

Under clause 6 of the First Schedule of the Resource
Management Act 1991

**SUBMISSION ON HAMILTON CITY COUNCIL'S
PROPOSED PLAN CHANGE 6
CHEDWORTH PROPERTIES LIMITED**

2 September 2019

To: **Hamilton City Council**

Name of Submitter: **Chedworth Properties Limited**

This is a submission on Hamilton City Council's Proposed Plan Change 6 (**PC6**) by Chedworth Properties Limited (**CPL**).

Introduction and Overview

1. CPL is a Hamilton-based development company that specialises in residential developments. CPL started developing sections in Hamilton in the 1960's and over the last 20 years has been involved in developing sections in Sherwood Park, St James Park, Horsham Estate and most recently Greenhill Park, resulting in over 5,000 sections.
2. CPL therefore has an interest in a number of aspects of PC6 and how its provisions as notified will impact on CPL's current and future interests and operations.

Scope of Submission

3. CPL's submission covers the following:
 - (a) Amendments to the proposed provisions relating to residential development to ensure a more consistent approach to residential development across Zones throughout Hamilton.
 - (b) Clarification of the District Plan provisions and the Planning Maps relevant to CPL's development activities in Hamilton's east, particularly around Ruakura.
4. CPL seeks such other consequential amendments to PC6 in addition to that above as necessary to give effect to the matters raised and relief

sought within this submission, including any required amendments to the District Plan.

Residential Zones

Specific Provisions

5. Purpose 4.1.3 - Medium-Density Residential Zone
6. Activity Status Table 4.5.4 – Ruakura Medium-Density Residential Zone

Support/Oppose/Seek Amendments

7. CPL **Oppose** the provisions as applicable to their developments in Ruakura, particularly the subdivision development known as Greenhill Park.

Relief Sought

8. **Amend Purpose** 4.1.3 so that an approved Land Development Plan is not required before development can occur in the Medium-Density Zone in Ruakura.
9. **Amend Activity Status** Table 4.5.4 by removing Land Development Activities for the Ruakura Medium-Density Residential Zone from the Table, and
10. **Make consequential amendments** to Rule 3.7.4.2 – Land Development Activities to reflect the above amendments.

Reasons

11. The requirement for an LDP adds an additional layer of consenting that can be otherwise appropriately managed through the land use consent / subdivision consent process, and regional consents for bulk earthworks.

Specific Provisions

12. Activity Status Table 4.3.1 – Residential Zones.
13. Activity Status Table 4.5.4 – Ruakura Medium-Density Residential Zone.

Support/Oppose/Seek Amendments

14. Support with amendments

Relief Sought

15. **Accept** the proposed changes to Activity Status Table 4.3.1., and
16. **Amend** Activity Status Table 4.5.4 to reflect the proposed changes to and achieve greater consistency with Activity Status Table 4.3.1., and
17. **Amend** Activity Status Table 4.5.4 to include provision for up to 3 residential units on front, corner, through and rear sites (excluding duplex dwellings), or up to 3 residential units on rear sites (including duplex dwellings) as Permitted Activities in the Medium-Density Zone.

Reasons

18. The changes recommended to Activity Status Table 4.3.1 ultimately make it easier/faster to develop at a higher density in the General-Residential Zone than the Medium-Density Zone. For example, up to 3 residential units are permitted on a site in the General-Residential Zone compared to the Medium-Density Residential Zone where one single dwelling is a permitted activity, or a duplex dwelling and Land Development Plan process must be followed as restricted discretionary activity before development can occur.
19. With these changes the Medium-Density Residential Zone will not be able to live up to its name. There is a much more complex process involved in development in the Medium-Density Residential Zone than there would be

for comparable development in the General Residential Zone, taking into account CDP's, LDP's, development triggers etc. This is counter-intuitive.

20. Lots in the General Residential Zones should only be allowed to reduce to a similar size to those in the Medium Density Residential zone (ie. below 400 m²) when the necessary infrastructure (3-waters, roads, reserves, etc) is available and sized to accommodate this increased density. This may be more a matter that sits within the scope of Plan Change 11, however CPL are of the view that to incentivise development in the General Residential Zone through a reduction in minimum lot size should only be allowed where the site and surrounding area is infrastructure ready.
21. CPL's experience is that for smaller lots to be successful, they require greater design input/focus to ensure desirable urban design outcomes are achieved.

Specific provisions

22. Rule 4.4.5 – Height in Relation to Boundary.
23. Rule 4.6.3 - Height in Relation to Boundary in the Medium-Density Residential Zone

Support/Oppose/Seek Amendments

24. Support with amendments.

Relief

25. **Accept** the proposed changes to Rule 4.4.5.
26. **Amend** 4.6.3 to add the same exemptions listed in 4.4.5(c).

Reasons

27. Exceptions to the rule have been introduced in the General-Residential Zone that have not been introduced in other Zones. Chimneys, flues and other similar projections and gable ends and dormers that protrude through the height control plane, to a certain extent are now permitted.
28. With these changes, the Medium-Density Residential Zone won't be able to live up to its name. There is a much more complex process involved in development in the Medium-Density Residential Zone than there would be for comparable development in the General Residential Zone (taking into account CDP's, LDA's, development triggers etc).
29. If the changes to the rules around HIRB, outdoor living areas and service areas, were applied to other zones, consistency can be achieved across the City, particularly in zones where a higher density is supposed to be achieved, and lot/site sizes are generally smaller and space requirements are lower.

Specific provisions

30. Rule 4.4.7b)iii – Interface Between Public and Private
31. Rule 4.8.3 – Interface between Public and Private in the Ruakura Medium-Density Residential Zone.

Support/Oppose/Seek Amendments

32. Support with amendments.

Relief sought

33. **Amend** the explanation note for Rule 4.4.7(b)iii for the purposes of assessing the measurement of the extent that any accessory building is visible from the transport corridor, to clarify that the 50% threshold applies

to the total frontage of the residential unit, including the ground and first floors where the unit is two-storied.

34. **Amend** Rule 4.8.3c) to ensure that the maximum garage width of 50% of the front building line of the dwelling is measured as a percentage of the total façade of the dwelling, including ground and first floor where the dwelling is two-storied.

35. **Amend** Rule 4.8.3c) to clarify that the standard is to be measured from the outside wall of the dwelling to the inside line of the garage door, not the internal garage dimension, as follows:

“Maximum garage door width of 50% of the front building line of the dwelling on a site with a frontage less than 15m wide.”

Reasons

36. The proposed amendments to the 50% of the front building line threshold will encourage two-storey homes to be built while avoiding effects on the streetscape due to the additional height. The same rule needs to be applied in the medium-density zone.

37. The purpose of this rule is to reduce the dominance of the garage door on the streetscape, so the rule should clearly state that it is the door that should not be over 50% of the street frontage.

Specific Provisions

38. Rule 4.4.8 – Fences and Walls

39. Rule 4.8.3(g) - Maximum Fence Heights in the Ruakura Medium-Density Residential Zone.

Support/Oppose/Seek Amendments

40. Support with amendments

Relief Sought

41. **Accept** the proposed changes to Rule 4.4.8.
42. **Amend** Rule 4.8.3g)ii so that the maximum fence height is “1.5m (with ~~50%~~ 40% or more of the fence visually permeable)” in order to be consistent with Rule 4.4.8.
43. **Amend** Rule 4.8.3g)iii so that the maximum fence height is “1.5m (with 50% permitted at 1.8m provided ~~50%~~ 40% of that part over 1.5m is visually permeable)” in order to be consistent with Rule 4.4.8.

Reasons

44. Fencing with a smaller gap to batten ratio has less adverse visual effects, achieves suitable surveillance of the street and provides more privacy.
45. The proposed amendments will ensure a consistent approach to between the General Residential Zone and Medium-Density Residential Zone.

Specific Provisions

46. Rule - 4.4.10 – Outdoor Living Area
47. Rule - 4.8.5a)iv – Outdoor Living Area

Support/Oppose/Seek Amendments

48. Support with amendments

Relief Sought

49. **Accept** the proposed changes to Rule 4.4.10, and
50. **Amend** Rule 4.8.5a)iv to read: “Located on a side of the residential unit which faces ~~north of east or west~~ north, east or west.”
51. **Amend** Rule 4.8.5a)iv to provide for an outdoor living area on the southern side of a residential unit where any such outdoor living area

overlooks a natural feature such as a lake, river or open space /
stormwater reserve.

Reasons

52. A west facing outdoor living area is easily as valuable as a north facing one and offers more opportunity for creative design solutions..
53. Natural features contribute to the amenity of a residential area and individual dwellings. Enabling outdoor living areas to overlook natural features will add to the amenity of development and provide more opportunity for creative design solutions. It will enable development to better integrate with the natural environment and open space.
54. The proposed amendments will ensure a consistent approach to between the General Residential Zone and Medium-Density Residential Zone.

Specific Provisions

55. Rule - 4.4.11 – Service Areas
56. Rule - 4.8.6 – Service Areas

Support/Oppose/Seek Amendments

57. Support with amendments

Relief Sought

58. **Accept** the proposed changes to Rule 4.4.11, and
59. **Amend** Rule 4.8.6a) to reduce the minimum dimension from 3m to 2m and the minimum area to 10m².
60. **Amend** Rule 4.8.6c) to clarify that a screen fence permitted under Rule 4.8.3g)ii is sufficient to screen a service area from a public space.

Reasons

61. The proposed amendments to Rule 4.8.6a) allow for rubbish bins and clotheslines to be stored in the side or rear yard of a dwelling where there is a 2m yard. A 2m x 5m rectangle provides ample space for bins and clotheslines, allows space to walk around the area and is more accessible to the street for collection. 3m is an excessive minimum standard and creates challenges and poor outcomes for service areas intruding on useable outdoor spaces in the back yard. It is noted that from July 2020 residential units will require an area of 2m x 1m for the storage of four waste bins.
62. A 1.8m high, visually permeable fence is suitable to screen service areas even when they are located within the rear yard. As it currently stands the rule suggests that rubbish bins are potentially visible in a rear yard and this is creating poor design outcomes and unnecessary resource consenting.

Specific Provisions

63. Rule 9.5.3 – Buildings on sites adjoining Major Arterial Transport Corridors

Support/Oppose/Seek Amendments

64. Oppose

Relief Sought

65. **Delete** Rule 9.5.3 in its entirety

Reasons

66. CPL owns 15ha of Ruakura Industrial Park Zoned land and the recommendations are overly prescriptive given the industrial nature of the zone and likely activities.

Specific Provisions

67. Rule - 25.14.4.1c)i

Support/Oppose/Seek Amendments

68. Support with amendments

Relief Sought

69. **Amend** Rule 25.14.4.1c) to remove the 15m minimum distance requirement to separate driveways from the intersection of two local roads and to ensure that driveways are only required to be separated as far as possible from any intersection.

Reasons

70. The proposed amendments to Rule 25.14.4.1c are more practicable than the previous rule, however the 15m standard is still impracticable considering that most lots in Greenhill Park have a maximum boundary length of 15m and resource consent would still be required.

Specific Provisions

71. Volume 2 Appendix 15, Table 15-6a)ii

Support/Oppose/Seek Amendments

72. Oppose with amendments

Relief Sought

73. **Amend** the criteria in Appendix 15, Table 15-6a)ii to provide more flexibility for the design of Local and Collector Roads by reducing the legal road width and berm requirements, and
74. **Amend** Table 15-6a)ii so that the criteria for Legal road width, Carriageway width and Service corridor width for Local and Collector Roads is "Specific Design" as per the criteria for Minor and Major Arterial Roads, and
75. **Amend** to reduce the service berm on collector roads from 2m to 1.5m.

Reasons

76. The current legal road, carriageway and berm widths are considered to be excessive and counter-productive to creating low speed environments.
77. The 20m legal road width for local roads is excessive, and 7m berms on either side of a 6m carriageway is considered overly excessive. Likewise, a 9m carriageway on a collector road is excessive and counter-productive to creating low speed environments.
78. The 2m service corridors on each side of a collector is also considered excessive, particularly when 1.5m is acceptable for local roads.
79. A width of 1.5m for service berms is acceptable for local roads and should also be acceptable for collector roads.
80. CPL would like these provisions to provide more flexibility and this may be achieved through a discussion between traffic engineering, planning and urban design.

Specific Provisions

81. Appendix 17 – Planning Maps - Waikato Riverbank and Gully Hazard Area

Support/Oppose/Seek Amendments

82. Support with amendments

Relief Sought

83. **Amend** Map No.29B to remove the Waikato Riverbank and Gully Hazard Area overlay which extends into Greenhill Park.

Reasons

84. This gully system no longer exists as it was filled in in accordance with the LDP and regional bulk earthworks consents approved by HCC and WRC respectively. Build partners are still required to apply for resource consent under the natural hazard and earthworks provisions in the District Plan even though this gully no longer exists.

Further additional and/or consequential relief

85. CPL seeks such other consequential amendments to the Proposed Plan in addition to that above as necessary to give effect to the matters raised and relief sought within this submission, including any required amendments to Section B of the Proposed Plan.

Request to be heard

86. CPL wishes to be heard in support of this submission.



On behalf of Chedworth Properties Limited

Date: 2 September 2019

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