

**Subject:** Fwd: ATTENTION: Alice Morris. RE: 243 River Road, Claudelands, Hamilton.  
**Date:** Monday, 22 August 2022 at 1:07:47 PM New Zealand Standard Time  
**From:** Gordon chesterman  
**To:** Gordon chesterman

Begin forwarded message:

**From:** PlanChange <PlanChange@hcc.govt.nz>  
**Date:** 15 August 2022 at 12:52:45 PM NZST  
**To:** Alice Morris <Alice.Morris@hcc.govt.nz>  
**Subject:** FW: ATTENTION: Alice Morris. RE: 243 River Road, Claudelands, Hamilton.

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**From:** Gordon Chesterman <gordon@chesterman.co.nz>  
**Sent:** Thursday, 2 September 2021 1:11 pm  
**To:** PlanChange <PlanChange@hcc.govt.nz>  
**Subject:** ATTENTION: Alice Morris. RE: 243 River Road, Claudelands, Hamilton.

Warning! This message was sent from outside your organization and we are unable to verify the sender.

Good morning Alice,

It's been some time since we worked together on Hamilton's first Heritage policy.

So you can imagine my surprise when Blair Bowcott's August 5 letter arrived saying that our home at 243 River Road was under investigation for a heritage designation.

In short, we do not want a heritage designation for our home.

You will recall the hot debate within the heritage panel over whether council could over-ride the property rights of individuals in terms of private homes.

During those discussions it was felt that Government owned buildings, council owned and commercial buildings (and indeed trees on council land) were to be considered for designation.

In terms of private residential properties (and trees) it was considered that the owner had to make an approach to council to have their building (or tree) considered.

If council wanted to impose a heritage designation without the owner's consent, there is the issue of the property owner pursuing legal remedies to overturn this decision, at their cost, while ratepayers pay council's costs.

The debate also considered whether a member of the public had the right to nominate another person's property without their knowledge and consent, for whatever reason.

I would certainly be interested to know who initially identified our home for consideration without any prior discussion with us.

While I have strongly advocated for heritage in the city, designations must be entirely with the residential property owner's consent.

Without this, any designation is effectively property theft.

A personal example of this is Environment Waikato's theft when the council declared, some years ago, that any river edged property in Hamilton Central would not be permitted to undertake any building development 50 metres from the water's edge.

Our property is one of the very few along our stretch that has riparian rights.

Based on the EW decision we have lost land rights over approximately 250sm of river-view land which is not an inconsiderable area.

There has been no compensation nor recognition through reduced rates. Apart from mowing and "occupancy", we have no

other rights to our land.

Our concern with heritage designation on private property is that our rights to alter/improve/remove, or make any changes both inside and out of the house, will end up requiring consent, at our cost, from council.

Our views might change, however, if heritage designation brought with it a range of incentives.

While I understand that there is a budget set aside for heritage property owners to apply to an HCC fund, this requires standing in line for an allocation without any guarantee an application will be successful.

I came to the view during the establishment of the city's first heritage policy that residential properties, if designated, should come with:

1. An opportunity of an interest free loan or grant, either from council or a national heritage fund, to undertake restoration/maintenance work.
2. That any residential property with a heritage designation should receive a 50 percent discount on rates annually.
3. A consent/building permit at NO cost if it adds to, or protects, the heritage designation..

These incentives would recognise the high cost of restoration/maintenance work to individual owners while providing the community with benefit that the look, feel and character of the community remains special and protected.

A good example of this is the Claudelands' Special Character zone, which I originally assisted with and encouraged, and indeed 243 River Road is within this character area.

But while protecting the character of Claudelands, it does nothing much for the pockets of the owners who might want to move on

because of a change in their life style.

I acknowledge there is a small premium currently placed on properties within the Claudelands zone, but should the restrictions ever be removed prices would go through the roof and would help council achieve its high density housing objectives.

So Alice, until such time there are realistic incentives for privately owned residential properties, we are not willing for anyone to view our home, nor to come on to the property to inspect.

We are certainly not willing to have our property rights stolen (or restricted) without our consent.

Kind regards

Gordon and Rita Chesterman  
243 River Road,  
Claudelands,  
Hamilton.

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