


PC 9 Submission Document - 3 and 5 Oxford Street – David, Sarah, Zoe Yzendoorn

Chapter	Provisions	Support / Oppose	Reasons and decision sought
19 Historic Heritage	<p><b><u>Objective</u></b>  <b>19.2.3</b> <i>The heritage values of significant buildings, structures and their setting and surroundings are protected.</i></p> <p><b><u>Policies</u></b>  ...  <b>19.2.3f</b>  <i>The form, scale, character, location, design, materials and finish of any development within the setting of a historic heritage building or structure in Schedule 8A, shall be consistent with identified heritage</i>  ...</p>	Oppose	<p>We oppose policy f to the extent that it now requires development to maintain “<i>The form, scale, character, location, design, materials and finish of any development within the setting of a historic heritage building or structure...shall be consistent with identified heritage</i>”. We consider this too restrictive for new development and seeks that the term consistent be removed and replaced with compatible to allow more flexibility with design (or similar wording to the same effect):  “<i>The form, scale, character, location, design, materials and finish of any development within the setting of a historic heritage building or structure...shall be <u>consistent compatible</u> with identified heritage</i>”.</p>
	<p><b>19.3.2</b>  <i>a. Alterations and additions to an existing building on a front, corner or through site within an HHA (excluding heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage): RD</i>  ...  <i>f. Demolition of existing detached accessory buildings on a front, corner or through site within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage): RD</i></p>	Oppose	<p>We oppose the requirement for any alterations, additions, removal or construction of all buildings on front sites in HAAs to require consent.  Minor ‘buildings’ as such garden sheds, decks, or roofed pergolas are often insignificant features and their construction, alteration, or removal should not require consent unless the features contribute to the values of the HAA, particularly where they are not visible from the street. The activity status table should be amended so that such buildings do not require consent be constructed, altered, or demolished.</p>
Assessment Criteria	<p><b><i>E Heritage Values and Special Character</i></b>  <b><i>General</i></b>  <i>E1 The extent to which the proposal, development, excavation, modification and disturbance, earthworks, and/or subdivision of a historic</i></p>	Oppose	<p>We oppose the requirement for development and subdivision in HAAs to be consistent with the scale, form, bulk, character and height as the identified heritage values. The Submitter considers that new</p>

	<p><i>heritage site, historic heritage area or places identified in Schedules 8A or 8B or 8C or 8D of Appendix 8:</i></p> <p><i>a. Is consistent and compatible with the identified heritage values, including scale, design, form, character, style, bulk, height, materials and colour, and retains, protects or enhances the heritage resources and values and historic setting.</i></p> <p><i>b. Provides for design, layout or location of the activity, including associated building platforms, vehicle access and services on site in a manner that will avoid, remedy or mitigate adverse effects on the historic heritage resources and values, including by minimising the disturbance of the site.</i></p> <p><i>c. Provides for the on-going maintenance of the site to ensure that the site is preserved and that damage does not occur.</i></p> <p>...</p>		<p>development in these areas should be able to be of a higher density or contain different building forms and heights. Such development can ensure compatibility with the area by retaining similar styles and designs and using similar materials as the buildings in the area.</p> <p>The following change is sought (or similar wording to the same effect):</p> <p><i>b. Is <del>consistent and compatible with the identified heritage values, including scale, design, form, character, style, bulk, height, materials and colour, and retains, protects or enhances the heritage resources and values and historic setting.</del></i></p>
Appendix 8	<p><b>Schedule 8A: Built Heritage (structures, buildings and associated sites)</b></p> <p>...</p> <p>H253 – 3 Oxford Street, Hamilton. Plan ranking B.</p> <p>...</p>	Oppose	<p>We oppose the identification of 3 Oxford Street as a heritage building and seek that it is removed from the schedule.</p> <p>This is opposed as the home is in poor condition, not fully compliant with the healthy homes provisions, is riddled with borer holes, and requires demolition. A s139 Certificate of Compliance has been obtained from Council to demolish the building (<b>see Attachment B</b>) and the building will be legally demolished within the next 5 years before this certificate expires (regardless of overlay). As such, the Heritage building overlay is essentially redundant.</p> <p>This property and the neighbouring site (5 Oxford Street) were also purchased together in 2021 with the very intention of developing further. This overlay now puts this plan in jeopardy. 3 Oxford Street is located directly abutting the Heaphy Terrace commercial area, is in close proximity to public transport, has a right of access over the commercial land to the west (which makes for additional development options), is essentially in the same ownership as the neighbouring site, and is of good size at 700m<sup>2</sup>+ (1400m<sup>2</sup>+ with the neighbouring site). As such, this site has all the desirable characteristics to be intensified into higher density development. It is a unique and valuable situation with great development potential.</p>

			<p>It is our opinion that Council have overlooked the potential of this site and weighted the protection of heritage over the need for more appropriately located housing at a time when there is a clear shortage. The development of this site is precisely the type of situation that would assist in meeting the intent of the NPS-UD.</p>
	<p><b>Schedule 8D: Historic Heritage Areas</b></p> <p>...</p> <p>23 Oxford Street (West)</p> <p><i>The Oxford Street (West) is located on a cul-de-sac which links from Heaphy Terrace, to Poutney Park, which forms part of a wider grid layout between Heaphy Terrace and Peachgrove Road.</i></p> <p><i>The area is consistent with a significant number of the features of the early establishment of a service town (pre-1930s) heritage theme.</i></p> <p><i>The area is within the 5<sup>th</sup> Extension to the City, April 1949. The area would have been developed prior to this date. It is of at least moderate heritage value.</i></p> <p>...</p>	Oppose	<p>We oppose the Oxford Street West HHA and seek that it is removed from this schedule. Notwithstanding this, we would also be supportive of the HHA being uplifted from 3 and 5 Oxford Street.</p> <p>Both 3 and 5 Oxford Street contain buildings that are of poor quality and are worthy of demolition (not protection). Both sites have s139 Certificates of compliance to demolish all buildings located on these sites and this will be actioned within the next 5 years (see <b>Appendix B</b>). This renders the HHA over these properties essentially pointless and maintaining it would simply restrict the development that would occur in its place (in essence achieving neither the purpose of the HHA provisions or the NPS-UD).</p> <p>In addition to the fact these buildings are not worthy of protection, this HHA essentially sterilizes valuable developable land by preventing buildings from being demolished and by limiting the development that might take their place. As noted above, the HHA is in a prime location for development that would be supported by the NPS-UD, and we believe Council should be prioritizing this over the protection of heritage in the current housing climate.</p> <p>The HHA as proposed also consists of only 7 properties which is considered to offer little benefit to the surrounding area if protected, given any views of the area will be fleeting for passersby. Given the dwellings at 3 and 5 Oxford will be demolished in the near future, any benefit that this HHA might bring would be reduced further.</p> <p>It is acknowledged that the dwelling at 5 Oxford Street was also constructed in the 1940s rather than the 1920s as indicated in Council's Heritage Assessment, and as</p>

			such, the significance of this building should be reconsidered.
Planning maps	Heritage Building H253 	Oppose	We oppose the identification of 3 Oxford Street as a heritage building and seek that this is removed from the planning maps for the same reasons outlined under the Appendix 8 section above.
	Oxford Street West HHA	Oppose	We oppose the introduction of the HHA on Oxford Street (west) and seeks that it is removed for the same reasons stated in the Appendix 8 assessment above. As noted, we would support the uplifting of the HHA over 3 and 5 Oxford Street.



**Appendix: s139 Certificates for 3 and 5 Oxford Street**

24<sup>th</sup> November 2021

**David Martyn Yzendoorn**  
1002 Gordonton Road  
RD 1  
Hamilton

Attn: David Yzendoorn

**Decision on an application for S139 Certificate of Compliance under the Resource Management Act 1991**

**Application number(s):** 012.2021.00003701.001  
**Applicant:** David Yzendoorn  
**Address:** 3 Oxford Street, Fairfield, Hamilton  
**Legal Description:** Lot 4 DP S59552  
**Proposed activity(s):** Certificate of Compliance s139 – House Demolition

Dear Sir/Madam

I wish to advise that after consideration of the information and plan submitted with the application, Council's decision is as follows:

*That pursuant to the provisions of Section 139 of the Resource Management Act 1991 and the Hamilton City Operative District Plan, Council certifies that the application (being 013.2021.298.001) David Yzendoorn to demolish existing buildings at 3 Oxford Street, Fairfield, Hamilton, being Lot 4 DP 9552, can be done lawfully without a resource consent, in accordance with the information submitted to Council on 19 October 2021.*

**Reasons for the Decision**

- a. *The proposal complies with all relevant provisions/rules of the Operative District Plan for it to be considered as a permitted activity.*

**Advisory Notes**

- Any relevant provisions of any other legislation (such as the Wildlife Act or Waikato Regional Policy Statement and Plan) should be considered and the required permits obtained prior to undertaking the proposed activity.
- If this property is on-sold to a new owner(s) please ensure that a copy of this certificate is forwarded to the new owner(s).



If you have any queries about the certificate, please contact the Hamilton City Council.

Yours sincerely,



**GRANT KETTLE**  
**PLANNING GUIDANCE UNIT MANAGER**

For more information please contact:

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09 August 2022

 Sarah Josephine Yzendoorn & David Martyn Yzendoorn  
 C/- David Martyn Yzendoorn  
 1002 Gordonton Road RD 1  
 Hamilton 3281

Attention: Sarah Josephine Yzendoorn &amp; David Martyn Yzendoorn

**RE: CERTIFICATE OF COMPLIANCE 012.2022.00004004.001 FOR DEMOLITION OR REMOVAL OF THE EXISTING BUILDINGS (INCLUDING EXISTING DWELLING, AN ANCILLARY UNIT AND ACCESSORY BUILDING) LOCATED AT 5 OXFORD STREET, FAIRFIELD, HAMILTON (LOT 5 DEPOSITED PLAN 15202)**

#### **SITE AND LOCATION**

Applicant	:	Sarah Josephine Yzendoorn & David Martyn Yzendoorn
Address	:	5 Oxford Street, Fairfield, Hamilton
Legal Description	:	Lot 5 Deposited Plan 15202
Record of Title	:	(SA712/20)
Zoning	:	General Residential Zone
Overlays	:	None

#### **DESCRIPTION OF PERMITTED ACTIVITY**

**Demolition or removal of the existing buildings (including existing dwelling, an ancillary unit and an accessory building) in the General Residential Zone.**

Date of Receipt of the Application : 06 July 2022

#### **COMPLIANCE**

*Pursuant to section 139 Resource Management Act 1991 and the Hamilton City Operative District Plan, Hamilton City Council certifies that the proposal by Sarah Josephine Yzendoorn and David Martyn Yzendoorn (ref: 012.2022.00004004.001) for demolition or removal of the existing buildings (including existing dwelling, an ancillary unit and an accessory building) located at 5 Oxford Street, Fairfield, Hamilton, can lawfully be carried out without resource consent (being a Permitted Activity) in accordance with the information submitted on 06 July 2022 and 26 July 2022 .*

#### **Reasons for the Decision**

Under Section 113 of the RMA the reason for this decision is:

a. The proposal has been assessed to be a permitted activity due to compliance with all of the applicable standards in the Operative District Plan.



**Advisory Notes**

- That compliance in all other respects with Council Bylaws, all relevant Acts, Regulations, and rules of law be met.
- If this property is on-sold to a new owner(s) please ensure that a copy of this Certificate is forwarded to the new owner(s).
- The certificate will lapse within a period of five years of the date of this letter unless it is given effect before the end of that period.
- While the certificate is valid, the consent holder may undertake the demolition works notwithstanding any changes to the District Plan. However, if the proposal is different from that authorised by this certificate, then the certificate is not valid, and the legality of the use will be determined according to the District plan rules existing at the time.

If you have any queries about the certificate, please contact the Hamilton City Council.

Yours sincerely,



**GRANT KETTLE**  
**PLANNING GUIDANCE UNIT MANAGER**

For more information please contact:

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