



Hamilton City Council

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SUBMISSION ON PROPOSED PLAN CHANGE 6

PREPARED ON BEHALF OF:

Da-Silva Builders Limited

Prepared by:

A handwritten signature in blue ink, appearing to read "R Falconer".

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Regional Manager

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Submitted by email

Submitter

1. **Da-Silva Builders Limited** (“the submitter”), c/o Terra Consultants, makes this submission on Proposed Plan Change 6 (PC6).
2. The submitter could not gain advantage in trade competition through this submission.
3. The submitter is directly affected by an effect of the subject matter that –
 - a. Adversely affects the environment; and
 - b. Does not relate to trade competition or the effects of trade competition.

Introduction

4. The submitter is a development company carrying out a variety of residential developments across the City.
5. The submitter is active in the infill residential development sector. The submitter aims to provide quality residential infill development at affordable prices.

Submission

Support

6. The submitter supports those parts of PC6 that propose to make infill development easier in the Residential zones of the City.
7. Specifically, the submitter supports the proposed changes to the following provisions:
8. **4.3.1 (a)(i), (ii)** Proposed amendment that allows up to 3 residential units as a permitted activity (including duplexes on rear lots)

Residential Units

The submitter supports this amendment as it related to Residential units. The proposed change is a sensible relaxation of the consenting environment. Where a proposed development for up to 3 units complies with all standards, land use consent may not be necessary and potential objection from neighbours or third parties is avoided, providing significantly greater certainty of outcome and timing to such developments for the submitter.

Duplex dwellings

The submitter supports the relaxation of rules for duplexes. Under the Operative District Plan (ODP) any Duplexes are a Restricted Discretionary activity, but the proposal by PC6 to make up to 3 duplex dwellings on a rear site permitted will significantly enhance the ability to construct this form of development.

10. Appendix 1, 1.1.2: Definition of net site area

The interpretation and calculation of net site area is critical to achieving efficient land development. PC6 proposes a slight amendment to the definition of net site area to include:

‘...any unit site area associated with a residential unit where relevant...’

This is positive and is supported because it inserts a greater degree of flexibility into the interpretation of the definition and can be used to incorporate area into a site's net area calculation that might have previously been excluded through a narrower interpretation.

11. 4.4.5 (a) (ii-iv); (c) (i-iii) Height

PC6 proposes that a range of exemptions be added, such as chimneys, gable ends, dormers and rooves. These exemptions will assist in developing a site without triggering encroachment into height planes and potentially the need to obtain the consent of neighbours.

The submitter also supports the change to where the measurement of height to boundary is taken from. Currently the calculation is taken from a site boundary. PC6 proposes to amend the point of measurement where the boundary adjoins a right of way or vehicle access, to the farthest boundary of the right of way. That is sensible as the effect of a height to boundary encroachment on the vehicle access or right of way element of a neighbouring site is minimal. This enhances the ability to develop a site for infill and is supported.

12. 4.4.6 (d)(e) Internal vehicle access setbacks

Currently, where there is more than one residential unit on a site, residential units on that site must be setback a minimum of 1.5m from the vehicle access. PC6 proposes that no minimum apply for up to 3 units, which will assist in placing units on smaller sites without triggering consent and is supported.

13. 4.4.10 (d)(i) Outdoor living area: area, positioning and dimensions

The ODP requires that 60m² be provided for each residential unit and duplex dwelling. The submitter supports the relaxation as proposed by PC6:

- Up to 2 bedrooms - 35m²;
- plus 10m² for each additional bedroom over 2 bedrooms.

Please note the submitter supports the provision of an additional 10m² for up to 5 bedrooms only. Beyond 5 bedrooms the submitter opposes the provision, which is discussed further below in this submission.

The submitter also supports the proposed relaxation of the minimum dimensions for outdoor living areas, from the existing requirement that the space be capable of containing a 6m diameter circle, to no dimension less than 4m.

14. 4.7.11 (b); Appendix 1, 1.1.2: Integrated residential developments

The submitter supports the change in allowable apartment mix from 20% to 30%. The submitter also supports the change to the definition of Integrated Residential Development so that there is no longer a requirement for the provision of shared facilities such as open space, access, parking or other communal activities.

15. 23.7.3 (e); (i) Right of Way widths and length

The submitter supports the proposal that up to 6 allotments can now be served by a private way with a width of 3.6m.

The submitter supports the increase of the maximum permitted private way length from 50m to 100m (with passing every 50m).

Oppose

16. The submitter opposes the following proposed amendments.

17. 4.4.1(a)(v) Density

The submitter opposes the removal of the average net site area wording for Integrated Residential Developments. This will reduce flexibility in developing challenging sites and will not have any effect on overall density and objectives for the residential area as a whole. Provided average net site area of all units across a development is 150m², the objectives for density are satisfied.

18. 4.4.7(b) Interface between public and private

The submitter opposes the new requirement that where a vehicle entrance to a garage or carport faces a transport corridor it must be setback minimum 5m from the road boundary. This is excessive and will constrain the development of some sites for infill. Setbacks from Local and Collector transport corridors for dwellings are 3m; an additional 2m requirement for garages and carports will have little material impact on outlook and street scene but will make the development of sites for infill more difficult and will reduce efficiency by having to contribute more site area to driveway. It is suggested instead that the setback for facing garages and carports remain the same as the dwelling - 3m - with any adverse visual effects mitigated through design treatment that ensures the garage and carport are fully integrated into the overall development.

19. 4.4.10(d) Outdoor living space

For apartment buildings and duplexes in the Residential Intensification zone, the outdoor living area standard has been made more onerous, as an additional 5m² is required for each additional bedroom over 2, whereas before there was just a flat 12m² requirement, regardless of bedroom number. The submitter opposes this because it is unnecessary as the previous minimum requirements provided a satisfactory level of outdoor amenity. Further, no justification for the change could be found in the s.32 report accompanying PC6.

The submitter also opposes the removal of the flat rate of 60m² for units with more than 5 bedrooms. It is submitted that scaling outdoor living space to the number of bedrooms only works to a point, and has a ceiling, beyond which no material improvement is achieved but development of a site is significantly impaired. A flat rate/ceiling should be retained as a good balance between adequate amenity and ability to develop sites efficiently.

20. 4.4.11(b)(c) Service areas: area and location

PC6 proposes that area be reduced slightly from 20m² to 15m², but can also be split between two separate areas, 10m² for clothes drying and 5m² for rubbish/recycling.

The submitter opposes providing a dedicated outside area for drying washing as out of date, as many people prefer electric driers, particularly as driers are becoming more energy efficient (there are now reasonably priced heat pump driers on the market that have 7 and 8 star energy ratings).

Further, there is no recognition of the efficiencies and improved amenity gained from consolidating refuse and recycling areas into communal areas for infill developments.

21. 4.4.12 (a) Residential Unit size

The submitter opposes the introduction of a minimum requirement of 30m² indoor living area for units with 3 or more bedrooms. Indoor living area is defined as by a new definition proposed by PC6:

“Means the area comprising of kitchen, dining and lounge areas.”

We consider this an unnecessary intrusion into the design process that reduces flexibility in responding to varied developer and customer requirements. We believe PC6 overreaches here and the allocation of the space within the building should largely be left to the developer and end user. Provided the dwelling satisfies Building Act requirements, how space is distributed within a dwelling has little bearing on most planning objectives of ensuring a liveable unit that contributes positively to the general amenity of the area. Moreover, the chief determinant of liveability within a unit should be overall floor area, as is stipulated by the ODP and PC6 for studio, 1 bedroom and 2 bedroom units. It is inconsistent to apply the minimum floor area requirement to these units, yet depart significantly for 3 or more bedroom units, when there is little actual difference in scale between 3 bedroom units and smaller units. This inconsistent approach is not justified within the accompanying s.32 report.

22. 23.3(vi) Fee simple subdivision of apartments

The submitter opposes the rendering of fee simple subdivision of apartments as a full discretionary activity. It is acknowledged that fee simple subdivision of apartments in the past has caused issues, but these can be adequately captured and dealt with through the current Restricted discretionary status.

23. 23.7.3 (g); 23.7.5 (e): Vehicle access widths

The submitter considers the vehicle access widths for more than 6 fee simple lots to be excessive, and inconsistent with the 6m private way width requirement where the access forms common property (f).

Relief Sought

21. Without derogating from the generality of this submission:
 - That Council adopt the provisions which the submitter supports
 - That Council rejects the proposed changes to which the submitter objects
 - That Council make any other consequential amendments arising out of giving effect to the requested changes.
22. The submitter **wishes to be heard** in support of this submission.
23. The submitter will consider presenting a joint case with any other party seeking similar relief.