

**TAMAHERE COMMUNITY COMMITTEE SUBMISSION
TO HEARING 12 OF WAIKATO PROPOSED DISTRICT PLAN
APRIL 2020**

TCC submissions to be addressed:

- 724.1 Minor Dwellings
- 724.2 Minor Dwelling 20m proximity to main dwelling
- 724.3 Home Occupations – Conditions
- 724.4 Building Coverage
- 724.6 General Subdivision Lot Size
- 724.7 Subdivision Lot Size Airport Subdivision Control Boundary
- 724.10 Building Setbacks Tamahere Commercial Areas A and B

724.1 Minor Dwellings

724.2 Minor Dwelling 20m proximity to main dwelling

TCC Submitted:

1. Minor Dwelling Rule:

Support the change to allow a minor dwelling to be added and not be limited to accommodation for a dependant relative. This levels the playing field, as when dependant relatives either die or move or property is sold currently the dwelling ends up being able to be used by anyone, and or rented out.

Support the removal of the limitation of number of kitchens, (and the definition of a kitchen) on a property, with new Plan allowing for a second dwelling either attached to or within 20 meters of the primary dwelling. Removes confusion.

Hearing 2 considered Minor Dwellings and the S42A report recommended confirming our submission to maintain a Minor Dwelling as a Permitted Activity within all relevant Zones.

Hearing 12 In the S42A report page 97 considered our submission to remove the 20m proximity to main dwelling rule, and recommended rejecting this. It should be noted that in recommending the 20m rule be deleted we still submitted in support of the minor dwelling sharing a single driveway access with the principal residential unit and shared area and facilities. Often topography is not conducive to the restriction of 20 meters. We believe the location of the Minor Dwelling should be discretionary.

After discussion with the planner we understand that the change of name from Dependant persons Dwelling to Minor Dwelling has deleted the requirement that the minor dwelling be occupied by a relative.

Concerns regarding the number of kitchens and definition of a kitchen/kitchenette are ongoing with the Council Planner Susan Chibnall in respect of how these are dealt with in other areas of the District Plan.

724.3 Home Occupations – Conditions

TCC Submitted:

2. Home Occupations:

Conducting a business from home, has changed in the new plan.

*We **do not support** the changes to this section which relate to the CLZ with the removal of specific sections from Chpt 23 and now relying on Chpt 14 which is general.*

*Previously there was a limit of 40m² of the gross floor area that could be used for a home occupation. This has been removed. **Support***

*The business must still be wholly contained in the dwelling or an ancillary building. **Support** Machinery may be operated up until 9pm at night now, this was previously 7.00pm. **Do not Support***

*No limit on heavy vehicle movements per day, previously only 4. **Do not Support***

*No limit on vehicle movements per day, previously 30, now up to 100 (chpt14.12). **Do not Support***

*No longer requires that the activity does not interfere with neighbours' televisions, radios, telephones or electronic equipment. **Do not Support***

This section has been altered to take most of its substance out of Chpt 14 meaning it is no longer specific in the CLZ rules. The above and quite probably other issues degrade the amenity currently enjoyed in the CLZ and we strongly oppose this. We want the rules we had before.

The Tamahere Community strongly values its Country Living Zone amenity value and seeks to maintain it and not have it eroded. A tight control on home occupations is essential for this. We see that the S42A report analyses our submission at Pages 51, 52 and 53 para 224-227 and 229.

You will see in para 224 that **we support the first two parts** re Gross Floor area for a home business having the maximum size (40m²) removed and that it must be wholly contained in the dwelling of ancillary building. The analysis in 226 seems to confuse that, and without further discussion our whole 724.3 submission is rejected without consideration of all of the rest of our sub points.

Para 227 discusses the risk of Electrical interference whilst though this is now rare, there can be occasions where power use can affect neighbours if individual supply is not sufficient and high frequency effects can annoy, why take this requirement for no interference out of the plan when it is there already for protection?

We note that the operation of machinery, whilst not addressed in the analysis is addressed in Recommended Amendments 5.10.4 page 53 of S42A report. This recommendation does change the proposed hours of operation to 7.00am to 7.00pm. We believe this is a typo

and should read 7.30am to 7.00pm as per the table at in para 225 which sets out the proposed plan and says 7.30am start. We **support** this as it is acceptance of our submission.

We further note that unloading and loading of vehicles and/or receiving customers and deliveries is addressed in Recommended Amendments 5.10.4 Page 53 of S42A report. This recommendation reduces the last time for unloading and loading to 7.00pm on any day which we **Support**. Again, we believe there is a typo here in the start time, and it should read 7.30am to 7.00pm as per the table at in para 225 which sets out the proposed plan and says 7.30am start. We **support** this as it is acceptance of our submission.

It is very important to understand that the Country Living Zone (or Rural Lifestyle Zone) is a Lifestyle Zone, not a Business Zone. With that in mind you will understand why we strongly oppose the change to the Rules proposed in relation to Heavy Vehicles. And Vehicle Movements. These are not addressed in the para 225 comparison.

NZTA in submission 742.233 also seeks to include a restriction on heavy vehicles for home occupations. This is only common sense. The movements of both heavy vehicles and vehicle movements in relation to a home occupation in the Country Living Zone is essential in maintaining the amenity and safety aspects within the Zone. These two factors will have a big influence on the type of business residents can conduct from their homes. It is essential that the previous limits of:

- 4 Heavy vehicle movements per day and,
- 30 vehicle movements a day

as in the current Operative District Plan (Waikato Section) are maintained.

The neighbourhoods, and roads are not designed to be coping with the default, Chapter 14.12 levels of traffic movements (up to 100) and unlimited heavy vehicle movements. Failure to address these issues and to reject the submissions is failing the existing Country Living Zone residents and potentially allowing the character of their settlements to erode. If Council creates these Zones, they are bound to maintain support for the character of them. Either one of the Heavy Vehicle Movements or the total Vehicle Movements, if changed could significantly affect the neighbourhoods, the combination of both would be very detrimental. **We are very Concerned** that the S42a report does not consider this whilst agreeing in para 233 that the zone is fundamentally for residential use.

724.4 Building Coverage

TCC submitted:

3. Building Coverage on a lot:

The proposal is that 10% or 300m² whichever is the greater of a site may be covered. It used to be 10% including up to 80m² for an Accessory Building without needing Land Use Consent. This 300m² has come where land holdings are smaller, eg a 2500sqm section.

Building Coverage is subject also to the Impervious Surfaces rules and Building Setback rules.

Support this change

We agree with the Analysis 7.6.2 Page 104 at this stage as suggested, however we reserve the right to comment on the results of the proposed adoption of the Planning Standards definition of building coverage and the consideration of any consequential changes to the rules, which as outlined in para 435 will be considered 'comprehensively' towards the end of the hearings.

724.6 General Subdivision Lot Size

TCC submitted:

5. Support in general the maintenance of 5000m² minimum lot size in CLZ

This was supported at para 584, page 157 of the S42a Report.

724.7 Subdivision Lot Size Airport Subdivision Control Boundary

TCC submitted:

6. Subdivision Airport Outer Noise Zone (AONZ):

*Currently in CLZ, subdivision in this area has to have an average lot size of 1.1ha, not 5000sqm as in the rest of the CLZ. This remains the same in the new plan. It seems a bit redundant now that there is so much intensification in the CLZ that a very small part of it is under this limitation. There has not been any adverse reaction to people living in the AONZ on 5000m² sites of which there are many, that should require maintenance of this rule. 1.1ha is a difficult size to maintain and 5000 m² across the CLZ will be consistent. **Suggest the removal of this limitation.***

The S42A Report considers at para 649 page 171-172, and onwards the reduction of the required lot size to 5000m². This is a situation of The Waikato Regional Airport Ltd wanting to make further land subdivision in the area prohibited below 1.1ha, to minimise reverse sensitivity issues. The evidence is that most subdivided lots in the Airport Outer Noise Zone and within the SEL Boundary are now built on and the dwellings have been built to the requirements prescribed in respect of acoustic protection etc. There have been no issues with reverse sensitivity to Airport noise or operations as people are very aware of the specific situation in the area they choose to live. As there are now only minimal parcels of land remaining, in this area it seems redundant to maintain the subdivision restrictions and we submit that the situation be managed by a 'No Complaints' Covenant on new titles in the Airport Outer Noise Zone and within the SEL Boundary.

We **support** the submissions of Howarth Consulting 7.1, Leo Koppens 820.1, McCracken Surveys Ltd 943.67, Gary McMahon 50.2 and Haley Bicknell-McMahon 27.2.

We also query the number of affected pieces of land that the S42A report implies are present in the Tamahere CLZ. We do not follow the potential title yield information presented at para 651 and Fig 21 page 173. The number of additional lots between either method is small when compared to the total number of lots already there, with no apparent reverse sensitivity issues.

Why continue to complicate the rules by having this special zone. Also as previously stated 1.1ha is a difficult size to maintain.

724.10 Building Setbacks Tamahere Commercial Areas A and B

TCC submitted:

13. Building setbacks in Tamahere Commercial Areas A and B:

In relation to both areas A and B there appears to be removal of the permission to build an accessory building or a non-habitable building within the 100m set back. We believe that as in the Operative Plan a non-habitable building should be able to be built within this setback area.

*We **do not support** the removal of this permission.*

Our submission was supported at para 457, page 113, 114 of the S42a Report. However, you will note that the S42A Report asserts that no change is required to the proposed rule.

We disagree with that, in that in our reading of the rules, it is not clear that you **can** build a non-habitable or accessory building within the 100m setback to the Tamahere Commercial Areas A and B. The Proposed Plan talks about 'any new building or alteration'..... We believe it needs to go further and clarify that the setbacks are **not** applicable to non-habitable or accessory buildings.