

2nd September 2019

Planning Guidance Team
Hamilton City Council
Private Bag 3010
Hamilton 3240



To Whom It May Concern,

RE: RESOURCE MANAGEMENT ACT 1991 – SUBMISSION TO PROPOSED PLAN CHANGE 6 OF THE HAMILTON DISTRICT PLAN – MG SOLUTIONS LTD

Introduction: We are in support of Council's intentions to make the Operative District Plan more enabling to simplify the process that would produce a positive outcome for property developers and respective land owners. Please find attached our submission to Proposed Plan Change 6 of the Hamilton District Plan.

Should any further information be required, please do not hesitate to contact the writer or Grant Ruffell.

Yours faithfully,
MG Solutions Ltd.

Title: Submission to Proposed Plan Change 6 of the Hamilton District Plan
Report to: Hamilton City Council
Author: MG Solutions Ltd
Date: 2nd September 2019

Chapter 4 – Residential Zones

The specific provision(s) of the plan change that my submission relates to is:	Proposed Plan Change 6 Provision	Support, Oppose or Support in part	Submission:
Chapter 4 – Residential Zones			
4.1.1 – General Residential Zone			
b) The General Residential Zone will be an area of stability, with the current form and density of housing continuing. This zone is intended to be primarily for residential buildings and activities.		Support	Agreed with the wording being removed. With many developers now choosing to explore duplex within the general res zone this is providing contrast to “current form” and higher than current “density” however the zone is still and should remain primarily for residential buildings and activities. Should also promote other uses or activities compatible with Res Zone.
4.1.2 – Residential Intensification Zone			
a) The Residential Intensification Zone is applied to existing residential areas that have been identified as suitable to accommodate higher density development. The intent is to encourage site redevelopment, primarily for multi-level and attached housing. These are expected to be on larger or amalgamated sites to allow sufficient room for deliver good urban design outcomes .		Support	Agreed with the words removed as development has shown that amalgamation of lots is not necessary to intensify development. The size of lots being targeted for infill and intensified development is not necessarily the larger lots.
4.3.1 – Activity Status Table – General Residential Zone, Residential Intensification Zone and Large Lot Residential Zone			
a) Number of residential units per site in the General Residential Zone (excluding apartments and integrated residential developments)		Add a definition Residential Units	We would suggest to council that there is inconsistency in the use of the terms units (common under Unit title) and dwellings (common under fee simple title) i.e. single and duplex. There is the use of the term “unit” (residential units) to describe both apartment units and single dwellings yet duplex dwellings are mentioned separately. Perhaps amend the term “residential units” to mean all residential typologies including ...single dwelling, duplex dwelling, apartment units terraced dwellings, etc.
i. Up to 3 residential units on front, corner, through and rear sites (excluding duplex dwellings): P		Support	
ii. Up to 3 residential units on rear sites (including duplex dwellings): P		Support	There needs to be a change in the wording of (a)(i.) and (a)(ii.) Ai excludes duplex dwellings on rear sites as permitted activities. (a)(ii.) Includes

<ul style="list-style-type: none"> iii. One duplex dwelling on a front site: RD* iv. 4 or more residential units on front, corner, through and rear sites (including duplex dwellings): RD* f) Single dwelling: first residential unit per site: P g) Single Dwelling: second and subsequent residential unit per site: RD (see rule 4.3.1a) h) Duplex dwellings: RD (see rule 4.3.1a) 	<ul style="list-style-type: none"> Support Support Support Support Support 	<p>duplex on rear sites as permitted activities.</p> <p>Support as per above.</p> <p>Support as per above.</p> <p>Support as per above.</p> <p>Support as per above.</p> <p>Support as per above.</p>
<p>4.4.1 – Density v. Integrated Residential Development: Apartments – Average net site area of 150m² per residential unit.</p>	<p>Oppose</p>	<p>Average net site area allows for a range of large and smaller mid lots. To amend rule to keep 'average net side area' included.</p>
<p>4.4.3 – Permeable Surface</p> <p>a) Front sites, corner sites, through sites only: permeability of the front setback, excluding vehicle and access provisions front setback (required by Rule 4.4.6) to be planted in grass, shrubs or trees (see Figure 4.4.3c)</p> <p>100% Minimum 50% in General Residential Zone</p> <p>100% Minimum 40% in Residential Intensification Zone</p>	<p>Support</p>	<p>We support the change insofar, that with the use of paved or sealed pedestrian access from either Right of ways, parking areas, or common property areas might fall within the strict definition of direct access from the street. Yet these areas are still strictly and functionally pedestrian access allowing residents and visitors the ability to access the front door without walking over wet grass, muddy areas, or through landscaped areas. However, we believe 50% is overly prescriptive and not every situation will meet this %. Example, proposals with multiple entrances. The intention of this rule is to ensure permeability of the fronting area to aid in stormwater percolation, we would argue that there are other types of permeable finishes that are not catered for in this rule or the ongoing definition of permeable surfaces. Examples being rock gardens, mulch cover, permeable pavers.</p>
<p>4.4.5 – Height in Relation to Boundary</p> <p>a) No part of any building shall protrude through a height control plane rising at an angle of 28 degrees between northwest (315 degrees) and northeast (45 degrees), and rising at an angle of 45 degrees in all other directions. This angle is measured from 3m above ground level at all boundaries (see Figure 4.4.5 de below). Except that:</p> <ul style="list-style-type: none"> i. Where buildings are attached, no height control plane is required between those buildings. ii. Where a boundary adjoins a transport corridor or access way, the 45-degree angle applies to that boundary, measured 3m above the boundary (see Figure 4.4.5 ed below). iii. Where there are two or more 	<ul style="list-style-type: none"> Support Support 	

<p>dwelling on the same site, the plane shall be measured at a line midway between the two dwellings rising at an angle of 45 degrees and with this angle measured from 3m above ground level at the midway line or the indicative subdivision boundary.</p> <p>iv. Where the boundary subject to measurement adjoins a legal right of way, access lot or entrance strip, the standard applies from the farthest boundary of that legal right of way, access lot or entrance strip.</p> <p>b) In the Residential Intensification Zone, the height control plane applies only along a zone boundary adjoining the General Residential Zone or any of the Special Character Zones.</p> <p>c) The following exemptions apply to Rule 4.4.5(a):</p> <p>i. i. Chimneys, flues and similar projections not exceeding 2m in height and 1m² in area may protrude through the height control plane; and</p> <p>ii. An aerial as permitted in Volume 1, Chapter 25.7 City-wide – Network Utilities and the Electricity National Grid Corridor may protrude through the height control plan; and</p> <p>iii. A gable end, dormer or roof may project beyond the height control plane where:</p> <p>(a) any projection is no greater than 1.5m² in area and no greater than 1m in height; and</p> <p>(b) any projection is no greater than 2.5m cumulatively in length measured along the edge of the roof (see figure 4.4.5f); and</p> <p>(c) no more than two gable end or dormer projections occur on any given elevation.</p>	<p>Support</p> <p>Support</p> <p>Support</p> <p>Support</p> <p>Support</p> <p>Support</p> <p>Support</p>	
<p>4.4.6 – Building Setbacks</p> <p>d) Internal vehicle access serving more than one up to three residential units on a site (excluding access to an ancillary residential unit) 1.5m or setback may be reduced where the written consent of the owners and/or occupiers of the shared site is obtained. No part of a building (including eaves) shall extend over or encroach into an internal vehicle access.</p> <p>e) Internal vehicle access serving more than three residential units on a site</p>	<p>Support</p> <p>Oppose</p>	<p>Why should owners of development with more than 3 residential units not dispensed</p>

<p>Setback of Residential Units = 1.5m</p> <p>g) Any other boundary 1.5m or setbacks may be reduced where:</p> <ul style="list-style-type: none"> i. Buildings on adjoining sites are attached, no setback is required along that part of the boundary covered by such a wall; or ii. The written consent of the owners adjoining the relevant setback or setbacks is obtained. iii. It is proposed to site a building within the 1.5m setback and: <ul style="list-style-type: none"> (a) The building is less than 10m² in area; and (b) The building is less than 2m in height; and (c) The building will not be connected to electricity supply; and (d) There is no discharge of stormwater onto neighbouring land from the building; and (e) No more than one building is established on a site in accordance with this rule. 	<p>Support</p> <p>Support</p> <p>Support</p> <p>Support</p> <p>Support in part</p>	<p>themselves for accessway setbacks? It is within a private way and not on council land.</p> <p>Under the definition of site this could mean that only one such qualifying building could exist over multiple proposed lots. We would propose Council to include that whereby notional boundaries are shown for proposed concurrent subdivision that one such qualifying accessory building can exist for each notional lot or unit. Or address the definition of Site</p>
<p>4.4.7 – Interface Between Public and Private</p> <p>a) These standards only apply to residential units and accessory buildings on front, corner and through sites that have unit site areas that directly front onto a transport corridor.</p> <p>b) Location of accessory building:</p> <ul style="list-style-type: none"> i. All detached accessory buildings shall be located no further forward of the front building line of the dwelling than 0.5m (see Figure 4.4.7f) Where the vehicle entrance to a garage or carport faces toward a transport corridor it shall be setback a minimum of 5.0m from the road boundary; ii. Accessory buildings that are an integral part of the design and construction of the dwelling shall, if the garage door is to face the street, be located no further forward of the front building line of the dwelling than 0.5m (see Figure 4.4.7e); Any accessory building (excluding a carport) that: 	<p>Support</p> <p>Support in Part</p>	<p>The intention to promote the provision of off street parking spaces is good however, this 5m setback could still be reduced whereby complying parking standards are met within an accessory building that is part of the integral design of the main building, and where the garage was still setback from the main building line, and not within the absolute minimum building setback.</p>

<p>(a) Is located forward of the front building line of a dwelling; and</p> <p>(b) Does not have a vehicle entrance facing toward a transport corridor shall be provided with a window(s) facing the transport corridor which have an area no less than 10% of the façade.</p> <p>iii. Accessory buildings that are an integral part of the design and construction of the dwelling, if the garage door is 90 degrees to the street, shall be forward of the front line of the dwelling (see Figure 4.4.7e), by no more than 8m. Where the accessory building (excluding any open carport) is to be located between any residential unit and a transport corridor, it shall not extend to cover more than 50% of the residential unit that is visible from the transport corridor.</p> <p>For the purpose of assessment:</p> <ul style="list-style-type: none"> The measurement of the extent that a residential unit and any accessory building is visible, shall be taken from the elevation plans provided to illustrate the proposed development. This standard shall apply regardless of whether there is any screen fencing or planting of the transport corridor boundary existing or proposed. <p>c) At least one habitable room of the residential unit shall have a clear-glazed window facing the transport corridor from which vision toward the transport corridor is not blocked by any accessory building. For corner and through sites this shall be required only on the frontage from which vehicular access is provided.</p> <p>d) Residential Intensification Zone – Hamilton East only: No wall of any building parallel to or up to an angle of 30 degrees to any external boundary except the transport corridor frontage shall exceed 15m in length without there being a step in (or out) plan of at least 2m depth and 5m length.</p>	<p>Support</p> <p>Support in part</p> <p>Support</p> <p>Support</p> <p>Support</p>	<p>These promote the CPTED principles of Surveillance and also avoid featureless facades to streets. However, to allow for narrow lots 6m or 50% whichever is greater excluding eaves</p>
<p>4.4.8 – Fences and Walls</p> <p>a) Fences and/or walls shall have a maximum height of 1.8m.</p>	<p>Support</p>	<p>Agreed that fences should be limited to a height of 1.8m but disagree that retaining walls are capped at this height, these might need to have a</p>

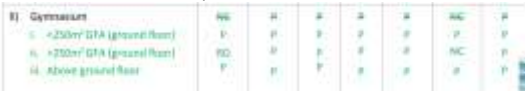
<p>b) The height of any fence and/or wall shall be measured in terms of natural ground level.</p> <p>c) Any retaining wall which is higher than 1.5m and load bearing is not subject to this standard and will be considered, for the purpose of assessment, as a building.</p> <p>d) Any fence and/or wall that is taller than 2.5m is not subject to this standard and will be considered, for the purpose of assessment, as a building.</p> <p>e) This rule shall not apply to any fence and/or wall which:</p> <p>(i) Following construction will be located at or below the natural ground level of the land that existed prior to construction commencing; or</p> <p>(ii) Is internal to a proposed development and does not result in any fence or wall which has a height of 1.8m or more in relation to natural ground level of any adjoining external property boundary not in common ownership.</p> <p>Note</p> <p>1. For the purpose of the Building Act 2004 any retaining wall with a fall height greater than 1.0m requires the provision of a fall protection fence or similar of not less than 1.0m high. For the purpose of this rule this fall protection will be considered as an integral part of the retaining wall and the combined height will be assessed as the overall height of both structures.</p>	<p>Oppose</p> <p>Support</p> <p>Support</p> <p>Support</p> <p>Support</p> <p>Support</p>	<p>height of greater than 1.8m depending on the gradient of topography and the requirement for retaining.</p> <p>Disagree. If a fence is located atop a retaining wall then the fence should be measured from the height of the top of the retaining wall not the natural ground level. The overall structure would be measured from natural ground level and may fit into the definition of building, Notwithstanding Note1.</p>
<p>4.4.10 – Outdoor Living Area</p> <p>b) Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:</p> <p>i. For the exclusive use of each residential unit.</p> <p>ii. Readily accessible from a living area inside the residential unit.</p> <p>iii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.</p> <p>iv. Located on a side of the residential unit which faces north, east or west (refer Figure 4.4.10h). For the</p>	<p>Support</p>	

<p>purpose of this standard, a side that faces north, east or west means the area to the:</p> <ul style="list-style-type: none"> • West of the westernmost and/or easternmost corners of the dwelling, and/or • West of the west facing façade aligned at no more than 15 degrees to the north-south axis, and/or • East of the east facing façade aligned at no more than 15 degrees to the north-south axis. <p>c) Communal open space for 4 or more residential units and apartment buildings shall comply with 4.4.10b) iii) and iv) as well as being:</p> <p>d) Outdoor living areas shall have areas and dimensions as follows.</p> <p>i. Including single residential dwellings and duplex dwellings.</p> <p>Outdoor living area per residential unit 60m²</p> <ul style="list-style-type: none"> • Up to 2 bedrooms – 35m²; plus • 10m² for each additional bedroom over 2 <p>Shape Capable of containing a 6m diameter circle No dimension less than 2.5m</p> <p>Either:</p> <ul style="list-style-type: none"> • No dimension less than 4.0m; or • Capable of containing a 6m circle with no dimension less than 2.5m <p>iv. Apartment buildings and duplex dwellings in the Residential Intensification Zone, where communal open space is not provided.</p> <p>Outdoor living area per residential unit 12m²</p> <ul style="list-style-type: none"> • Up to 2 bedrooms – 12m²; plus • 5m² for each additional bedroom over 2 	<p>Support</p> <p>Support</p> <p>Strongly Oppose</p>	<p>The apartments and duplex (especially in intensification zones) are pivotal to providing higher density typologies in these zones. One increasing trend is the provision of OLA at first floor balcony level to make better use of available ground floor areas for parking, access, and service areas. Requiring greater than 12m² (a normal habitable room size) is unsustainable and creates greater potential for failures (particularly in overhanging common property areas and right of ways) working in abrasion to the building setbacks rule 4.4.6 (d) & (e). The intensification of the intensification areas is to provide greater population density around utility infrastructure, commercial and retail nodes and to promote</p>
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		<p>walkability providing critical mass to existing centres.</p> <p>For a 3-4 bedroom apartment this would require a 17-22m² balcony or ground floor area, which (in a 12+ apartment unit development) is limiting the area that could be used for a further apartment unit. Reducing economic feasibility and not maximising the strategic potential of the intensification area.</p> <p>In the long term this rule change would affect the provision of 3-4 bedroom units (greater spatial requirements) within the intensification zones meaning new or established families and shared accommodation would be forced away from areas whereby their presence would be most beneficial.</p>
<p>4.4.11 – Service Areas</p> <p>b) Every site, including first single dwelling but excluding 4.4.11(d)-(f)</p> <p>Minimum requirements per Residential Area Unit</p> <p>i. At least 20m² 15m², and may be made up of two separate areas incorporating</p> <ul style="list-style-type: none"> • 10m² for clothes drying (e.g. foldable clothes line) • 5m² for rubbish / recycling storage <p>ii. Minimum dimension 3m 1.5m</p> <p>c) Second and subsequent residential units, including duplex dwellings</p> <p>Minimum requirements per Residential Area Unit</p> <p>i. Additional 20m² 15m², and may be made up of two separate areas incorporating</p> <ul style="list-style-type: none"> • 10m² for clothes drying (e.g. foldable clothes line) • 5m² for rubbish / recycling storage <p>ii. Minimum dimension 3m 1.5m</p> <p>iii. Duplex in Residential Intensification Zone Individual or Communal</p> <ul style="list-style-type: none"> • 10m² • Minimum dimension 1.5m <p>d) Service area per ancillary residential unit</p> <p>Minimum requirements per Residential Area Unit</p> <p>i. 10m²</p> <p>ii. Minimum dimension 2.5m 1.5m</p> <p>e) Apartments</p> <p>Minimum requirements per Residential</p>	<p>Support in part</p> <p>Support in part</p> <p>Support</p> <p>Support</p> <p>Support</p> <p>Support</p>	<p>Support the notion of smaller service areas and the ability to split these areas into use-specific areas however, we do not support the minimum area (m²) allocation as this is arbitrary and too prescriptive. Is anyone really going to enforce a 5m² area for rubbish bins if they sit under the clothesline?</p> <p>As above.</p> <p>Duplex in Residential Intensification Zone? This activity is not supported in the activity table (Non complying)?</p>

<p>Area Unit</p> <ul style="list-style-type: none"> i. 10m² ii. Minimum dimension 2.5m 1.5m <p>f) Community centres, visitor accommodation, conference facilities</p> <p>Minimum requirements per Residential Area Unit</p> <ul style="list-style-type: none"> i. 10m² ii. Minimum dimension 2.5m 1.5m <p>g) Dairies (may be indoor or outdoor)</p> <p>Minimum requirements per Residential Area Unit</p> <ul style="list-style-type: none"> i. 10m² ii. Minimum dimension 2.5m 1.5m <p>h) All service areas</p> <ul style="list-style-type: none"> i. Clothes drying areas shall be readily accessible from each residential unit ii. Not visible from a public place unless screened from view by vegetation or fencing in accordance with Section 25.5. iii. Rubbish and recycling areas required for each residential unit shall be located where bins can be moved for roadside collection without requirement for them to be moved through the residential unit (excluding garages). iv. Service areas may be located within garages where it is demonstrated that there is sufficient room to accommodate the minimum area without impeding parking. 	<p>Support</p> <p>Support</p> <p>Support</p> <p>Support</p> <p>Support</p> <p>Oppose</p> <p>Support in part</p>	<p>This may not be achievable for mid row apartment units whereby there is no side or rear access to the common property area and where there is no internal garage. Not practical for all designs.</p> <p>The practicality of this is that as soon as the rubbish starts to stink its put outside. With rubbish services becoming bi weekly and with larger bins being proposed this means rubbish will hang around longer. Not practical for everyone.</p>
<p>4.4.12 – Residential Unit Size – Residential Intensification Zones</p> <p>a) The minimum floor area or indoor living area required in respect of each residential unit (excluding ancillary residential units) in the Residential Intensification Zone and the General Residential Zone shall be:</p> <p>Floor area/Living area</p> <ul style="list-style-type: none"> i. Studio unit: Minimum 35m² Floor Area ii. 1 bedroom unit: Minimum 45m² Floor Area iii. 2 bedroom unit: Minimum 70m² 55m² Floor Area iv. 3 or more bedroom unit: Minimum 90m² 30m² Indoor Living Area 	<p>Support</p>	
<p>4.7.11 – Integrated Residential Development</p> <p>b) No more than 2030% of residential units shall be in the form of apartments.</p>	<p>Support</p>	

Chapter 6 – Business 1 to 7 Zones

The specific provision(s) of the plan change that my submission relates to is:	Proposed Plan Change 6 Provision	Support, Oppose or Support in part	Submission: We seek the following decision from the local authority:
Chapter 6 – Business 1 to 7 Zones			
Suburban Centres Objective 6.2.2 A distribution of suburban centres that provide a mixed use environment with health-care services, goods, services and employment at a scale appropriate to suburban catchments, while not undermining the primacy, function, vitality, amenity or viability of the Central City. Policy 6.2.2b Suburban centres provide an opportunity to reduce the need for travel, by providing for mixed uses, a diverse range of activities, services and trading formats. Residential activities above ground floor level shall be supported where a high amenity living environment is achieved.		Support	This creates and caters for a range of accommodation types and supports people willing to live in centres
Neighbourhood Objective 6.2.3 A distribution of locally based centres that provide services and health-care services capable of meeting the day-to-day needs of their immediate neighbourhoods. Policy 6.2.3c Residential activities above ground floor commercial uses are encouraged as part of mixed use development where a high amenity living environment is achieved.		Support	
6.3 – Rules – Activity Status Table 		Support in part	Why is a gym >250m ² in a neighbourhood centre a non-complying activity? Are we not trying to provide for a range of services and health related activities in these centres? Capable of meeting day to day needs? It doesn't take many people to fill a 250m ² gym. Plus, it promotes wellness in that neighbourhood and gives immediate neighbourhood somewhere to walk and run to. Most gyms are in the CBD or larger district centres.
6.4.7 – Residential Development c) The following standards shall apply to residential units, including apartments above ground floor, and residential centres and ancillary residential units. Unless specifically noted, they		Support	

do not apply to visitor accommodation.		
<p>d) Density (Minimum Number of Residential Units Required per Site)</p> <p>i. Minimum densities within the Business Zones shall be 30 residential units per hectare based on net site area. This is to be calculated in accordance with the formula below:</p> <ul style="list-style-type: none"> • 0.003 residential units per 1m² of site area <p><u>Example</u> <u>For a site which has an area of 4000m², the minimum number of residential units required under this rule would be 12. This is calculated by multiplying the site area (4000m²) by 0.003.</u></p>	Support	Needs further clarification of the rule as initial density seems too low.
<p>ii. Where mixed-use is provided for within a development (e.g. office or retail with residential above), the density requirements of Rule 6.4.7 (d) i. shall be applied on a pro rata basis relative to the percentage of gross floor area of the development that is residential (e.g. where a 40% of the gross floor area of a development is comprised made up of 40% residential activities, then a density requirement of 40% of the total minimum number of residential units calculated under Rule 6.4.7(d)(i) is the minimum number of residential units required to be provided. 30 residential units/ha (30 dwellings/ha x 40%) shall be required).</p>	Support	
<p>e) Outdoor Living Areas</p> <p>i. Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:</p> <ul style="list-style-type: none"> • For the exclusive use of each residential unit. • Readily accessible from a living area inside the residential unit. • Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas. • Located on a side of the residential unit which faces north, east or west (refer Figure 6.4d). For the purposes of this standard, a side that faces north, east or west means the area to the: <ul style="list-style-type: none"> o West of the westernmost and/or easternmost corners of the dwelling and/or o West of the west facing façade aligned at no more than 15 degrees to the north-south axis, and/or o East of the east facing façade aligned at no more than 15 degrees to the north-south axis. 	Support	
<p>ii. Communal open space for 4 or more residential units and apartment buildings shall comply with 6.6.7e)i., bullet points 3 and 4 as well as being:</p>	Oppose	Bullet point 4 has been deleted this rule needs to be amended

<p>iii. Outdoor living areas for residential units shall have areas and dimensions as follows.</p> <p>Residential Units Ancillary residential units at ground-floor level Outdoor living area per residential unit¹: 12m² Shape: No dimension less than 2.5m</p> <p>Apartments and ancillary residential units above ground-floor level Outdoor living area per residential unit¹: 12 8m² Shape: No dimension less than 2.5 1.5m</p> <p>All other residential units Outdoor living area per residential unit¹: 40m² Shape: Capable of containing a 5m diameter circle</p> <p>Communal open space for apartment buildings Outdoor living area per residential unit¹: Up to 7 residential units—12m² 8m² per unit 8 or more residential units—8m² per unit</p>	<p>Support in part</p> <p>Support</p> <p>Oppose</p> <p>Support</p>	<p>The District Plan doesn't otherwise promote residential at ground floor (Activity Table 6.3, xx), yy) (Non complying) within ALL zones. So ancillary Res doesn't sit within the mixed-use model (unless its rear facing away from the business or active frontage but still non complying??). The definition of Ancillary Res Unit leaves little gap between a commonly owned apartment. Needs to be consistent. Why does ancillary res unit get 12m while other apartments get 8m?</p> <p>This should be deleted. What other res units are there that are not addressed in the activities table?</p>
<p>g) Residential Unit Size</p> <p>i. The minimum floor area or indoor living required in respect of each residential unit apartment shall be</p> <p>Form of Residential Unit Floor Area/ Living Area</p> <p>Studio unit: Minimum 35m² 1 bedroom unit: Minimum 45m² 2 bedroom unit: Minimum 70m² 55m² Floor Area 3 or more bedroom unit: Minimum 90m² 30m² Indoor Living Area</p>	<p>Support</p>	<p>Consistent with Central City Zone</p>
<p>i) External Outlook Area</p> <p>Each residential unit shall have an external outlook area that:</p> <p>i. Is provided from the face of the building containing windows to the indoor living area a habitable room, and</p> <p>iii. Where a habitable room indoor living area has two or more walls containing windows, the outlook area shall be provided from the face with the greatest window area.</p> <p>iv. The external outlook area may be over:</p> <p>a) The site on which the building is located; b) The Transport Corridor Zone; c) Public Open Space; or d) Another site, only if:</p>	<p>Oppose</p>	<p>Agreed with the intention of the objective being to stimulate growth in higher density areas and create higher quality living environments but do not believe this should be done to the extent that adjoining neighbour's development rights can be extinguished for the sake of private outlook. This is perhaps more prevalent along a lineal feature such as a river or open space park edge whereby direct water or open space views could be promoted better through urban design and building setbacks could provide for the desired oblique outlook separation.</p> <p>This is too complicated. Why is the District Plan referencing private partnerships when the District Plan has nothing to do with private partnerships.</p>

<ul style="list-style-type: none"> • The external outlook area is secured in perpetuity for the benefit of the building by legal instrument registered on the relevant certificates of title prior to construction commencing; and • The written approval of the owner of the adjoining site for the external outlook area is provided when the application for resource consent is lodged. 		
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Chapter 7 – Central City Zone

The specific provision(s) of the plan change that my submission relates to is:	Proposed Plan Change 6 Provision	Support, Oppose or Support in part	Submission: We seek the following decision from the local authority:
Chapter 7 – Central City Zones			
Downtown Precinct Objective 7.2.6 Continued development and growth which enhances the commercial heart of Hamilton as an attractive and vibrant pedestrian orientated City centre that is accessible to all levels of mobility and has a strong relationship with the Waikato River. Policy 7.2.6h 7.2.6h High-quality living environments are encouraged through appropriately sized and located internal living spaces with adequate external outlook space.		Oppose	Too Complicated Agreed with the intention of the objective being to stimulate growth in the heart of Hamilton city centre and create higher quality living environments but do not believe this should be done to the extent that adjoining neighbour's development rights can be extinguished for the sake of private outlook. Too Complicated
Ferrybank Precinct Objective 7.2.8 Continued development of the cultural and tourism core of Hamilton, including development and activities that promote social and cultural wellbeing. Policy 7.2.8e High-quality living environments are encouraged through appropriately sized and located internal living spaces with adequate external outlook space		Oppose	See above comment. This is perhaps more prevalent along a lineal feature such as a river whereby direct water views could be promoted better through design and building setbacks could provide for the desired oblique outlook separation.
7.3 – Rules – Activity Status a) New buildings, and alterations and additions is RD in Precincts 1, 2 and 3 b) Alterations and additions to existing buildings-		Support	Agree that alterations and additions to be

see Rule 7.5.7 (except heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage) is Permitted in Precincts 1, 2 and 3		permitted activities this promotes renovations and upkeep within the city centre without the need for costly consenting.						
<p>7.4.2 – Building Intensity a) The following maximum building intensities (floor area ratios) shall apply in each Precinct. Precinct 1 is 5:1 Precinct 2 is 3:1 Precinct 3 is 2.5:1</p>	Support	Agreed this will promote potential for greater scope of expression within the building envelope and reduce unnecessary and time-consuming panel meetings whereby Council can be more involved in direct assessment with the applicants and clients.						
<p>7.4.43 – Maximum Height Control and Bonuses a) The following maximum height limits shall apply to sites within Height Overlay 1 to 3 (refer Volume 2, Appendix 5, Figure 5-2: Height Overlay Plan).</p> <table border="1" data-bbox="194 728 719 853"> <thead> <tr> <th>Height Overlay 1</th> <th>Height Overlay 2</th> <th>Height Overlay 3</th> </tr> </thead> <tbody> <tr> <td>No Height Limit</td> <td>20m</td> <td>13m</td> </tr> </tbody> </table>	Height Overlay 1	Height Overlay 2	Height Overlay 3	No Height Limit	20m	13m	Support	in accordance with the removal of the building intensity ration
Height Overlay 1	Height Overlay 2	Height Overlay 3						
No Height Limit	20m	13m						
<p>7.4.54 – Through-Site Links a) Within a block identified as providing for a potential through-site link shown on Volume 2, Appendix 5, Figure 5-4: Pedestrian Connections and Gateways Overlay Plan, any new wholesale redevelopment in excess of 5000m² at ground-floor shall provide a ground-level through-site link. The through-site link shall meet the standards set out below: in Table 7.4.43g v. 1 to 5, above.</p> <ul style="list-style-type: none"> i. These apply to a separately defined, continuous and clearly identifiable public walkway taking the most direct route, which is designed specifically to traverse a site to connect transport corridors or other public spaces or other (potential or existing) through-site links. ii. They provide for unobstructed pedestrian movements and have a minimum unobstructed width of 2.8m. iii. They are available for public use, the minimum hours of operation being 0830 to 1730 Monday to Friday and such other times when the site is open for business or for its principal purpose. iv. They are subject to the standards for Secondary Active Frontages (refer to Rule 7.4.13). v. Clearly visible signs identify the through-site link. vi. The access easement is registered on the title(s) to which the through-site link applies to ensure preservation of the link and its ongoing maintenance by the owner(s) of the title(s). 	Support in part	Any through site links that create entrapment areas whereby there is little or no capable guardianship after hours needs to be activated or lit to promote passive and natural surveillance, territoriality or incorporate access control.						
7.4.76 – Street Wall								
7.4.1413 – Active Frontages								

<p>a) For buildings on sites adjoining a Primary or Secondary active frontage (refer Volume 2, Appendix 5, Figure 5-7: Active Frontages Overlay Plan), the following standards shall apply.</p> <p>i. Buildings shall be designed to: contribute to the appearance and retail function of the City by:</p> <ul style="list-style-type: none"> • Providing at least 5m or 75% of the active frontage (whichever is greater) of clear glazing (or equivalent) on all Primary Active Frontages at ground floor level. • Providing at least 50% of the active frontage as clear glazing (or equivalent) on all Secondary Active Frontages at ground floor level • Being capable of use for displaying goods and services to passing pedestrians. • Not having painted, covered or otherwise altered glazed areas so as to render them ineffective in achieving the purpose of this rule. <p>Note This rule does not restrict the covering of clear glazing for the purpose of providing privacy within a building where this is necessary for the nature and type of activity undertaken.</p>	<p>Support</p> <p>Support</p>	<p>Agreed deleted text is subjective and could be conceived as overly restrictive to either existing frontages renovating (alterations and additions now permitted 7.3(b)) or newly created frontages.</p>									
<p>7.4.1514 – Veranda Cover</p> <p>a) For buildings on sites adjoining a Primary active frontage (refer Volume 2, Appendix 5, Figure 5-7: Active Frontages Overlay Plan), the following standards shall apply.</p> <p>i. Buildings shall provide veranda cover:</p> <ul style="list-style-type: none"> • Over the footpath, extending along the full length of the building frontage. • Have a minimum depth of 2.5m, except where it would encroach within 0.6m of a transport corridor kerb (refer Figure 7.4.15b). • Have its fascia a minimum of 2.4m above the footpath (including any signs connected to the veranda). <p>ii. Ensure that the safety and convenience of pedestrian and vehicle activity will not be compromised.</p> <p>iii. Have its fascia a minimum of 2.4m above the footpath (including any signs connected to the veranda).</p> <p>iv. Ensure continuity with any verandas of adjoining buildings.</p>	<p>Support</p>	<p>Agreed creates a more attractive and functional public realm in active frontage areas the addition of three-dimensional and functional features such as verandas provide shelter, therefore promoting better perceptual and visual qualities and promoting public space usage.</p>									
<p>7.5.3 – Residential</p> <p>b) Density (Minimum Number of Residential Units Required per Site)</p> <table border="1" data-bbox="193 1839 718 2004"> <thead> <tr> <th>Downtown Precinct 1</th> <th>City Living Precinct 2</th> <th>Ferrybank Precinct 3</th> </tr> </thead> <tbody> <tr> <td>50 residential units/ha net</td> <td>40 residential units/ha net</td> <td>30 residential units/ha net</td> </tr> <tr> <td>0.005</td> <td>0.004</td> <td>0.003</td> </tr> </tbody> </table>	Downtown Precinct 1	City Living Precinct 2	Ferrybank Precinct 3	50 residential units/ha net	40 residential units/ha net	30 residential units/ha net	0.005	0.004	0.003	<p>Support</p>	<p>Agreed. Although the change results in the same site density this change allows for greater accuracy in calculations for different site areas.</p>
Downtown Precinct 1	City Living Precinct 2	Ferrybank Precinct 3									
50 residential units/ha net	40 residential units/ha net	30 residential units/ha net									
0.005	0.004	0.003									

residential units per 1m ² of site area	residential units per 1m ² of site area	residential units per 1m ² of site area		
<p>Note For a site in Precinct 1 which has an area of 4000m², the minimum number of residential units required under this rule would be 20. This is calculated by multiplying the site area (4000m²) by 0.005 (Downtown column). The multipliers in the other columns would be used depending on which precinct the site under consideration is located in.</p>			Support	AS the amount of GFA provided for commercial or retail activity/use does not impact on the quality of residential activities being offered. Residential still required to provide minimum unit sizes and meet density requirements.
<p>c) Where mixed-use is provided for within a development (e.g. residential and office or retail), the density requirements of Rule 7.5.43(b) shall be applied on a pro rata basis relative to the percentage of gross floor area of the development that is residential (e.g. where a 60% of the gross floor area of a development is made up comprised of 60% residential activities in Precinct 1, a density requirement of then 60% of the total minimum number of residential units calculated under Rule 7.5.3(b) is the minimum number of residential units required to be provided. 50 residential units/ha (50 dwellings/ha x 60%) shall be required).</p>			Support	
<p>d) Outdoor Living Areas</p> <p>i. Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:</p> <ul style="list-style-type: none"> • For the exclusive use of each residential unit. • Readily accessible from a living area inside the residential unit. • Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas. • Located on a side of the residential unit which faces north, east or west (refer Figure 7.5.3c). For the purposes of this standard, a side that faces north, east or west means the area to the: <ul style="list-style-type: none"> o West of the westernmost and/or easternmost corners of the dwelling and/or o West of the west facing façade aligned at no more than 15 degrees to the north-south axis, and/or o East of the east facing façade aligned at no more than 15 degrees to the north-south axis. 			Support in part	Although we agree with this rule change, it looks suspiciously like this rule has been cut and paste from the residential section Rule 4.4.10b). Agreed this provides greater flexibility for built form expression and provision of balconies and façade treatment that promotes an articulated interface with the outdoor environment, and contributes to visually interesting buildings. However, OLA's in the city living or central city area may need to be sympathetic to central city environments (dot points 2 is not likely to be achievable nor will 3 likely occur in apartment buildings) and therefore the same rule as the low-density residential environment may prove unattainable.
<p>ii. Communal open space for 4 or more residential units and apartment buildings shall comply with 7.5.3 d)i., bullet points 3 and 4 as well as being:</p> <ul style="list-style-type: none"> • For the shared use of all residents on the site, and 				

<ul style="list-style-type: none"> • Readily accessible from all residential units on site. 		
<p>iii. Outdoor living areas for residential units shall have areas and dimensions as follows.</p>	Support	
<p>Residential Units A. Ancillary residential unit Outdoor living area per residential unit¹: 128m² Shape: No dimension less than 2.5m 1.5m</p>		
<p>Residential Units B. Apartments above ground-floor level Outdoor living area per residential unit¹: 128m² Shape: No dimension less than 2.5m 1.5m</p>	Support	
<p>Residential Units C. Apartments at ground-floor level Outdoor living area per residential unit¹: 12m² Shape: Capable of containing a 2.5m diameter circle</p>	Support	
<p>Residential Units D. Communal open space for apartment buildings Outdoor living area per residential unit¹: Up to 7 residential units – 12 8m² per unit 8 or more residential units – 8m² per unit Shape: Capable of containing a circle with the following diameter: 4-7 residential units – 6m 8 or more residential units – 8m No dimension less than 2.5m</p>	Support	If this rule no longer relates to units numbers greater than 7 point 2 “8 or more res units – 8m” should be deleted.
<p>f) Residential Unit Size i. The minimum floor area or indoor living area required in respect of each residential unit apartment shall be: Form of Residential unit Floor area/Living area Studio unit – Minimum 35m² Floor Area 1 bedroom unit – Minimum 45m² Floor Area 2 bedroom unit – Minimum 7055m² Floor Area 3 or more bedroom unit – Minimum 90m² 30m² Indoor Living Area</p>	Support	
<p>h) External Outlook Area Each residential unit shall have an external outlook area that: i. Is provided from the face of the building containing windows to a habitable room the indoor living area, and</p>	Support	Reinstate the word “to”
<p>iii. Where a habitable room indoor living area has two or more walls containing windows, the outlook area shall be provided from the face with the greatest window area.</p>	Support in part	This becomes a design issue then requiring the main window to face the greater of the two outlooks. This will tie in to 7.5.3.h)iv. Below

<p>iv. The external outlook area may be over:</p> <p>a) The site on which the building is located;</p> <p>b) The Transport Corridor Zone;</p> <p>c) Public Open Space; or</p> <p>d) Another site, only if:</p> <ul style="list-style-type: none"> • The external outlook area is secured in perpetuity for the benefit of the building by legal instrument registered on the relevant certificates of title prior to construction commencing; and • The written approval of the owner of the adjoining site for the external outlook area is provided when the application for resource consent is lodged. 	<p>Support</p> <p>Support</p> <p>Support</p> <p>Oppose</p>	<p>Although private agreement has no bearing on District Plan wording stronger design outcomes should or could provide more robust options for ensuring external outlook is not the driving force behind the sterilisation of future development rights.</p> <p>Securing in perpetuity private residential view shafts or corridors over 3rd party land effectively sterilizes development rights on these properties (for whatever reason they were established) and those of future generations which is in contradiction to promoting higher densities within the city centre and not in accordance with Part 2 Section 5 (2) (a) of the Resource Management Act 1991.</p> <p>How can you promote higher density when your development rights have been blocked by a private view corridor?</p>
<p>7.5.7 – Alterations and Additions to Existing Buildings</p> <p>a) Building alterations and additions shall either:</p> <p>i. Not be visible from any public space, or</p> <p>ii. Not result in a reduction in the percentage of clear glazing on any primary or secondary active frontage (refer volume 2, Appendix 5 Figure 5-7: Active Frontages Plan).</p> <p>b) Alterations and additions visible from any public shall not result in more than 25m₂ of additional gross floor area to the existing building.</p>	<p>Oppose</p> <p>Support</p>	<p>An unnecessary section alts and adds should simply be permitted.</p> <p>As per the 7.3 Rules - Activity Status table - If Alterations and Additions are proposed to be permitted activities then if they do not comply with 7.5.7 a)i. they then fail this rule and cease to be permitted.</p> <p>However even internal alterations and additions may be argued to be visible from the public spaces given the high amount of clear glazing required within primary and secondary frontages. However, it seems that 7.5.7 a)i. restricts Alts and adds from being seen from the public spaces, but 7.5.7 b) then contradicts a) saying that its permissible but only if it doesn't result in more than 25m² of additional floor area. We would suggest removing 7.5.7 a)i. as 7.5.7 b) clearly contradict this provision. But perhaps there could be more qualifying criteria for what constitutes alterations and additions.</p>

Chapter 22 – Natural Hazards

The specific provision(s) of the plan change that my submission relates to is:	Proposed Plan Change 6 Provision	Support, Oppose or Support in part	Submission: We seek the following decision from the local authority:
Chapter 22 – Natural Hazards			
22.3 – Rules – Activity Status Table			
u) Swimming Pools within All Natural Hazards: P D		Support	

Chapter 23 – Subdivision

The specific provision(s) of the plan change that my submission relates to is:	Proposed Plan Change 6 Provision	Support, Oppose or Support in part	Submission: We seek the following decision from the local authority:
Chapter 23 – Subdivision			
Objective 23.2.6: The type of land tenure promoted by applications for subdivision consent is appropriate to the nature of existing or approved development.		Support	We support Objective 23.2.6.
Policy 23.2.6a To ensure that any subdivision is supported by appropriate management structures and legal mechanisms to enable their effective ongoing management, maintenance and operation.		Support	We support Policy 23.2.6a.
Explanation <i>This objective ensures that the type of land tenure proposed is the most appropriate to the nature and configuration of underlying development and that the means by which shared and common components are to be managed by multiple parties is clearly demonstrated and established at the time of subdivision.</i>			
23.3 – Rules – Activity Status Table v. Fee simple subdivision* (excluding fee simple subdivision of apartments) is RD* vi. Fee simple subdivision of apartments is D		Support	We support the fee simple subdivision of apartments within the relevant zones as Discretionary.
All Hazard Areas v. Fee simple subdivision* within All Hazard Areas is Discretionary.		Strongly Oppose	As part of our original submission to Council, we still believe that Council should acknowledge an activity status reduction (currently Discretionary) for subdivisions around existing lawfully

		established dwellings, units or apartments, or sites with subdivision in accordance with an approved Land Use Consent within All Hazard areas.
<p>23.6.4 – Cross-lease to Freehold Fee Simple Subdivision</p> <p>a) The proposed boundaries shall align with those exclusive uses area boundaries on the cross-lease plan, except where there are no exclusive use areas. Where no exclusive use areas are shown on the cross lease plan the boundaries shall align with the exclusive and established pattern of occupation associated with the existing underlying development.</p> <p>b) Where required to protect services, easements shall be provided.</p> <p>c) Rule 23.7 – Subdivision Design Standards shall not apply to subdivisions under this rule.</p>	<p>Support</p> <p>Support</p> <p>Support in part</p>	<p>We support Rule 23.6.4(a).</p> <p>We support Rule 23.6.4(b).</p> <p>To amend Rule 23.6.4(c) to include: “...rule and the relevant land use rules of the respective zone”. This is because existing use rights would apply to existing failures that existed prior to the cross-lease subdivision. This rule should follow the Auckland Unitary Plan to allow cross-lease subdivisions around existing dwellings to be in accordance with an approved Land Use Consent, building consent, Certificate of Compliance, or Certificate of Acceptance or for existing development to have existing use rights; and in worse case if none of the above exist, then comply with the relevant rules of the respective zone and City Wide chapters where applicable.</p>
<p>23.7 – Subdivision Design Standards</p> <p>a) The standards of Rule 23.7 shall not apply to the subdivision of land to accommodate a network utility service.</p> <p>b) The standards of Rule 23.7.1 shall not apply to:</p> <p>i. The unit title subdivision of existing lawfully established buildings; or</p> <p>ii. The fee simple subdivision of existing lawfully established duplex dwellings.</p> <p>Provided that all relevant development and performance standards are met in relation to the proposed boundaries around that building or unless otherwise authorised by resource consent.</p>	<p>Support in part</p>	<p>To amend Rule 23.7(b)(ii) to also include <i>existing lawfully established dwellings</i> as well as duplex dwellings.</p> <p>In addition, we seek clarification on the note under rule 23.7 that states “Provided that all relevant development and performance standards are met in relation to the proposed boundaries around that building or unless otherwise authorised by resource consent.”</p>
<p>23.7.1 – Allotment Size and Shape</p> <p>b) General Residential Zone (within the Rototuna Structure Plan Area)</p> <p>Minimum Net Site Area – 400m²</p> <p>Average Minimum Net Site Area – 650m²</p> <p>Max Net Site Area – 750m²</p>	<p>Support</p>	<p>We support the removal of the average minimum net site area and certain maximum net site areas under Rule 23.7.1(b) to allow new greenfield subdivisions to comply only with a general residential situation, where Rototuna is part of</p>

		the existing built form of Hamilton.
<p>23.7.2 – Subdivision Suitability</p> <p>a) All subdivisions creating additional fee simple allotments shall ensure that new allotments (excluding any utility, road or reserve allotment, or allotment subject to amalgamation) are of a size and shape to enable activities anticipated in the zone, and where subdivision is around existing structures that are to be retained comply with bulk and location provisions for the relevant zone.</p> <p>b) Where allotments are proposed that contain existing development on the existing title, (i) the applicable general and specific standards for the zone and activity under consideration shall be complied with for each allotment; and (ii) the applicable standards in chapter 25 – city wide shall be complied with for each allotment</p> <p>Note For the avoidance of doubt, Rule 23.7.2b does not apply to an infringement that has existing use rights or was approved under a Land Use Resource Consent.</p> <p>c) Where allotments are proposed that contain development that has been approved under separate land use consent, compliance with the approved layout shall be achieved as part of the subdivision.</p> <p>d) Where b) or c) is not complied with, a concurrent application for land use consent for the identified areas of non-compliance with the applicable general and specific standards, or the approved layout shall be made.</p>	<p>Support</p> <p>Support</p> <p>Support</p> <p>Support</p>	<p>We support Rule 23.7.2(a).</p> <p>We support Rule 23.7.2(b).</p> <p>We support Rule 23.7.2(c).</p> <p>We support Rule 23.7.2(d).</p>
<p>23.7.3 – General Residential Zone, and All Special Character Zones</p> <p>a) Minimum transport corridor boundary length for a front site is 15m</p> <p>d) Maximum number of allotments served by a single private way is 6.</p> <p>e) Minimum private way width serving 1-36 allotments is 3.6m</p> <p>f) Minimum private way width serving 7 – 20</p>	<p>Support in part</p> <p>Strongly Oppose</p> <p>Support</p> <p>Support in</p>	<p>To amend Rule 23.7.3(a) and (b) to include “15m, or for sites with a transport corridor boundary length less than 15m prior to any subdivision occurring shall not apply to this rule (excluding the requirement for new vehicle access provisions)”. This is because for sites with narrow frontages and cul-de-sac head site frontages already fail the rule, prior to the proposed subdivision occurring. This is to be assessed on a case by case basis.</p> <p>Delete Rule 23.7.3(d). To be assessed on a case by case basis.</p> <p>We support Rule 23.7.3(e).</p> <p>To amend Rule 23.7.3(f) to “7 or more principal</p>

<p>principal units where access forms common property under a unit title arrangement is 6.0m</p> <p>f) Minimum private way width serving 4-6 allotments is 4.5m</p> <p>g) Any vehicle access serving more than 6 fee simple lots to be formed and vested as public road with minimum widths as set out below:</p> <p>i. Public road serving 7 – 20 allotments is 16.0m</p> <p>ii. Public road serving more than 20 allotments (Local Road) is 20.0m</p> <p>iii. Public road serving more than 20 allotments (Collector Road on structure plan) is 23.0m</p> <p>i) Maximum private way length is 50m 100m (with passing every 50m)</p> <p>k) Maximum number of private ways accessing directly on to a cul-de-sac turning head is 1</p> <p>o) The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1a) and 25.14.4.1c) shall be demonstrated.</p>	<p>part</p> <p>Support</p> <p>Strongly Oppose</p> <p>Support</p> <p>Support</p> <p>Support</p>	<p><i>units”, to be assessed on a case by case basis.</i></p> <p>We support the removal of Rule 23.7.3(f).</p> <p>Delete Rule 23.7.3(g). We strongly oppose to require public roads for vehicle access serving more than six fee simple allotments to be vested to Council. This is because there are many situations in the past where private access with more than 6 fee simple users has been proven more than suitable and wonder why Council is making a backward step with this recommendation. Furthermore, a 16m wide minimum carriage way for 7-20 users and 20m carriageway for more than 20 users on a local Road is excessive given the entire recent move towards reducing carriageways to slow vehicles and provide shared environments and other innovative urban design roading layouts. In addition, by vesting such a large portion of vehicle access as a road to Council will restrict less land resource to accommodate the subdivided allotments and the required building platform.</p> <p>We support Rule 23.7.3(i) for the extending of the private way length to 100m with a passing bay requirement.</p> <p>We support Rule 23.7.3(k).</p> <p>We support Rule 23.7.3(o). This is to allow for subdivisions with site frontages to the public road, should prove that required vehicle crossing separation and sight distances can be achieved.</p>
<p>23.7.4 - Large Lot Residential Zone</p> <p>a) Minimum transport corridor boundary length for a front site is 40m</p> <p>c) Maximum number of allotments served by a single private way is 6.</p> <p>d) Minimum private way width serving 1-3 1-6 allotments is 3.6m</p> <p>e) Minimum private way width serving 6</p>	<p>Support in part</p> <p>Strongly Oppose</p> <p>Support</p> <p>Support</p>	<p>To amend Rule 23.7.4(a) to include “40m, or for sites with a transport corridor boundary length less than 40m prior to any subdivision occurring shall not apply to this rule (excluding the requirement for new vehicle access provisions)”. This is because for sites with narrow frontages and cul-de-sac head site frontages already fail the rule, prior to the proposed subdivision occurring. This is to be assessed on a case by case basis.</p> <p>Delete Rule 23.7.4(c), as per above.</p> <p>We support Rule 23.7.4(d), as per above.</p> <p>We support Rule 23.7.4(e), as per above.</p>

<p>allotments is 4.5m</p> <p>e) Public road serving 7 – 20 allotments is 16.0m f) Public road serving more than 20 allotments (Local Road) is 20.0m g) Public road serving more than 20 allotments (Collector Road) is 23.0m</p> <p>k) Maximum number of private ways accessing directly on to a cul- de-sac turning head is 0</p> <p>o) The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1a) and 25.14.4.1c) shall be demonstrated.</p>	<p>Strongly Oppose</p> <p>Support</p> <p>Support</p>	<p>Delete Rule 23.7.4(e), (f) and (g), as per above.</p> <p>We support Rule 23.7.4(k), as per above.</p> <p>We support Rule 23.7.4(o), as per above.</p>
<p>23.7.5 – Residential Intensification Zone</p> <p>a) Minimum transport corridor boundary length for a front site is 10m</p> <p>d) Minimum private way width serving 7 – 20 principal units where access forms common property under a unit title arrangement is 6.0m</p> <p>d) Minimum private way width serving 5+ allotments is 6.5m</p> <p>e) Any vehicle access serving more than 6 fee simple lots to be formed and vested as public road with minimum widths as set out below. i. Public road serving 7 – 20 allotments is 16.0m ii. Public road serving more than 20 allotments (Local Road) is 20.0m iii. Public road serving more than 20 allotments (Collector Road) is 23.0m</p> <p>j) The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1a) and 25.14.4.1c) shall be demonstrated.</p>	<p>Support in part</p> <p>Support in part</p> <p>Support</p> <p>Strongly Oppose</p> <p>Support</p>	<p>To amend Rule 23.7.5(a) to include “10m, or for sites with a transport corridor boundary length less than 10m prior to any subdivision occurring shall not apply to this rule (excluding the requirement for new vehicle access provisions)”. This is because for sites with narrow frontages and cul-de-sac head site frontages already fail the rule, prior to the proposed subdivision occurring. This is to be assessed on a case by case basis.</p> <p>To amend Rule 23.7.5(d) to “7 or more principal units”, as per above.</p> <p>We support Rule 23.7.5(d), as per above.</p> <p>Delete Rule 23.7.5(e), as per above.</p> <p>We support Rule 23.7.5(j), as per above.</p>
<p>23.7.6 – Business 1 to 7 Zones, Te Rapa North Industrial Zone, Ruakura Industrial Park Zone, Ruakura Logistics Zone and Industrial Zone</p> <p>k) The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1a) and 25.14.4.1c) shall be demonstrated.</p>	<p>Support</p>	<p>We support Rule 23.7.6(k), as per above.</p>

Chapter 25.2 – Earthworks and Vegetation Removal

The specific provision(s) of the plan change that my submission relates to is:	Proposed Plan Change 6 Provision	Support, Oppose or Support in part	Submission: We seek the following decision from the local authority:
Chapter 25.2 – Earthworks and Vegetation Removal			
Objective 25.2.2.1 Minimise the adverse effects of earthworks and vegetation removal on people, property, and the environment.			
Policies 25.2.2.1a Earthworks and vegetation removal shall occur in a way that: <ul style="list-style-type: none"> i. Maintains natural character and amenity values by retaining Minimises adverse effects on existing landforms, natural features and significant vegetation. 		Support	We support Policy 25.2.2.1a.
25.2.4.1 – Earthworks in All Zones			
f) Earthworks must not result in any instability of land or structures at or beyond the boundary of the site where the land disturbance occurs.		Support	We support the new Rule 25.2.4.4(f).
g) Earthworks must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.		Support	We support the new Rule 25.2.4.1(g).
f) Earthworks outside the Residential Zone, Special Character Zone and Natural Hazard Areas: <ul style="list-style-type: none"> i. No volume restriction on earthworks within the building footprint identified on a building consent, or required outside the building footprint to maintain stable slopes for the authorised construction work; and ii. Any earthworks additional to those provided for in f)i above shall not exceed 1,000m³ in any single activity or cumulative activities in any 12 month period. 		Support	We support the removal of old Rule 25.2.4.1(f).
g) Within any Residential Zone or Special Character Zone (outside any Natural Hazard Area) earthworks must not exceed the following maximums in any single activity or cumulative activities in any 12 month period: <ul style="list-style-type: none"> i. 500m³ of material within the building footprint identified on a building consent that is obtained prior to any earthworks commencing, inclusive of the volume of material required for earthworks outside the building footprint that are necessary to maintain stable slopes for the 		Support	We support the removal of old Rule 25.2.4.1(g).

construction work that has been authorised by that building consent.

ii. 100m³ of material (excluding any volume provided for under i above), except in the Special Natural Zone and the Rototuna North East Character Zone where the maximum volume shall be 40m³.

h) Rules 25.2.4.1 f) and g) do not apply to:

- i. activities identified in Rules 25.2.3 b) and i) or within the Transport Corridor Zone; or
- ii. activities authorised by a consent for a Concept Plan for a Major Facility prepared under Chapter 17, or a Concept Plan Consent for a Precinct prepared under Chapter 8, or any other land use consent, that includes conditions managing the adverse effects of earthworks.

h) Earthworks volumes outside any Natural Hazard Area must not exceed the following maximums in any single activity or cumulative activities in any calendar year following commencement of earthworks activities:

Activity	All Other Residential and Special Character Zones
Earthworks associated with any activity requiring building consent (including associated site works)	500m ³
Earthworks associated with subdivision	500m ³
All other earthworks	100m ³

Note

1. The above volume standards do not apply to:
 - (a) Transport Corridor Zone
 - (b) Activities authorised by a consent for a concept plan for a Major Facility prepared under Chapter 17
 - (c) A Concept Plan Consent for a Precinct prepared under Chapter 8

Support

We support the removal of old Rule 25.2.4.1(h).

Support

We support new Rule 25.2.4.1(h) for earthworks associated with specific building consent activities (including associated site works) and subdivision, and all other earthworks. However, we seek clarity whether the two x 500m³ volume of earthworks permitted would apply for a combined resource consent application for a residential development that requires building consent (including site works) and subdivision?

In addition, we seek clarity for earthworks volumes located inside any Natural Hazard Area, particularly Flood Hazard Areas, where there are no volumes identified under Rule 22.5.2 of the Operative District Plan (Earthworks ancillary to a Permitted activity, Natural Hazards).

Chapter 25.5 – Landscaping and Screening

The specific provision(s) of the plan change that my submission relates to is:	Proposed Plan Change 6 Provision	Support, Oppose or Support in part	Submission:
Chapter 25.5 – Landscaping and Screening			
25.5.3.1 – Landscaping			
Landscaping shall be provided in accordance with the following standards.			
a) Activities adjacent to a major arterial transport corridor			
i. A 2m wide planting strip shall be required along any boundary adjacent to a major arterial transport corridor from which vehicle access is obtained.		Oppose	Just combine 1 and 2. Seems like a fairly fruitless change to make as both options require 2m wide planting strip along a boundary adjoining a major transport corridor.
ii. A 2m wide buffer strip shall be required along any boundary adjacent to a major arterial transport corridor from which vehicle access is not obtained.		Oppose	
iii. The requirements in (i) and (ii) shall not apply in the City Centre Zone, all Residential Zones, Special Character Zones and Future Urban Zone.		Oppose	
b) Activities in the Industrial Zone (including Amenity Protection Area)			
i. A 1.8m high close-boarded or similar solid fence or wall, and a 21m wide buffer strip shall be required along any side or rear boundary with a Residential or Special Character Zone or Open Space Zone; and		Support	Landscaping along public realm interfaces. 2m wide planting within the industrial areas to beautify these areas and make them more appealing to the public and street users is a good idea. But apart from beautification what is it trying to achieve?
ii. Either			
<ul style="list-style-type: none"> • A 2m wide planting strip shall be required along any boundary adjoining a transport corridor; or • A 1.2m or 1.8m permeable fence and 2m wide planting strip shall be required along any boundary adjoining an Open Space Zone or transport corridor 			
e) Activities in the Ruakura Industrial Park Zone			
i. A 1.8m high close-boarded or similar solid fence or wall, and a 2m wide buffer strip shall be required along any side or rear boundary with a Residential or the Knowledge Zone; and		Support	
ii. Either			
<ul style="list-style-type: none"> • A 2m wide planting strip, or • A 1.2m or Up to a 1.8m permeable fence and 2m wide planting strip shall be required along any boundary adjoining an Open Space Zone or transport corridor. 			
g) Ground-level parking spaces, loading spaces			

<p>and vehicle storage areas adjacent to a transport corridor in all Zones (except Residential, Special Character and Future Urban Zones)</p> <p>i. Where ground-level parking, loading spaces and vehicle storage areas (not associated with residential units) are provided within 5m of a boundary of a transport corridor, a 2m wide planting strip shall be required between that area and the transport corridor boundary</p> <p>Where ground-level parking spaces associated with residential units are provided within 3m of a boundary of a transport corridor, a 1m wide planting strip shall be required between that area and the transport corridor boundary.</p> <p>i) External ground-level parking spaces in all Zones</p>	<p>Support in part</p>	<p>Different rules need to be split i. and ii.</p> <p>The rule does not stipulate how close to the boundary these spaces need to be to require the fences or planting just that parking areas of X + space require.... this is ambiguous. A proposal for 3 duplex will require 12 parking spaces and these will be spread over 6 titles it would be crazy to have to screen these parking areas from the ROW (It does say site boundary) or from view from the public realm (other side of site boundary). Or if the proposed parking spaces are down a ROW but against the boundary with another residential property are we required to provide a 2m wide planting strip between the parking and the 1.8m solid fence? Are internal notional boundaries included in these considerations?</p>
<p>i. Parking areas of more than 10 parking spaces shall be landscaped with tree planting and ground cover planting at a rate consistent with Rule 25.5.4.6</p>	<p>Support in part</p>	<p>needs to be specific as to whether parking areas include 10 parking spaces within the same notional boundaries, or different notional boundaries?</p>
<p>ii. Parking areas of five or more parking spaces shall have either:</p> <ul style="list-style-type: none"> • A 1.2m or 1.8m permeable fence, or • A 2m wide planting strip; or • Up to a 1.8m high permeable fence and 2m wide planting strip 	<p>Support in part</p>	<p>As above</p>
<p>iii. Parking areas of five or more parking spaces shall have either:</p> <ul style="list-style-type: none"> • A 1.8m high close-boarded or similar solid fence or wall, and a minimum 1m wide buffer strip, or • A 2m wide buffer strip when along the site boundary, between the parking spaces and any Residential or Special Character Zone 	<p>Support in part</p>	<p>As above needs more detail as to what parking area refers to. Does this include notional boundaries?</p>
<p>i) Service areas in all Zones</p> <p>i. Where service areas are visible from a transport corridor, any other public space, Residential or Special Character Zones they shall</p>	<p>Support in part</p>	<p>point ii. Contradicts point i. So do we go with i. or ii.? (although ii. Specifically mentions residential services areas its vague and doesn't cover all</p>

<p>be screened from view with either:</p> <ul style="list-style-type: none"> • A 1.8m high close-boarded or similar solid fence or wall, and a minimum 1m wide buffer strip, or • A 2m wide buffer strip <p>ii. Service areas associated with residential units shall not be required to be screened from view from other Residential or Special Character zoned land.</p>	<p>Support in part Oppose wording</p>	<p>zones that residential units can exist within. i. covers all service areas full stop... if visible from ...</p> <p>with the inclusion of point ii. Only stipulates “service areas associated with residential units shall not be visible from other residential or special character zoned land. What about residential units in other non-residential or special character zoned land like that industrial amenity protection area? Or the central city zone or Business 1-7 zones. Are these required to be screened and buffered if not visible from a residential zone or character zone?”</p>						
<p>25.5.4.1 – All Fences and Walls</p> <p>a) Any fence or wall adjoining a buffer strip or planting strip required by this plan which is adjacent to a transport corridor or other public space shall be either:</p> <p>i. located so that the buffer or planting strip is between the fence and the external site boundary, and shall be designed to enable access to plantings for maintenance purposes; or</p> <p>ii. Be permeable in accordance with Rule 25.5.4.2 below.</p>								
<p>25.5.4.2 – Permeable Fences</p> <p>a) The following design and dimensions shall apply to permeable fences.</p> <table border="1" data-bbox="196 1211 722 1968"> <tr> <td data-bbox="196 1211 592 1408">Design requirements</td> <td data-bbox="592 1211 722 1408">When the height of the fence or wall is</td> </tr> <tr> <td data-bbox="196 1408 592 1543">i. Designed/constructed for less than 50% see through visibility (e.g. close paling, masonry, or other opaque material)</td> <td data-bbox="592 1408 722 1543">1.2m</td> </tr> <tr> <td data-bbox="196 1543 592 1968">ii. Materials with 50% or more see-through visibility in a consistent manner along the entire length of the fence, or iii. Designed/constructed for less than 50% see through visibility (e.g. close paling, masonry, or other opaque material) for the bottom 0.9m of the fence Materials with 50% or more see-through visibility for the top 0.9m of the fence</td> <td data-bbox="592 1543 722 1968">1.8m</td> </tr> </table>	Design requirements	When the height of the fence or wall is	i. Designed/constructed for less than 50% see through visibility (e.g. close paling, masonry, or other opaque material)	1.2m	ii. Materials with 50% or more see-through visibility in a consistent manner along the entire length of the fence, or iii. Designed/constructed for less than 50% see through visibility (e.g. close paling, masonry, or other opaque material) for the bottom 0.9m of the fence Materials with 50% or more see-through visibility for the top 0.9m of the fence	1.8m	<p>Support</p>	
Design requirements	When the height of the fence or wall is							
i. Designed/constructed for less than 50% see through visibility (e.g. close paling, masonry, or other opaque material)	1.2m							
ii. Materials with 50% or more see-through visibility in a consistent manner along the entire length of the fence, or iii. Designed/constructed for less than 50% see through visibility (e.g. close paling, masonry, or other opaque material) for the bottom 0.9m of the fence Materials with 50% or more see-through visibility for the top 0.9m of the fence	1.8m							
<p>25.5.4.6 – Internal Planting</p>								

c) Internal planting shall include specimen trees at the following minimum rates:		Support	
Number of parking spaces	Number of specimen trees		
Up to 20	1		
For each additional 5 10 spaces or part thereof	An additional 1		

Chapter 25.8 – Noise and Vibration

The specific provision(s) of the plan change that my submission relates to is:	Proposed Plan Change 6 Provision	Support, Oppose or Support in part	Submission: We seek the following decision from the local authority:
Chapter 25.8 – Noise and Vibration			
<p>25.8.3.10 – Noise-sensitive Activities – Activities in all Zones except Ruakura Logistics Zone, Ruakura Industrial Park Zone and the Knowledge Zone</p> <p>a) The standards in Rule 25.8.3.10(e), (f) and (g) shall apply to the construction of new and altered buildings to be used for noise-sensitive activities and to additions of habitable rooms to existing buildings, within:</p> <p>iv. The Rototuna North East Character Zone, where the residential activity is within the 55dB LAeq(24hr) contour line from the Waikato Expressway, established via subdivision in accordance with 23.6.12c, where habitable rooms are located outside of the 55dB LAeq(24hr) contour, no acoustic treatment is required even if one or more boundaries of the lot is intersected by the noise contour.</p> <p>b) “Near existing and proposed transport corridors that carry high traffic volumes” applies to noise sensitive activities where the building line of the building containing the activity is within 40m of the nearest edge of the carriageway (not being a state highway) of:</p> <p>i. Any All existing arterial transport corridor or any of the following collector transport corridors</p> <ul style="list-style-type: none"> • Bader Street • Bankwood Road- South of Comries Road • Beerescourt Road • Brooklyn Road • Bryant Road • Cambridge Road • Clyde Street- East of Wairere Drive • Collins Road- West of Ohaupo Road 		<p>No comment</p> <p>Oppose</p>	<p>Seems pointless to list when these are subject to change. The traffic volumes thresholds should be sufficient in their own right. Refer to following point ii. Define what high traffic volumes are.</p>

<ul style="list-style-type: none"> • Comries Road • Grandview Road- Avalon Drive to Hyde Street • Knighton Road- Clyde Street to Ruakura Road • Maeroa Road- Ulster Street to Norton Road • Naylor Street- Grey Street to Wairere Drive • New Castle Road • Palmerston Street- Pembroke Street to Cobham Drive • Pukete Road • Rifle Range Road • Sandwich Road • Seddon Road- Tainui Street to Norton Road • Silverdale Road <p>Note For the avoidance of doubt, only the Collector or Arterial portion of the transport corridors listed above are covered by this rule.</p> <p>ii. A Ddesignated transport corridors (where the designation defines the location of the carriageway) that is are predicted to carry an annual average daily traffic level (AADT) at the design year of at least:</p> <p>That are predicted to carry an annual average daily traffic level (AADT) at the design year of at least:</p> <ul style="list-style-type: none"> • 5,000 AADT where the posted speed limit is ≤ 50km/hr. • 2,000 AADT where the posted speed limit is > 50km/hr. <p>iii. Where the designation does not define the location of the carriageway for Rule 25.8.2.10(b)(ii) then the 40m distance shall be measured from the designation boundary.</p> <p>e) Where this standard applies (as defined by Rule 25.8.3.10(a) to (d) above) Aany habitable room in a the building containing the noise sensitive activity shall be protected from noise arising from outside the building by ensuring the building is designed and constructed to meet an indoor design sound level of 35dB LAeq (24hr) in bedrooms and 40dB LAeq(24hr) in all other habitable rooms or</p> <p>i.</p> <p>ii. Where only 25.8.3.10(a) iv ii and iii applies y, the outdoor noise level shall be the level incidental on the residential activity based on the noise level prediction parameters in Rule 23.6.12(c) an acoustic design certificate shall state that the indoor design sound level of 35dB LAeq (24hr) in bedrooms and 40dB LAeq (24hr)</p>	<p>Support</p> <p>Support</p>	<p>This should be sufficient for the threshold test for the above point.</p>
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in all other habitable rooms is able to be met

Chapter 25.14 – Transportation

The specific provision(s) of the plan change that my submission relates to is:	Proposed Plan Change 6 Provision	Support, Oppose or Support in part	Submission: We seek the following decision from the local authority:												
Chapter 25.14 – Transportation															
Rule 25.14.4.1 – Vehicle Crossings and Internal Vehicle Access															
<p>a) Distance between vehicle crossings on the same transport corridor frontage</p> <p>i. Where the posted speed of the adjoining road is 60km/h or less the the distance between vehicle crossings on the same side of the road shall be either:</p> <ul style="list-style-type: none"> • Less than 2m (provided no more than 2 vehicle crossings adjoin each other); or • More than 7.5 <p>ii. Where the posted speed of the adjoining road is more than 60km/h the distance between vehicle crossings on either side of the road shall not meet the relevant separation requirements in the below table; or:</p> <table border="1" data-bbox="193 1198 719 1464"> <thead> <tr> <th>Posted speed limit of adjoining transport corridor</th> <th>Minimum distance between vehicle crossings</th> </tr> </thead> <tbody> <tr> <td>60km/h and under</td> <td>7.5m</td> </tr> <tr> <td>70km/h</td> <td>40m</td> </tr> <tr> <td>80km/h</td> <td>100m</td> </tr> <tr> <td>90km/h</td> <td>200m</td> </tr> <tr> <td>100km/h</td> <td>200m</td> </tr> </tbody> </table> <p>iii. On local roads with a posted speed of 50km/h or less where compliance with i. or ii. above cannot be achieved as part of any land use activity the proposed vehicle crossing shall be separated as far as possible from any other existing or proposed crossing.</p>		Posted speed limit of adjoining transport corridor	Minimum distance between vehicle crossings	60km/h and under	7.5m	70km/h	40m	80km/h	100m	90km/h	200m	100km/h	200m	Support	We support Rule 25.14.4.1(a)(i).
Posted speed limit of adjoining transport corridor	Minimum distance between vehicle crossings														
60km/h and under	7.5m														
70km/h	40m														
80km/h	100m														
90km/h	200m														
100km/h	200m														
		Support	To amend this rule to change '7.5' to '7.5m', as missing it's appropriate unit measurement.												
		Support	We support Rule 25.14.4.1(a)(ii).												
		Support	We support Rule 25.14.4.1(a)(iii).												
<p>b) Minimum distance between any vehicle crossing and a railway level crossing</p> <p>Vehicle crossings shall be:</p> <p>i. At least 30m from any railway level crossing, measured from the legal boundary of the property with railway land.</p> <p>For local roads with a posted speed limit of 50km/h or less where where this cannot be achieved</p>		Support	We support Rule 25.14.4.1(b), as per above.												

<p>the vehicle crossing shall be located as close as reasonably practicable to the furthest site boundary from the railway level crossing</p> <p>c) Minimum distance between any vehicle crossing and a transport corridor intersection Vehicle crossings shall meet the following relevant separation requirements in the tables below. The distance should be measured in accordance with the figure below: For vehicle access onto local roads with a posted speed limit of 50km/h or less and serving a listed permitted activity where where the separation requirements cannot be achieved the vehicle crossing shall be located as close as reasonably practicable to the furthest site boundary from the intersection (as relevant to the property boundary indicated in the figure below).</p> <p>i. Minimum distance between any vehicle crossing and transport corridor intersection – posted speed limit 60km/h or less.</p> <p>Note The examples of exceptions can include where the property boundary frontage is less than 30m and there is no other available access point, or the topography would make it impractical to construct an access in a complying location.</p>	Support	We support Rule 25.14.4.1(c).												
<p>Design and Access Widths</p> <p>h) Vehicle crossing and internal vehicle access dimensions shall:</p> <p>i. Comply with the relevant dimensions identified in the Tables below</p> <p>Internal vehicle access widths</p> <table border="1" data-bbox="193 1335 722 2018"> <thead> <tr> <th data-bbox="193 1335 395 1435">Use of Access</th> <th data-bbox="395 1335 560 1435">Minimum Formation Width (m)</th> <th data-bbox="560 1335 722 1435">Minimum Legal Width</th> </tr> </thead> <tbody> <tr> <td data-bbox="193 1435 395 1664">1-6 units</td> <td data-bbox="395 1435 560 1664">3.0</td> <td data-bbox="560 1435 722 1664">3.6</td> </tr> <tr> <td data-bbox="193 1664 395 1921">More than 6 units 7-20 units (where access is to form common property under a unit title arrangement)</td> <td data-bbox="395 1664 560 1921">5.5</td> <td data-bbox="560 1664 722 1921">6.0</td> </tr> <tr> <td data-bbox="193 1921 395 2018">7-20 units (where access to vest as road)</td> <td data-bbox="395 1921 560 2018">6.0</td> <td data-bbox="560 1921 722 2018">16.0</td> </tr> </tbody> </table>	Use of Access	Minimum Formation Width (m)	Minimum Legal Width	1-6 units	3.0	3.6	More than 6 units 7-20 units (where access is to form common property under a unit title arrangement)	5.5	6.0	7-20 units (where access to vest as road)	6.0	16.0	Support Support in part Strongly Oppose	<p>We support the required formation and legal width for the use of access to 1-6 units with a minimum formation width of 3.0m and minimum legal width of 3.6m in accordance with Chapter 23 (Subdivision) of the ODP.</p> <p>To amend row 2 of the Table under Rule 25.14.4.1(h)(i) from '7-20 units' to '7 units or more', as per the reasoning above.</p> <p>Delete rows 3-5 of the Table under Rule 25.14.4.1(h)(i). We strongly oppose to require vehicle access for 7-20 units or more than 20</p>
Use of Access	Minimum Formation Width (m)	Minimum Legal Width												
1-6 units	3.0	3.6												
More than 6 units 7-20 units (where access is to form common property under a unit title arrangement)	5.5	6.0												
7-20 units (where access to vest as road)	6.0	16.0												

as part of a fee simple subdivision)				units to be vested as a public road to Council, as per the reasoning above.
More than 20 units (Local Road)	6.0	20.0	Strongly Oppose	Expansive road widths, as per above.
More than 20 units (Collector Rad)	9.0	23.0	Strongly Oppose	Expansive road widths, as per above.
Residential centres, visitor accommodation 1-12 occupants	3.0	3.6	Support	
<p>ii. Be formed and drained with a permanent sealed or paved all weather, dust- free surface and in a manner suitable for the type and quantity of vehicles using the site.</p> <p>iii. Be designed and configured to meet the relevant requirements of Table 15-6a in Appendix 15.</p> <p>iv. On fee simple subdivision any internal vehicle access serving more than 6 residential units will be required to be formed and vested in Hamilton City Council as a public road.</p> <p>i) Any internal vehicle access shall be provided with sufficient clearance from the edge of the formation to buildings, fences and other structures to enable the safe and unobstructed operation of the vehicle access.</p> <p>i. Have a minimum unobstructed width at vehicle entrances and between buildings of no less than 3.5m</p> <p>ii. Not be used for carparking or storage of materials, landscaping, fencing or other obstructions that would restrict access by emergency vehicles</p> <p>iii. Have a minimum height clear of buildings and other obstructions of 4.0m</p> <p>iv. Have splays of 2m x 2m which are clear of structures higher than 1m at any vehicle entranceway or where vision of pedestrians or oncoming vehicles is restricted.</p>			Support in part	We support in part Rule 25.14.4.1(h)(ii), however we seek clarity whether this rule includes the use of permeable paving across the right of way in accordance with the new definition of permeable surfaces?
			Strongly Oppose	Delete Rule 25.14.4.1(h)(iii), as per above.
			Strongly Oppose	Delete Rule 25.14.4.1(h)(iv), as per above.
			Strongly Oppose	Delete reference to Rule 25.14.4.1(i)(i)-(iv.), and retain previous rule. This is because this rule is too complicated and restrictive to ensure that internal vehicle access be provided with <i>sufficient clearance</i> . In this instance, the previous rule is clear and sufficient to ensure that the internal vehicle access boundaries do not obstruct with the associated buildings and fencing.
<p>25.14.4.4.2 – Parking, Loading Spaces and Manoeuvring Areas</p> <p>Design</p> <p>f) Parking spaces, loading spaces and manoeuvring areas shall:</p> <p>i. Comply with the relevant dimensions, and layouts and diagrams (including tracking curves) in Table 15-1h and Figure 15-1i to Figure 15-1 l of Volume 2, Appendix 15-1 and are suitably</p>			Strongly Oppose	We strongly oppose to the relevant dimensions and diagrams under Appendix 15-1h. Further discussions are required to determine suitable manoeuvring depths for on-site manoeuvring to be achieved within residential developments.

<p>designed for the vehicles and their occupants.</p> <p>Note 1. Acceptable Alternative means of compliance for the design of parking spaces (including accessible parking spaces), loading spaces and manoeuvring areas is contained within AS/NZS 2890.2: 2002 Off Street Commercial Vehicle Parking and AS/NZS 2890.6: 2009 Off Street Parking for Disabilities and AS/NZS 2890.1:2004 Parking Facilities – Part 1: Off-Street Car-Parking. Examples of acceptable configurations are also contained in Figure 15-1i of Volume 2, Appendix 15-1. The Hamilton City Infrastructure Technical Specifications contains acceptable manoeuvring curves to ensure on-site layouts suitably provide for vehicle dimensions and turning radii.</p> <p>ii. Be formed and drained with a permanent sealed or paved all weather, dust- free surface in a manner suitable for the type and quantity of vehicles using the site.</p> <p>Note 1. Acceptable means of compliance for the formation and drainage of parking spaces, loading spaces and manoeuvring areas is contained within the Hamilton City Infrastructure Technical Specifications.</p> <p>j) Sufficient on-site manoeuvring areas shall be provided to avoid the reversing of vehicles off a site:</p> <p>i. Where any car park has vehicle access to any arterial transport corridor.</p> <p>ii. Where any car parking areas with vehicle access to any transport corridor contains: A. More than five parking spaces, or B. Is located more than 30m from the boundary with the transport corridor.</p>	<p>Support</p> <p>Support in part</p> <p>Support</p> <p>Strongly Oppose</p>	<p>We support in part Rule 25.14.4.2(f)(ii), however we seek clarity whether this rule includes the use of permeable paving for parking spaces in accordance with the new definition of permeable surfaces?</p> <p>We support Rule 25.14.4.2(j)(i).</p> <p>To amend Rule 25.14.4.2(j)(ii) from ‘<i>car parking areas</i>’ to ‘<i>car parking spaces</i>’. This is because we believe the matter of parking and manoeuvring for residential developments with more than four private car parks have been unnecessarily assessed as equivalent to public parking areas. Rules in the District Plan which we believe are designed for these public parking areas or similar (not parking for dwellings or apartments, etc.) such as Table 15-1h should not be applied in their current format. Furthermore, where car parking areas are provided for multiple dwellings within a subject site, these should not be deemed ‘<i>car parking areas</i>’ unless they are physically grouped side-by-side for multiple users.</p>
<p>25.14.4.3 – Integrated Transport Assessment Requirements Trip Generation Triggers a) A Simple or Broad Integrated Transport</p>	<p>Support</p>	<p>We support the removal of any restricted</p>

<p>Assessment (ITA) shall be prepared for activities as required by this rule, in accordance with the following trigger thresholds.</p>		<p>discretionary activity in the relevant zone column to be provided with the applicable ITA as per the Table under Rule 25.14.4.3(a).</p>
<p>Existing Vehicle Access Triggers b) For existing vehicle accesses to a strategic network or major arterial transport corridor, or where it takes access across an existing railway level crossing: i. A Broad ITA shall be prepared for any restricted discretionary activity in the relevant zone (including subdivision), or ii. A Simple ITA shall be prepared for any permitted activity in the relevant zone, that increases the use of the vehicle access by more than 100 vehicles per day.</p>	<p>Strongly Oppose</p>	<p>Delete Rule 25.14.4.3(b)(i). We strongly oppose for the requirement of a Broad ITA to apply to any restricted discretionary activities in the relevant zone, where the vehicle access is merely retaining and upgrading the existing vehicle crossing to serve a few additional users.</p>
<p>This standard shall not apply if the relevant road controlling authority or Kiwirail (in the case of railway level crossings) provides written confirmation that an ITA is unnecessary.</p>	<p>Support in part</p>	<p>To amend Rule 25.14.4.3(b)(ii) from ‘any permitted activity’ to ‘any permitted or restricted activity in the relevant zone (including subdivision)...’. This is because part Rule (b)(i) above should apply in this rule for both permitted activities and restricted discretionary activities within the relevant zone.</p>
<p>New Vehicle Access Triggers g) A Broad ITA shall be prepared for any activities requiring a new vehicle access to a transport corridor. i. That is part of the strategic network, ii. That is identified as a major arterial transport corridor</p>	<p>Support in part</p>	<p>We seek to confirm with Council, that if an ‘ITA’ has not been specifically identified/requested under NZTA (or any other road controlling authority), this would satisfy the above rule, and further traffic assessments would be required?</p>
<p>The assessment required by this rule may be reduced to a Simple ITA or removed if there is no internal connection possible to other entrances and the relevant Road Controlling Authority provides written confirmation that a Broad ITA is not appropriate. The trigger thresholds in Rule 25.14.4.3a) can provide guidance on the level of assessment necessary based on location and intensity of use.</p>	<p>Support in part</p>	<p>We support Rule 25.14.4.3(g).</p> <p>We seek to confirm with Council, as per Rule 25.14.4.3(f) above.</p>

Appendix 1 – District Plan Administration

<p>The specific provision(s) of the plan change that my submission relates to is:</p>	<p>Proposed Plan Change 6 Provision</p>	<p>Support, Oppose or Support in part</p>	<p>Submission: We seek the following decision from the local authority:</p>
<p>Appendix 1.1 – Definitions and Terms</p>			
<p>Eave: Means that portion of the roof extending beyond the exterior wall of a building, having a</p>	<p>Support</p>	<p>We support the definition of eave to extend the maximum overhang from 500mm to</p>	

maximum overhang of 500mm 1.0m.		1.0m.
External Outlook Area: Means an area of open space visible from the window of an indoor living area which remains unobstructed by buildings or other structures.	Support in part	We support the definition of external outlook area , however we contend to the relevant rules that apply under Chapter 6 (Business Zones) and Chapter 7 (Central City Zone) as per above, and the definition of <i>indoor living area</i> as per below.
Impermeable surfaces: Means surfaces such as roads, roof tops, footpaths, paving, decking which does not allow water to drain through to a surface which can absorb water , swimming pools, patios or highly compacted soil that are not vegetated and do not infiltrate run-off.	Support	We support the changes to the definition of impermeable surfaces .
Indoor Living Area: Means the area comprising of kitchen, dining and lounge areas.	Support in part	To amend the definition of indoor living area from ' <i>dining and lounge areas</i> ' to ' <i>dining and/or lounge areas</i> ' for residential units that comprise of a lounge area separated from the dining and kitchen area. In addition, we seek to confirm whether an ' <i>office/study area</i> ' is considered an indoor living area?
Integrated Residential Development: Means a development containing a mixture of residential units, and specifically more than one of the following types: single dwellings, duplex dwellings and/or apartment buildings on a site which is designed in a comprehensive way to function as an integrated development . The development shall may include shared facilities such as open space, access, parking and manoeuvring, and may have other communal activities (e.g. recreational facilities, office administration) for the exclusive use of the residents of the development and their visitors.	Support	We support the changes to the definition of integrated residential development .
Interfacing with a public place: Means the area within the Community Facilities Zone that is within 30m of any boundary with the Community Facilities Zone, any Open Space Zone or the Transport Corridor Zone.	Support	We support the removal of the definition of interfacing with a public place .
Kitchen: Means an area where food is prepared and cooked.	Support	We support the definition of kitchen , but is it NECESSARY?
Net site area: Means the area of the site (including any unit site area associated with a residential unit where relevant), excluding any entrance strip, internal vehicle access or private way, except for apartment buildings and duplex dwellings in the Residential Intensification Zone.	Support	We support the changes to the definition of net site area .
Net site area for duplex dwellings in the Residential Intensification Zone: means the area of the site (including any unit site area associated with a residential unit where relevant), including any internal vehicle access or private way, but excluding any entrance strip or private way to a rear site from any transport corridor.	Support	We support the changes to the definition of net site area for duplex dwellings in the Residential Intensification Zone .
Outdoor living area: Means an on-site, outdoor area for the exclusive use of each residential unit, (unless	Support	We support the changes to the definition of outdoor living area .

<p>otherwise stated, e.g., communal outdoor living areas for residential centres), free of any building or carparking, but which may include the area beneath eaves, and uncovered decks and terraces regardless of height. In the case of multi-storey apartments covered decks and balconies are included.</p>		
<p>Parking space: Means a space on a site suitable and available for the parking of a vehicle which complies with standards referred to in Volume 1, Chapter 25.14: City-wide – Transportation.</p>	Support in part	We support the definition of parking space. However, Rule 25.14.4.2(j)(ii) should be in accordance with the definition of ‘ <i>parking space</i> ’ rather than ‘ <i>parking area</i> ’ (where there is no current definition under the DP (as per the rule above).
<p>Permeable surface: Means any part of a site which is grassed or planted in trees or shrubs and is capable of absorbing water. It does not include impermeable surfaces or any area which:</p> <ul style="list-style-type: none"> a) The use of permeable pavers for parking, access and manoeuvring areas associated with residential units; and b) Uncovered decks which allow water to drain through to a surface which can absorb water <p>It excludes any area which:</p> <ul style="list-style-type: none"> a) Falls within the definition of building site coverage. b) Is covered by decks which do not allow water to drain through to a permeable surface. c) Is occupied by swimming pools. d) Is paved, sealed or formed to create a solid surface. e) Is used for shared vehicle parking, manoeuvring or access. 	Support in part	<p>We support the changes to the definition of permeable surface. However, we seek clarification around the definition of ‘<i>access</i>’ under the inclusion of (a) and ‘<i>shared vehicle access</i>’ under the exclusion of (c)?</p> <p>This is because if the use of permeable pavers was implemented within the private right of way area, whether this is determined as a permeable surface or not, to deal with water quality matters where increased permeable paving is required (where soakage trenches are deemed not suitable for a specific site).</p> <p>In addition, we seek to include ‘<i>rocked gardens</i>’ under the definition, where this area is clearly permeable in nature.</p>
<p>Residential unit: Means a building or group of buildings, or part of a building or group of buildings that is:</p> <ul style="list-style-type: none"> a) Used, or intended to be used, only or mainly for residential activities; and b) Occupied, or intended to be occupied, exclusively as the home or residence of not more than one household; and c) A self-contained housekeeping unit. 	Support	We support the changes to the definition of the residential unit .
<p>Self-Contained Housekeeping Unit: Means a residential unit which has independent kitchen, toilet, bathroom and bedroom facilities. For the avoidance of doubt:</p> <ul style="list-style-type: none"> a) A residential unit may contain more than one kitchen provided that it is accessible at all times from all areas of the residential unit; and b) Where a residential building or buildings contain more than one kitchen and is capable of being occupied and used by more than one household, each such area shall be taken to be a separate household unit c) Bedrooms may be provided with sinks and associated benches. 	Support in part	We support in part the new definition of self-contained housekeeping unit . However, we seek clarification of the difference between a self-contained housekeeping unit and an ancillary residential unit, and also what zone the self-contained housekeeping unit is applied to as a permitted/controlled activity?

<p>Service areas: Means an area provided for the service needs (including rubbish and recycling bin storage requirements) of the occupants of a residential unit; commercial; industrial; community or recreational activity, and may include associated access and loading areas.</p>	Support	We support the changes to the definition of service areas .
<p>Setback: Means the distance from the boundary, specified object, or building line restriction in respect of a road widening, which is required to be free, unoccupied or unobstructed by buildings from the ground upwards, with the exception of eaves (extending no more than 500mm into any setback) and, except as otherwise provided for in this District Plan. Front and rear setbacks extend across the full width of the site and side setbacks lie along the length of a side boundary between the front and rear setbacks.</p>	Support in part	We support the change to the definition of setback , however suggest using 0.5m instead of 500mm.
<p>Site: Means an area of land which is:</p> <ul style="list-style-type: none"> a) Comprised in a single certificate of title or in respect of which a single certificate of title could be issued without further consent from the Council. b) Composed of two or more lots held together in one (or more) certificate(s) of title and where no single lot can be dealt with separately without the prior consent of the Council. c) An area of land which has been defined for the purpose of transferring it from one certificate of title to another. d) An area of land which is, or is to be, used or developed as one property whether or not that use or development covers the whole or a part(s) of one or more lots. <p>Allotments shown on a subdivision or survey plan for the purposes of effecting cross leases or company leases or issuing separate unit titles under the Unit Titles Act 2010, shall be deemed to comprise one site.</p>	Strongly Oppose	We strongly oppose to the definition of site , as we have had several instances both prior to the recent Operative District Plan and after, where the interpretation of what is deemed is a 'site' for land use consents has created unnecessarily problems/failures. These issues have arisen primarily on residential developments where the current District Plan wording (or perhaps interpretation) implies that the individual sites created around residential development within a 'total site' are effectively ignored. Some examples include site coverage, permeability coverage, parking, accesses and crossing related provisions. In many cases, the internal sites become separate allotments or units of way of related subdivision consent and while Council acknowledge rules might apply differently once the subdivision is completed or given effect to, they cannot apply the same at just the land use consent stage. This should be rectified across the District Plan to acknowledge that internal site areas are created around or within a total site development and the rules should apply in the same matter as if the site is subdivided irrespective of whether a subdivision is completed or not.
<p>Site coverage: Means that portion of a site which is covered by buildings, whether principal or accessory, excluding eaves and uncovered decks and terraces. The net site area shall be used for the purpose of calculating coverage.</p> <p>For the avoidance of doubt when calculating site coverage, the permitted eave overhang of 1.0m shall be excluded in all circumstances.</p>	Support	We support the definition of site coverage .

<p>Transport corridor: Means the whole corridor that provides for carriageway, berms and any adjoining pedestrian or cycle paths, landscaping and lighting, and includes roads and access segregation strips, but excludes private roads in the Ruakura Logistics Zone and the Knowledge Zone</p>	Support	We support the definition of transport corridor .
<p>Unit site area: Means either:</p> <ul style="list-style-type: none"> a) A delineated area for exclusive use on a proposed plan of fee simple, cross lease, company lease subdivision. b) A principal unit and its accessory unit entitlements on a proposed unit title subdivision. c) A contiguous area of land for the exclusive use of a residential unit (including associated accessory buildings), and its required outdoor living area, service area and vehicle parking and manoeuvring space 	Support	We support the changes to the definition of unit site area .