation, it is an erosion of property rights.

## **2. REDUCTION OF HOMES WITHIN CLAUDELANDS' CHARACTER ZONE**

- 2.1 We support the small reduction of the current West Claudelands' Character Zone, which effectively eliminates approximately 100 homes along Boundary Road and Heaphy Terrace. Whether owners of these properties are supportive remain to be seen based on the poor quality of communication. Are they in fact aware of this likely outcome?
- 2.2 When Gordon was on the previous District Plan committee as a councillor, there were discussions around Boundary Road and Heaphy Terrace providing an opportunity for developers to build multi-storey apartment blocks to link people with access to public transport.
- 2.3 We agree that this could be achieved but anticipate that it will be many years before any developer is brave enough to go down the path of acquisition, unless it is Kāinga Ora, in which case it doesn't matter much as it's public money at risk.

## **3. SUPPORT FOR 243 RIVER ROAD PROPERTY AS B CATEGORY CLASSIFICATION**

- 3.1 We provide our conditional support for HCC's District Plan to list our home as Historic, B Category, subject to incentives.
- 3.2 The conditions are listed under Incentives in Item 6. (6.1 to 6.15).

## **4. SUPPORT FOR 241 RIVER ROAD TO BE INCLUDED IN HHA.**

- 4.1 While our home at 241 River Road, Claudelands, was built in the 1960's, it is a reflection of the type and style of character homes throughout Claudelands.
- 4.2 As such, we support its continued inclusion in an HHA character protection zone.

## **5. MORE HERITAGE HOMES IN CLAUDELANDS THAN IDENTIFIED**

- 5.1 HCC's map of the new HHA in Claudelands shows approximately 14 new properties that are to be listed A or B heritage classification.
- 5.2 In fact, over the entire city there are only 182 additional new properties for listing, up from the 122 already listed in the District Plan.
- 5.3 Planning staff originally assessed an extra 560 properties for inclusion and classification.
- 5.4 That there are only 14 properties in the Claudelands' HHA zone suggests a limited study of Claudelands.
- 5.5 We know Claudelands intimately, having in recent weeks delivered Plan Change 9 information three times to every home in the current West Claudelands' Zone.
- 5.6 It is our view that there are at least a minimum of 30 more homes worthy of qualifying for a heritage classification.
- 5.7 It was suggested by a council planner at a public meeting at The Link in Te Aroha Street on July 21, that we should identify them.
- 5.8 Under NO circumstance would we submit a neighbouring property anywhere in the protection zone for possible inclusion.

- 5.9 When Gordon chaired the heritage advisory panel on council, it was the consensus of the expert panel that commercial buildings, government and council owned buildings could be placed in heritage categories.
- 5.10 But the panel's overall view was that individual owners could offer their properties for consideration for heritage classification but were not to be "dobbled in" without their knowledge and consent.

## **6. RECOMMEND TO HAMILTON CITY COUNCIL A RANGE OF INCENTIVES**

- 6.1 The history is that the HCC's Heritage Advisory Panel recommended and had approved by council in 2016 a \$100,000 historic grants budget for properties within a heritage zone.
- 6.2 Government organisations and council owned properties were ineligible to apply.
- 6.3 This was an annual process.
- 6.4 The grants were for protection and retention of heritage, including strengthening, and was designed to be flexible.
- 6.5 Grants were fully committed with some carry-over from year to year.
- 6.6 But the grant was reduced to \$80,000 by councillors at last year's HCC's Long Term Plan.
- 6.7 The irony is that council has reduced the grant by 20 per cent, yet increased the potential number of properties that could apply for a grant by 150 percent.
- 6.8 It would be difficult for any Commissioner or city councillor to agree with these metrics as falling within a realistic "common-sense" approach.
- 6.9 This year a much smaller council, Whanganui, increased its annual Heritage Grant Fund from \$100,000 to \$250,000.
- 6.10 The Whanganui fund also widened its scope to include professional advice of seismic and fire-proofing upgrades, as well as providing conservation and architectural advice.
- 6.11 Whanganui council's heritage adviser, Scott Flutely, says: "A large amount of CBD work in our city in the past few years has been supported by the Heritage Grants Fund. It has been a real game-changer."
- 6.12 Our view is there are some very straightforward and innovative solutions for Commissioners to consider and recommend to council.
- 6.13 Increase the Hamilton Heritage Grant Fund to \$500,000 annually and review its scope (step one: talk to Whanganui).
- 6.14 Provide interest free funding from council for heritage work on A and B historic classified homes. This would provide interest free loans of up to say \$50,000 each to be repaid over five or 10 years via rates demands. The loan would be secured against the property and legally required to be repaid on sale. The interest free loan scheme would have a limit of say \$1 million per year.
- 6.15 Provide for a 2.5 percent rebate on rates on all A and B listed heritage properties to recognise the contribution heritage makes to the amenity of Hamilton.

## **7. HIGH COST OF HERITAGE**

- 7.1 We urge the Commissioners to acknowledge the high cost of heritage ownership. This would help offset potential criticism of incentives.
- 7.2 The cost of protecting heritage properties was acknowledged by the Heritage Advisory Panel in its Hamilton Heritage Plan.
- 7.3 Many heritage homes are often impossible to adequately heat and insulate, based on access.
- 7.4 There is a difficulty in finding appropriate building materials. Retrofitting double glazing is prohibitive.
- 7.5 It is also difficult to find builders and other tradespeople with specific skills in dealing with heritage.
- 7.6 With OSH requirements, the cost of hiring scaffolding can often represent 50 per cent of the cost of painting.
- 7.7 There are insufficient recognised heritage architects in Hamilton to undertake Heritage Reports.
- 7.8 Property owners of classified heritage homes are likely to face not only resource consent costs, but also for additional Heritage Reports at an extra estimated cost of between \$2000 and \$5000 as part of the consent application.

## **8. HERITAGE AMENITY VALUE**

- 8.1 We urge Commissioners to reinforce the value of heritage. As recognised in the Hamilton Heritage Plan, March 2016.

## **9. PROCESS FOR DEMOLITION**

- 9.1 Sadly, it is recognised there are a number of homes within the current West Claudelands' Character Zone that should be demolished, a situation that exists in other proposed HHA's.
- 9.2 These homes are generally in very poor and dilapidated condition. It is clear that while they have not been abandoned by their owners, they are no longer maintained to any reasonable standard.
- 9.3 The cost to restore these properties would be astronomical, and likely uneconomic.
- 9.4 If rented, the additional investment, at the level required to bring them up to legal standards, could not be justified.
- 9.5 We believe that within the HHA planning process, consideration should be given to allow demolition, where appropriate, but conditional on replacement architecture/urban design complementing the zone's character.
- 9.6 We would advocate for a high barrier to demolition.

## **10. Communications**

- 10.1 We consider the communication process around Plan Change 9 has been dreadful.

- 10.2 Gordon, a Life Member of the New Zealand Public Relations Institute (PRINZ), a former national president, winner of numerous awards, chair of the PRINZ awards judging panel, and whose communications consultancy specialised in delivering projects for many local authorities, is well qualified to offer a professional opinion.
- 10.3 Initially using an on-line approach, the HCC Coms programme appeared to be designed to avoid responses and save on costs.
- 10.4 It appears that planning staff initially consulted with iwi, Kāinga Ora and the Property Council (representing the city developers).
- 10.5 Stakeholders like us, the property owners, were not part of this initial consultation. Ignoring homeowners, as a primary stakeholder group, potentially opens HCC to a Judicial Review.
- 10.6 While we concede that previous homeowner groups had since disappeared after lobbying for the West Claudelands' Character Zone, council did have access to a database of heritage property owners.
- 10.7 That is a database of 122 of the existing property owners listed in the operative District Plan, plus a new database of 182 property owners whose properties HCC wants to classify. In fact, there was a greater list of 580 properties that council whittled down to 182.
- 10.8 On that basis a potential database of 702 property owners existed in council files, a statistically large enough group to provide meaningful, city-wide view of Plan Change 9.
- 10.9 Instead, what followed were confusing letters where many property owners missed the messages.
- 10.10 Until an approach was made to the Mayor and chair of the District Plan Change committee, no face-to-face meetings had been scheduled.
- 10.11 Council subsequently arranged and promoted through an advertisement in Hamilton Press (which appeared on the night of the Te Aroha Street meeting), Facebook and some emails, a total of seven meetings around the city where those interested in Plan Change 9 could attend.
- 10.12 The advertisement was so poorly worded that there was no indication of the issues and what might face homeowners, again a clear strategy to avoid engagement.
- 10.13 While there was no presentation, as such, homeowners could talk with staff.
- 10.14 At the meeting at The Link in Te Aroha Street over the two-hour period on July 21 about 50 homeowners turned up to try and understand what the Plan Change meant to their individual properties.
- 10.15 Rules relating to the Plan Change were not available until the next day when they were to be posted on the HCC website.
- 10.16 In Gordon's opinion Communication on HHA's has been as bad as HCC's "celebrated" communication fiasco around flooding in the city some years ago which will be remembered by long-standing planning staff, veteran councillors, and 25,000 property owners.

## 11. PROPERTY RIGHTS

- 11.1 Hamilton City Council clearly understands that property rights are being impacted through Plan Change 9.
- 11.2 The HCC's city planning manager, Mark Davey, was quoted by Stuff/Waikato Times on June 3, 2022, as saying: " **Fundamentally, we're impacting private property rights through this process... and we're very, very mindful of that.**"
- 11.3 As property owners, we believe our property rights are being eroded. In stronger terms, they are being stolen.
- 11.4 A personal example of this is within the last 10 years when the Waikato Regional Council, together with the Hamilton City Council, reviewed risk factors along the banks of the Waikato River running through Hamilton city.
- 11.5 There are some high banks along residential areas.
- 11.6 Together the councils decided to identify some of the bank regarded as high risk.
- 11.7 As a result, for some river frontage property owners development was prohibited 50 metres from the water line.
- 11.8 Our property at 243 River Road has riparian rights but our banks were recognised as "high risk".
- 11.9 Effectively, the joint council decision has seen more than 500 square metres of land "removed" from our control.
- 11.10 We still pay rates and mow the lawns.
- 11.11 But the loss of land use based on the latest land value of the 243 River Road block is in excess of \$200,000, much more if you could factor in the value of river-frontage, for which we have not been compensated.
- 11.12 Nor has there been any incentive for this loss of land use.
- 11.13 Now council, despite our objection almost a year ago, has moved forward and classified our home at 243 as a B Classification heritage home.
- 11.14 That decision, if it proceeds, effectively removes our property rights and imposes unwanted additional costs.
- 11.15 We acknowledge that we can object.
- 11.16 However, we objected in the first place, almost a year ago, without understanding the background.
- 11.17 So now we say what is the point? Our first objection has been over-ruled. Why would we believe our views would be taken into account and the outcome different?
- 11.18 In return, what do we get for "theft" of our property?
- 11.19 In the event of a range of realistic incentives, we could change our stance if the contribution we make in heritage to the city is recognised in a tangible way.

## **12. HAMILTON HERITAGE PLAN 2016**

- 12.1 We draw Commissioners attention to the March, 2016 Hamilton Heritage Plan, approved and adopted by the Hamilton City Council in 2016.
- 12.2 While hard copies are no longer available, electronic copies are available via HCC senior planner, Alice Morris.
- 12.3 The protection of historic heritage from inappropriate subdivision, use and development. Page 7, HHP.
- 12.4 There can be a cost of maintenance and upkeep that can be viewed as a barrier to the ongoing protection and use of these resources. Page 8, HHP.
- 12.5 Council will support owners of heritage through a variety of methods to ensure the ongoing preservation and use of these resources. Page 8, HHP.
- 12.6 Funding support for heritage is a key action. Page 14 HHP.
- 12.7 An increase in the amount of funding for the protection of heritage. Page 17 HHP.
- 12.8 Develop statutory and non-statutory incentives to encourage the use of heritage places by 2017. Page 13, HHP.
- 12.9 Funding support for heritage. Page 14, HHP.
- 12.10 Key indicators. Increase in the amount of funding provided for the protection of heritage. Page 17, HHP.
- 12.11 Against this council policy, (12.9) the \$100,000 heritage grant was cut in the Long Term Plan last year to \$80,000.
- 12.12 Commissioners are asked to consider the expertise of the 10-person Heritage Advisory Panel. Page 21, HHP.

## **13. OTHER POINTS**

- 13.1 When assessing incentives, we ask Commissioners to note that developers and owners of historic commercial properties can claim all expenses as tax deductions.
- 13.2 Private residential property owners cannot.
- 13.3 There is NO evidence that property values of the additional 182 properties to be classified will not be impacted.
- 13.4 Our view is that the market for properties classified A or B will be slower and more difficult as a result.
- 13.5 Reality television property shows, particularly from the United Kingdom, demonstrate heritage listed homes are rejected by potential buyers as being too restrictive.

## **14. WE WISH TO SPEAK TO OUR SUBMISSION**

- 14.1 Please advise of a day and time allocated to speak to our submission.