

From: info@waipadc.govt.nz
To: [Policy Shared](#)
Subject: External Sender: Waipā District Plan - Plan Change Submission Form 5 - Jared Milbank and Lorna Mitchell
Date: Tuesday, 28 March 2023 9:09:29 pm

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This is a submission on the following proposed plan change to the Waipā District Plan

Proposed Plan Change 26 – Residential Zone Intensification – Character Cluster changes

Could you gain an advantage in trade competition through this submission? I could not
Are you directly affected by an effect of the subject matter that - (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition? I am
Do you wish to be heard (attend and speak at the Council hearing) in support of your submission? I do not
If others make a similar submission, will you consider presenting a joint case with them at the hearing? Yes
Do you support the proposed change(s)? I support in part

The specific provisions of the plan change my submission relates to are (give details):

Please see attached submission.

My submission is

Please see attached submission.

I seek the following decision/s from Council

Please see attached submission.

Attachments

[PC26 Character Cluster response M&M.pdf](#) (204 kb)

Submission from Jared Milbank and Lorna Mitchell on Plan Change 26 by Waipā District Council, with specific reference to Character Clusters

1 Introduction

We have a non-character home that is proposed to be included in a character cluster and are concerned that a number of proposed changes associated with that inclusion will be significantly more limiting and burdensome than the regulations that currently cover our property.

We are seeking changes as detailed in the following sections and the table below. However, the regulations around character clusters are interwoven throughout the proposed changes so we detail here a high-level description of the changes we believe should be made to the proposal:

- Only expand Character Clusters to homes that explicitly agree to their inclusion.
- Exclude non-character defining homes from the character clusters.
- If the expansion of the character cluster does take place, that regulations and considerations for changes to the non-character defining houses in the cluster should be no more restrictive than the district plan regulations and considerations that existed prior to the expansion of the character cluster.

Since we reside in the proposed expanded Queen Street Cluster, the discussion below makes specific reference to that cluster, and we believe similar analyses could be made of the other clusters.

2 Homeowner agreement to inclusion

We admire those that have chosen to be part of, or have purchased a home with the knowledge that, the home is part of a character cluster.

We feel that similar informed agreement should be afforded to homeowners whose homes would be included in an expanded cluster.

With the proposal as it stands, we would not agree to be part of the cluster.

3 Inclusion of homes in the cluster

The report (“5. Appendix D Heritage Character Report 2023 (Lifescapes) (Part 1)”) used to inform decisions on the character clusters appears to have an imperative of expanding clusters, at one point noting each of the expanded clusters “contains more than 10 sites”.

The expansion of the Queen St. cluster from 3 to more than 12 houses to meet a goal of increased size arbitrarily brings in “non-character defining” homes and ones that while of desired structure style do not include all character-defining aspects, and places restrictions that are more onerous than those properties would currently face. We feel the inclusion of our home, a 1960’s era brick house, would not positively impact our property value nor the intrinsic quality of the cluster.

Additionally, because the area in which the Queen St. cluster is located is close to Cambridge town centre, there should be a higher bar to the removal of a property from the developable inventory, and in particular there should be very good reasons for preventing development on non-character homes.

3.1 Identification of the expanded “cluster”

We feel the proposed expansion of the existing cluster of three homes to twelve misrepresents the actual situation;

- It appears that once the cluster was identified, only the construction type has been used in further analysis and presentation of information, discarding other aspects of character.
- The maps in DG1 of the proposed changes are misleading in representing only house type and not other aspects of the criteria for a cluster, such as gardens, visibility from the road, and not having structures in front of the home.
- The numerical percentage of homes is based on the house types as shown on the map and not the full aspects of the homes.
- 30 Queen St. does not have the front of the home facing towards Queen St., and the Queen St. side is in fact a garage that abuts the Queen St. boundary. It's inclusion as the end property of the cluster is nonsensical.
- 31 Queen St. is largely not visible from the road, having a 1.8 m solid fence and a taller hedge for the other part. This is also a partly 2-storey house.
- 42 Queen St. already has a garage in front of the house (which was cropped in the photo included in the initial "Appendix 4 - Character Area Review for Waipa District Council" report).
- 17 Grey St. is not on Queen Street, does not have character homes on the opposite side of the street, and is already a heritage listed home and so does not need the additional protection of the character cluster.
- 34 Queen St. is a non-character defining property and as a 1250 m² property would not meet requirements for the maximum size for a new property. It's inclusion in a character cluster is therefore limiting what should be one of the more developable properties in central Cambridge.
- The existing cluster is bounded on the west side by The Trinity St. Paul's church buildings to the south and a group of 6 small cross leased homes and the converted Brethren Hall to the west, which we believe has led to expansion of the cluster to the east more than would be otherwise warranted.
- The visual lines on Queen St. are largely accomplished by the wide berms, with little impact from the location and style of the houses themselves, which are barely visible to a motorist driving along the street. The berms are not part of the properties and will therefore not be directly subject to intensification.

3.2 Proximity of the homes to central Cambridge

The report notes that the removal of the character cluster homes from intensification represents a small percentage of the homes in Cambridge. However, for the Queen St. "cluster", there are few homes that are closer or more walkable to the centre of Cambridge. It is these very homes that are within walking distance that should be intensified to reduce the number of cars in downtown Cambridge. Driving intensification to the outskirts of Cambridge risks,

- A smaller proportion of the population able to walk to town,
- Proportionately more cars downtown,
- The potential for more accessible commercial developments on the outskirts to become preferred destinations, which could result in downscaling of the town centre, and
- Greater challenges in creating public transport routes that service the bulk of the population.

We have lived in an English village, which had a significantly higher density than Cambridge (contrary to the typification of Cambridge as a typical English town), and a higher density of housing did not detract from the village feel, and in fact added to the vibrancy of the village and commercial centre.

A number of things point to this as an area that should be a key area for intensification:

- This section of Cambridge was one of the early areas of intensification of housing in Cambridge, where acre lots were subdivided down to quarter acre lots, so this area of Queen St has already been identified as accessible to and essential for downtown Cambridge.
- It is ironic this current expansion of a character cluster aims to preserve homes against essentially the same change for which they were created.
- Within two years, we have had four people walk up from the street and ask if the granny flat on our property is available for rent indicating the demand for housing within the area.

4 The regulations and considerations for changes to “non-character defining homes” within a character cluster

Inclusion in a Character Cluster changes which activities require resource consent, and the consideration that will be given during any consenting process. For homes that are proposed to be added, this adds time and cost to the consenting process, and where changes are restricted can make it impossible for homeowners to realize the potential value of the property that was apparent at the time they acquired it, either by preventing development or reducing the desirability of the property to those that would otherwise have considered the property for purchase and development

The regulations as currently proposed do not distinguish between character homes and non-character homes in the cluster. These changes are thus very significant for non-character homes in the cluster, that have less to gain by inclusion in the cluster and whose apparent purpose apparently becomes to be “sympathetic to the established historical character”.

Ideally, non-character homes would not be included in the cluster. If they are included, the regulations should be modified to distinguish activities for character and non-character defining homes, so that at least the regulations are no more restrictive than they currently are.

While we have no current plans to develop our property, we feel our property accrues a certain part of its value from the potential developability. For example, we have concern that a number of activities that may previously have been possible would become significantly harder to accomplish if not impossible, including,

- The possibility to subdivide the lot as is common in the area.
- The ability to develop two-storey buildings (see for example the new homes being built immediately across Grey at 28 Queen St. and at 24 Grey St.).

Note that these concerns are not about the loss of potential new possibilities that may be afforded by the regulation changes under the MDRS act, but in a loss of possibilities that would have existed under current regulations.

4.1 Subdivision

A response to the Q&A session indicated potential restrictions on dwellings built to the rear or subdividing lots within a character cluster. By contrast, the proposed expanded Queen St. cluster includes 36 and 40 Queen St. with a driveway for 38 Queen St. on a back lot between them. This suggests that subdividing the rear of a lot is, and should be, in keeping with the nature of the expanded “cluster” as identified. And certainly for non-character defining homes.

4.2 Single Storey

The report “5. Appendix D Heritage Character Report 2023 (Lifescapes) (Part 1)” makes several references to character area homes as being single storey, which have made their way into the proposed regulations. This is a change to the current regulations that reference height angles, setbacks

and lighting. It also runs counter to observations about current cluster houses and the heights of modern vs. older homes;

- one of the houses in the Queen St. cluster is already two storey.
- the villas and bungalows are taller by virtue of the taller piles, taller stud height, and steeper roof pitch, such that they are the same height as a modern two-storey house (for example the new 2 storey houses at 28 Queen St.).

Specific submission points

No.	Specific Provisions the Submission relates to	Support / Oppose / Amend	Reasons	Decision(s) Sought
1	2.7 DG1.1.26 Character Cluster Statements	Amend	The new regulations for properties in character clusters are more restrictive than current regulations, and as such it should be ensured that property owners have been sufficiently informed by getting a positive agreement rather than just moving forward with the assumption that no response means they have been sufficiently informed.	Require explicit agreement, or minimally acknowledgement, from property owners for inclusion of their properties in a character cluster
2	DG1.1.26 Character Cluster Statement for Queen Street Character Cluster	Oppose / Amend	<p>The existing cluster of three homes has a highly consistent look of early 20th century styles, whereas the proposed expansion brings in properties that are of later construction with different styles, and some that do not have characteristics such as visibility from the street, or are “non-character defining” homes. For example, the proposal includes a non-character defining property at the edge of the Queen St. cluster.</p> <p>The change in the report from assessing character to assessing merely the style of building suggests there may be cases where clusters have been expanded more than would have occurred from a purely character point of view.</p>	Reassess the extent of the Queen Street Character Cluster based on the full description of character intent, rather than just the style of house

No.	Specific Provisions the Submission relates to	Support / Oppose / Amend	Reasons	Decision(s) Sought
3	DG1.1.26 Character Cluster Statement for Queen Street Character Cluster	Amend	<p>The map is coloured based on the style of house rather than the full characteristics given as defining a character cluster. For example, in some cases there are already structures between the house and the road, or fences and hedges make the property barely visible from the road. The map colouring therefore gives a misleading impression of the current contribution of properties to the nature of the character cluster.</p> <p>Minimally, the map colours should be changed to indicate whether the property has the characteristics that define the cluster; for example:</p> <ul style="list-style-type: none"> • conforming character home • non-conforming character home • non-character defining home 	Recolour the character cluster map based on the full description of character intent, rather than just the style of house
4	DG1.1.26 Character Cluster Statement for Queen Street Character Cluster	Amend	The concept of a character cluster is predicated on a collection of features, not just the type of structure. However, the assessment given appears to be solely based on the type of structure. For example, a house that is barely visible from the road is counted as character defining. The table should be updated to reflect an assessment based on the full definition and be very clear on the criteria for inclusion.	Reassess the number and percentage of character defining properties based on the full description of a character property rather than just the style of the house.

No.	Specific Provisions the Submission relates to	Support / Oppose / Amend	Reasons	Decision(s) Sought
5	DG1.1.27 to DG1.1.31 Character Cluster Statement for Queen Street Character Cluster	Amend	<p>The proposed regulations and considerations covering character cluster properties are more restrictive than the current regulations and considerations. Additionally, the changes mean more work and cost for property owners, since in additional resource consents would be needed in many cases. These changes are more onerous to non-character defining properties</p> <p>There are additional regulations that already cover the effects of properties on their adjoining properties, including character cluster homes (e.g. 21.1.2A.8 and 21.1.2A.9), so the additional inclusion of non-character defining homes is unneeded.</p> <p>There are already parts of the clusters that are non-contiguous, where driveways to properties located behind the identified character cluster homes, for example 38 Queen St. See Map 58A in “3. Appendix A Tracked changes 26 (Part 2 Maps)” (this is not clearly noted in the maps in DG1). So there would appear to be no requirement for all the properties in the cluster to be adjacent.</p> <p>The protections for character cluster homes are interwoven throughout the regulations, so removing the non-character defining homes from the cluster is preferable to introducing a new definition for non-character defining homes and ensuring they are referred to in all the places character clusters are referred to.</p>	Remove non-character defining properties from the cluster

No.	Specific Provisions the Submission relates to	Support / Oppose / Amend	Reasons	Decision(s) Sought
6	DG1.1.31 Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.	Delete	This description of the cluster sounds like a statement of fact, but this description is also to be used for the consideration of changes to non-character defining homes within the cluster. This defining statement could be considerably restrictive. The requirement for a structure to be “sympathetic” to another sets up a level of subordinacy that is not currently required under current regulations or considerations.	Remove this section
7	2A.4.1.1 Permitted activities (q) Within character clusters, the construction of new buildings and alterations or additions to existing buildings, where the work undertaken is single storey and parallel to and facing the rear boundary of the site.	Amend	<p>Modern homes based on slab construction, lower stud, and lower roof pitch are significantly shorter than, for example, the existing buildings in the Queen Street cluster with tall piles, high studs and high pitch angled rooves. There are many modern two storey homes in Cambridge that are of similar height to the existing character buildings.</p> <p>Current regulations are based on angles, lighting, and height limits, so the introduction on a limit to the number of storeys is new and restrictive.</p> <p>Additionally, the character cluster statement for the Queen Street cluster notes “generally single storey built form”, which does not exclude the possibility of 2 storey homes, and indeed, one of the buildings in the Queen Street cluster is partially two storeys.</p>	<p>Provisions should not apply to non-character defining homes in a character cluster.</p> <p>Definitions should be updated to be based on angles, lighting and height limits and not on the number of storeys.</p>
8	Rules – Roof Pitch 2A.4.2.22	Amend	Applying the higher roof pitch rule to non-character defining properties limits the ability to build a modern structure that efficiently uses the space, for example by building a two storey home within an allowable height.	Provisions should not apply to non-character defining homes in a character cluster

No.	Specific Provisions the Submission relates to	Support / Oppose / Amend	Reasons	Decision(s) Sought
9	21.1.15.6 design guidelines	Amend	Applying the design guidelines of character homes to non-character homes applies more stringent regulations that the homes are currently subject to.	Regulations should not apply to non-character defining homes in a character cluster
10	21.1.2A.5 (u) 21.1.2A.6 (d) 21.1.2A.7 (a)	Oppose	These regulations cover requirements to specifically not detract from adjacent character cluster sites. With the expansion of the character clusters, there are considerably more adjacent homes, and the owners may not have been informed of the additional checks and burdens that are placed on them by the legislation changes.	Feedback should be sought from property owners adjoining expanded character clusters that would be affected.
11	21.1.2A.5 (u) 21.1.2A.6 (d) 21.1.2A.7 (a)	Amend	The proposed change already includes expansion of character clusters to afford additional protections to existing clusters. The addition of regulations that extend protections even further to adjacent homes will impact a greater number of homes that is detailed in reports and could further limit intensification.	Remove all provisions that extend beyond the character cluster