

## Minutes of an Extraordinary Meeting of the City Development Committee — OPEN

Time and date:	9.05am, Tuesday, 22 July 2008.
Venue:	Council Chamber, 1 <sup>st</sup> Floor, Council Building, Garden Place, Hamilton.
Committee Members:	Councillors G M Saunders (Chairperson) G D Chesterman J R Gower R E Hennebry P M Mahood A R O'Leary
In Attendance:	Councillors Di Maio and Gregory City Planning Manager and Senior Planners (2).
Committee Advisor:	Ms F M Yates
Apology:	Councillor Westphal
Resolved:	(Crs Saunders/O'Leary) That the apology be accepted.

### SECTION B: RECOMMENDATION OF THE COMMITTEE FOR ADOPTION BY THE COUNCIL

#### 1. 124/8/4. Variation No. 11: Hayes Paddock Special Character Area

The Committee to hear submissions and to consider a report and recommendations from the General Manager Strategic concerning the above.

The Chairperson, in presenting the matter to the Committee, advised that a site visit to Hayes Paddock would be undertaken by Councillors at 11.00am on Wednesday, 23 July 2008. She also asked if members of the Committee had any Conflicts of Interest. No Conflicts of Interest were declared.

At the invitation of the Chairperson, Mr Ian Johnson, Consultant, Environmental Management Services Limited, presented an overview of Variation 11 including the issues to be considered and covered the following:

- The purpose the hearing is to hear and consider all submissions and further submissions prior to Council making a decision on each of them. The report before the Committee has been prepared solely to assist Council in this process.

When the Variation was notified and they together raised 203  
. Six further submissions were then made that either  
position to those original submissions. In total, there are  
points.

- Decisions on the submissions must be guided by statutory requirements. Council must make a decision in respect of each of the submission points and provide its reasons for doing so. All decisions must meet the purpose of the Resource Management Act.
- Having reviewed the submissions, it is recommended that the area should be classified as a Heritage Precinct rather than a Special Character Area. This recommendation supports a significant range of amendments to the proposed variation.
- Conclusions and recommendations had been reached by careful analysis of all written submissions.
- Councillors were reminded to confine themselves to considering the matters raised by submitters in their submissions.
- A powerpoint presentation illustrated the nature of the development within the area.

During his presentation, Mr Johnson introduced Mr Ian Bowman, who is a Heritage Architect and familiar with Hayes Paddock. He advised that Mr Bowman had reviewed the report and endorsed its recommendations prior to it being submitted to Council as being ready for hearing.

#### **SUBMITTERS BEFORE THE COMMITTEE**

The following submitters appeared in support of their submissions and responded to questions from Councillors.

##### **Submission 18: Gail Henry & Mike Vincent, New Zealand Historic Places Trust**

The Submitter supports the Plan Variation with the amendments proposed. Believes that the Special Character Area is an area of significant value. Hayes Paddock has been assessed as having significant national heritage value as an intact example of an early State Housing suburb planned under the First Labour Government. Submitter requests that the phrase 'or any heritage precinct schedule in the District Plan' be retained in Section 2.4 Rules Advisory Note — Consultation with the Historic Places Trust. The deletion of this phrase effectively removes NZ Historic Places Trust from commenting on resource consents pertaining to demolition and removal of existing housing stock. Believes that it is of real value to Council to be able to benefit from the specialist knowledge, expertise and experience that the NZ Historic Places Trust is able to offer. In addition, the Submitter suggested further additions to various rules as specified in written submission.

##### **Submission 29 & Further Submission 03: Kate Searle, Tompkin & Taylor, and Christine Chong representing Housing NZ Corporation**

Submitter supports in principle the Proposed Variation No. 11 as amended. Supportive of the decision to identify Hayes Paddock as a Heritage Precinct and supportive of the proposed new objectives and policies. Suggests minor amendments to Variation 11. Believes that the original dwellings and curtilage tell the history of the area and once removed, they cannot be replaced. Requests that wording or a clause of a similar nature be included to read as follows: 'Demolition of existing buildings constructed as part of the Labour Government State Housing Programme shall be permitted where the buildings is beyond repair or where a proposed new use cannot be adequately accommodated within the existing dwelling'. The Housing NZ Corporation owns 47 properties in Hayes Paddock. Its main objective is providing safe, warm and decent houses for low income families. Believes that inflexible requirements will hind the organisation in providing housing and preserving the heritage component of this area.

**Submission 05: Greg Mason and Paula Clements, Hayes Paddock**

history of the area to Committee Members. The Hayes Paddock Residents Association requests that the status of Hayes Paddock be changed from Special Character to Heritage Precinct and that the state houses between Bledisloe Terrace and Wellington Street which were identified by Dave Pearson as part of the area be included in the Heritage Precinct. Believes that Council should control external additions and alterations to existing buildings in Hayes Paddock. Requests that a maximum height limit be added to the standards to promote development that retains the single storey character of the area (ie. 6 metres). Requests that the construction of new dwellings and installation of garages/carports in the front yard become Restricted Discretionary Activities. Submitter also requests that apartments be made a non-complying activity in the plan. The Hayes Paddock Residents Association is delighted at the recommendations in the Planner's Report as they address the points raised in submission to a substantial degree. Further amendments are suggested to strengthen the Planner's Report as tabled.

**Submission 14: Lys Lee**

Requests that Council ensures that Hayes Paddock be classified as a Heritage Precinct and is protected as a national New Zealand Historical living area. Supports the Hayes Paddock Design Guide. Home is one of the original state houses owned by the Housing Corporation.

**The Meeting adjourned for lunch 12.30pm-1.30pm.**

**Submission 14 & Further Submission 04: Rae Sommerville**

Submitter supports the need for a variation to the Proposed District Plan that will protect the specific heritage characteristics of Hayes Paddock for future generations. Believes the area should be recognised in the district plan as a Heritage Area/Precinct. Requests an adjustment to the proposed boundaries to include all houses on the west side of McFarlane Street as some have been excluded. Believes the demolition and removal of original houses should be a Discretionary or Non-Complying Activity, external additions and alterations should be a Discretionary Restricted Activity and the construction of apartments should be a Non-Complying Activity. Also believes site coverage should be 35% and that there should be a height limit to keep the single story character of the area. Requests that all the Controlled Activities listed should be amended to Discretionary Restricted Activities.

**Submission 37: Brian Hollaway**

Opposes any changes to the District Plan that focus on restricting the type of high quality developments that are currently emerging. Believes there should be no controls imposed on owners restricting developments of basic housing items such as garages on front lawns if that is what the owner desires. Many of the proposals will place an unfair burden on landowners with far too many restrictions from fencing, locating practical places to site garages and minor dwellings. Suggests that there are other state houses in Hamilton which are far more intact. Believes that 90% of those present at the initial workshops were opposed to the variation.

**Submission 38: Warwick Kellaway**

Submitter requests that the Hayes Paddock is recognised as an area of National Heritage Significance. Requests that it becomes a Heritage Protection Zone and the provisions be increased to ensure protection of the area. Unless the Heritage value of Hayes Paddock is adequately accepted, promoted and protected there will be problems as people will continue to seek means of circumventing controls. Believes that the aesthetic appeal of the houses and area, the quality construction, the landscaping, the heritage importance, matched with the history and important social factors of life there over the last 70 years together comprise what is, with the Frankton Railway Village, one of the two most important residential areas in Hamilton. Heritage Value can benefit a community and increase demand to live there.

#### **Yates (appearing for Diane Yates)**

call for a Heritage Area. Given that Hayes Paddock has  
n and that there is little left of this, an area should be  
preserved. Part of Hayes Paddock, at least, should be classified as a Heritage area.  
Recommends three minor variations to details proposed. Several activities listed under  
Discretionary Activities appear to be inconsistent, eg. any new building on a vacant site and  
removal of old state houses should be deleted and become prohibited activities. Proposes the  
formation of an Advisory Design Guide to assist home owners in considering architectural  
form, colours and materials. This would be similar to the Urban Design Panel. Further  
amalgamation of titles should not be allowed.

#### **Submission 21: Warwick Johnson**

Requests that Council adhere to the results of the workshop sessions and leave the District  
Plan as it is. Quality redevelopment has already occurred. Strongly disagree with proposed  
changes as many residents purchased in this location because it is a prime residential location  
for quality future development. Property rights must be protected for owners who purchased  
without these restrictions in place. Home owners believe that these restrictions and  
regulations will have an effect on future property values. In the past 3 years, there has been  
little good quality redevelopment.

#### **Submission 23: Deidre Horgan**

Submitter requests that Hayes Paddock be made a Heritage Area; demolition or removal of  
houses be made a Discretionary or Non-Complying Activity; external alterations and additions  
be made Discretionary Restricted Activities; new dwellings and the addition of garages and  
carports be made Discretionary Restricted Activities; Compliance with Design Guidelines be  
strongly recommended and current and future owners in Hayes Paddock be eligible for a  
range of Council incentives to retain improve their homes, in keeping with the style of the  
area.

#### **Submissions 32, 33 & 35: Mr K G Parker, Counsel for Anne Livingston, Marion Milburn and Dean Williams.**

Submitters oppose the Proposed Variation 11 in it entirety. The majority of properties in the  
Hayes Paddock area do not comply with the provisions in Variation 11. As was voted by the  
majority of those who participated in the 2005 consultation process, requests Council to keep  
the status quo. Concerned that the policies proposed in the modified Variation are very much  
more restrictive and that the approach appears to have changed from encouragement to  
control. Believes ownership rights of property owners are seriously eroded. Asks Council to  
allow owners to develop or modify their own properties within the current rules Submitters  
contend that it is inappropriate to accord heritage recognition to a suburb as a whole rather  
than to identify and protect outstanding or significant items.

#### **Submitter 40: Antanas Procuta, Antanas Procuta Architects Limited**

Submitter did not appear. Apologies were received.

**The Extraordinary Meeting was declared closed at 3.35pm.**

The above minutes of an Extraordinary meeting of the City Development Committee before  
the Council.

**Resolved:** (Crs Saunders/Chesterman)  
That the decisions be noted.