

Appendix 3 Submissions

From: "Joan Forret" <Joan.Forret@harkness.co.nz>
Sent: Tue, 16 Jan 2024 15:32:52 +1300
To: "Submissions" <submissions@waipadc.govt.nz>
Subject: External Sender: Submission on Kelly Road Investment Limited's Application for Land Use Consent LU/0125/23
Attachments: TMF-636957-1-19-1 (LT Waipa District Council - submission on land use consent LU 0125 23)-E2.pdf, scan.pdf

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Please find attached a submission with supporting information, on behalf of the owners of 5 Kelly Road Cambridge.

We look forward to receiving acknowledgement of this submission.

Ta Joan

Joan Forret

Partner

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Mobile +64 27 245 9942
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Harkness Henry
SPECIALIST LAWYERS

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16 January 2024

Email: submissions@waipadc.govt.nz

Waipa District Council
Private Bag 2402
Te Awamutu 3840

Account No 636957-1
Email joan.forret@harkness.co.nz
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Address Private Bag 3077, Hamilton 3240
New Zealand, DX GP 20015

Submission on Kelly Road Investment Limited's Application for Land Use Consent LU/0125/23

1. We act for the Estate of Vincent Mervyn Morel, the registered owner of the land at 5 Kelly Road, Cambridge with the legal description:
 - (a) Lot 3 DPS 9804 Blk Ix Cambridge SD.
2. Our client has been identified as an affected party in Council's notification report dated 20 November 2023 on the above resource consent application.
3. Attached is the relevant notified resource consent submission form. This letter is to be read alongside this submission form.
4. The submission of our client is:
 - (a) The proposed development significantly exceeds the type of intensification contemplated in the District Plan and what was set out in the Structure Plan. The permitted baseline allows for two double storied townhouses, whereas the proposal would result in a large block comprising 6 double storied units.
 - (b) The District Plan provisions contemplate a level of residential density for Kelly Road that reflects the mixed development already existing and also the sub-optimal stormwater, water and wastewater infrastructure that services Kelly Road.
 - (c) The proposed development at 3 Kelly Road is significantly larger than the density anticipated for this site, with the site only being approximately half the allotment size required for compact housing. There is no apparent mitigation of the adverse effects of that increased density through careful design or landscaping options. Nor is there evidence that stormwater, water and wastewater can be managed for this development.
 - (d) Council's Special Features Maps show that the entire site has poor soakage.
 - (e) Appropriate water, and wastewater reports have not yet been provided. The notification report notes that if modelling finds that there is no capacity, the connection cannot be approved and the development cannot be serviced. There is already a problem with stormwater management along Kelly Road and this development will adversely affect drainage.



- (f) The proposed development will significantly change the level of character experienced by our client. The increase in people will adversely impact the reasonable expectation of seclusion at 5 Kelly Road and will raise noise levels for residents.
 - (g) The proposal will result in adverse parking effects for residents and visitors to Kelly Road. There is no roadside parking available at the southern end of Kelly Road and the New Public Places Bylaw 2023 does not allow parking on the berm. There is a real potential for adverse traffic effects on Cambridge Road and at the Kelly Road intersection. The development will generate significantly greater foot and vehicular traffic than anticipated within the zone.
 - (h) The proposed development is not in keeping with the character of the street. The proposed development will not achieve good urban design outcome. It has a monolithic and featureless design. The proposed block will be a large bulky, uninterrupted mass.
 - (i) The design does not mitigate the plain and monolithic nature of the proposal.
 - (j) The roofline diagrams within the application are inconsistent and it is unclear which plans support the expert reports that accompany the application. The plans provided in the information pack to the owners of 1 Kelly Road show a very different roof line and elevations from the plans attached elsewhere in the AEE. Both sets of plans are dated 12/07/2023: Version 1 and both have the same Document Set ID (see pages 159 and 185 of the application for example.)
5. Our client seeks that the application is declined.
6. Our client wishes to be heard in support of this submission.

Harkness Henry
SPECIALIST LAWYERS



JOAN FORRET
Partner





Notified Resource Consent Submission Form

Form 13

Section 41D, 95A, 95B, 96, 127(3), 136(4), 137(5)(c) and 234(4) of the
Resource Management Act 1991

Send to: Waipā District Council, Private Bag 2402, Te Awamutu 3840

Phone: 0800 924 723 | Fax: 07 872 0033 | Web: www.waipadc.govt.nz | Email: submissions@waipadc.govt.nz

Please attach additional sheets if there is not enough space for your submissions. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission.

COUNCIL USE ONLY	
Date received	
Document ref:	LU/0125/23

1 Submitter details

Full name of submitter:	Estate of Vincent Mervyn Morel
Contact name if different from above:	C/- Joan Forret
Contact phone number(s)	07 834 4662 027 245 9942
Email address:	joan.forret@harkness.co.nz
Postal address: <i>(required if no email address is provided)</i>	C/- Harkness Henry Lawyers, Private Bag 3077, Hamilton 3240

We will serve all formal documents electronically via the email address provided above. Where there is no email address provided the documents will be posted to the above address.

2 This is a submission on an application from (name, address & activity) –

Kelly Road Investments Limited

3 Kelly Road Cambridge 3434

Six unit compact housing development in C2 Structure Plan Area within the Residential Zone breaching maximum building length, impermeable surface area, and roof pitch in the C2 area and several compact housing requirements

3 Trade competition

Select one	<input type="radio"/>	I am	a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
	<input checked="" type="radio"/>	I am not	
Select one	<input checked="" type="radio"/>	I am	directly affected by an effect of the subject matter that –
	<input type="radio"/>	I am not	(a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition



4 Attendance at Council hearing

Select one	<input checked="" type="radio"/>	I do	wish to be heard (attend and speak at the Council hearing) in support of my submission
	<input type="radio"/>	I do not	

If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Yes
 No

5 The specific parts of the application that my submission relates to are:

The submission relates to the entire application.

6 My submission is either in part or all:

In support

Opposed

Neutral

The reasons for my submission are:


Please see the letter attached to this submission form.

7 I seek the following decision from the consent authority:

(Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought)

Our client seeks that the application is declined.

8 Hearings Commissioners			
Select one	<input checked="" type="radio"/>	I request	that you delegate your functions, powers, and duties to hear and decide the application to one or more hearings commissioners who are not members of the local authority.
	<input type="radio"/>	I do not request	

9 Signature of submitter <i>(note: a signature is not required if you make your submission by electronic means, however please type your name below)</i>	
Signature of submitter: <i>(or person authorised to sign on behalf of submitter)</i>	 Dated 16/01/2024

Notes to submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the consent authority.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Personal information

The information requested on this form, including your contact details, is required by the Resource Management Act 1991. The information will be held by the Council, and you may ask to check and correct any personal information that we hold about you. Your submission, including your name and contact details, will be made available to the decision-maker and other parties involved in the application. It may also be made available on the Council's website. If requested, the Council is legally required to make all submissions available to the public (which can include the media), including the name and contact details of the submitter, subject to the provisions of the Local Government Official Information and Meetings Act 1987. If you believe there are compelling reasons why your contact details should be kept confidential please contact the Processing Planner for this application.

From: "Ruth Hickey" <ruth8ten@gmail.com>
Sent: Tue, 16 Jan 2024 11:15:32 +1300
To: "Submissions" <submissions@waipadc.govt.nz>
Subject: External Sender: Notified Resource Consent 3 Kelly Road
Attachments: Submission Form-3 Kelly Road, Cambridge.pdf, Submission re 3 Kelly Road - Hickey.pdf

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Good morning,

Find attached my submission form and PDF document with details of the parts we object to and the reasons.

Kind regards,
Ruth Hickey
5 Kelly Road, Cambridge.

Send to: Waipā District Council, Private Bag 2402, Te Awamutu 3840

Phone: 0800 924 723 | Fax: 07 872 0033 | Web: www.waipadc.govt.nz | Email: submissions@waipadc.govt.nz

Please attach additional sheets if there is not enough space for your submissions. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission.

COUNCIL USE ONLY	
Date received	
Document ref:	LU/0125/23

1 Submitter details

Full name of submitter:	Ruth and Dennis Hickey
Contact name if different from above:	Ruth Hickey
Contact phone number(s)	027 844 1611
Email address:	ruth8ten@gmail.com
Postal address: <i>(required if no email address is provided)</i>	5 Kelly Road, Cambridge, 3434

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	<input type="radio"/>	I do not	

If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Yes
 No

5 The specific parts of the application that my submission relates to are:

See attached PDF Submission re 3 Kelly Road Hickey

6 My submission is either in part or all: In support Opposed Neutral


The reasons for my submission are: See attached PDF Submission re 3 Kelly Road Hickey

7 I seek the following decision from the consent authority:

(Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought

We seek to have Resource Consent refused/denied

8 Hearings Commissioners			
Select one	<input type="radio"/>	I request	that you delegate your functions, powers, and duties to hear and decide the application to one or more hearings commissioners who are not members of the local authority.
	<input checked="" type="checkbox"/>	I do not request	

9 Signature of submitter <i>(note: a signature is not required if you make your submission by electronic means, however please type your name below)</i>	
Signature of submitter: <i>(or person authorised to sign on behalf of submitter)</i>	 <p style="text-align: right;">Dated 16 / 01 / 2024</p>

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Submission re 3 Kelly Road Cambridge. Ruth and Dennis Hickey.

Specific Parts of the application that my submission relates to are:

1. Compact/High Density Housing.
2. Length of Building.
3. Impermeable Surface Area exceeding the maximum.
4. Roof pitch not meeting minimum requirements.
5. Outdoor Living area.
6. Landscaping proposal being unrealistic for area and affecting stormwater.
7. Stormwater overflow issues.
8. Traffic congestion near a main road.
9. Vehicle parking off site availability.
10. Privacy and Noise Levels. Sunlight
11. Character of area.
12. Building materials quality.
13. Safety and Crime Prevention

Reason for Submission

The proposal provided by Barker and Associates starting at p 14 of uploaded document on Waipa District Council Website has a cover photo on page 14 – does not identify where the place shown is – it does not show Kelly Road and is misleading. There is a lot of use of subjective terms in the proposal which we think are also misleading, eg. minor, close, quality, clear.

For transparency it is noted that plans were commissioned for Sloane Street Ltd which owns the commercial centre at 1913 Cambridge Road and the application is now under Kelly Road Investments. The directors and shareholders for both companies are the same but the registered offices are different.

There is inconsistency with drawings provided of the frontal view p. 23 fig 6 and p. 35 fig 10. This is repeated with documents on p 159 and 185, both state Document Set Id:11056987 Version 1 Version Date 12/07/2023 but show very different illustrations for the roof line and separation of the units. It is the 185 page that was signed previously by the owners of 1 Kelly Road.

1. Compact/High Density Housing.

We strongly disagree that the site is suitable for compact housing for the following reasons.

1.1 Waipa District Plan Appendix S19 – Cambridge C1 and C2/C3 Structure Plans Page Version - 14 March 2019

Waipa District Plan Housing Choice

S19.2.3.11 The C1 Structure Plan will accommodate approximately 275-375 dwellings and the C2/C3 approximately 1,750-2,375 dwellings in a variety of forms including low-density single-family homes, small-lot detached homes, and with potential for town houses. Higher densities can be expected within those areas identified for compact housing.

1.2 Rule - Compact housing 2.4.2.43 within the overlay shall have a minimum area of 2000 m². 3 Kelly Road is 1019 m² just over half the minimum site for compact housing. It is not 1021 m² as mentioned in the proposal site description 3.1 on page 19. It is not clear if the wrong figure has been used when calculating permeable and outdoor areas which don't meet minimum standards as proposed.

1.3 The proposal p. 30 at 6.4.1.1 Density- states "as the site does not meet the 2000m² minimum, it can be expected that six dwellings (versus seven) are an appropriate density for an undersized lot." This does not make sense when the lot is nearly half the size.

1.4 On p 30 at 6.4.1.1 "Due to the existing low-density nature of Kelly Road, the units will set new precedent for the street, however, as mentioned above, compact housing is anticipated in the District Plan in this area." This is incorrect, compact housing is anticipated in C3. As mentioned in the proposal this will set a new precedent for the street. This could

open the floodgates for multiple compact housing developments in the street which is not part of the vision and proposed plan for C2.

1.5 District Plan 2.4.1.3 (b) Compact housing seven or more dwellings per site located within the compact housing overlay identified on the Planning Maps, or as provided for in Rule 2.4.1.3 (c) or within the following areas of the C1 and C2/C3 Structure Plan Areas:

- Within 200m of an active recreation open space, the Town Belt, a neighbourhood centre or a school; or
- Within 100m of a local centre or local open space; or
- Within a 'compact housing' overlay identified within the structure plan maps.

The proposal does not comply with 2.4.1.3 b

1.6 Within 200m of an active recreation open space, the town belt, a neighbourhood centre, or a school; or within 100m of a local centre or local open space might be correct "as a crow flies" but not for walking distance from 3 Kelly Road entrance/exit, maybe from back unit number 6 if they climb the fence. The distances quoted in reasons for consent 5.0 on p 26 are 75 m (unclear how this was measured). The distances on foot are 160 m to the Coffee Barn (the closest store) and 240 m to the edge of the athletic grounds. See appendixes A and B.

1.7 Compact Housing 2.4.1.3 (b) 3 Kelly Road is not within the compact housing overlay identified within the structure plans. The mention of "close proximity" on page 21 at 4.0 of consent application is subjective. Proposal p. 21 at 4.0 refers to C3 growth cell not the C2 growth cell that Kelly Road belongs to and is on the opposite side of the main road (other than expressway) between Hamilton and Cambridge.

1.8 Proposal 4.0 states that "There is strong policy support in the District Plan for development of this nature" is does not give examples. Appendix C is a copy of the pamphlet distributed by Waipa District Council regarding Plan Change 26. Question and Answers Section A) 3 Answers "No" to the question "Does Waipa Council support these Government Changes". Government Changes where for medium density housing and the proposed development is for a high-density development/compact housing. Where is the support in the district plan for compact housing outside of areas identified by the district plan overlays.

1.9 Rule 2.4.2.43 e & f the proposal does not comply with either section and should not qualify as compact housing. The table 2.4.2.43 (e) details the minimum for units up to 3 bedrooms. The proposed units are described as 3 bedrooms and an office. It is unclear from the plans the size of the office and whether it would meet the definition of a bedroom which is minimum width 1.8 m and area of no less than 6 sqm (as detailed in Housing Improvement Regulations). There is no guidance in the table for units of 4 bedrooms.

2. Length of Building

2.1 The length of building exceeds the maximum of 23 m Rule 2.4.2.7– Maximum Building Length 55.69 m is proposed. This is 2.4 times the maximum length for a residential dwelling. It also does not comply with 2.4.2.7 (a) being stepped to 2.1 not the minimum of 2.4 m (unsure whether the minimum of 3 m length complies.). Rule 2.4.2.43 for compact housing building length is less at 20 sqm which brings the length to 2.8 times the minimum.

2.2 Assessment Criteria 21.1.2.8 Maximum building length

- a. The degree to which there is a loss of privacy, daylight, sunlight or outlook on adjoining sites.
- b. The extent to which the design of the building is modulated and avoids long lengths of walls adjoining residential zoned or reserve zoned sites. Buildings that are inconsistent with residential building forms should be avoided.
- c. The effect of non-compliance on the character and amenity of the streetscape.

2.3 This is not a small amount and the outlook for adjoining neighbours will be horrible. As the length does not comply then resource consent needs to take into account the outlook from adjoining neighbours before allowing a building of a length exceeding the 23 m rule and the design of the building.

2.4 From p 31 of proposal. 6.4.1.2 “However, this is a positive with regard to building bulk and the amenity of the road, as 5 of 6 dwellings are to the rear and will not be directly apparent from the road.” ... “It would be clear from onlookers that the building is six separate dwellings,” We disagree with both comments.

2.5 If you look at the building straight on you wouldn't see what is behind but the building will be viewable when driving or walking down Kelly Road towards Cambridge Road. As Kelly Road is a dead end this effects everyone past number 3. There are more developments to come at the end of Kelly Road so the number of residential properties is not yet known. 46 Kelly Road is partly developed with 18 lots of 4-bedroom single level houses at 46A Kelly Road.

2.6 It will be apparent that there are a lot of windows on the building from the Kelly Road end but not clear that they are separate units. It is contradictory to say that the 5 of the six dwellings won't be apparent from the road and then say in the next paragraph that it would be clear to onlookers that there are six units.

2.7 The building length and design does not reflect the photos Fig 6 Compact Housing Desirable Built Form under sections 19.3.2.4, 19.3.2.5 and 19.3.2.6 of the District Plan. It will be an eyesore.

3. Impermeable Surface Area exceeding the maximum.

3.1 Impermeable Surface Area exceeds the maximum of 60 sqm by nearly a third. Leaving 21 sqm as not impermeable instead of 40 sqm on a site identified by Council's Special Features Maps as being subject to poor soakage. This is for residential properties not compact housing. As above I do not agree that the proposed development meets the requirements to be considered compact housing.

3.2 The proposal should be considered under rule 2.4.2.12 not 2.4.2.43 (f). 3 Kelly Road is in an area prone to surface flooding when there is heavy rainfall, which is happening more often than previous years due to climate change. 2023 had several extreme weather events and rivers in the sky. As detailed in RNZ report on 11 October 2023 “Bigger, heavier 'rivers in the sky' - like the atmospheric river that brought record rainfall to Auckland in January - are on the cards as the planet heats, the latest report on Aotearoa's climate says.” Fig 1 is an example of surface flooding at 5 Kelly Road, it has been worse and reached the bottom of the steps at the front of 5 Kelly Road.

3.3 The 21% permeable surface includes decking and a service area which could also increase the likelihood of surface flooding.



Fig 1: Taken from back bedroom of 5 Kelly Road, 9 May 2023.

4. Roof pitch not meeting minimum requirements.

4.1 The roof is a hip style that is different slopes/degrees on the sides and not symmetrical. The reason given on p 31 - 6.4.1.2 is "To enable compliance with daylight recession plane, the roof pitch was reduced to 25 degrees. Overall, a minor non-compliance to achieve adequate sunlight into adjoining properties." We do not see it as a minor non-compliance, it indicates that adequate sunlight for 5 Kelly Road is at the minimum end of the scale.

4.2 It is not consistent with surrounding built form character as it is not symmetrical and looks off-kilter. As it is the roof of a two-storey building fencing will not hide it from view. The roof is one long stretch which does not fit with the character of Kelly Road and surrounding streets. For the proposed landscaping to hide the roof pitch, the trees need to grow to full height which will cause other issues raised below.

4.3 The roof line shown at p 159 and p 185 are very different.

5. Outdoor Living area.

5.1 Outdoor living area is less than the minimum for a 3-bedroom unit, the properties proposed are 3 bedrooms plus office. The only feature that distinguishes this from being four bedrooms on the plans is a door between the office area and hallway which could be added at any time. It is unclear of the measurements of office – a bedroom is defined as minimum floor area of 6 sqm and 1.8 m wide.

5.2 Under rule 2.4.2.43 (h) for Compact Housing the outdoor living areas need to be screened so that at least 50% has complete visual privacy from outdoor living areas of other dwellings. The plan at p 164 indicates that the fencing between the outdoor areas of each unit is 1200mm high powder coated pool type fence which is see through. It is unclear if this provides 50% privacy.

5.3 As compact housing the outdoor area is 30 sqm minimum, for a three-bedroom property. The proposed outdoor area is less than the minimum. Landscaping mentioned for the outdoor area is a planting of Grisilina Littoralis as

hedging. This plant becomes a tree approximately 6 m high by 2.5 m wide if not kept trimmed. Some are already planted next to the dwelling currently on 3 Kelly Road. These have not been trimmed despite requests being made to the current owners.

5.4 The 5 Kelly Road boundary was trimmed in December 2020; we could not reach the top with a residential hedge trimmer. It has not been trimmed since and is affecting access to the back of 5 Kelly Road. We do not think they are suitable for a small outdoor area that will be tenanted. They do not mow the verge at 3 Kelly Road, and this is maintained by residents of Kelly Road. Complaints have been made to council and will be on file.

5.5 P37 Fig 11 of the proposal shows the view from the boundary and indicates that hedging will be growing through. Note there is mention of 5 and 7 Kelly Road. The properties effected are 5 and 9 Kelly Road, Cambridge.

6. Landscaping proposal being unrealistic for area and affecting stormwater.

6.1 There are pictures of Magnolia Grandiflora-Teddybear and Pyrus Calleryana - Ornamental Pear Tree are shown on p 164 of the proposal but where they will be positioned is not shown. The expected growth measurements of the magnolia are 5 m high x 4 m wide and the ornamental pear 8 m high by 6 m wide. The ornamental pear tree is deciduous which could cause problems for the stormwater soak holes maintained by council.

6.2 At 5 Kelly Road the 2 deciduous trees at the front of the property were cut down approximately 10 years ago as the leaves clogged the stormwater on the verge. Council has recently installed two new open grates on the verge outside 1 & 2 Kelly Road which will be affected by leaves falling from deciduous trees.

7. Stormwater overflow issues.

7.1 Assessment Criteria section 21.1.2.11 Impermeable surfaces a. The degree to which on-site stormwater disposal can be achieved in a range of stormwater events.

7.2 As mentioned above 3.2 and shown in fig 1 above the stormwater controlled by Waipa Council outside 5 Kelly Road does not cope during high volume rainfall over a short period. The impermeable surfaces are proposed to be 79% of the site.

7.3 It is mentioned on the report from GDC Consultants at p 93 (Appendix F) in a red box "please be aware soakage rate is high, recommend conservative rate of 1500 mm/hr adopted during design"

7.4 We think Appendix H shows that overflow of stormwater from 3 Kelly Road that cannot be contained onsite will go into a trench under the driveway and out to the council stormwater on the road which is already under pressure.

7.5 All other mention of stormwater control is that it will be contained onsite and will be addressed at the building consent phase. Given the problems that already occur with stormwater disposal in the area we would expect more detail to be provided.

7.6 At 5 Kelly Road the onsite stormwater soakage at the front has been replaced with a modern one (approx. 12- 15 years ago), a new stormwater soakage has also been installed behind the primary dwelling during the same time frame.

8. Traffic congestion near a main road.

8.1 Assessment Criteria Section 21.1.1.6

a. The impacts on the safe, efficient and effective provision of the transportation system including but not limited to:

(i) Impacts on the road network and the effective operation of the road hierarchy.

c. The extent to which the location of the activity on the site has given regard to:

(ii) The type, frequency and timing of traffic; and

(iii) The safety of road users, cyclists and pedestrians; and

(iv) The ability for access to roads other than arterial roads or State Highways; and

(viii) The ability for parking and manoeuvring to be carried out on site.

d. The extent to which the location of the site access way has given regard to:

(i) Safety for vehicles, and pedestrians with particular regard to the effect on the safety and functioning of the road.

(ii) The practicality and adequacy of the proposed access having regard to the location, nature and operation of the proposed activity and/or development

8.2 The proposed development has one entrance/exit. It is close, approximately 54 metres from the intersection of Kelly Road and Cambridge Road. Cambridge Road was previously part of SH1 and is still a main road connecting Hamilton and Cambridge.

8.3 Kelly Road is a dead end/no exit road. The only exit from Kelly Road onto Cambridge Road is just down from 3 Kelly Road. A pedestrian crossing controlled by traffic lights is 15 metres from the intersection. The road is not wide enough to accommodate a vehicle turning left while one is waiting to turn right. Kelly Road does not have a centre line as it is narrow. With the current level of traffic along Kelly Road and Cambridge Road due to increase as development continues in the C2 and C3 growth cells it would be expected that traffic could back up on Kelly Road during peak times. Adding a six-unit apartment block of 3-4 bedrooms so close to the intersection is likely to cause even more congestion and backlog on Kelly Road.

8.4 The proposal allows for onsite parking of only one vehicle and the turning room so this vehicle can exit forwards is achievable only because the vehicle exits the single garage. There is no turning room at the end of the ROW. Vehicles that drive into the property that are not able to access the garage will need to reverse. This will include other residents living at the proposed six units, visitors to the residents, couriers, and tradespeople. Vehicles trying to reverse out of 3 Kelly Road are likely to cause more congestion issues and raise concern about the safety of pedestrians, cyclists and road users. Kelly Road only has a footpath on the side of the road where the site is located.

8.5 The amount of traffic from the proposed development will be much higher than if there were only two properties built on the site. Six units with two vehicles per property would amount to 12 vehicles. This would mean 24 movements if each vehicle went in and out only once a day. It is likely the number would be higher than that, we are unsure how vehicle movement is calculated.

9. Vehicle parking off site availability.

9.1 Assessment Criteria 21.1.2.1 b. The ability to provide parking (excluding consideration of the number of parking spaces for cars) and manoeuvring space for vehicles to avoid traffic conflict and maintain public safety.

9.2 As mentioned above 8.4, there is only room for one vehicle per unit. All other vehicles must park elsewhere. There is no curb side parking available on Kelly Road until the newly developed section past number 41. The original stretch of Kelly Road is narrow. Parking on the berms is prohibited by the updated Public Places By-law 2023 15.1 (k).

9.3 The nearest available parking would be Vogel Street which only has one side with curb and footpath or past no 41 Kelly Road where off-road parking spaces have been provided for the proposed houses to be built as C2 growth continues. The new housing development at 46A has double garaging and two vehicle parking on site for 18 lots. Cambridge Road has yellow lines preventing stopping or parking on both sides of Kelly Road.

9.4 3 Kelly Road is not suitable for compact housing and agreeing to the proposal will cause problems with both vehicle congestion and parking issues. Safety of pedestrians will also be compromised.

10. Privacy, Noise Levels and Sunlight

10.1 Assessment Criteria Section 21.1.1.3 d The extent of any light spill, light intensity and shadowing effects.

Section 21.1.1.4 a. The likely effects of the activity and associated land uses on an other activity in the vicinity by emission of noise, fumes, dust, smoke, glare or any other form of pollution.

b. The degree to which there is a loss of privacy, daylight or sunlight in adjacent sites.

Section 21.1.1.7 Noise and Vibration

- a. The extent to which the activity affects the existing ambient noise environment of the locality.
- b. The time and frequency that the activity occurs, duration of noise, and any special characteristics of the noise or vibration and subsequent effects on health and safety, and on the amenity values of the surrounding environment.
- c. The effects on the environment from the maximum noise levels of the proposed activity, particularly at night.
- d. The extent to which the noise adversely affects the amenity of the surrounding environment including cumulative effects.

Section 21.1.2.1 f. The extent to which the development provides for the visual and aural privacy of occupants and neighbours.

10.2 Privacy at 5 Kelly Road will be highly compromised. The proposed offices and main bedroom all have only one double window looking directly out on to the property' front and back garden and lawn areas from a height of the second storey. One of the apartments might not have views onto outdoor living areas but onto the garage and roof line. We expect to be able to use our outdoor living areas at the back with a level of privacy in keeping with a residential area such as C2. Having a couple of neighbouring houses not the six proposed.

10.3 There are now more people working from home on a regular basis since the COVID pandemic. The office spaces look directly on to our outside living areas. "Three years after New Zealand's first lockdown the popularity in working from home has continued, with an increasing number of people wanting to swap their office commute for a remote login." RNZ 7 March 2023.

10.4 Noise levels from six households over two will be considerably higher. If each household is four people, the noise level especially at night and weekends will be higher given the number of expected residents next door will have gone from 8 people to 24 people, not including visitors.

10.5 Sunlight provisions and shadowing effects from the proposed building we believe will be at the minimum level required. The roof pitch has been reduced, p 31 - 6.4.1.2 is "To enable compliance with daylight recession plane, the roof pitch was reduced to 25 degrees.

11. Character of area.

11.1 Assessment Criteria 21.1.1.3 Visual

- a. The extent to which the development affects the surrounding environment; particularly any identified character precinct areas, prominence of buildings and design elements in the proposal, and public places and roads.
- b. The scale, height, bulk, cross sectional area, colour, glazing reflectivity and texture of any buildings.

21.1.1.4 Amenity Values

c. The extent to which harmony of form, colour, texture and materials is present within individual developments.

e. The scale and bulk of building (s) in relation to the site and adjoining neighbours.

f. The built characteristics of the locality.

h. The extent of modification to the existing landform and the impact this will have on the character and amenity of the surrounding area.

11.2 The proposed build is not in keeping with the character of the street or the development of the C2 growth cell. There are only 4 houses in Kelly Road that are two storeys, they are set back from the road and the second storey is less floor area than the first storey and are on large sections. The new builds to date in the road have all been single

stories. 46A Kelly Road is new mini subdivision developed by Urban Homes of 18 lots, currently only the show home is built. The house and land packages are all 4-bedroom, 2-bathroom, double garage with additional parking on site for two more vehicles in the driveway area.

11.3 If this development goes ahead, it will open the door for more compact housing to be built in Kelly Road. The far end of Kelly Road is (past 41) is farmland that further housing development is expected on as part of the C2 growth cell. Medium density housing is a permitted activity but high density/compact housing is not.

11.4 21.1.2.4 c relates to compact housing which we believe should not be allowed in Kelly Road. If it was allowed the building design would need include: Integration with neighbouring residential development that is responsive to local character in terms of its façade treatment, including building proportions, detailing, materials and landscape treatment.

12. Building materials quality.

12.1 Building materials to be used are stated, and “quality” is used a couple of times on page 31. “The building also has a range of cladding and materials used, including brick, metal cladding, timber cladding, and a mix of roofing, joinery and pipes. This adds to the visual interest and the elevating quality of the homes, which is consistent with the surrounding area including the new builds in the growth cell. This is carried across the site with the use of soft landscaping, hard surfaces, and fencing. Overall, due to the high-quality architectural design of the building, the proposed building is not an eyesore that will negatively impact the amenity of the built environment.” This is subjective and given that the proposed development is over maximums and under minimums in several key areas we feel that the materials used will be the minimum quality required to comply with the Building Code.

12.2 Our understanding is that the development by Sloane Street Ltd at 1913 Cambridge Road did not include soundproofing in the ceiling area or around the venting in the roof. The noise from the 24-Hour gym disturbs residents close by, especially in the early hours of the morning, classes start at 5:15 am Monday – Friday and sometimes late at night when the stereo is turned up – 11 pm and later. Complaints have been made with noise control and council since it opened.

13. Safety and Crime Prevention

13.1 Assessment Criteria 21.1.1.6 d. The extent to which the location of the site access way has given regard to:

i. Safety for vehicles, and pedestrians with particular regard to the effect of the safety and functioning of the road.

ii. The practicality and adequacy of the proposed access having regard to the location, nature and operation of the proposed activity and/or development.

21.1.1.11 Crime Prevention

a. (v) Sense of ownership: showing a space is cared for – places that promote a sense of ownership, respect, territorial responsibility and community; and

(vi) Quality environments: well designed, managed and maintained environments – places that provide a quality environment and are designed with management and maintenance in mind to discourage crime and promote community safety in the present and the future.

21.1.2.1 g. The extent to which the activity takes into account the personal safety of people and principles of Crime Prevention Through Environmental Design.

13.2 As discussed above the under 8. traffic congestion and 9. vehicle parking offsite, we have concerned for the safety of all road users and pedestrians given that there is only one entrance/exit for vehicles driving on to the property and most will need to reverse. The area is one of all ages, including elderly requiring walking assistance and young children, the footpath on the 3 Kelly Roadside is the only one in the established part of the street that can be used.

13.3 Currently there is no sense of ownership regarding number 3 Kelly Road. It is not cared for and Josh Te Weehi one of the directors and the applicant for resource consent point blank refused to my face (Ruth Hickey) when requested to mow the lawns on 3 November 2023. When I amended that to mowing the verge he said it was rough looking and he would send the person who mows the commercial centre around. This did not happen and eventually a resident from further up the road came down and mowed it. Again, the upkeep of the verge is now being done by Kelly Road residents to prevent the unkempt and overgrown look from the street returning, and provide safe passage clear of obstruction on the footpath.

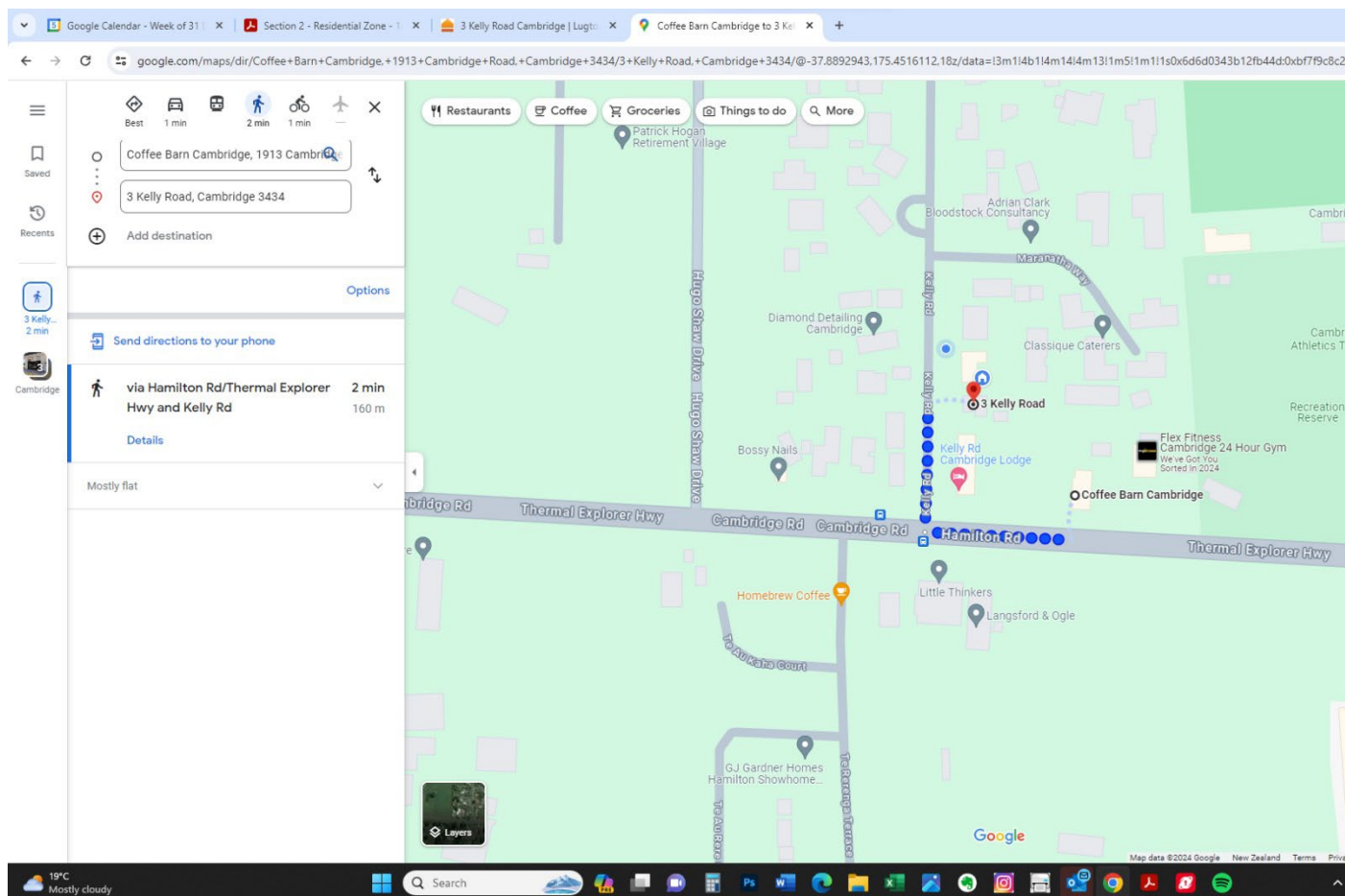
13.4 The development is for 6 rental properties, it is a high ask that all hedging will be maintained. The current owners have shown no regard to keeping the property in tidy condition despite requests made and numerous complaints to Waipa Council. This shows no consideration for Crime Prevention and we have no confidence that this will change in the future.

13.5 21.1.2.4 o. relates to compact housing (iii) Providing dedicated pedestrian access to dwellings ...

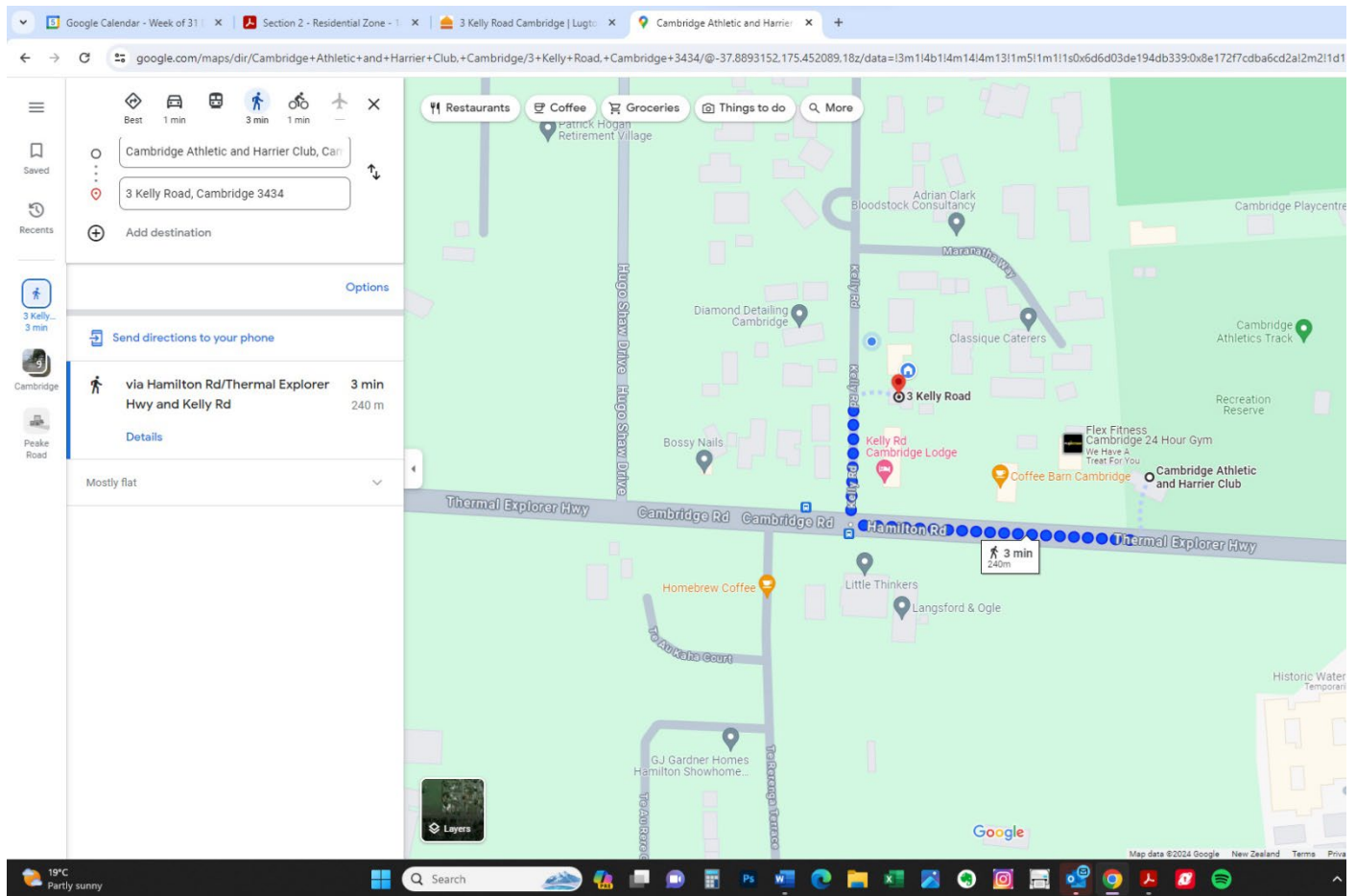
The plans show only a driveway for pedestrians wanting to access units 2 -6, we do not think this is showing a dedicated pedestrian access.

Appendixes

Appendix A 160 m from 3 Kelly Road to Coffee Barn



Appendix B 3 Kelly Road to Cambridge Athletic and Harrier Club



Appendix C Plan Change 26

Changes to Waipā's planning rules

IMPORTANT THINGS YOU NEED TO KNOW

(Plan Change 26)

0800 WAIPA DC (924 723)
waipadc.govt.nz

2 Why has new legislation been introduced?

New Zealand has a serious housing shortage. These changes, driven by the Government and also supported by the National Party, aim to see more in-fill housing built faster, especially in high-growth areas.

3 Does Waipā District Council support these Government changes?

No, but Council is required to make these changes by law. In November 2021, Waipā District Council publicly expressed its opposition to the Housing Intensification Bill. That opposition was repeated in April 2022 and Council has continued to lobby Government on the community's behalf, including making a submission to the Select Committee.

4 If some districts in New Zealand don't have to comply with this legislation, why does Waipā?

Waipā District Council is classified by the Government as a Tier 1 territorial authority because we share a boundary with Hamilton City Council, are a high growth Council and are classified as part of the greater Hamilton area. This means it is compulsory for Waipā to implement medium density residential standards to enable intensification. You can find out more information from the Ministry of Housing and Urban Development website, www.hud.govt.nz.

5 Is there a problem with the supply of housing in Waipā?

We need about 212 more houses in Cambridge every year to ensure new people moving to the town have a home. Te Awamutu and Kihikihi combined would need an additional 100 houses every year. There is also a shortage of rental and affordable accommodation in Cambridge, Te Awamutu and Kihikihi.

B) PROPERTY AND INFRASTRUCTURE

6 Will the changes affect the whole of the Waipā district?

No, only residential zones in Cambridge, Te Awamutu and Kihikihi will be affected by the medium density residential standards. However, the plan change includes some supporting changes to district-wide provisions relating to heritage and financial contributions.

7 Will any parts of Te Awamutu, Cambridge and Kihikihi be exempt?

Council can only modify the medium density residential standards in limited circumstances where qualifying matters apply. Qualifying matters include matters such as cultural and heritage sites, or matters required to give effect to Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River.

We are also aware that work to date indicates most parts of Cambridge, Te Awamutu or Kihikihi will simply not have the capacity in the infrastructure (pipes, stormwater etc) to support this kind of housing intensification. We have been cautious in drafting this proposed plan change. We want to ensure that infrastructure issues are considered should anyone apply for a land use consent for any medium density housing proposal.

8 What are the practical impacts of the proposed changes?

On some residential sites in Cambridge, Kihikihi and Te Awamutu, where specific criteria are met, property owners will be able to extend or build up to three houses, up to three storeys high, without needing a land use consent.

Council will have less control on issues like site coverage, height, and setbacks and this may impact on sunlight, privacy and views. Some policies which

References

<https://www.stuff.co.nz/life-style/homed/houses/126724910/yes-in-your-backyard-what-the-new-mediumdensity-housing-laws-mean-for-you>

<https://www.rnz.co.nz/news/national/499887/climate-outlook-for-aotearoa-predicts-rivers-in-the-sky-heatwaves-in-the-sea>

<https://www.rnz.co.nz/news/business/485435/an-employee-drive-people-still-keen-on-working-from-home-survey-finds>