



**MISSION SPECIAL CHARACTER
ZONE – EVALUATION UNDER
SECTION 32 OF THE
RESOURCE MANAGEMENT ACT
1991**

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1. STATUTORY REQUIREMENTS

The RMA requires under section 32 that an evaluation be undertaken of any proposed plan, plan change or variation. Section 32 is set out in full as follows:

32 Requirements for preparing and publishing evaluation reports

- (1) *An evaluation report required under this Act must—*
 - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
 - (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
 - (a) *the provisions and objectives of the amending proposal; and*
 - (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*
- (4) *If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*

- (4A) *If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—*
- (a) *summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
 - (b) *summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*
- (5) *The person who must have particular regard to the evaluation report must make the report available for public inspection—*
- (a) *as soon as practicable after the proposal is made (in the case of a standard or regulation); or*
 - (b) *at the same time as the proposal is notified.*
- (6) *In this section,—*
- objectives means,—*
- (a) *for a proposal that contains or states objectives, those objectives:*
 - (b) *for all other proposals, the purpose of the proposal*
- proposal means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act*
- provisions means,—*
- (a) *for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:*
 - (b) *for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.*

2 HOW THE OBJECTIVES OF THE MISSION SPECIAL CHARACTER ZONE ARE THE MOST APPROPRIATE WAY TO ACHIEVE THE PURPOSE OF THE ACT

2.1 PURPOSE OF THE ACT

The purpose of the Resource Management Act 1991 is set out in section 5 as follows:

5. Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In terms of section 5(1), the natural and physical resources of resource management significance within the Proposed Mission Special Character Zone are:

- Natural Resources
 - Versatile soils on the flats adjacent to Church Road;
 - Identified significant landscape of the undeveloped hill face above flats and terrace;
 - Rolling Hill Country forming the bulk of the zone that has been in pastoral farming use but which also includes north facing slopes with potential for residential development;
 - Gullies and valleys of the hill country and ephemeral stream system, that has the potential to be enhanced to a more naturally vegetated state in providing a low impact stormwater solution to residential development; and
 - The Taipo Stream which crosses the flats through the midst of the vineyards.
- Physical Resources
 - Historic Grande Maison building and other Mission Estate buildings and former seminary buildings;
 - Archaeological Sites;
 - Vineyard plantings and wine processing infrastructure and buildings;
 - Other primary production activities including grazing pasture, olive trees, pine plantations, and other trees;
 - Mission Concert venue;

- The entrance avenue of Plane trees; and
- General farm infrastructure and buildings.

2.2 RESOURCE MANAGEMENT OBJECTIVES OF THE PROPOSAL

Table 1 Proposed Resource Management Objectives

Proposed Objective	How the Purpose of the Act is Achieved
<p>Objective 1 (Objective 51b.3)¹ To provide for the sustainable management of the Mission Special Character Zone including the retention and enhancement of the values of the landscape, heritage, archaeological and versatile land resources that create the special character of the Zone.</p>	<p>The Mission Special Character Zone includes both natural and physical resources of significance. It is these resources (as set out above) in combination that create the Zone's special character. Some of this character is based on the on-going use and development of the Zones resources, such as the historic and ongoing vertically integrated wine production from the versatile soils and gentle slopes of the Church Road frontage. There is also the continued use of the Grande Maison and other former seminary buildings for the Mission Estate's hospitality businesses.</p> <p>The land of the Zone first came into the ownership of the Marist brothers in 1897 which provides historical character to the Zone's landscape, however there are some 11 Maori archaeological sites that have been identified amongst the hills providing evidence of a much older history and further contributing to this historic character.</p> <p>Objective 1 is therefore appropriate for achieving sustainable management and the Purpose of the Act by ensuring that the natural and physical resource that provide the Zones special character are retained and enhanced in both providing for the social, economic and cultural well-being of the landowners within the Zone, the social and cultural well-being of the community, and for the well-being of future generations.</p>
<p>Objective 2 (Objective 51b.4) To enable the use and development of the Mission Special Character Zone and to provide new residential and greater tourism and recreational opportunities, while avoiding, remedying and mitigating adverse effects on the environment.</p>	<p>This objective is consistent with managing the use and development of the natural and physical resources of the Zone in a way that enables MHL to provide for their economic well-being by utilising their land resource to a greater potential (the greater potential economic returns of giving effect to this objective are quantified in the ESL Report²). This will in turn enable future residents of the Zone to provide for their social, economic and cultural well-being; and for visitors to the Mission Estate facilities and accommodation, and users of the proposed walking tracks and reserves to provide for their social and cultural well-being.</p> <p>By including the rider that such use and development is to avoid, remedy and mitigate adverse effects on the environment, will ensure that such use and development is sustainable, and therefore appropriate for achieving the purpose of the Act.</p>
<p>Objective 3 (Objective 51b.5)</p>	<p>In terms of natural and physical resources the Mission</p>

¹ This is the reference numbering used in the proposed plan change.

² Proposed Mission Special Character Zone – Economic Benefit Assessment, Sean Bevin, Economic Solutions Limited (November 2016).

Proposed Objective	How the Purpose of the Act is Achieved
<p>To retain and enhance the contribution of the eastern hill face backdrop to the Mission's significant landscape character.</p>	<p>landscape was identified as a 'Significant Amenity Landscape' in the Napier Landscape Assessment³ (July 2009). This landscape provides an important contribution to the 'special character' of the Zone and has been identified through consultation with Napier City Council as providing a significant contribution to the amenity values of the City. On this basis, the protection of the landscape values of the eastern hill face backdrop would contribute to the social and cultural wellbeing of the Napier and wider community. In summary, this objective identifies and seeks the protection and enhancement of one of the fundamental components of the special character of the Zone and is therefore appropriate in achieving sustainable management and the purpose of the Act.</p>

2.3 THE PURPOSE OF THE PROPOSAL

The purpose of preparing a Plan Change to apply to the MHL property was agreed in consultation between MHL and the Napier City Council as needing to achieve the following:

- Protect the visual amenity value of this landscape as a backdrop to Taradale and the City of Napier and in particular the integrity of the skyline;
- Provide connectivity as a walkway link across the Western Hills;
- Provide connectivity as part of an ecological corridor within the City Reserves Network; and
- Provide a different style of residential opportunity in Napier (world class).

2.4 LINK WITH RESOURCE MANAGEMENT OBJECTIVES

These matters have all been taken into account in the development of the resource management objectives set out in Table 1 above, which are based on the establishment of a new 'special character zone'. The resource management objectives, implement the above bullet points of the purpose of the plan change as is explained as follows:

- Objectives 3 specifically, and 1 more generally, give effect to the first of the above bullet points in regards to the landscape protection of the back drop hills.
- Objective 2 in enabling new residential and greater tourism and recreational opportunities gives effect to the 2nd, 3rd and 4th of the above bullet points.
- Objective 1 in seeking to retain and enhance the values that create the special character of the Zone provides for the qualitative intent of the proposed residential development as expressed in the 4th bullet point and to the quality of the walkway and ecological connectivity sought by the 2nd and 3rd bullet points.

³ Napier Landscape Assessment, Isthmus Group, King Consultants Ltd, & Civic Solutions (July 2009)

3 EVALUATION OF ALTERNATIVE APPROACHES FOR IMPLEMENTING OBJECTIVES IN ACHIEVING THE PURPOSE OF THE ACT

3.1 COMPARISON OF ALTERNATIVE APPROACHES

The Resource Management Objectives adopted for the Plan Change are based on a ‘special character zone’ approach. The following table evaluates different approaches that could be adopted and their appropriateness in achieving the purpose of the Act.

Table 2: Evaluation of Alternative Approaches to Plan Change

Option	Explanation	Appropriateness
1. Plan Change for extended Residential Zone only	The existing Rural Residential and Main Rural zonings would be retained over the balance of the property, while the Western Hills Residential Zone would be extended and changed to facilitate the desired ‘different style of residential activity’.	This approach could achieve a residential development, which in itself could be designed to achieve sustainable management and therefore be appropriate in terms of the purpose of the Act to that extent. The other components of the purpose of the plan change however, being walkway and ecological connectivity across the property and to NCC networks, and landscape protection of the backdrop hills would not be achieved. This is because the backdrop hills would be outside of the rezoning area and would retain their status quo rural residential zoning. Under this zoning there would be no certainty of vegetation cover over the eastern hill face.
2. Resource Consent Approach with no Plan Change	The status quo zonings would be retained and the residential development would be pursued by resource consent under the existing zonings.	Subdivision consent was applied for by MHL for development in the Western Hills Residential Zone in the later 2000’s but was subsequently withdrawn due to difficulties in being able to implement the subdivision and achieve the design standards of the Napier City District Plan’s Code of Practice for Subdivision and Land Development. Particularly in regard to the minimum road design requirements. As for Option 1, there would be no scope to require protection of the back drop hills (which would remain within the Rural Residential Zone) or to implement walkway and ecological connectivity in pursuing this option. This option would not enable either the landowners to provide for their economic well-being with a viable residential development, nor the social or cultural well-being of the community in terms of landscape protection and walkway connectivity, therefore it is not appropriate for achieving the purpose of the Act.
3. Special Character Zone	A ‘Special Character’ zoning would be applied over the whole property to protect the values and	The special character zone applied to the whole property would ensure the overall sustainable management of the zone within the parameters of overarching

Option	Explanation	Appropriateness
	<p>enable the activities that provide the special character. Within the special character zone precincts would be identified based on land use capability and landscape character. Different rules would be applied to the different precincts, which would include a residential precinct.</p>	<p>objectives. The precinct approach would allow for both residential development in a defined area and landscape protection of the backdrop hills as well as the desired walkway and ecological connectivity. Such an approach therefore seeks to manage the use, development and protection of the resources of the MHL property in a manner that enables the landowners to achieve their economic well-being and for the community and visitors to the zone to achieve their social and cultural well-being, thereby achieving the sustainable management purpose of the Act.</p>

3.2 FURTHER EXPLANATION OF THE APPROPRIATENESS OF THE PROPOSED SPECIAL CHARACTER ZONING

Given the evaluation in the table above, the Special Character Zone is the most appropriate of the options assessed in achieving sustainable management. Further explanation of how sustainable management will be achieved by the proposed special character zoning is provided as follows.

The purpose of the private plan change is to provide for the sustainable and integrated management of its various existing land uses as well as enabling the residential potential of the hill area of the MHL property to be realised (which includes land that has been zoned ‘Western Hills Residential’ but never developed under that zoning) and for its tourism potential to be further developed.

In achieving sustainable management, the plan provisions applying to the property need to recognise, protect and enhance the landscape significance of the east facing slopes above the vineyard and winery setting, along with the heritage values of the Mission Estate winery including the La Grande Maison building and identified archaeological sites. The plan provisions also need to sustainably manage the versatile soils of the vineyard flats in giving effect to the purpose of the RMA.

To adequately provide for the wide range of existing land use activities and potential activities in an integrated manner, the area is proposed to have a separate ‘special character’ zoning in the District Plan to which the above listed objectives will apply. To acknowledge the different land use capabilities and landscape character protection priorities within the zone there is however, a need to divide the zone into precincts based on capability and character, to be managed through precinct based district plan methods.

Given the above, the proposed Special Character Zoning and precincts are considered to be an appropriate method for achieving the sustainable management purpose of the Act.

4 EVALUATION OF THE PROPOSED DISTRICT PLAN PROVISIONS AGAINST THE OBJECTIVES

The appropriateness of the district plan provisions of the proposed new zone require evaluation under sections 32(1)(b) and 32(2) of the RMA. In carrying out such an evaluation it is important to ensure that the evaluation is not at a level so broad that the district plan changes are left unjustified or at a level of detail so great that the consideration of alternative approaches is lost. The following evaluation attempts to achieve this balance.

4.1 APPROPRIATENESS OF PROPOSED POLICIES IN ACHIEVING THE OBJECTIVES

RMA section 32(1)(b) requires an examination of whether the provisions (including policies) in the proposal are the most appropriate way to achieve the objectives by—

- (i) *identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions; and*

RMA section 32(2) requires that such an examination must—

identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

- (i) *economic growth that are anticipated to be provided or reduced; and*
- (ii) *employment that are anticipated to be provided or reduced; and*

In accordance with these requirements, the following assessment of the appropriateness of the policies against the relevant objective considers the environmental, economic, and social and cultural effects of each policy in terms of benefits and costs. The assessment also identifies other reasonably practicable options and assesses their appropriateness. A summary of the reasons for deciding on the policies to achieve each objective is provided under each table.

4.1.1 Objective 51b.3

Objective 51b.3⁴

To provide for the sustainable management of the Mission Special Character Zone including the retention and enhancement of the values of the landscape, heritage, archaeological and versatile land resources that create the special character of the Zone.

Objective 51b.3 is protection focused (in the context of the Zone enabling use and development in providing sustainable management) in seeking to ensure that values that create the special character are retained and enhanced.

⁴ As per the reference numbering used in the Mission Special Character Zone Chapter of the plan change.

Table 3: Appropriateness of policies to achieve objective 51b.3

Proposed Policies to Achieve Objective 51b.3	Appropriateness
<p>51b.3.1 Ensure that future building and development avoids, remedies or mitigates any adverse effects on the special character of the Mission landscape, particularly as viewed from Church Road. The features that provide this special character include:</p> <ul style="list-style-type: none"> ➤ Coherence of land use to landform (rural production vineyard on valley floor, historic building precinct on terrace); ➤ Backdrop of unbuilt on hill face; ➤ Landmark and historic qualities of the Grande Maison; ➤ Proximity to landmark qualities of Sugar Loaf; ➤ Avenue of plane trees lining entrance road; and ➤ Meandering course of Taipo Stream in juxtaposition to lines of vines. 	<p>Environmental Effects This policy sets a strong direction to ensure that the Mission landscape as viewed from Church Road will not be affected by future building and development. This has the benefit of focusing landscape protection on that part of the landscape considered to be the most significant. The listing of features that provide the character also assist in making it clear as to what is significant.</p> <p>Economic Effects The policy acknowledges that there will be future building and development within the Zone but focusses direction to ensure that such development will not adversely affect the identified significant landscape. This avoids the economic costs of unspecific landscape protection rules that could prevent sustainable and appropriate development. Use of the wording ‘avoid, remedy or mitigate’ enables the proposed woodland planting to screen and mitigate the effects of future dwellings on the most desirable hill top building platforms, thereby being effective in protecting the landscape values and efficient in minimising lost opportunities for residential development.</p> <p>Social and Cultural Effects Protection of the iconic Mission landscape as viewed from Church Road helps provide for the social and cultural well-being of the community of Greenmeadows and Taradale as well as the wider Napier and Hawke’s Bay communities.</p> <p>Appropriateness This policy is appropriate in achieving the sustainable management intent of the objective by ensuring that the specific landscape values that create the special character of the zone are protected, while not preventing development on less sensitive areas of the property.</p>
<p>51b.3.2 Ensure that the heritage values of the Mission, including the ‘La Grande Maison’ building and its setting are retained.</p>	<p>Environmental Effects These two policies set a strong direction on protecting the most significant historic heritage values of the site being the La Grande Maison building and the archaeological sites.</p>
<p>51b.3.3 Ensure that earthworks and building development avoid, remedy and mitigate any adverse effects on archaeological sites.</p>	<p>Economic Effects The policy direction for the Grande Maison is to ensure that it is retained. This is within the economic interests of MHL given its iconic position in the landscape and contribution to the character and ambience of the Mission Estate winery. This policy direction for retention of the building rather than outright protection, would not preclude minor building alterations if required for operational purposes, which is important in not introducing additional costs to the landowner. The direction for archaeological sites is to avoid, remedy and mitigate adverse effects, rather than simply to avoid such effects. This acknowledges the possibility of as yet unidentified archaeological sites being uncovered by earthworks, but ensures that mitigation measures are in place should this occur.</p>

Proposed Policies to Achieve Objective 51b.3	Appropriateness
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Social and Cultural Effects

Retention of historic heritage values, including the Grande Maison and archaeological sites, is an important benefit in regards to social and cultural effects.

Appropriateness

These two policies are appropriate in achieving both the sustainable management and protection intentions of the objective, by ensuring that the specific historic heritage values that create the special character of the zone are protected, while not preventing development where effects on these values can be avoided, remedied or mitigated.

**51b.3.4
Protect the versatile land resource of the Mission vineyard flats from urban development and activities unrelated to the productive use of the land resource or the vertical integration of the wine industry.**

Environmental Effects

This policy sets a strong direction to ensure that the primary production values of the versatile land resource of the Mission flats are protected from urban development. This achieves objective 51b.3 in identifying that the versatile soils are a natural resource that contributes to the character of the zone.

Economic Effects

There is an opportunity cost in regards to this policy as this versatile land resource would be less expensive to develop for residential purposes than the land in the western hills area. There are however economic and employment benefits in retaining the productive value of these soils for the grapes produced from them (and their potential to grow other crops) and the contribution that this makes to the ambience and vertical integration of wine production on the Mission Estate property. Further to this if residential development is able to occur on the less productive and versatile land on the property as is proposed, then retaining the most versatile soils for productive purposes is of overall economic benefit.

Social and Cultural Effects

Viticulture and wine production and other forms of agricultural and horticultural use of the versatile soils of the property is of benefit for retaining the social history of New Zealand's oldest producing winery and the tie to the Marist brothers' winemaking and agricultural activities undertaken from the site.

Appropriateness

This policy is appropriate in achieving the sustainable management intent of the objective by ensuring that the most productive and versatile land on the property is retained into the future and not 'lost' to urban development. Further to this the productive use of this versatile land and in particular its existing vineyard plantings, contribute to the landscape and character values of the Zone, which the objective seeks to retain and enhance.

Alternative Policy Approaches

**Non-Regulatory
Encourage Protection without**

No district plan landscape protection is the status quo. The backdrop hills are currently zoned Rural Residential and

Proposed Policies to Achieve Objective 51b.3	Appropriateness
district plan regulation	could be used for a number of activities as of right (of which the recent forestry and associated harvesting was one such use). Rural Residential subdivision to an average site size of 1.5ha would be possible over a large portion of the property including the backdrop hills. While the current owner may have no intention of such subdivision involving the backdrop hills, such an approach would not be effective in providing for certainty of protection of this identified significant amenity landscape.
Achieve landscape protection through Council purchase and reserve status	Such an approach would require either a willing seller or a designation process. While it may be of environmental, social and cultural benefit to the wider community it would not be in the interests of MHL to 'lose control' of this part of their property in terms of privacy and security, given its proximity to the vineyard, winery and Mission Estate buildings. In this regard, it would not enable the economic and social well-being of the landowners. Further to this wherever the boundaries are made around the reserve, could have potential landscape effects with different management approaches either side of the boundary, potentially reducing some of the coherence of the hill backdrop. On the other hand reserve status would be effective in controlling and retaining the landscape values of that part of the hill within the boundaries of any reserve.
Achieve landscape protection through standalone landscape protection rules in the district plan	This approach would involve district plan provisions being added to restrict development within the area of the identified significant amenity landscape outside of any wider special character zone approach. Although such an approach could be effective at protecting the significant amenity landscape it would not necessarily promote sustainable management and could unnecessarily restrict the ongoing use and development of the property and therefore would not provide for the social and economic well-being of the owners. In general terms on a national basis regulation is used in district plans for giving effect to RMA section 6(b) in providing for <i>'the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development'</i> as a matter of national importance. Non-regulatory approaches are more common for landscapes that are not identified as 'outstanding' in terms of section 6(b). There are no landscapes that have been identified as outstanding within the City of Napier and there are no examples of standalone landscape protection rules in the City of Napier District Plan. Regulation in association with some form of special character zone in providing for multiple development and landscape preservation objectives is a more common approach for landscapes of 'significant amenity value' as is being proposed by the above policies. For these reasons, standalone landscape protection provisions would not be as appropriate as the policies identified above.

4.1.1.1 Summary of Reasons for the Policies selected to achieve Objective 51b.3

The Mission landscape is an important part of the City of Napier, and of the Greenmeadow and Taradale areas. It captures some of the history of the area, with the seminary history

being most evident in the main building (the Grande Maison), but also in the landscape itself, and in particular history relating to wine industry which is part of Hawkes Bay's identity.

The landscape, which is identified as being significant in the Napier Landscape Assessment (July 2009) has three main components, these being:

1. The corduroy pattern of vines on the flat land (foreground)
2. The Mission buildings surrounded by trees on the terrace (middle-ground)
3. The backdrop hills (which were forested, now cleared and to be replanted)

It is important that subdivision and building development within the Residential Precinct does not compromise the significance of this landscape, particularly development on the hill tops and ridgelines above the eastern hill face (or backdrop hills). At the same time these hill tops provide a desirable residential land resource with the coastal views offered. Policy 51b.3.1 ensures that houses in the new development on top of the backdrop hills will not be visible from Church Road, which provides the key views of the Mission's significant landscape. Housing development on these hill tops is possible in conjunction with woodland planting of the backdrop hills, which will have the effect of screening buildings from view from Church Road.

Both building and archaeological heritage also add to the Character of the Zone. It is therefore important for the integrity of the Special Character Zone that these values are retained into the future.

As mentioned above the 'corduroy pattern' of vines on the flats adds to the significance of the landscape and to the context of the historical winery. The vineyard also uses the versatile soils of the flats productively. For the sustainable management of the Zone it is important that the life supporting capacity of this versatile land resource is not lost to urban development. In addition to the vineyard, these flats also accommodate the wine production facility in providing for the vertical integration of the winery. Buildings relating to the vertical integration of the winery or otherwise accessory to the productive use of the land are considered appropriate on the versatile land of the Productive Rural Precinct.

4.1.2 Objective 51b.4

Objective 51b.4

To enable the use and development of the Mission Special Character Zone and to provide new residential and greater tourism and recreational opportunities, while avoiding, remedying and mitigating adverse effects on the environment.

Objective 51b.4 is enabling of residential, tourism and recreational development opportunities with the proviso that such use and development must avoid, remedy or mitigate any adverse effects on the environment.

Table 4: Appropriateness of policies to achieve objective 51b.4

Proposed Policies to Achieve Objective 51b.4	Appropriateness
<p>51b.4.1 Manage the use and development of the Mission Special Character Zone within four precincts of like character and physical attributes and with the spatial direction of a structure plan.</p>	<p>Environmental Effects This approach enables the management of potential effects on the environment to be tailored to the different landforms and capabilities of the land within the wider zone. In achieving the objective, such an approach provides for plan provisions and structure plan details seeking to avoid, remedy and mitigate adverse effects on the environment within each precinct. This approach is efficient in allowing stricter plan provisions to be applied to those areas of the environment that are more sensitive, such as the back drop hills.</p> <p>Economic Effects The policy acknowledges that there will be future use and development within the Zone but allows specific precincts to appropriately manage the development within the different parts of the Zone. This avoids the economic costs of unspecific protection rules that could prevent sustainable and appropriate development.</p> <p>Social and Cultural Effects This policy enables targeted protection of those values of the special character zone that provide the greatest contribution to the community’s social and cultural wellbeing.</p> <p>Appropriateness This policy is appropriate in achieving the sustainable management intent of the objective by ensuring that the specific values that create the special character of the zone are protected, while not preventing development on less sensitive areas of the property.</p>
<p>51b.4.2 Within the Residential Precinct: a) Provide for residential development in accordance with the structure plan (Appendix 26) and land use rules (Chapter 51b) to create a character which responds to the natural topography, provides for a variety of section sizes and house types, and has a distinctive street layout and streetscape. b) Ensure the structure planning process and subsequent development is undertaken in accordance with Policy UD10.1 and 10.3 of the Hawke’s Bay Regional Resource Management Plan. c) Develop rules that enable the development of a place and a</p>	<p>Environmental Effects This policy clearly sets out the nature and character of the new residential environment proposed to be created in achieving Objective 51b.4, particularly in regard to clauses a) and c). The proposed location of this precinct is in the north western portion of the Zone encompassing the whole of the current Western Hills Residential Zone and a portion of the Rural Residential Zone. It will involve the conversion of an existing pastoral farming landscape to a residential community. Clauses a) and c) seek to ensure that this residential community will provide a pleasant environment for future residents and visitors. Clause d) of this policy is particularly important in ensuring environmental benefit with regards to storm water quality and management and the reintroduction of indigenous vegetation cover as part of the stormwater and walkway system. Clause b) is of environmental benefit with regards to providing certainty that the residential development occurs in a planned and strategic manner in giving effect to the RPS.</p> <p>Economic Effects</p>

Proposed Policies to Achieve Objective 51b.4	Appropriateness
<p>community reflecting some of the characteristics of Napier Hill but with a Mission Special Character Zone identity.</p> <p>d) Provide for a low impact stormwater design system utilising the gully and valley system of the natural landform in a manner that can be integrated with the planting of indigenous vegetation and walkway networks.</p> <p>e) Provide for land use provisions that are generally consistent with the City's other residential zones but appropriate for the Mission Special Character Zone and the unique character and identity sought for residential development within this zone.</p> <p>f) Ensure the provision of a buffer of landscaped open space fronting Puketitiri Road and the Zone boundary to the west so as to reduce off site visual impacts and reverse sensitivity effects.</p>	<p>This policy achieves objective 51b.4 by enabling residential development in the form of a new residential community. This policy direction is of significant economic and employment benefit to MHL and to the wider community as is quantified in the ESL report⁵. The economic cost is the opportunity cost of the loss of primary production opportunities to urban development. This is also quantified in the ESL report as being significantly less than the economic benefits of proceeding with the development.</p> <p>Social and Cultural Effects The pleasant environment that this policy suite seeks to create will help provide for the social and cultural well-being of future residents, including their recreational needs through the walkway network sought by clause d) and the Puketitiri Road buffer reserve sought by clause f).</p> <p>Appropriateness This policy suite is appropriate in enabling the residential development opportunities sought by Objective 51b.4 in a manner that is consistent with the special character of the zone and seeks to avoid, remedy and mitigate adverse effects on the environment.</p>
<p>51b.4.3 Within the Productive Rural Precinct</p> <p>a) To provide for the sustainable use of the versatile land resource, including appropriate enhancement or expansion of the existing vineyards or wine production facilities.</p> <p>b) Develop land use provisions that are generally consistent with the Main Rural Zone in the context of the Mission Special Character Zone.</p> <p>c) To provide for public access via walkways through the Zone and around the Productive Rural Precinct, rather than by reducing the productive use of the versatile soils by requiring</p>	<p>Environmental Effects This policy in establishing a Productive Rural Precinct sets a strong direction to ensure that the residential development aspirations of Objective 51b.4 avoid adverse effects on the sustainable use of the versatile land resource. Clause b) in adopting consistency with the Main Rural Zone plan provisions ensure that this land will remain as part of the City's productive rural land resource.</p> <p>Economic Effects There are economic and employment benefits in retaining the productive value of these soils for viticulture or other primary production activities. As discussed above there could also be said to be an opportunity cost of this approach given that this land would be cheaper to develop for residential purposes given its flatter topography and closer access to reticulated services, but such development would be contrary to the overall sustainable management of the natural and physical resources within the Zone.</p> <p>Social and Cultural Effects</p>

⁵ Proposed Mission Special Character Zone – Economic Benefit Assessment, Sean Bevin, Economic Solutions Limited (November 2016).

Proposed Policies to Achieve Objective 51b.4	Appropriateness
<p>esplanade reserves adjacent the banks of the Taipo Stream through the midst of this Precinct.</p>	<p>In regards to social and cultural effects this policy helps contribute to the retention of landscape values of the view from Church Road of the foreground remaining in grape vines or other form of agricultural or horticultural production.</p> <p>Appropriateness This policy suite is appropriate in achieving the intent of Objective 51b.4 of development avoiding, remedying and mitigating adverse effects on the environment and those effects on the versatile land resource in particular.</p>
<p>51b.4.4 Within the Landscape and Visitor Precinct</p> <ul style="list-style-type: none"> a) Provide for the continued use and development of the cellar door, restaurant, wedding venue, conference and meeting facility, former seminary buildings and the concert venue. b) Provide land use controls and structure planning that enables opportunity for the development of additional tourist accommodation in appropriate locations. c) Provide structure plan direction for the woodland planting of the background hills (eastern hill face) and the development of walking and cycling tracks through the woodland and across the hill providing connections to the wider Napier City walking and cycling network. 	<p>Environmental Effects This suite of policies establishing the Landscape and Visitor precinct provides for via: clause a) the existing hospitality activities around the Mission Estate buildings that are a significant part of the special character of the Zone; Clause b) the direction of Objective 51b.4 for tourism development in regards to accommodation; and Clause c) the direction of Objective 51b.4 for recreational development in regards to walking tracks along with the woodland planting to achieve the directive to avoid remedy or mitigate any adverse effects. In this way the proposed Landscape and Visitor Precinct, has competing intentions of enabling development in the form of tourist accommodation and walking tracks and in protecting the landscape values of the background hill face with woodland plantings. Reference to the ‘structure plan’ in clauses b) and c) acknowledges that to achieve these dual intentions the location of the new tourist accommodation and walking tracks needs to be carefully defined spatially so as not to detract from landscape character values. On the basis of the above, these policies will be of benefit in avoiding, remedying and mitigating environmental effects.</p> <p>Economic Effects With regard to economic effects, the policy direction to enable the development of new tourist accommodation and walking tracks has quantifiable economic and employment benefits as set out in the ESL report⁶. As concluded in that report the economic benefit of a boutique hotel and the stand alone chalets (‘art cabins’) would be of \$2.9m to annual Gross Regional Product and 49 full time equivalent employment positions annualised (see Page 13 Table 2 of ESL report).</p> <p>Social and Cultural Effects Retention and enhancement of the already significant landscape values of the background hills through woodland planting will be of social and cultural benefit to the community. Additional accommodation and recreational opportunities will also be of social and</p>

⁶ Proposed Mission Special Character Zone – Economic Benefit Assessment, Sean Bevin, Economic Solutions Limited (November 2016).

Proposed Policies to Achieve Objective 51b.4	Appropriateness
	<p>economic benefit to tourists to Hawke’s Bay and the local community.</p> <p>Appropriateness The Landscape – Visitor Precinct policy is appropriate and in fact integral in achieving both the tourism / recreational development opportunities while avoiding, remedying and mitigating adverse effects on the environment, as by necessity within this precinct sustainable management will be achieved by new development and landscape enhancement occurring together.</p>
<p>51b.4.5 Within the Rural Residential Precinct</p> <p>a) To enable both rural residential development and on-going farming and forestry activities on land of lower versatility and landscape significance that is unsuitable for residential development.</p> <p>b) Provide land use controls that are generally consistent with the Rural Residential Zone.</p> <p>c) To enable the efficient use and development of existing building resources.</p>	<p>Environmental Effects The Rural Residential Precinct policy essentially provides for the status quo district plan provisions to continue on those parts of the existing Rural Residential Zone that have not been incorporated within either the Residential or Landscape and Visitor precinct. The land included within the Rural Residential Precinct has lesser potential for residential development and involves those areas of the site which do not contribute to either its significant landscape or versatile soil values, so therefore involves the less sensitive areas of the site. This is considered appropriate for achieving that part of the objective seeking to avoid, remedy and mitigate adverse effects on the environment.</p> <p>Economic Effects In terms of the economic well-being of MHL this policy provides for some flexibility in regards to providing for the existing activities within this precinct and in providing various alternative options including rural residential subdivision. Clause c) in enabling the reuse and development of existing buildings, acknowledges the existing physical resources of the Mary Knoll facility along with the woolshed and farmhouse accommodation could be used more pore productively.</p> <p>Social and Cultural Effects This area of the property is less sensitive in terms of social and cultural effects both in terms of landscape and historic heritage values.</p> <p>Appropriateness The status quo district plan provisions under the objective and policy umbrella of the proposed Mission Special Character Zone will be appropriate in achieving Objective 51b.4 by enabling limited use and development while avoiding, remedying and mitigating adverse effects on the environment.</p>
<p>51b.4.6 To enable innovative approaches to land use and development within the Mission Special Character Zone to enhance tourism and / or recreation</p>	<p>Environmental Effects This policy complements the policy relating to the Landscape – Visitor Precinct, acknowledging the dual need in providing development opportunity for tourism and recreation while protecting the Character of the Zone. This last part of the policy ensures that it will be of benefit</p>

Proposed Policies to Achieve Objective 51b.4	Appropriateness
<p>opportunity provided that such approaches do not undermine the values that contribute to the Character of the Zone.</p>	<p>in terms of mitigating environmental effects.</p> <p>Economic Effects This policy will be beneficial in enabling economic and employment benefits to be gained from tourism and recreational development (as discussed above) and would provide opportunity for activities that are consistent with this policy but may not be directly provided for by the Zone rules.</p> <p>Social and Cultural Effects The reference to the ‘values that contribute to the Character of the Zone’ ensures that tourism and recreation development will not undermine the historic heritage values, including archaeological sites. This is an important benefit in regards to social and cultural effects.</p> <p>Appropriateness This policy is appropriate in achieving both the tourism / recreational development opportunities while avoiding, remedying and mitigating adverse effects on the environment as is sought by Objective 51b.4. The reference to innovative approaches encourages initiatives such as the woodland planting of the background hills both as a landscape enhancement and a screening mechanism; or the multipurpose (with recreational and ecological benefits) low impact stormwater system in the Residential Precinct.</p>

Alternative Policy Approaches

<p>Pursue development objectives using the status quo Western Hills Residential and Rural Residential Zonings.</p>	<p>This has been attempted previously by MHL in the 2000’s, however the Western Hills Zone plan provisions and structure plan proved unviable to implement in association with the NCC Engineering Code of Practice and Land Development, given the challenging topography of the site. The above suite of policies is based on utilising the topography of the site to create a new residential area of special character in providing development opportunities. The proposed precinct and structure plan approach also enables the directive of the policy to provide tourism opportunities to be achieved. Retaining the status quo residential and rural residential zoning approach does not enable such opportunities and is therefore less appropriate than the above policies in achieving objective 51b.4.</p>
<p>Use a single new special character zone approach with no precincts.</p>	<p>This would be a simpler and broader brush approach to that proposed through the above policies. In conjunction with a structure plan such an approach may be able to give effect to the objective in establishing a residential zone, however the approach would not be fine grained enough to enable the efficient and effective sustainable management of the land within the zone on an ongoing basis due to the conflicting needs of the various parts of the property. For example post development there will be residential allotments in individual ownership, which would not be appropriate to manage under the same set of district plan rules and standards as the Mission Estate</p>

Proposed Policies to Achieve Objective 51b.4	Appropriateness
	vineyards, winery or farming activities.
Only rezone the proposed residential area.	This approach could be efficient and effective at achieving the residential directive of objective 51b.4, but does not assist in achieving the tourism directive. Further to this only rezoning the residential area does not enable the balance of the property to be utilised in the mitigation of effects as is proposed through the woodland planting in the Landscape and Visitor Precinct or in the establishment of walkway networks in and through the property.

4.1.2.1 Summary of Reasons for the Policies selected to achieve Objective 51b.4

The natural and physical resources of the Mission Special Character Zone have the potential to provide unique and desirable residential development options to the City of Napier, as well as additional tourism development and recreational opportunities. Such opportunities are also able to be provided in a manner that does not adversely affect the landscape, heritage, archaeological and versatile soil values of the area. The district plan therefore seeks to enable the development of these opportunities in a manner that does not detract from the Zone’s special character values.

The demarcation of different precincts within the Mission Special Character Zone seeks to ensure that the various opportunities that are sought to be provided for, take place within the most appropriate areas of the Zone to ensure that the aforementioned special character values are not undermined. In addition to the precincts, the district plan rules and structure plan seek to ensure that adverse effects on the environment are avoided, remedied and mitigated.

The district plan provisions for the residential precinct seek to ensure that each residential allotment can be adequately serviced in a manner that does not reduce the efficiency to the City’s network utility infrastructure, as well as ensuring geotechnically stable building platforms and roads and an appropriate reserve provision. Added amenity and ecological value is provided by the low impact storm water network and associated plantings and walking network based on the natural topography of the Zone, in addition to community reserves and street network open space.

The development within the Residential Precinct is consistent with the Heretaunga Plains Urban Development Strategy (HPUDS), which identifies this land for future residential growth. HPUDS is implemented by the Regional Policy Statement component of the Hawke’s Bay Regional Resource Management Plan, which also identifies this area as being appropriate for residential growth.

In terms of tourism and recreation opportunity the ‘Landscape and Visitor Precinct’ is important as this is where the existing cellar door, restaurant, wedding venue, conference facility and concert venue are located, but it is also where there is potential to develop tourist accommodation and walkway routes. It is important to ensure that the realisation of

these opportunities does not impact on the special character values that this portion of the property contributes to the Zone and the City. There is ample land within which careful location of any tourist accommodation and walkway development can ensure that the special character values are not impacted on by such development. The implementation of the proposed woodland planting will help to mitigate any visual effects of walking tracks and buildings (including those on the hill tops within the Residential Precinct) as well as enhancing the special character qualities of the landscape as viewed from Church Road.

Little change in development rights are proposed in the Productive Rural and Rural Residential precincts. The existing Main Rural Zone and Rural Residential district plan rules are therefore generally appropriate to use as a base for ensuring any adverse effects of land use are avoided, remedied, or mitigated within these precincts.

4.1.3 Objective 51b.5

Objective 51b.5

To retain and enhance the contribution of the eastern hill face backdrop to the Mission’s significant landscape character.

Objective 51b.5 is more specific than the other two objectives in singling out the eastern hill face in terms of its contribution to the Missions significant landscape character. It is important to note that the objective seeks enhancement of the eastern hill face backdrop as well as retention in terms of its landscape character values.

Table 5: Appropriateness of Policies to Achieve Objective 51b.5

Proposed Policies to Achieve Objective 51b.5	Appropriateness
<p>51b.5.1 Ensure the landscape value of the eastern hill face backdrop is not adversely affected by building and development.</p>	<p>Environmental Effects This policy sets a strong direction to ensure that the eastern hill face is not affected by the residential, tourism and recreational development that is promoted by objective 51b.4 and the related suite of policies. With regard to environmental effects, this policy is appropriate for achieving Objective 51b.5 by ensuring development that is enabled by the proposed new zone does not detract from the contribution that the eastern hill face backdrop makes to the Mission’s significant landscape character value.</p> <p>Economic Effects The policy acknowledges that there will be future building and development within the Zone but focusses direction to ensure that such development will not adversely affect the eastern hill face backdrop, which Objective 51b.5 singles out as requiring retention and enhancement in terms of its contribution to the zone’s significant landscape character. This policy approach therefore focuses on the potential adverse effects of building and development and avoids the economic costs of preventing such building and development.</p>

Proposed Policies to Achieve Objective 51b.5	Appropriateness
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Social and Cultural Effects

As has been discussed previously, avoiding any landscape effects on the eastern hill face backdrop helps provide for the social and cultural well-being of the community of Greenmeadows and Taradale as well as the wider Napier and Hawke’s Bay communities, given its contribution to the overall significant amenity landscape as viewed from Church Road.

Appropriateness

This policy is appropriate in achieving the ‘retention’ component of Objective 51b.5 by, linking to the building and development enabled by objective 51b.4 and ensuring that it does not adversely affect the landscape character of the eastern hill face backdrop.

**51b.5.2
Implement and retain woodland planting to the hill face to retain its undeveloped appearance and to stabilise the slope while softening and adding visual interest to the landscape.**

Environmental Effects

This policy has strong benefits in regards to environmental effects by directing the woodland planting of the eastern hill face backdrop and to therefore achieve the ‘enhancement’ component of Objective 51b.5.

Economic Effects

There will be direct economic costs in implementing this policy in terms of purchasing tree seedlings and the labour necessary for planting and maintenance (although this could be considered an employment benefit). There is also the opportunity cost of foregoing the previous production forestry use of the hill face. There will however be added amenity value created to the proposed tourist accommodation and walkways by the woodland plantings and the character created is also likely to add to the desirability and point of difference of the proposed residential development. Increased amenity and character is likely to create economic benefits by increasing the value of the proposed development. Further to this the policy would not prevent long term economic benefits in terms of selective harvesting of high value trees out of the woodland (providing the woodland is retained around where the tree is harvested from).

Social and Cultural Effects

This policy will also have strong social and cultural benefits to neighbouring residents and the wider community by directing woodland planting to enhance the landscape character of the eastern hill face backdrop through the positive softening effects and added visual interest. The strength of these social and cultural benefits is due to the value that the eastern hill face backdrop has to the landscape character as viewed from Church Road.

Appropriateness

This policy is appropriate in achieving the ‘enhancement’ component of Objective 51b.5 by, directing woodland planting of the eastern hill face backdrop. Woodland planting will provide enhancement by stabilising the slope, and softening and adding visual interest to that landscape, therefore enhancing the contribution of the eastern hill face backdrop to

Proposed Policies to Achieve Objective 51b.5	Appropriateness
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the Mission’s significant landscape character.

**51b.5.3
Enable the use of the hill face for the development of a walkway network.**

Environmental Effects

The two previous policies will help ensure that walkways and potentially cycle ways could be formed across the hill face without adverse effects (or environmental costs). Without such policies seeking to avoid adverse effects and enhance the hill face, this policy in isolation could potentially result in environmental effects and therefore costs.

Economic Effects

There will be an initial economic cost in the forming of the vegetation cover and walkway network and this is estimated in the ESL report at \$1.21 million. As is also documented in that report however “the combined economic benefits generated for the Hawke’s Bay region from this level of spending are Value Added/ GRP \$0.9 million” (ESL Report, page 12).

Social and Cultural Effects

The recreational opportunity that the development of this walkway link will provide is significant to both the wider Napier City community as well as to future residents of the Mission Special Character Zone.

Appropriateness

This policy is appropriate by providing additional opportunity for the Landscape Character of the Mission, and the eastern hill face in particular, to be appreciated from public access within the landscape itself rather than just from the views from Church Road and therefore enhancing the contribution of the eastern hill face backdrop to the Mission’s significant landscape character.

Alternative Policy Approaches

**Non-Regulatory
Encourage protection and enhancement of the eastern hill face without district plan regulation**

No district plan landscape protection is the status quo. As discussed under Objective 51b.3 above, the backdrop hills are currently zoned Rural Residential and could be used for a number of activities (of which the recent forestry and associated harvesting was one such use) and subdivided as of right. It would seem fanciful that enhancement of this eastern hill face could be achieved through encouragement alone as MHL would need to be able to have an expectation of a return on the investment in the woodland planting costs to justify going to such an expense.

Achieve landscape protection and enhancement through Council purchase and reserve status being applied to the eastern hill face

As discussed above under Objective 51b.3, such an approach would require a willing seller or a designation process. While it may be of environmental, social and cultural benefit to the wider community, it would not be in the interests of MHL to ‘lose control’ of this part of their property in terms of privacy and security, given its proximity to the vineyard, winery and Mission Estate buildings. Nevertheless, it must be acknowledged that reserve status would be effective in retaining and enhancing the landscape character of that part of the hill within the boundaries of any such reserve and enable the Napier City Council to invest in enhancement landscape planting (at an economic cost to the ratepayer). In this way then

Proposed Policies to Achieve Objective 51b.5	Appropriateness
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a reserve status could be appropriate in achieving objective 51b.5, but in terms of the overall project objectives, it is not as appropriate as the above listed policies which better achieve sustainable management by having equal benefits and less costs from both the landowners and wider community’s perspective.

4.1.3.1 Summary of Reasons for the Policies selected to achieve Objective 51b.5

One of the key components of the Mission landscape, which is identified as being significant in the Napier Landscape Assessment (July 2009), is the back drop hills (or eastern hill face) to the view from Church Road. This landscape has changed over time, with the most recent change being from production forest, to a recently harvested hillside. The constant however has been that the hill face above and beside the main Mission buildings (including the Grande Maison) remains free of urban development.

Although adding significantly to the landscape amenity of the City of Napier this hill face has remained in private ownership and part of the productive use of the Mission Estate property. The development of the Mission Special Character Zone provides an opportunity for part of this eastern hill face to become part of the City’s recreational network in providing a walkway link from Sugar Loaf to Park Island as is detailed on the Structure Plan in Appendix 26. Woodland planting of a mixture of deciduous and evergreen trees on this hill face has the potential to enhance the already significant landscape by softening the exposed hill face and adding seasonal colour as well as screening any minor earthworks in the development of the walkway network. As explained above the woodland planting also has a function on the upper slopes of screening the proposed residential development on the hilltops.

4.2 APPROPRIATENESS OF THE PROPOSED STRUCTURE PLAN IN ACHIEVING THE OBJECTIVES

To give effect to the Regional Policy Statement (as contained within the Hawke’s Bay Regional Resource Management Plan) a structure plan is required. The following policies of the Regional Policy Statement (RPS) establish this requirement:

“POL UD10.1 In the Heretaunga Plains sub-region, development of urban activities within greenfield growth areas shall occur in accordance with a comprehensive structure plan. Structure plans shall be prepared when it is proposed to amend the district plan, and shall be included in the district plan to provide for urban activities.

POL UD10.3 Notwithstanding Policy UD10.1, structure plans for any area in the Region shall: ...”

Given this policy directive from the RPS a structure plan must be prepared as part of this private plan change request so there is no need to consider any alternative approaches.

The structure plan included in Appendix 26 includes maps / plans and ‘design outcomes’. The design outcomes provide a written explanation to components of the structure plan

map as well as providing an 'assessment criteria' function for the assessment of subdivision and land use consent applications within the Mission Special Character Zone.

4.3 APPROPRIATENESS OF THE PROPOSED DISTRICT PLAN RULES AND ASSOCIATED PROVISIONS IN ACHIEVING THE OBJECTIVES

The section 32 evaluation carried out above demonstrates that the proposed policies are the most appropriate for achieving the objectives of the proposal (being the proposed objectives of the Mission Special Character Zone). The proposed district plan rules seek to implement these policies.

The existing structure and rules in the City of Napier District Plan have been tested through the RMA Schedule 1 process. For this reason the existing district plan provisions have been used as a starting point for preparing the provisions for this Plan Change, however rules have been altered where necessary to implement the policies and achieve the objectives of the Mission Special Character Zone.

4.3.1 Structure

The existing City of Napier District Plan categorises the various zone chapters into different 'parts'. For example, 'Part 2 Residential Environments District Plan' includes a chapter containing residential objectives & policies; seven separate residential zone chapters (including the Western Hills Residential Zone); a chapter containing 'Residential Environments Assessment Criteria'; and a chapter containing 'Reasons for Residential Environments Rules.' 'Part 5 Rural Environments District Plan' similarly includes a chapter containing 'Rural Environments Objectives, Policies Methods etc'; seven separate rural zone chapters (including the Main Rural Zone and the Rural Residential Zone); a chapter containing 'Rural Environments Assessment Criteria'; and a chapter containing 'Reasons for Rural Environments Rules.'

The proposed Mission Special Character Zone includes the Residential Precinct which is clearly residential in nature, but the other three precincts (Main Rural, Landscape and Visitor, and Rural Residential) would all fall within the rural environment category. This creates a difficulty in terms of what 'Part' of the District Plan the proposed new zone should fall under. The proposed Special Character Zone includes common objectives and policies that apply across all of the precincts in ensuring that the special character values of the zone are retained and enhanced. A potential issue is that the zone Chapter cannot therefore be categorised as either being within the Residential Environments or within the Rural Environments as the zone is proposed to contain both of these environment types.

The logical location in the City of Napier District Plan structure for a special character zone containing components of both urban and rural environment, is under 'Part 7 Other Zones District Plan'. This part of the plan currently contains three chapters being: 'Chapter 51 Airport Zone'; 'Chapter 51a Deferred Airport Zone'; and 'Chapter 52 Tertiary Education Zone'. These chapters contain objectives, policies, methods, rules and conditions, assessment criteria and reasons for rules all within the one standalone chapter. Similarly, the Mission Special Character Zone chapter needs to contain all of these provisions within a standalone chapter.

Unfortunately the numbering of the proposed new chapter is complicated by the last chapter in 'Part 7 Other Zones District Plan' being numbered 52 (Tertiary Education Zone), but the first chapter number used in 'Part 8 District Wide District Plan' is 'Chapter 52a Earthworks' and the numbering follows with Chapters 53 through to 67. Given the existing plan structure and numbering then, the Mission Special Character Zone is proposed to be numbered Chapter 52b and to sit as the last Chapter in 'Part 7 Other Zones District Plan'.

No assessment of alternative approaches is provided for the plan structure as the approach outlined above would seem to be the only logical way forward within the existing plan structure. With regard to the numbering of the Chapter this can be easily amended should Napier City Council prefer a different approach.

4.3.2 Rules

It is not practicable or efficient to carry out a full section 32 alternatives assessment evaluation for each of the changes to the district plan provisions proposed by this plan change. The following table therefore lists either a description of the change or the actual plan provision proposed in the left column and then provides comments in the right column as to why that change is justified, in some instances referring to appropriateness in terms of achieving the objectives.

In Accordance with the structure adopted within the Mission Special Character Zone the rules of the 'Productive Rural', 'Landscape and Visitor' and 'Rural Residential' precincts are grouped together and these are followed separately by the rules for the 'Residential Precinct'. The following tables are based on this same structure.

4.3.2.1 Rules of the Productive Rural, Rural Residential, and Landscape and Visitor Precincts

Table 6: Assessment of Rules Requested in the Mission Special Character Zone Chapter for the Productive Rural, Rural Residential, and Landscape and Visitor Precincts

SECTION 51b Mission Special Character Zone – Rules 51b.7 – 51b.45	
Rule Table for the Productive Rural, Rural Residential, and Landscape and Visitor precincts	
<i>Abbreviations used in this Table hereafter:</i>	
<i>Productive Rural Precinct – PRP</i>	
<i>Rural Residential Precinct – RRP</i>	
<i>Landscape and Visitor Precinct – LVP</i>	
Permitted Activities	
<p>51b.7 (PRP), 51b.18 (RRP) & 51b.32 (LVP) Agricultural, Horticultural and Viticultural Activities</p> <p>1. Any agricultural, horticultural and/or viticultural activity is a permitted activity provided that it complies in all respects</p>	<p>This permitted activity rule is the equivalent to the existing provisions of the Main Rural Zone (replaced by the PRP) and the Rural Residential Zone (replaced by the RRP & LVP). It is appropriate for achieving objective 51b.3 which seeks to retain the landscape and</p>

SECTION 51b Mission Special Character Zone – Rules 51b.7 – 51b.45

with the relevant conditions in the Mission Special Character Zone activity table and condition table.

versatile soils values of the Zone. The Isthmus landscape assessment⁷ concludes that the “The flat land occupied by the vineyard, farmland and the meandering Taipo Stream” is a key component of the Mission landscape. Provision to undertake agricultural, horticultural and viticultural activities as a permitted activity is essential to enable the economic well-being of the property owners and in retaining the landscape values of the Mission for the social well-being of the community. The alternative of not permitting agricultural activities would not provide for such economic and social well-being. Accordingly, this permitted activity rule is the most appropriate for achieving the objectives of the Zone.

51b.8 (PRP) Rural Processing Activities

1. Any rural processing activity is a permitted activity provided that:
 - a) Any outdoor storage associated with the rural processing activity must be screened from view of any adjacent sites and public open space.
 - b) Any industrial building associated with a rural processing industry must be a minimum of 15 metres from any site boundary.
 - c) The maximum height of any building or structure used or intended to be used for the purposes of a rural processing industry must not exceed 15 metres. Height must be measured using the rolling height method.
 - d) It must comply in all respects with the relevant conditions in the activity table and condition table relating to the Productive Rural Precinct, unless stated by a rule elsewhere in this Chapter.

This permitted activity rule is the equivalent to the existing provisions of the Main Rural Zone (replaced by the PRP) and accordingly is only proposed to be provided for in the PRP and not the RRP or the LVP and in doing so retains the status quo.

This provision enables the continued use and potential expansion of the production winery as a permitted activity, which is part of the Mission. In this way is also achieves objective 51b.3 which seeks to provide for the sustainable management of the zone and retain its heritage values. Provision for the winery to operate as a permitted activity is essential to enable the economic well-being of the property owners and the tourism value that a vertically integrated winery offers. Accordingly, this permitted activity rule is considered appropriate for achieving the objectives of the Zone.

51b.19(RRP)& 51b.33(LVP) Commercial Forestry

1. Any commercial forestry, including any consequential land preparation or harvesting activities is a permitted activity provided that:
 - a) The commercial forestry, including any consequential land preparation or harvesting activities must not be located within 5 metres of a site boundary.
 - b) The commercial forestry, including

This permitted activity rule is the equivalent to the existing provisions of the Main Rural Zone (replaced by the PRP) and the Rural Residential Zone (replaced by the RRP & LVP), except for Clause 1d) which has been added to achieve landscape protection of the eastern hill face. Despite Commercial Forestry currently being a permitted activity it is not provided for in the PRP, primarily due to the potential adverse effects that this could have on the character and values of the Mission landscape, which as stated above includes “The flat land occupied

⁷ Proposed Mission Special Character Zone – Urban Design Statement + Assessment of Landscape and Visual Effects, Isthmus, February 2017 (page 8).

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- any consequential land preparation or harvesting activities must not be undertaken within 20 metres from the edge of the Taipo Stream.
- c) It complies with the relevant conditions in the Mission Special Character Zone activity table and condition table.
 - d) That within the Landscape and Visitor Precinct any harvesting of trees in the 'Eastern Hill Face Woodland' identified on the Structure Plan in Appendix 26B shall only be by way of 'selected logging' where trees of commercial value are harvested one at a time in a manner that does not result in the destruction of other trees in the surrounding woodland, such that the eastern hill face retains a permanent woodland vegetation cover at all times.
- by the vineyard, farmland and the meandering Taipo Stream⁸ as a key component. Commercial forestry on the flat land would remove this foreground component of the Mission landscape. Provision to undertake commercial forestry is essential to enable the economic well-being of the property owners given the unharvested pine plantation within the RRP and the potential in the long term for selective harvesting of high value timber from the proposed woodland on the eastern hill face. The landscape values of the Zone and therefore the social well-being of the community would be retained by clause 1d) which ensures that the eastern hill face retains a permanent woodland vegetation cover at all times. The approach of excluding forestry from the PRP, but providing for it in the RRP & LVP and including clause 1d) as part of the rule, achieves objectives 52b.3 (in terms of providing for sustainable management and the protection of landscape values) and 52b.5 (with regard to clause 1d) retaining the contribution of the eastern hill face back drop to the significant landscape character).

51b.20 (RRP) Landfills

1. Landfills are a permitted activity provided that:
 - a) The total volume is less than 100m³ per site per year.
 - b) The material must have been generated on the subject property; or on another property under the same ownership as that used for disposal.
 - c) There must be no disposal of waste oil or other hazardous substances.
 - d) It must not be located within 20m of any water body.
 - e) It must not be located within 30m of any bore or well.
 - f) Any waste disposal must be no less than 600mm above the winter groundwater table.
 - g) It must comply in all respects with the relevant conditions in the Mission Special Character Zone activity table and condition table.

This permitted activity rule is the equivalent to the existing provisions of the Main Rural Zone (replaced by the PRP) and the Rural Residential Zone (replaced by the RRP & LVP). In the context of the Mission Special Character Zone however the rule is not proposed to be carried over to the PRP (due to landscape and versatile soils values) or the LVP (due to landscape values). The status quo rules of the plan would continue to apply in the RRP and could allow for example the levelling of contours with clean fill (on a small scale) and would provide future lifestyle owners in the RRP the same rights as the owners of lifestyle properties in the existing Rural Residential Zone. This approach is considered to be consistent with the sustainable management intent of objective 51b.3.

Accordingly, this permitted activity rule is the most appropriate for achieving the objectives of the Zone.

51b.9 (PRP), 51b.21 (RRP) & 51b.34 (LVP) Residential Activities

1. Any residential activity is a permitted activity provided that It:
 - a) Complies in all respects with the

This permitted activity rule is the equivalent to the existing provisions of the Main Rural Zone (replaced by the PRP) and the Rural Residential Zone (replaced by the RRP & LVP). The density provisions restrict residential dwellings to one

⁸ Ibid

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relevant conditions in the Mission Special Character Zone activity table and condition table.

- b) It is not stated by a rule elsewhere in this Chapter as a controlled activity, a restricted discretionary activity, a discretionary activity, a non-complying activity or a prohibited activity.

per property. The subdivision provisions provide for controlled activity subdivision in the RRP but not in the PRP and LVP. In the context of the Mission Special Character Zone then this permitted activity rule would continue the status quo and provide the expected New Zealand right of a dwelling to be erected on any property, but other plan rules would mean there is only likely to be one dwelling in each of the PR and LV precincts. This approach is considered to be consistent with the sustainable management intent of objective 51b.3.

51b.10 (PRP), 51b.22 (RRP) & 51b.35 (LVP) Home Occupations

1. A home occupation is a permitted activity provided that:
 - a) Not more than three full time equivalent jobs are created for persons residing outside the dwelling unit.
 - b) At all times, the home occupation must remain incidental and secondary to the use of any buildings for residential purposes.
 - c) The area of the home occupation must not exceed 30% of the gross floor area of the dwelling unit if located within the dwelling unit and/or 80m² if located in an accessory building.
 - d) Any external storage associated with the home occupation must be screened from view of any adjacent sites and public open space.
 - e) Retailing of goods must not occur from the site.
 - f) The home occupation must comply in all respects with the relevant conditions in the Mission Special Character Zone activity table and condition table.

Once again this permitted activity rule is the equivalent to the existing provisions of the Main Rural Zone (replaced by the PRP) and the Rural Residential Zone (replaced by the RRP & LVP). Although provided for in the LVP and PRP, it is acknowledged that there will be a very limited number of dwellings to which this rule may apply. There is no reason however, not carry this rule over to the various precincts of the Mission Special Character Zone as it provides for the economic and social wellbeing of residents and is unlikely to adversely affect any of the significant character values of the Zone. Enabling opportunity for home occupations is therefore consistent with the sustainable management intent of objective 51b.3.

51b.11 (PRP) Supplementary Units, Travellers Accommodation and Seasonal Workers Accommodation.

Any one or more of the following are permitted activities:

1. A supplementary unit
2. Travellers accommodation catering for up to 10 guests¹
3. Seasonal Workers Accommodation.
Provided that:
 - a) The combined gross floor area of these activities must not exceed 200m² (per site, not per activity).
 - b) Any outdoor storage associated with these activities must be screened from view of any adjacent sites and public open space.
 - c) These activities shall share access

This permitted activity rule is generally the equivalent to Rule 34.9 of the Main Rural Zone. A difference however is that residential care facilities, day care centres, and education facilities are also provided for in Rule 34.9. The context of the Mission Special Character Zone is such that it is not anticipated (or provided for) that the PRP would be subdivided into additional titles. There is therefore no need to consider these additional non-residential activities as options for supplementing the incomes of future residents within the context of the PRP. A Supplementary Unit, Travellers' and Seasonal Workers Accommodation within the PRP however are appropriate activities in regards to the productive use of the soil resource, providing the ability to accommodate seasonal or casual workers on site, or to

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- with any primary dwelling onsite.
- d) Any building utilised for these activities shall be located a maximum of 25 metres from any primary dwelling.
 - e) Any building associated with seasonal workers' accommodation shall be sited a minimum of 15 metres from any road or adjoining property boundary.
 - f) These activities shall comply in all respects with the relevant conditions in the Mission Special Character Zone activity and condition table.

provide a more rural visitor experience for tourists. In regard to the last point enabling additional travellers accommodation (in providing for tourism) will help achieve objective 51b.4 and implement policy 51b.4.6. Other differences with the status quo rule of the Main Rural Zone is clause 2 where up to 10 guests may be catered for (compared to 5); and 3a) where a maximum floor area of 200m² is provided for compared to the 80 m² in the Main Rural Zone. This is appropriate as the PRP is all within the one large site (within which subdivision is a non-complying activity) and therefore has a greater ability to internalise any adverse effects than would be the case with smaller sites. Enabling such activities will also assist in achieving the sustainable management intent of objective 51b.3 (with the subdivision and restrictions ensuring that none of the special character values of the PRP will be undermined).

51b.12 (PRP) Hospitality Activities within the 'Winery Buildings' as identified on the Structure Plan Map in Appendix 26B.

1. Any hospitality activity within the 'winery buildings' is a permitted activity provided that:
 - a) It must comply in all respects with the relevant conditions in the activity table and condition table relating to the Productive Rural Precinct, unless stated by a rule elsewhere in this Chapter.

This is a bespoke permitted activity rule for the PRP to enable the Mission Estate wine production buildings to also be used for hospitality activities. This would for example enable the ambience provided by the barrel room to be used for hospitality activities. Permitting such activities within existing buildings provides for sustainable management without risk to the values of landscape and the versatile soils that objective 51b.3 seeks to retain. This rule will also help to achieve objective 51b.4 in providing greater tourism opportunities and will also help to implement policies 51b.3.4 and 51b.4.3a). Requiring resource consent for such activities would not be efficient in achieving these objectives. It is therefore appropriate for these specific activities to be permitted within the PRP.

51b.23 (RRP) Supplementary Units, Residential Care Facilities, Day Care Centres, Education Facilities, Travellers Accommodation and Seasonal Workers Accommodation.

Any one or more of the following are permitted activities:

1. A supplementary unit
2. A residential care facility, catering for up to 10 residents
3. A day care centre, catering for up to 10 people
4. An education facility, catering for up to 10 students
5. Travellers accommodation catering for up to 5 guests
6. Seasonal Workers Accommodation. Provided that:
 - a) A maximum of one of each of these

Once again this permitted activity rule (including notes 1 & 2) is the equivalent to the existing provisions of the Rural Residential Zone. There is no reason not to carry this rule over to the RRP within the Mission Special Character Zone as it provides for the economic and social wellbeing of residents and is unlikely to adversely affect any of the significant character values of the Zone given the conditions controlling scale. Enabling opportunity for these non-residential activities to supplement the income of future residents of the PRP is therefore consistent with the sustainable management intent of objective 51b.3. It is noted that such a permitted activity rule is not provided for in the LVP due to the subdivision restrictions that will apply; meaning that one large site covering the entire precinct

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- activities shall be undertaken on any site.
- b) The combined gross floor area of these activities must not exceed 80m² (per site, not per activity).^{1&2}
 - c) Any outdoor storage associated with these activities must be screened from view of any adjacent sites and public open space.
 - d) These activities shall share access with any primary dwelling onsite.
 - e) Any building utilised for these activities shall be located a maximum of 25 metres from the primary dwelling.
 - f) Any building associated with seasonal workers' accommodation shall be sited a minimum of 15 metres from any road or adjoining property boundary.
 - g) These activities shall comply in all respects with the relevant conditions in the Mission Special Character Zone activity and condition table.

will be likely. As the LVP is the centre for the commercial and hospitality operations of the Mission Estate, opportunity for commercial activities (including tourist accommodation) is provided through other rules as set out below.

NOTE 1: Travellers Accommodation or Day

Care Centre within an existing dwelling will be exempt from the 80m² maximum floor area, provided that the existing residential activity does not cease. Seasonal Workers Accommodation within an existing dwelling will be exempt from the 80m² maximum floor area.

NOTE 2: Seasonal Workers Accommodation –

refer to the definition for clarification as to what is included within the gross floor area.

51b.24 Use of the Maryknoll buildings as identified on the Structure Plan Map in Appendix 26B for travellers accommodation or education activities

1. Any use of the Maryknoll buildings for travellers accommodation or education activities is a permitted activity provided that it complies in all respects with the relevant conditions in the Mission Special Character Zone activity table and condition table.
2. This activity may involve the redevelopment of existing buildings provided that any new or redeveloped

This is a bespoke permitted activity rule for the RRP in acknowledging the existing Maryknoll facility which is currently used as a religious retreat facility. The facility consists of accommodation and classroom / conference room buildings which are in need of upgrading or redevelopment. The facility is located in an elevated position and any additions would be constrained in extent by topography, with some flatter land available immediately to the north within the loop of the vehicle access way to the facility. Clause 51b.24.2 allows some scope for such redevelopment provided it remains centred around the existing building footprint which is located some 40m from the nearest property boundary. The Maryknoll facility

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buildings are located within 20m of the existing (as at 1 January 2017) building footprint.

provides a current link to the religious purposes of the former seminary. Enabling its redevelopment and provides for sustainable management without risk to landscape values that objective 51b.3 seeks to retain. This rule will also help to achieve objective 51b.4 in providing greater tourism opportunities by enabling the accommodation facilities to be upgraded. This also implements policy 51b.4.5c). Requiring resource consent for such activities would not be efficient in achieving these objectives when the activity has a longstanding association with the site and is set back within the property away from any residential neighbours. It is therefore appropriate for travellers accommodation and education activities to be permitted within the Maryknoll facility in the RRP.

51b.36 (LVP) Commercial Activities associated with the Mission Estate Winery, including Licenced Premises, within existing buildings (that were existing on 1 January 2017)

1. Any Commercial Activity associated with the Mission Estate Winery (winery, hospitality or tourism activities) within an existing building is a permitted activity provided that it complies in all respects with the relevant conditions in the Mission Special Character Zone activity table and condition table.

This is a bespoke permitted activity rule for the LVP as the centre for the commercial and hospitality operations of the Mission Estate. Commercial activities (including the restaurant, cellar door and conference facilities) are an integral part of the Mission Estate winery operations and help to create the ambiance that contributes to the special character values of the Zone. Permitting commercial activities within existing buildings provides for sustainable management without risk to the values of landscape and heritage that objective 51b.3 seeks to retain. This rule will also help to achieve objective 51b.4 in providing greater tourism opportunities. Requiring resource consent for such activities would not be efficient in achieving these objectives. It is therefore appropriate for these commercial activities to be permitted within the LVP.

51b.37 (LVP) Concert & Entertainment Events

1. Any concert event (including associated buildings and structures) is a permitted activity provided that:
 - a) It complies in all respects with the relevant conditions in the Mission Special Character Zone activity table and condition table.
 - b) The concert and entertainment event takes place within the 'Concert Venue' or 'Concert Stage' identified on the Structure Plan in Appendix 26, where permanent structures accessory to concerts and events may be erected.
 - c) The number of concert and entertainment events that may occur in a calendar year must not exceed 5.
 - d) The duration of the event must not exceed a period of: i) 24 hours for

This permitted activity rule is based on the equivalent provisions of the District Wide Activity 'Chapter 54 Temporary Events'. The reason for providing for this rule within the Mission Special Character Zone rather than relying on the district wide temporary event provisions is to enable the construction of permanent facilities in the area identified on the Mission Special Character Zone Structure Plan (Appendix 26) as 'Concert Venue'. The equivalent provision to clause 1b) in Chapter 54 requires all structures to be removed within 5 days of the event. This provision for permanent facilities is justified on the long standing status of the Mission Concert and the separation of the stage location from the nearest property boundary some 250m distant. This rule is appropriate in achieving the sustainable management intent of objective 51b.3 and the greater tourism opportunities promoted by objective 51b.4.

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- concerts.
- e) Any amplified sound equipment must not be operated during the following hours: Sunday to Thursday inclusive 2200 hours to 1000 hours (the following day) Fridays and Saturdays 2400 hours to 1000 hours (the following day). Except that on 1st January of any calendar year, this is extended from 0100 hours.
 - f) Any sound checks that include testing and balancing of sound systems, sound equipment and vocal checks by performers must not: i) Exceed a cumulative period of 6 hours. ii) Commence before 0900 hours on any day and shall be completed by 1900 hours on any day of the temporary activity.
 - g) Amplified sound equipment operated outside of the hours specified in (e) above, must not exceed 90 dB LAeq (15 min) at any point beyond the Mission Special Character Zone boundary.

The remainder of the temporary events conditions of Chapter 54 have been carried over which will help protect surrounding residents noise effects and provide certainty in terms of the number of concerts that may be held in a calendar year.

51b.13 (PRP), 51b.25 (RRP) & 51b.38 (LVP) Scheduled Sites

1. Any scheduled land use on a scheduled site is permitted provided that:
 - a) It complies in all respects with the rules in Chapter 55 (Scheduled Sites) of this Plan.

This rule is simply rolled over from the existing zonings to accommodate scheduled sites should the need arise.

51b.38A (LVP) Use and Development of Reserves identified on the Structure Plan Maps in Appendix 26B – 1 & 2.

1. Use (including recreation) and development of reserves identified on the Structure Plan Maps is permitted provided that:
 - (a) Such use and development is consistent with the purpose of the reserve as set out in the Structure Plan Outcomes in Appendix 26A or the name description of the reserve in Appendix 26B – 1 & 2.

This rule ensures that the development and use of the proposed reserves can occur as a permitted activity. This rule provides technical planning confirmation for what would be assumed as a matter of course, that is that the development of a reserve for the purpose stated on the structure plan can take place as a permitted activity.

Controlled Activities

51b.26 (RRP) Land Development (including Subdivision, but excluding Multi Unit Development)

1. Land development, including subdivision but excluding multi unit development, is a controlled activity provided that:
 - a) It complies in all respects with the standards and terms specified in Chapter 66 (Volume II) of this Plan.

The subdivision provisions of the existing Rural Residential Zone are rolled over to apply to the Rural Residential Precinct both via this rule and the minimum site size provisions set out in Chapter 66 (with a minimum subdivision site size of 5,000m² and a minimum average site size of 1.5ha).
Subdivision and development within the Productive Rural Precinct and the Landscape

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| <p>b) It complies in all respects with the relevant conditions in the Mission Special Character Zone condition table.</p> <p>c) It is assessed according to the matters in Chapter 66 (Volume II) over which the Council has reserved its control.</p> <p>2. Applications for resource consent will not be publicly notified in respect of land development (including subdivision) that fully complies with the standards and terms, and notice of applications need not be served.</p> | <p>and Visitor Precinct could potentially result in adverse effects on the significant amenity landscape values of the Mission Special Character Zone. The Isthmus landscape assessment⁹ concludes: <i>“The provisions of the ‘Landscape – Visitor Precinct’ and ‘Productive Rural Precinct’ are designed to maintain the key elements of the Mission landscape – namely the vineyard on the flat land, the Grande Maison on the terrace overlooking the vineyard, and the backdrop hill replanted in woodland. The provisions will help ensure the Mission continues as a special character landscape within the city, and as a visitor attraction that is part of Napier’s identity.”</i> Providing for subdivision and lifestyle residential development rights within either the PRP or the LVP would result in a loss of the ‘key elements of the Mission landscape’ referred to in the Isthmus report. This would not assist in achieving objectives 52b.3, 52b.4 or 52b.5. For this reason, subdivision within these Precincts is non-complying. Conversely subdivision and development within the less prominent RRP can occur without a loss of the special character values of the Zone.</p> |
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51b.14 (PRP), 51b.27 (RRP) & 51b.39 (LVP) Relocation of Buildings

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|--|--|
| <p>1. Relocation of a building from another site is a controlled activity provided that:</p> <p>a) The relocation of the building complies in all respects with the relevant conditions specified elsewhere in the Mission Special Character Zone activity table and condition table.</p> <p>b) A written assessment must be submitted with each application which must:</p> <p>i) Include a statement from a building certifier or registered engineer that the building is structurally sound.</p> <p>ii) State the condition of the building and the reinstatement works needed to bring the building up to an external visual appearance that is compatible with other buildings in the vicinity.</p> <p>iii) State the proposed timetable to complete external reinstatement of the building within 12 months from the date of consent.</p> | <p>This controlled activity rule is the equivalent to the existing provisions of the Main Rural Zone (replaced by the PRP) and the Rural Residential Zone (replaced by the RRP & LVP). There is no reason not carry this rule over to the various rural based precincts of the Mission Special Character Zone as it simply makes provision for the option of reusing buildings subject to controlled activity assessment. The proposed district plan controls on subdivision, density and site coverage will ensure that there is no proliferation of buildings (including relocated buildings) with potential to undermine the special character values of the zone. The status quo is therefore retained in regards to the controlled activity rule for relocated buildings.</p> |
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⁹ Proposed Mission Special Character Zone – Urban Design Statement + Assessment of Landscape and Visual Effects, Isthmus, November 2016 (page 24).

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- iv) Provide clear photographs of the building in its current state.
- v) Provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of reinstatement work.

Restricted Discretionary Activities

51b.15 (PRP), 51b.28 (RRP) & 51b.40 (LVP) Land Uses Not Complying With Conditions

1. Any subdivision, use or development of land in rules 51b.7 to 51b.14; 51b.18 to 51b.27; and 51b.32 to 51b.39 that does not comply with all of the relevant conditions in the Mission Special Character Zone activity table and condition table, is a restricted discretionary activity, unless stated by a Rule elsewhere in this Chapter.

This restricted discretionary activity rule is the equivalent to the existing provisions of the Main Rural Zone (replaced by the PRP) and the Rural Residential Zone (replaced by the RRP & LVP). There is no reason not carry this rule over to the various rural based precincts of the Mission Special Character Zone as it simply makes provision for the assessment of permitted and controlled activities not complying with the relevant district plan conditions as a restricted discretionary activity (unless otherwise stated).

Of significance for the Mission Special Character Zone is that one of the matters to which discretion is reserved¹⁰ is: 'The Design Outcomes the Mission Special Character Zone Structure Plan in Appendix 26A'. The appropriateness of these outcomes is evaluated later on in this report, however they are focused on ensuring that the special character values of the zone are retained and enhanced and therefore help to achieve the objectives of the Zone.

51b.41 (LVP) Art Cabins, where located within area identified on Structure Plan

1. Art Cabins, where located within the 'accommodation area' identified on the structure plan, is a restricted discretionary activity provided that:
 - a) It complies in all respects with the relevant conditions in the Mission Special Character Zone condition table.
 - b) That the maximum number of individual Art Cabins within the Landscape and Visitor Precinct shall not exceed 10.
 - c) That individual Art Cabins shall not exceed a gross floor area of 80m².
 - d) That individual Art Cabins shall be separated from each other and any other building on the site by a

This is a bespoke restricted discretionary activity rule for the LVP as the hub for the visitor hospitality facilities within the Zone. In referring to potential landscape effects the Isthmus report¹¹ states:

"... 'art cabins', would require resource consent that would consider details of design and location. Subject to proper control of such details, one can have confidence that the visitor accommodation would not detract from the Mission landscape for the following reasons:

The 'art cabin' relies on the idea of engagement with the setting. They are to be located in individual settings (i.e. they are located apart from each other), and they typically avoid any sort of domestic curtilage (i.e. they are not intended to have gardens, fences, car parking). They are therefore

¹⁰ See the plan change proper for the list of matters to which discretion is reserved. These have not been carried over into the above table so as to maintain some conciseness to the Section 32 report.

¹¹ Ibid (page 19)

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- minimum distance of 50m.
2. Applications for resource consent will not be publicly notified in respect of Art Cabins that fully comply with the standards and terms, and notice of applications need not be served.
- typically small incidents in the landscape. The area identified for such cabins is at the back of the site (set back from Church Road) and restricted to the lower slopes of the hill.”* Art Cabins within the LVP are therefore provided for as a restricted discretionary activity with no public notification or requirement to serve notice. This activity status provides some discretion for the Council to ensure that the location, design and appearance of these activities will not compromise the landscape and other values of the special character zone, while providing certainty to the landowner that there will be no third party involvement in the processing of the consent. Such an approach will not create any adverse effects on adjoining property due to the large size of the site and the identified area on the Structure Plan in which the cabins must be located (and their small size with an 80m² maximum floor area). This rule is a method of achieving objective 51b.4 in providing greater tourism opportunity while avoiding, remedying and mitigating adverse effects. The restricted discretionary activity status will help ensure that objective 51b.6 is achieved in terms of retaining and enhancing the eastern hill face backdrop to the Mission’s significant landscape character.

Rule 51b.42 (LVP) Commercial Activities associated with the Mission Estate Winery, including Hotel Accommodation and Licenced Premises, within area identified on Structure Plan in Appendix 26B.

1. Commercial Activities associated with the Mission Estate Winery (winery, hospitality or tourism activities), within the area identified on the Structure Plan in Appendix 26B as ‘Mission Estate Commercial Activity Area’, are a restricted discretionary activity provided that:
 - a) It complies in all respects with the relevant conditions in the Mission Special Character Zone condition table.
 2. Applications for resource consent will not be publicly notified in respect of a commercial activity that fully complies with the standards and terms, and notice of applications need not be served.
- This is also a bespoke restricted discretionary activity rule for the LVP as the hub for the commercial and hospitality operations of the Mission Estate. Commercial activities (including the restaurant, cellar door and conference facilities) are an integral part of the Mission Estate winery operations and help to create the ambiance that contributes to the special character values of the Zone. Providing for such activities within the area identified on the structure plan through a restricted discretionary (non-notified) resource consent process with assessment subject to the Structure Plan Design Outcomes provides for sustainable management without risk to the values of landscape and heritage that objective 51b.3 seeks to retain and will help to achieve objective 51b.4 in providing greater tourism opportunities. In terms of clause 2 and no notification or affected persons consents, the same comments apply as are set out for the Art Cabins above. In terms of potential landscape effects the Isthmus Report states¹² the proposed boutique hotel would not detract from the Mission

¹² Ibid (page 19)

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Landscape for the following reasons: *“The area identified for boutique hotel accommodation is behind the Grande Maison – therefore it will not challenge the primacy of that landmark building. This is demonstrated by the fact that the existing accommodation building sits unobtrusively alongside the Grande Maison. It could be re-furbished or rebuilt to similar dimensions without disrupting the Mission landscape.”*

It is also noted that the Structure Plan Design Outcomes provide criteria for new commercial buildings or a boutique hotel building in the location identified in the structure plan so as to ensure such buildings enhance and do not detract from the special landscape character values of the Mission landscape and the historic values of the Grande Maison. Given the above this rule is appropriate for achieving all three of the Mission Special Character Zone objectives.

Rule 51b.29 (RRP) Commercial Activities utilising buildings existing on 1 January 2017.

1. Commercial Activities utilising buildings existing on 1 January 2017, are a restricted discretionary activity provided that:
 - a) It complies in all respects with the relevant conditions in the Mission Special Character Zone condition table.

This is a bespoke restricted discretionary activity rule for the RRP to enable the utilisation of the significant existing physical resource in the buildings around and including the woolshed and Mary Knoll (if not used subject to rule 51b.24) in the Rural Residential Zone fronting Church Road. The opportunity to utilise these resources is appropriate provided such use is consistent with the Design Outcomes of the Mission Special Character Zone Structure Plan and has no more than a minor effect on the environment. Restricted Discretionary Activity status ensures that applications will be assessed to demonstrate that this is the case.

Discretionary Activities

Productive Rural Precinct

51b.16(a) Places of Assembly, unless stated by a rule elsewhere in this Chapter.

51b.16(b) Supplementary Unit, Travellers' Accommodation or Seasonal Workers Accommodation.

51b.16(c) Any subdivision for the purposes of a boundary adjustment (not resulting in the creation of any additional titles).

Rule 51b.16(a) enables any Place of Assembly application to be considered on its merits against the objectives and policies of the zone. Rule 51b.16(b) is notable insofar as the equivalent provision of the Main Rural Zone (being the existing zoning of the area proposed for the PRP) make applications for such activities not meeting the permitted activity conditions, non-complying. Given the large single property within the PRP and an absence of subdivision rules to allow it to be subdivided, discretionary activity status is appropriate so that any application for these accommodation activities can be considered on its merits.

Rule 51b.16(c) enables applications for boundary adjustments to be considered on their merits, rather than as non-complying subdivisions.

It is noted that a number of discretionary

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activities that are provided for in the status quo Main Rural Zone are not provided for in the PRP. These activities are Commercial activities, Roadside stalls, Industrial activities, Factory farming, Mining and quarrying, Retirement complexes, Camping Grounds, Use of explosives, and any business of prostitution. These activities would default to non-complying activities in the PRP on the basis that they would potentially compromise the objectives and policies of the Mission Special Character Zone if they were to be provided for as discretionary activities. With regard to Commercial activities and Roadside stalls, in the context of the zone retailing is focused around the commercial hub in the LVP therefore any retailing of produce or other commercial activity is directed to this location.

Rural Residential Precinct

- 51b.30(a) Commercial activities.
- 51b.30(b) Roadside stalls.
- 51b.30(c) Rural Processing Industries.
- 51b.30(d) Mining and quarrying.
- 51b.30(e) Places of assembly, unless stated by a rule elsewhere within this Chapter.
- 51b.30(f) Retirement complexes.
- 51b.30(g) Camping grounds.
- 51b.30(h) Any subdivision or boundary adjustment that does not comply with the minimum lot size specified in Chapter 66 of this Plan.

All of these listed discretionary activities in the RRP are rolled over from the existing zoning of this land - Rural Residential. All of these activities if appropriately planned, located and managed could potentially meet the objectives and policies of the Zone and the design outcomes of the structure plan, but would need to be assessed through a discretionary activity resource consent process to ensure that this was the case.

It is noted that a number of discretionary activities that are provided for in the status quo Rural Residential Zone are not provided for in the RRP. These activities are Industrial activities, Factory farming, Use of explosives, and any business of prostitution. These activities would default to non-complying activities in the RRP on the basis that they would potentially compromise the objectives and policies of the Mission Special Character Zone if they were to be provided for as discretionary activities.

Discretionary activity status for subdivision not meeting the minimum site size requirements provides an opportunity to allow for design led land development where the effects can be managed and mitigated internally to the site as part of one development concept.

Discretionary Activity status will allow any development to be assessed fully against the conditions of the Plan, Objectives and Policies and assessment criteria (including the structure plan design outcomes) were applicable but recognise that subdivision of the land has long been envisaged and accepted by the community in principle, albeit subject to a final specific development proposal.

Landscape and Visitor Precinct

- 51b.43(a) Commercial activities.
- 51b.43(b) Places of assembly, unless stated by a rule elsewhere within this Chapter.

The current zoning of the LVP is Rural Residential so the comments provided above list those activities provided for as a discretionary activity in the current zoning.

SECTION 51b Mission Special Character Zone – Rules 51b.7 – 51b.45

51b.43(c) Any subdivision for the purposes of a boundary adjustment (not resulting in the creation of any additional titles).

With only three discretionary activities listed the LVP pulls back significantly in terms of the number of discretionary activities listed. This is due to the prominence of this precinct in regards to the landscape and heritage values providing the special character of the Zone. As stated above the LVP already provides a hub for the commercial operations of the Mission Estate and may therefore be appropriate in providing for additional commercial activities (to those listed as restricted discretionary activities). This area also has a history associated with the seminary and could therefore appropriately provide for new Places of Assembly.

Non-Complying Activities

Productive Rural Precinct

51b.17(a) Any subdivision (excluding boundary adjustment).

51b.17(b) Any land use not identified in the Productive Rural Precinct – Activity Table as a permitted activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity.

Listing subdivision as a non-complying activity in the PRP is evaluated as being appropriate above in the row relating to controlled activity subdivision (beside rule 51b.26), so need not be repeated here.

The catch all rule is consistent with the approach in the existing zone for this area – the Main Rural Zone.

One exception to the non-complying activities listed in the Main Rural Zone is that the PRP lists Supplementary Unit, Travellers' Accommodation or Seasonal Workers Accommodation not meeting the conditions of the plan as discretionary, rather than non-complying activities. Again the reason for this is provided in the row above (beside rule 51b.16). The Main Rule Zone also includes activities not meeting the minimum density rule as 'non-complying activities'. There is no need for this in the PRP as subdivision is not provided for and there is not likely therefore to be any increase in development rights over the precinct.

Rural Residential Precinct

51b.31(a) A supplementary unit, residential care facility, day care centre, education facility, travellers' accommodation or seasonal workers' accommodation that does not comply with all the relevant conditions.

51b.31(b) Any use of land that does not comply with Condition 35.20 - Density

51b.31(c) Any land use not identified in the Rural Residential Zone – Activity Table as a permitted activity, a controlled activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity.

The non-complying activity provisions for the RRP are the same as those applying to the existing Rural Residential Zone except that the 'non-complying subdivision' provision of that zone is not rolled over. That is because that provision does not apply to the Mission Estate property in any case (as a result of a mediated outcome to Plan Change 10). A discretionary activity rule applies to subdivision on the Mission Estate property not meeting the minimum site sizes under rule 35.13(m) under the existing district plan. Further explanation in regards to discretionary, rather than non-complying, status for subdivisions not meeting the minimum site size provisions is provided in regards to Rule 51b.30 above.

Landscape and Visitor Precinct

51b.44(a) Any subdivision (excluding boundary

Listing subdivision as a non-complying activity in the LVP is evaluated as being appropriate

SECTION 51b Mission Special Character Zone – Rules 51b.7 – 51b.45

adjustment).
 51b.44(b) Any land use not identified in the Landscape and Visitor Precinct – Activity Table as a permitted activity, a controlled activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity.

above in the row relating to controlled activity subdivision (beside rule 51b.26), so need not be repeated here.

The catch all rule is consistent with the approach in the existing zone for this area – the Rural Residential Zone.

Prohibited Activities

51b.45 Prohibited Activities

1. There are no land uses that are a prohibited activity within the Mission Special Character Zone.

This rule relates to the PRP, RRP and LVP and is consistent with both the existing Rural Residential and Main Rural Zones, neither of which include any prohibited activities.

4.3.2.2 Conditions of the Productive Rural, Rural Residential, and Landscape and Visitor Precincts

Table 7: Assessment of Conditions Table Requested in the Mission Special Character Zone Chapter to apply to the Productive Rural, Rural Residential, and Landscape and Visitor Precincts

SECTION 51b Mission Special Character Zone – Rules 51b.46 – 51b.66

Conditions Table for the Productive Rural, Rural Residential, and Landscape and Visitor precincts

Abbreviations used in this Table hereafter:

Productive Rural Precinct – PRP

Rural Residential Precinct – RRP

Landscape and Visitor Precinct – LVP

51b.46 Density

1. The following density conditions shall apply to all land uses in the Productive Rural, Rural Residential and Landscape and Visitor precincts:
 - a) The maximum density must not exceed one dwelling unit per site or per precinct for a single site, where a single site covers more than one precinct (that is, a single site could have more than one dwelling provided each dwelling on the site was in a different precinct) in the Productive Rural and Landscape & Visitor precincts.
 - b) The maximum density in the Rural Residential Precinct must not exceed one dwelling unit per site or per precinct for a single site, where a single site covers more than one precinct, provided that:
 - the net site area is not less than 2,500m².
 - One dwelling unit and one building used for the purpose of

The restriction on the number of dwellings per site within the Productive Rural, Rural Residential and Landscape & Visitor precincts is to safeguard the character, land versatility and amenity of the zone. The maximum density in these precincts has been set at one dwelling per site. The unique circumstances of this Zone are however acknowledged with the ability to include one dwelling in each of the Productive Rural and Landscape and Visitor Precincts even if on the same site. This is because both of these precincts are part of the same site and there is no controlled activity subdivision opportunity within these precincts so a site based density provision is neither appropriate nor necessary to achieve the objectives of the Zone. That is, if separate dwellings are erected within both the Productive Rural and Landscape and Visitor precincts but happen to be on the same site, there would not be any adverse effects in terms of amenity and special character due to the large size of these precincts. The provisions of 51b.42.1b) are consistent with the equivalent density condition for the existing

SECTION 51b Mission Special Character Zone – Rules 51b.46 – 51b.66

carrying out one of the ancillary non-rural activities identified in Rule 51b.21 per site, provided the net site area is not less than 5,000m².

Rural Residential Zone. Even though there is a minimum site size of 5,000m² applying to the Rural Residential Precinct, a successful discretionary activity subdivision application could result in the creation of sites smaller than this justifying the need for different density provisions applying to sites smaller than this minimum site size.

51b.47 Yards

1. The following yard conditions shall apply to all land uses in the Productive Rural, Rural Residential and Landscape and Visitor precincts:

- a) Front Yard:
Any part of any building (including eaves and guttering) must not be erected closer than 7.5 metres to the road boundary.
- b) Side and Rear Yards
 - i) Any part of a building must not be erected closer than 6 metres from any side or rear site boundary.
 - ii) Any building (including eaves and guttering), fence, permanently fixed structure or part thereof must not be erected closer than 6 metres from the top of the bank of any watercourse or open drain.

The yard provisions are consistent with the equivalent conditions in the existing district plan applying to both the Main Rural and Rural Residential Zones.

These provisions remain appropriate for achieving the objectives of the Mission Special Character Zone.

51b.48 Height

1. The following maximum height conditions shall apply to all land uses, other than aeriels, lines and support structures in the Productive Rural, Rural Residential and Landscape and Visitor precincts:

- a) Any part of a building or structure must not exceed 9 metres in height, or for a Commercial Activity under Rule 51b.38 within the area designated on the Structure Plan in Appendix 26B for 'Boutique Hotel' must not exceed 3 storeys, except that:
- b) Any part of a building or structure must not exceed the Airport Height Control Designation in Appendix 7, except where located in a Surface Penetration Area, where the maximum height shall not exceed 9 metres.
- c) Where there is conflict between any of the height control lines or limits above, the lowest height must prevail.
- d) Where the Airport Height Control Designation prevails:
 - i) Any application for a building consent must be accompanied by

Again, the height provisions are generally consistent with the equivalent conditions in the existing district plan applying to both the Main Rural and Rural Residential Zones.

These provisions remain appropriate for achieving the objectives of the Mission Special Character Zone.

The one difference is the provisions for up to 3 storeys for a Boutique Hotel or other commercial activity associated with the Mission Estate Winery, which may be higher than 9 metres. Such an activity requires Restricted Discretionary resource consent under Rule 51b.38 and would be assessed having regard to the Design Outcomes of the Structure Plan in Appendix 26. These outcomes seek to ensure that the Grande Maison remains the preeminent building of the Mission Estate. With the mature trees screening the existing buildings surrounding the Grande Maison it would be possible for a 3 storey building to be erected and remain largely unseen from Church Road and without detracting from La Grande Maison. Providing opportunity for a Boutique Hotel of up to 3 stories in height as a restricted discretionary activity is appropriate with regard the objectives of the Zone and objective 51b.4 in particular, by providing

SECTION 51b Mission Special Character Zone – Rules 51b.46 – 51b.66

- a) a registered surveyor’s certificate verifying that the building plans meet the Airport Height Control Designation in Appendix 7.
 - ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor’s certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.
 - e) Height must be measured using the rolling height method.
- greater tourism opportunities while avoiding, remedying and mitigating adverse effects on the environment.

NOTE: Refer to Rule 51b.8 for height conditions relating to rural processing activities.

51b.49 Site Coverage

1. The following site coverage conditions shall apply to all land uses in the Productive Rural and Landscape and Visitor precincts:
 - a) Site coverage (measured from gross building area) must not exceed 10% of the net site area of the site.
 - b) Where a single site is comprised in more than one precinct, the gross building area in a particular precinct shall not exceed 10% of the net site area of the site within that precinct.
2. The following site coverage conditions shall apply to all land uses in the Rural Residential Precinct:
 - a) Site coverage (measured from gross building area) on sites with an area less than 2 hectares must not exceed 1,000m² or 10% of the net site area, whichever is the lesser.
 - b) Site coverage (measured from gross building area) on sites with an area of 2 hectares or greater must not exceed 10% of the net site area.
 - c) Where a single site is comprised in more than one precinct, the gross building area in a particular precinct shall not exceed 10% of the net site area of the site within that precinct.

These conditions do differ from those that apply to the existing Rural Residential and Landscape and Visitor Precincts, which both apply a 10% limit per site and a floor area limit whichever is the lesser. The 1,000m² floor area limit applying in the Rural Residential Zone is carried over to apply to the Rural Residential Precinct although this precinct also provides for larger sites with no maximum floor area limit as that part of the MHL property within the Rural Residential Precinct already contains a number of buildings including a woolshed, farm house lodge, implement sheds and the Mary Knoll conference facilities. The 1,000m² limit would therefore apply to new rural residential sites created by subdivision (assuming they are smaller than 2ha), but not to the large existing title within the Rural Residential Precinct. Site coverage restrictions in terms of a fixed maximum building floor area are not necessary in the Productive Rural Precinct and the Landscape and Visitor Precinct as no subdivision (which increases development rights proportional to the number of new sites created) is provided for in these precincts. The 10% coverage condition is appropriate for ensuring that there is an upper limit on building development in ensuring that the special character values of the zone are maintained and the objectives achieved.

51b.50 Noise, 51b.51 Light Spill, 51b.52 Vibration, 51b.53 Odour and Dust, 51b.54 Fences, 51b.55 Aerials, Lines and Support Structures & Trees, and 51b.56 Trees.

None of these conditions have been altered from those that currently apply to the Main Rural Zone and the Rural Residential Zone in the existing City of Napier District Plan. As these provisions have already been confirmed as being appropriate through the RMA Schedule 1 process in regards to the existing district plan, no further assessment is required

SECTION 51b Mission Special Character Zone – Rules 51b.46 – 51b.66

or provided here.

Conditions 51b.57 – 51b.66.

This group of conditions simply cross references the relevant District Wide Activity Plan Chapters that apply. Again this approach is exactly the same as that which applies to the Main Rural Zone and the Rural Residential Zone in the existing City of Napier District Plan. There is no need therefore to assess the appropriateness of these conditions.

In Accordance with the structure adopted within the Mission Special Character Zone the rules of the Residential Precinct are separated from those of the other precincts. The following table evaluates the appropriateness of the rules of the Residential Precinct.

4.3.2.3 Rules of the Residential Precinct

Table 8: Assessment of Rules Requested in the Mission Special Character Zone Chapter for the Residential Precinct

SECTION 51b Mission Special Character Zone – Rules 51b.67 – 51b.82

Rule Table for the Residential Precinct

Permitted Activities

<p>51b.67 Residential Activities 51b.68 Home Occupations 51b.69 Supplementary Units 51b.70 Residential Care Facilities 51b.71 Day Care Centres 51b.72 Travellers' Accommodation 51b.73 Education Facilities 51b.74 Scheduled Sites</p>	<p>These activities are substantially the same as those listed in the existing Western Hills Residential Zone, so result in little change to the status quo. The only rule where there is a difference is that relating to Home Occupations where the reference to prostitution is proposed to be removed in the Residential Precinct and from all provisions in the Mission Special Character Zone so that prostitution would fall to be considered as a 'non-complying activity' as it is not in keeping with the special character values of the Zone.</p> <p>The main differences between the Western Hills Residential Zone and the Residential Precinct of the Mission Special Character Zone lie in some of the controlled and restricted discretionary Activity provisions, subdivision provisions, and the structure plan (including the larger extent of the area within the Residential Precinct). These are all discussed below. I do not consider that any further consideration of the appropriateness of the permitted activity rules is necessary given that these have all been previously tested through the RMA Schedule 1 process for the Western Hills Residential Zone.</p>
<p>51b.74A Use and Development of Reserves identified on the Structure Plan Maps in</p>	<p>This rule ensures that the development and use of the proposed reserves can occur as a permitted activity. This rule provides technical</p>

SECTION 51b Mission Special Character Zone – Rules 51b.67 – 51b.82

Appendix 26B – 1 & 2.

1. Use (including recreation) and development of reserves identified on the Structure Plan Maps is permitted provided that:
 - (a) Such use and development is consistent with the purpose of the reserve as set out in the Structure Plan Outcomes in Appendix 26A or the name description of the reserve in Appendix 26B – 1 & 2.

planning confirmation for what would be assumed as a matter of course, that is that the development of a reserve for the purpose stated on the structure plan can take place as a permitted activity.

Controlled Activities

51b.75 Residential Activities within 'prominent visual development areas' as identified on structure plan

1. A Residential Activity within a 'prominent visual development area' as identified on the structure plan, is a restricted discretionary activity provided that:
 - a) It complies in all respects with the relevant conditions in the Mission Special Character Zone condition table.
 - b) That buildings will be screened from view from Church Road by existing vegetation (as at the time the consent is applied for) to be demonstrated by cross section diagrams.
2. Applications for resource consent will not be publicly notified in respect of Residential Activities within 'prominent visual development areas' that fully comply with the standards and terms, and notice of applications need not be served.

Objective 51b.5 is "To retain and enhance the contribution of the eastern hill face backdrop to the Mission's significant landscape character". The Isthmus Landscape Report¹³ states: "The principle is that houses will not be visible on the skyline in views from Church Road. Such houses are to be screened by topography or the woodland. This is demonstrated by cross section analysis and illustrated by before and after photomontages from representative viewpoints on Church Road and Prebensen Drive. The principle would be given effect to by precise location of houses as part of subdivision consent." Controlled activity status to erect a dwelling east of the main ridge line will help ensure that Objective 51b.5 and the principle of not having houses visible from Church Road will be achieved. This is particularly relevant during the time period in which the proposed woodland is reaching maturity and may not be of sufficient height to screen the proposed buildings. In such situations rule 51b.75.1b) would not be met and the activity would default to restricted discretionary status to provide opportunity to determine how significant the effect of visibility from Church Road would be. Another option would be to not control building east of the main ridgeline through the land use rules for the Residential Precinct, and rely instead on the subdivision consent process and consent notices on titles to achieve this outcome. The rule option as proposed is however more transparent and therefore more appropriate in achieving Objective 51b.5.

51b.76 Relocation of Buildings

This rule is the same as for the existing

¹³ Proposed Mission Special Character Zone – Urban Design Statement + Assessment of Landscape and Visual Effects, Isthmus, November 2016 (page 18).

SECTION 51b Mission Special Character Zone – Rules 51b.67 – 51b.82

1. Relocation of a building from another site is a controlled activity provided that:
 - a) The relocation of a building complies in all respects with the relevant conditions in the Mission Special Character Zone Residential Precinct activity table and condition table.
 - b) A written assessment must be submitted with each application which must:
 - i) Include a statement from a building certifier or registered engineer that the building is structurally sound.
 - ii) State the condition of the building and the reinstatement works needed to bring the building up to an external visual appearance that is compatible with other buildings in the vicinity.
 - iii) State the proposed timetable to complete external reinstatement of the building within 12 months from the date of consent.
 - iv) Provide clear photographs of the building in its current state.
 - v) Provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of reinstatement work.

The Council shall exercise its control over the following:

 - c) The design, materials and timetable of the proposed reinstatement works.
 - d) The imposition of any financial contributions in accordance with Chapter 65 (Financial Contributions) of this Plan.
 - e) The imposition of a performance bond to complete the reinstatement of the building.
 2. Applications for resource consent will not be publicly notified in respect of relocated buildings that fully comply with the standards and terms, and notice of applications need not be served.
- Western Hills Residential Zoning with the relocation of buildings provided for as a controlled activity. Given the 'special character zone' status applying to the new zone a restricted discretionary activity status was also considered as an option as this would enable consent to be refused to a relocated building if it was going to detract from the area, but would also provide flexibility to say allow a relocated shed in a back yard, or for a relatively new house or landmark building to be relocated. Restricted discretionary status is not however necessary to protect the 'character of the zone' as residential building design is to be addressed through a design manual and covenants. This would apply equally to new buildings as to relocated buildings making any additional regulation in the plan unnecessary with regard to achieving the zones objectives. Given the above it is considered appropriate to retain the standard district plan controlled activity rule and conditions to apply in the Residential Precinct.

SECTION 51b Mission Special Character Zone – Rules 51b.67 – 51b.82

Restricted Discretionary Activities

51b.77 Land Development (including Subdivision but excluding Multi Unit development for Commercial and Industrial Activities)

1. Land development, including subdivision but excluding multi unit development for commercial and industrial activities is a restricted discretionary activity provided that:
 - a) It complies in all respects with the standards and terms specified in Chapter 66 (Volume II) of this Plan, including 6.1.1(a) – (f), except for where there is conflict with the specific provisions in the Mission Special Character Zone Structure Plan in Appendix 26A - F, then these shall apply over Chapter 66.
 - b) It complies in all respects with the relevant conditions in the Mission Special Character Zone Residential Precinct Activity Table and Condition Table.
 - c) A resource consent for the discharge of stormwater from development within the Residential Precinct of the Mission Special Character Zone (in the manner shown on Structure Plan Overall Map in Appendix 26B) has been obtained from the Hawke’s Bay Regional Council.
 - d) It is assessed according to the matters in Chapter 66 (Volume II) over which the Council has reserved its control and in the Mission Special Character Zone Structure Plan in Appendix 26A – Design Outcomes.

2. Applications for resource consent will not be publicly notified in respect of land development (including subdivision) that fully complies with the standards and terms, and notice of applications need not be served.

The subdivision is a controlled activity in the Western Hills Residential Zone, The actual minimum site size provisions applying to that zone are tied to the different areas identified in the Western Hills Residential Zone Concept Plan, being:

Development Area A = 250m² Development Area B = 1500m² Development Area C = 200m² Development Area D = Refer to Rural Residential Zone.

The similarities are that a minimum site size of 250m² is proposed for the Residential Precinct (being the same as Area A for the Western Hills Residential Concept) and that the provisions of the Rural Residential Precinct apply to that part of the Residential Precinct falling out of the area identified as ‘Indicative Urban Residential Development Extent’ on the structure plan. It is noted that this area is only likely to provide several rural residential lots with viable building platforms outside of the stormwater infrastructure reserve areas. The rule is provided to account for this possibility should any such viable building platforms be identified, rather than to provide for any significant yield.

In summary, a single flat 250m² minimum provides flexibility to achieve the variety of site sizes intended. 51b.77.1c) ensures that any subdivision application is subject to the Design Outcomes of the Structure Plan, which includes reference to achieving a variety of site sizes. The 250m² minimum site size would allow provision for terraced town housing typologies. It is generally expected however that sites for detached dwellings will be larger than this 250m² minimum.

It is significant that that rule 51b.77 is proposed to be a Restricted Discretionary Activity (without notification), as opposed to the controlled activity status for subdivision in the existing Western Hills Residential Zone. The reason for this is that the Structure Plan Design Outcomes in Appendix 26A enable subdivision in the Residential Precinct of the Mission Special Character Zone, without full compliance with the enforceable Rooding standards and conditions included in the District Plan’s Code of Practice for Subdivision and Land Development. Rather compliance is required with the New Zealand Standard 4404 for Land Development and Subdivision Infrastructure, with a comprehensive design and access statement required to be submitted with the subdivision application.

Restricted Discretionary Activity status provides

SECTION 51b Mission Special Character Zone – Rules 51b.67 – 51b.82

a greater degree of certainty to Council that if the design and access statement for the roading design within the subdivision does not adequately provide for traffic and pedestrian safety, then consent does not need to be granted. Clause 2 of the rule specifies no public notification or requirement to serve notice, this provides certainty to the applicant that there will be no third party involvement and that provided all of the relevant district plan rules and criteria (including the Structure Plan Design Outcomes) are satisfied, consent will be granted.

Finally clause c) provides a safeguard that residential subdivision and development can not occur as a restricted discretionary activity unless a stormwater discharge consent has been obtained from the Hawke's Bay Regional Council. Although it is anticipated that such consents will be in place by the time that this plan change is operative, this clause serves as a backstop in the event that the necessary discharge consents remain outstanding.

51b.78 Commercial activities within the 'Neighbourhood Centre' as identified on the structure plan

1. Any Commercial Activity within the 'Neighbourhood Centre' as identified on the structure plan in Appendix 26B, is a restricted discretionary activity provided that:
 - a) It complies in all respects with the relevant conditions in the Mission Special Character Zone condition table.
 - b) Maximum of 3 storeys and 12m in height.
 - c) Ground floor to have a minimum floor to floor height to the first floor of 4m.
 - d) Ground floors of buildings must be occupied by commercial activity, residential activities may be located above ground floor level.
 - e) Buildings shall front the street boundary except entrances and architectural treatments may be recessed.
 - f) A minimum of 50% of the ground floor street elevation shall be glazed.
 - g) A continuous veranda shall be provided on street frontages with a minimum 3.2m clearance above footpaths.
2. Applications for resource consent will not be publicly notified in respect of Commercial Activities within the Neighbourhood Centre that fully comply

By making commercial activities in the neighbourhood centre Restricted Discretionary, but not subject to public notification or the serving of notice (see 51b.78.2) building design details can be vetted through a resource consent process without the added uncertainty of any third party involvement. The appearance of the neighbourhood centre buildings will be important in helping to set the character of the suburb. Neighbourhood centre buildings of appropriate design will enhance the character and amenity of the streetscape. Accordingly the restricted discretionary assessment would be subject to the Design Outcome in the Structure Plan, which will provide certainty to the community that the commercial centre buildings will make a positive contribution to the character and amenity of the neighbourhood and the zone. These design outcomes focus on the subjective matters of design and appearance while the conditions 1a) – g) of rule 51b.78 (listed to left) are measurable and specific and based on the urban design principles of neighbourhood centre buildings being prominent in the street scape, addressing the street and being able to accommodate residential use above ground floor with commercial uses at ground level.

SECTION 51b Mission Special Character Zone – Rules 51b.67 – 51b.82

with the standards and terms, and notice of applications need not be served.

51b.79 Land Uses Not Complying With Conditions

1. Any use or development of land referred to in Rules 51b.67 to 51b.76 that do not comply with all of the relevant conditions in the Mission Special Character Zone Residential Precinct activity table and condition table is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter.

Permitted or controlled activities that do not comply with the plan conditions, falling to be considered as restricted discretionary activities is consistent with the existing approach in the Western Hills Residential Zone and in fact the existing City of Napier District Plan generally. There is no need therefore to give any further consideration of the appropriateness of this rule given that it has been previously tested through the RMA Schedule 1 for the existing Plan.

NOTE: Refer to Chapter 53 Network Utilities for Subdivision for the Purposes of a Network Utility Operation.

Discretionary Activities

51b.80 Discretionary Activities

1. The following land uses are discretionary activities. A resource consent application must be made and consent may be declined or granted with or without conditions. The Council will have regard to the objectives and policies of this Plan the Mission Special Character Zone Structure Plan Design Outcomes in Appendix 26 and the assessment criteria in Chapter 12. The Council's discretion is unrestricted.
 - a) A supplementary unit that does not comply with all the relevant conditions.
 - b) Retirement complexes.
 - c) Place of Assembly.
 - d) Any subdivision or boundary adjustment that does not comply with the minimum lot size specified in Chapter 66 of this Plan or which does not comply with Rule 51b.77.
 - e) Any use or development of land referred to in Rule 51b.78 (Commercial Activities within the Neighbourhood Centre) that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.

Although Discretionary Activity rules 51b.80 1a) & b) are identical to the equivalent provisions in the existing Western Hills Residential Zone the remainder of the rule differs. This is primarily due to the approach in the Western Hills Residential Zone of using the discretionary activity category as the default status for any activity not listed elsewhere in the zone rules.

The approach within all of the precincts within the Mission Special Character Zone however, is that any land use that is not specifically listed within the activity tables is considered to be a non-complying activity. The principal assumption is that the Mission Special Character Zone is sensitive to the effects of activities not anticipated by the District Plan. Such activities are not prevented from establishing provided that they can be assessed favourably as a non-complying activity.

In terms of rule 51b.80 then, 1c) – e) specifically lists activities that would also be discretionary activities under the catch all status of the existing Western Hills Residential Zone, so in this regard the provisions also match the existing zone. Places of Assembly are appropriate activities for a residential environment so that church and other community facilities can establish in the communities that they serve subject to resource consent assessment to ensure that the scale and potential effects on the environment are appropriate for the chosen site. Similarly, subdivisions not meeting the minimum lot size requirements may also be appropriate in a residential environment and they will be subject to discretionary activity assessment as is the case in other residential zones. That is except for any residential

SECTION 51b Mission Special Character Zone – Rules 51b.67 – 51b.82

subdivision prior to the necessary stormwater discharge consents being in place, which would default to non-complying. This would leave non-residential activities not specifically listed in the zone provisions, such as commercial and industrial activities, to be considered as non-complying, rather than discretionary activities. This approach is appropriate for meeting the objectives of the Zone to ensure retention of the special character values that these objectives seek to protect and enhance.

Non-Complying Activities

51b.81 Non-Complying Activity

- a) Any land use not identified in the Mission Special Character Zone, Residential Precinct – Activity Table as a permitted activity, a controlled activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity.
- b) Any subdivision that does not comply with with Rule 51b.77(1)(c)

The reasons for any land use not specifically identified in the Residential Precinct Activity Table, defaulting to non-complying, rather than discretionary status is provided in regards to rule 51b.80 above and need not be repeated. Clause (b) ensures that any residential subdivision would default to be assessed as a non-complying activity if the Rule requiring the necessary urban stormwater discharge consents to be in place is not met. It is anticipate that the required discharge consents will be in place prior to this plan change becoming operative so this rule seeks to provide a safeguard in the event that there are delays in such consents being obtained.

Prohibited Activities

51b.82 Prohibited Activities

- 1. There are no land uses that are a prohibited activity within the Mission Special Character Zone Residential Precinct.

This rule is consistent with the existing Western Hills Residential Zone, which does not include any prohibited activities and the general approach within the City of Napier District Plan of generally not including prohibited activity rules in the Zone Chapters.

4.3.2.4 Conditions of the Residential Precinct

Table 9: Assessment of Conditions Table Requested in the Mission Special Character Zone Chapter to apply to the Residential Precinct

SECTION 51b Mission Special Character Zone Residential Precinct – Rules 51b.83 – 51b.105

51b.83 Density

- 1. The following density conditions shall apply to all residential activities:
 - a) The maximum density must not exceed one dwelling unit per 250m² of net site area within the area identified on the Structure Plan in

The provisions of 51b.83 are generally consistent with the equivalent density condition for the existing Western Hills Residential Zone, apart from that zone specifying different densities for Areas ‘B’ & ‘C’. A consistency between the density provisions and the subdivision minimum sites sizes as proposed here is a common planning approach and is the general approach used in the City of

SECTION 51b Mission Special Character Zone Residential Precinct – Rules 51b.83 – 51b.105

Appendix 26B as ‘Indicative Urban Residential Development Extent’.

2. A “concept plan” must be submitted to the Council which shows how a single dwelling unit or multiple dwelling unit development is able to fully comply with the conditions for permitted activities if the density exceeds that as set out above.

Note: For the avoidance of doubt, that area identified on the Structure Plan in Appendix 26B as ‘Open Space or Reserve Areas’ that is not included within reserves is subject to the Conditions Table of the Rural Residential Precinct (as set out above).

Napier District Plan.

In the case of the Residential Precinct the proposed density provision would allow some flexibility for a variety of site and dwelling sizes to be achieved as is intended. For example, it could allow provision for either terraced or semi-detached town houses. Such an approach is consistent with objective 51b.4 in enabling new residential opportunity and is therefore an appropriate rule for the Residential Precinct.

51b.84 Yards

1. The following yard conditions shall apply to all land uses:

a) Front Yards

- i) Any part of a building must not be erected closer than:
 - 5 metres to the road boundary of the Main Collector Road; or
 - 3m to the boundary of any other road;

Except that:

- Eaves, fascias, balconies, entrance porches, gutters, down pipes, chimneys and flues may encroach on the front yard by a distance of up to 1 metre measured horizontally.
- Any part of a garage/carport must not be erected closer than 5m to the road boundary, so as to provide a vehicle standing bay. (Refer to Rule 61.16).

b) Front Yard Landscaping

On all sites other than rear sites, 40% of the front yard must comprise landscaped permeable surface.

c) Other Yards

- i) Any part of a building (including eaves and guttering) must not be erected closer than 1 metre to a side or rear site boundary.

The yard provisions in terms of 51b.84.1 b) (Front Yard Landscaping) and c) (Other Yards) adopts an identical approach to the existing Western Hills Residential Zone.

The Front Yard provisions are however different with 6m generally and 5m for garages applying to the Western Hills Residential Zone. A similar list of exceptions is applied to allow for minor intrusions into the front yard; however, exemptions for entrance porches and balconies to intrude into the front yard are added to the Residential Precinct provisions. Not shown in the column to the left, but one of the ‘matters’ for discretion listed against Rule 51b.84 (and again not within the existing plan provisions) is: *“The topography of the site, if a logical response is a garage in the front yard either below or above the house.”*

The result of these differences proposed to apply to the Residential Precinct is that greater flexibility will be provided to promote variation in the street scene of the built environment. For example, the exemption for entrance porches and balconies will encourage building frontages to present architectural features to the street rather than flat building elevations. Modern housing developments with minimum setbacks similar to those applying to the Western Hills Residential Zone can result in a streetscape dominated by double garage doors. The combination of more flexible rules and the intended building design guide, seek to avoid this and create a high amenity street scape which enhances the special character values of the zone. Such an approach is therefore appropriate for achieving the objectives of the Mission Special Character Zone.

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- Provided that where this is the only condition infringement and the written approval of the adjacent landowner(s) is provided at building consent stage, a resource consent application will not be necessary.
- ii) Any part of a building, fence or permanently fixed structure must not be erected closer than 6 metres from the top of the bank of any watercourse or open drain.

51b.85 Height

1. The following maximum height conditions shall apply to all land uses, other than aeriels, lines and support structures:

- a) Any part of a building or structure must not exceed 10 metres in height, except that:
 - i) Within the Neighbourhood Centre (as shown on the Structure Plan in Appendix 26B), any part of a building or structure must not exceed 12 metres in height.
 - ii) On a front site or corner site, any part of a building or structure may be erected up to the Streetscape Height determined in accordance with Appendix 8 of this Plan.
- b) Any part of a building or structure must not exceed the Airport Height Control Designation in Appendix 7, except where located in a Surface Penetration Area, where the maximum height shall not exceed 10 metres, or where located within the Neighbourhood Centre the maximum height shall not exceed 12 metres.
- c) Where there is conflict between any of the height control lines or limits, the lowest height must prevail.
- d) Where the Airport Height Control Designation prevails in accordance with Rule 51b.81.1(c):
 - i) Any application for a building

The height provisions are generally consistent with the equivalent conditions applying to the Western Hills Residential Zone.

The one difference is in Rule 51b.85.1a)i) and b) where provision is made for buildings in the Neighbourhood Centre to be up to 12m in height. Although it is noted that the existing Western Hills height condition does allow for buildings up to 12m high in area A (which was intended as higher density residential).

Providing opportunity for these neighbourhood centre buildings to be up to 3 stories in height (which 12m would provide for) is appropriate with regard the objectives of the Zone. With regard to objective 51b.3, providing for prominent neighbourhood centre buildings will potentially enhance the character and visual amenity of the residential precinct and in turn the special character of the zone. Objective 51b.4, would be better achieved by the additional building height in the neighbourhood centre by providing new residential opportunities in terms of a neighbourhood centre apartment typology. The rider of objective 51b.4 is to enable development while avoiding, remedying and mitigating adverse effects on the environment. The classification of the Neighbourhood Centre buildings as a restricted discretionary activity will help achieve the objective by ensuring that if such buildings are built to the height limit and visually prominent, the design of the buildings will be appropriate to enhance streetscape amenity.

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consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.

- ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.
- e) Height must be measured using the rolling height method.

51b.86 Height in Relation to Boundary

This condition is not listed in full in the column to the left as it is identical to the equivalent existing Western Hill Residential provisions and is a standard condition used in the various residential zones of the existing district plan to minimise the effects of shading and building dominance on neighbouring properties.

51b.87 Site Coverage

- 1. The following site coverage conditions shall apply to all land uses:
 - a) Site coverage (measured from gross building area) must not exceed 50% of the net site area.
 - b) Provided that where there is no garage or carport on site, the gross building area must include a notional garage of 18.5m² for each dwelling unit on the site.

The site coverage condition is generally the same as that applying to the Western Hills Residential Zone. The only difference is that the Western Hills provisions include an additional clause a)i) which applies a more restrictive 20% site coverage to 'Area B'. The reason for this and why it is not necessary for the proposed Residential Precinct site coverage condition is explained below in regards to the related 'Landscaped Area' condition. The inclusion of a site coverage condition is appropriate for ensuring that there are areas free of building and development on each site, in ensuring that the special character values of the zone are maintained and the objectives achieved.

51b.88 Landscaped Area

- 1. The following landscaped area conditions shall apply to all land uses:
 - a) All sites must have a landscaped area not less than 30% of the net site area.

As with the site coverage condition, the basis of the proposed 'Landscaped Area' condition for the Residential Precinct is the same as that applying to the existing Western Hills Residential Zone. Again in the Western Hills Residential Zone an additional clause applies to Area B (50% of site area with trees capable of growing to 6m in height). The additional Western Hills provisions applying to 'Area B' were designed to achieve a lower density of development (lower site coverage) and more landscaping adjacent to Puketitiri Road so as to soften the view of new residential development from that road frontage and the Poraiti rural residential area. Rather than relying on future residential property owners to individually mitigate the

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visual effects of residential development as viewed from Puketitiri Road, the proposed plan change seeks to soften the new urban edge with Puketitiri Road through the development of an off road path and associated landscaping fronting and running parallel to Puketitiri Road. The Isthmus landscape and urban design report¹⁴ explains this approach as follows: *“Potential visual amenity effects from the Poraiti area will be mainly limited to adjacent properties on the opposite side of Puketitiri Road, and to views from Puketitiri Road as people pass the site. Properties in Poraiti are typically oriented to the north and east toward the views and sun, so that the site is ‘behind’ Poraiti. It is also largely screened by the topography and vegetation on the north side of Puketitiri Road.*

Amenity values from Puketitiri Road will be maintained by the reserve strip and path proposed along the boundary. The strip is to provide for a path that links to the wider path network, and which may be used as a bridle path in recognition of existing riding of horses in the area. It will provide a buffer between the road and housing in the Residential Precinct. The buffer is illustrated by indicative cross sections – noting that the precise cross sections will depend on the bulk earthworks within the Residential Precinct.” The cross section referred to is provided as Figures 31 and 32 in the ‘Appendix Two: Figures’ to the aforementioned Isthmus Report.

On this basis the combination of the ‘site coverage’ and ‘landscaped areas’ conditions with the proposed physical works of the bridle path and associated landscaping are appropriate for achieving the objectives of the Zone with regard to retaining and enhancing the special character values (51b.3) and mitigating effects on the environment (51b.4).

51b.89 Open Space, 51b.90 Noise, 51b.91 Light Spill, 51b.92 Vibration, and 51b.94 Aerials, Lines and Support Structures & Trees.

None of these conditions have been altered from those that currently apply to the Western Hills Residential Zone in the existing City of Napier District Plan. As these provisions have already been confirmed as being appropriate through the RMA Schedule 1 process in regards to the existing district plan, no further assessment is required or provided here.

51b.93 Fencing

The proposed 1.2m maximum height for front fences is different to the 2m maximum applying

¹⁴ Proposed Mission Special Character Zone – Urban Design Statement + Assessment of Landscape and Visual Effects, Ithmus, February 2017 (pages 20 & 21).

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- | | |
|---|---|
| <p>1. The following fencing conditions shall apply to all land uses:</p> <ul style="list-style-type: none"> a) Any fence erected within a front yard shall not exceed 1.2m in height; b) Any fence erected within a side or rear yard must not exceed 2 metres in height. | <p>in the Western Hills Residential Zone and to the residential zones in the existing district plan generally. Front fences can and generally are controlled through developers' private covenants in new subdivisions. In regards to achieving the objectives of the Mission Special Character Zone however, it is not appropriate for the district plan conditions to enable 2m high fences to be erected along front boundaries when the other provisions of the Residential Precinct are seeking to create an attractive street scape. In regards to this a 2m high front fence would mean that condition 51b.84.1b) 'front yard landscaping' would have little point as the required landscaping would be screened from public view. Given the above the proposed 1.2m maximum front fence height is appropriate for achieving the objectives of the Zone.</p> |
|---|---|

Conditions 51b.95 – 51b.105.

This group of conditions simply cross references the relevant District Wide Activity Plan Chapters that apply. Again this approach is exactly the same as that which applies to the Western Hills Residential Zone in the existing City of Napier District Plan. There is no need therefore to assess the appropriateness of these conditions.

4.3.2.5 Changes to Other District Plan Provisions

Table 10: Assessment of Changes Sought to the Existing Chapters of the City of Napier District Plan

Changes to Existing District Plan Chapters

Chapter 4 Residential Environments

<p>Delete zone description '4.9.10 Western Hills Residential Zone and Deferred Western Hills Residential Zone.'</p>	<p>The area of land zoned Western Hills Residential is proposed to be replaced in its entirety by the Residential precinct of the Mission Special Character Zone. This zoning will therefore become redundant should the Mission Special Character Zone private plan change request be successful, therefore necessitating its deletion from the district plan.</p>
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Chapter 11 Western Hills Residential Zone

<p>Delete in its entirety as it is replaced in full by the new Chapter 51b.</p>	<p>As above.</p>
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Chapter 35 Rural Residential Zone

<p>Delete specific references to the Marist Holdings (Greenmeadows) Limited (MHL)</p>	<p>The Rural Residential Zone will remain in place as it covers large areas of land beyond the</p>
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Changes to Existing District Plan Chapters

<p>property from the subdivision rule 35.13 m).</p>	<p>boundaries of the MHL property. The only change therefore required to Chapter 35 is to delete the existing specific reference in rule 35.13 m) to subdivision not meeting the minimum sites size requirements within the MHL property being a discretionary activity. This rule has been rolled over to apply to the Rural Residential Precinct within the Mission Special Character Zone and will become redundant within the Rural Residential Zone if this private plan change request is successful. The reasons for this rule are explained in Table 6 above under rules 51b.26 and 51b.27.</p>
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Chapter 40 Reasons for Rural Environment Rules

<p>Delete specific reference in reason 40.20 'Land Development Including Subdivision' to the Marist Holdings (Greenmeadows) Limited property.</p>	<p>As above.</p>
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Chapter 51b Mission Special Character Zone

<p>Insert new Mission Special Character Zone Chapter into 'Part 7 Other Zones District Plan' as Chapter 51b.</p>	<p>The reasons for inserting the new Mission Special Character Zone into this part of the City of Napier District Plan are provided under section 1.2.3 and the subheading 'Structure', above.</p>
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Chapters: 52a 'Earthworks Rules', 57 'Noise', 58 'Signs', and 61 'Transportation'

<p>Where these various district wide activity rule chapters refer to specific zones, references to the Mission Special Character Zone are to be inserted as appropriate. Where generic references are made to either rural or residential environments, references to rural environments are to be clarified to also apply to the Productive Rural, Landscape and Visitor, and Rural Residential precincts of the Mission Special Character Zone. References to residential environments are to be clarified to apply to the Residential Precinct of the Mission Special Character Zone.</p>	<p>Appropriate references to the Mission Special Character Zone are required where district wide activity rules or conditions are applied differently to different zones. These amendments will ensure that the new zone is fully integrated into the existing structure of the City of Napier District Plan and to achieve the objectives of the Mission Special Character Zone, which in some instances will rely on district wide activity rules and conditions to ensure that adverse effects on the environment are avoided, remedied or mitigated.</p>
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Chapter 65 Financial Contributions

<p>Amend Table 1 and the reference to 'Mission Heights' to be to the Mission Special Character Zone</p>	<p>In regards to this Chapter of the Plan the financial contributions applying to the Western Hills Residential Zone were referenced under the heading 'Mission Heights'. These references require changing to the Mission Special Character Zone to ensure consistency and avoid confusion.</p>
<p>Adjust the financial contributions relating to subdivision within the Residential Precinct of the Mission Special Character Zone.</p>	<p>The adjusted figures take into the significant land area and quality of the proposed reserve contribution. Adjustments to the 'local off site'</p>

Changes to Existing District Plan Chapters

contribution reflects a change in the proposed waste water connection which will now be via a new rising main at the developers expense rather than via an existing pump station.

Chapter 66 Code of Practice Minimum Lot Size and Density Summary

Delete Reference to Western Hills Residential Zone and add a new row under the heading 'Other Zones' for the Mission Special Character Zone and list the following subdivision minimum areas for the respective precincts of the Zone in the Chapter 66 Table:

Mission Special Character Zone Productive Rural Precinct: No minimum lot size (Refer Rule 51b.17a));

Mission Special Character Zone Rural Residential Precinct: 5,000m² minimum lot size with a minimum average lot size of 1.5 hectares. The minimum average lot size shall be calculated using the parent lot in existence as at 11 November 2000. This parent lot will be the base for any further proposed subdivision;

Mission Special Character Zone Landscape and Visitor Precinct: No minimum lot size (Refer Rule 51b.44a));

Mission Special Character Zone Residential Precinct: 250m² within the area identified on the Appendix 26B Structure Plan as 'Indicative Urban Residential Development Extent'.

For the remainder of the Residential Precinct the Mission Special Character Zone Rural Residential Precinct subdivision rules shall apply.

The density provisions applying to each of the precincts (as set out in the above condition table evaluations) are also to be listed beside reference to each precinct in the Chapter 66 Table .

The reasons for the minimum subdivision areas and density provisions applying in the Mission Special Character Zone are explained in the respective tables above.

Table 6 and the explanation relating to Rule 51b.26 for subdivision in the Rural Residential, Productive Rural, and Landscape and Visitor precincts.

Table 7 and the explanation relating to Rule 51b.46 for density in the Rural Residential, Productive Rural, and Landscape and Visitor precincts.

Table 8 and the explanation relating to Rule 51b.77 for subdivision in the Residential Precinct.

Table 9 and the explanation relating to Rule 51b.83 for density in the Residential Precinct.

Chapter 68 Definitions

Add the following new definition of 'Art Cabin':
Means a standalone self-contained single unit accommodation BUILDING within the Landscape and Visitor Precinct of the Mission Special Character Zone, principally used for the day-to-day accommodation of travellers for not more than 50 days in any twelve-month period by any given individual, and includes access to the licensed services which are provided on the SITE.

The concept of 'art cabins' as referred to both in the Structure Plan in Chapter 26 and the rule provisions for the Landscape and Visitor Precinct of the Mission Special Character Zone requires its own definition as such accommodation is intended to be more specific than 'travellers accommodation'. The standalone single unit concept within the landscape is important to ensure the outcome intended by the structure plan. This intention is explained in the Isthmus Report as follows:
"The 'art cabin' relies on the idea of engagement with the setting. They rely on having separate settings (i.e. they are located apart from each other), and they typically avoid any sort of domestic curtilage (i.e. they are not intended to have any gardens, fences, car parking). They are therefore typically small incidents in the landscape. The area identified

Changes to Existing District Plan Chapters

for such cabins is at the back of the site (set back from Church Road) and restricted to the lower slopes of the hill.¹⁵

Incorporating this separate definition will help achieve objectives 51b.3 (by protecting landscape values through the single unit standalone design), 51b.4 (by providing greater tourism opportunities), and 51b.5 (by enabling the retention of the eastern hill face backdrop to the landscape character values through the small scale and discrete design requirements).

Volume 2 District Plan – Parts A, B and C of the Code of Practice for Subdivision and Land Development

<p>Amend 6.1.2 'Table of Minimum Lot Sizes' by deleting reference to the Western Hills Residential Zone and by inserting appropriate references to the Mission Special Character Zone;</p>	<p>See comments against Chapter 66 above.</p>
<p>Amend 6.1.3(4) Esplanade Reserves for the Taipo Stream and the associated Appendix A4 by removing the requirement for an esplanade reserve adjacent to the Taipo Stream within the Mission Special Character Zone;</p>	<p>This amendment implements policy 51b.4.3c) for the Productive Rural Precinct, which states: <i>"To provide for public access via walkways around the Productive Rural Precinct...rather than by reducing the productive use of the versatile soils by requiring esplanade reserves adjacent the banks of the Taipo Stream in the midst of this Precinct."</i> This policy gives effect to objective 51b.4 by enabling use and development and providing recreational opportunities while avoiding, remedying and mitigating adverse effects on the environment. The 'Principle Reasons for Adopting Objectives and Policies' in the Proposed Mission Special Character Zone Chapter 51b, provide further explanation.</p> <p>In brief providing for public access across the Zone in the vicinity of the eastern hill face will be mutually beneficial to the community in terms of providing a more interesting walking experience with greater elevation and views and linkages to other tracks within the zone, and to MHL by not allowing public access through the midst of a working vineyard and also by avoiding the loss of (or security effects on) grape plantings and buildings that fall within the 20m esplanade reserve requirement. An easement is proposed via Mission Special Character Zone Structure Plan Design Outcome 21 to enable the maintenance of the Taipo Stream to be undertaken by local authorities.</p>
<p>Amend A8 Assessment Criteria, 8.2 General,</p>	<p>This amendment ensures that the Mission</p>

¹⁵ Proposed Mission Special Character Zone – Urban Design Statement + Assessment of Landscape and Visual Effects, Isthmus, February 2017 (page 19).

Changes to Existing District Plan Chapters

by adding the following new Clause (f):
Where the site is located within the Mission Special Character Zone the extent to which relevant Mission Special Character Zone Structure Plan Design Outcomes can be met.

Special Character Zone Design Outcomes are appropriately cross referenced in the District Plan's Code of Practice assessment criteria.

Amend the introduction to Part C to specify that where there is conflict between the Code and the Design Outcomes in Appendix 26, the later shall prevail.

This amendment enables the Mission Special Character Zone objectives to be achieved by enabling a design led subdivision that can be responsive to the topography. Application of the existing code would require road design that would necessitate significant earthworks to achieve the required widths and gradients. The design outcomes included in Appendix 26 are based on achieving NZS:4404 to ensure safe roads for vehicles, cyclists and pedestrians. This is to be verified by the preparation of a comprehensive 'design and access statement' submitted with subdivision consent applications to identify breaches to the Code of Practice and justify how a safe traffic network can still be achieved in accordance with NZS:4404. Restricted Discretionary Activity Status for complying subdivisions within the Residential Precinct acknowledges the additional level of assessment required in verifying an acceptable roading layout without the certainty of compliance with the Code of Practice.

This aspect of the proposal helps achieve objectives 51b.3 and 51b.4 by providing for traffic safety without compromising the values of landscape, heritage and archaeology or without creating adverse effects on the environment from excessive earthworks. This approach also implements policies 51b.3.5, 51b.4.2, and 51b.4.6 in providing for alternative approaches to ensure a character that responds to natural topography and does not undermine the values of the Zone.

Part 10 District Plan Appendices

Replace Appendix 26 'Western Hills Residential Zone Concept Plan' with the Mission Special Character Zone Structure Plan and associated Design Outcomes as a new Appendix 26.

The whole of the Western Hills Residential Zone, including the concept plan in Appendix 26 will become redundant if this plan change becomes operative. In terms of introducing a new structure plan into Appendix 26 in relation to the Mission Special Character Zone, this is required to give effect to Policy UD10.1 of the Regional Policy Statement which states: *In the Heretaunga Plains sub-region, development of urban activities within greenfield growth areas shall occur in accordance with a comprehensive structure plan. Structure plans shall be prepared when it is proposed to amend the district plan, and shall be included in the district plan to provide for urban*

Changes to Existing District Plan Chapters

activities.

As section 75(3)(c) of the RMA states that a district plan must give effect to a regional policy statement there is no option but to include a structure plan in association with the Mission Special Character Zone plan change. An explanation of the components of the Mission Special Character Zone Structure Plan is provided in the *Mission Special Character Zone Plan Change Assessment of Environmental Effects and Proposed Plan Change Description*, Mitchell Daysh, February 2017, while an evaluation of the Structure Plan Design Outcomes is provided in Table 11 below.

Amend Appendix 35 'Urban Limit and Greenfield Growth Areas' so that the urban limit lines match the extent of the Mission Special Character Zone Residential Precinct.

This amendment ensures consistency between Appendix 35 and Appendix 26. The Urban Limit and Greenfield Growth Areas in Appendix 35 reflect the extent of growth areas identified in the Heretaunga Plains Urban Development Strategy (HPUDS). The reviewed HPUDS 2017 has resulted in amendments to the Strategy including the identification of a greater area for urban development over the MHL property. This greater area is consistent with the proposed Residential Precinct of the Mission Special Character Zone and resulted from a submission by MHL to the HPUDS Review in 2016.

4.3.2.6 Assessment of Structure Plan Design Outcomes

Table 11: Assessment of 'Structure Plan Design Outcomes' included in Appendix 26

Proposed Structure Plan Design Outcomes Appendix 26A

The following Structure Plan Design Outcomes are included in Appendix 26A (the headings only are listed):

Zone Wide

DO1: Green network and reserves

DO2: Stormwater

DO3 Archaeology

Residential Precinct

DO4: Street network character

DO5: Street network safety and function

DO6: Subdivision allotment design

DO7: Design Manual and review process

DO8: Path network

DO9: Neighbourhood centre

DO10: Central Community Reserve

DO11: Puketitiri Road Buffer Strip

DO12: Wastewater

DO13: Water Supply

DO14 Geotechnical stability

The Structure Plan Design Outcomes are assessment criteria for the assessment of subdivision and land use consent applications within the Mission Special Character Zone.

The individual outcomes and are not assessed as part of this evaluation (aside from the discussion regarding DO5 below). The purpose of these Design Outcomes is to express the intent of the Mission Special Character Zone and the Structure Plan in particular.

DO5

Design Outcome 5 provides an alternative to full compliance with the roading standards in Part C of the Code of Practice for Subdivision and Land Development. In short DO5 would allow for narrower and steeper streets as dictated by topography, with lower operating

Proposed Structure Plan Design Outcomes Appendix 26A

Landscape and Visitor Precinct / Main Rural Precinct / Rural Residential Precinct

DO15: Mission Landscape

DO16: Woodland hillside

DO17: Public Path

DO18: Boutique Hotel Accommodation & Associated Activities

DO19: Art Cabins

DO20: Rural Residential Precinct Buffer

DO21: Taipo Stream maintenance easement

speeds than full compliance with the Code would achieve.

Engineering advice within the Strata Group¹⁶ and Traffic Design¹⁷ reports is that such an alternative approach to full compliance with the standards in the Code, would not reduce traffic safety with the implementation of a lower speed environment and best practice design to achieve safety.

Reasons why departure from the Code is sought to enable streets to be narrower and steeper (than required), are to minimise the earthworks that will be required on the sloping site and to help to achieve the character envisaged for the new residential area. This will enable a design led subdivision that works with the natural topography of the site as much as possible. The character sought is described in following two quotes from the Isthmus Report:

“The street network is to respond to the topography in a similar manner to streets on Napier Hill, mostly following ridges and contours. The streets are a key element of the special character envisaged for the Residential Precinct, picking up on such idiosyncrasies of Napier hill as:

- *Distinctive intersections.*
- *Non-standard cross sections (footpaths on one side, irregular parking bays fitted to the topography).*
- *Retaining walls faced in limestone.*
- *Narrow carriageways (especially away from the principal streets).*
- *Garaging close to the street in those instances where it can contribute to streetscape*
- *Avoidance of standard nature strips and footpaths – instead relying on sloping berms, informal street trees, and trees on adjacent properties and reserves.¹⁸”*

With regard to achieving the objectives of the

¹⁶ The Mission Special Character Zone, Puketitiri Road, Napier, Strata Group Consulting Engineers, December 2016 (page 5).

¹⁷ Marist Holdings Ltd, The Mission Special Character Zone Traffic Engineering Report, TDG, November 2016 (page 10).

¹⁸ Ibid. (page 14).

Proposed Structure Plan Design Outcomes Appendix 26A

Plan Change, objective 51b.3 refers to “...the retention and enhancement of the values of the landscape ...and ...resources that create the special character of the Zone.” Objective 51b.4 refers to enabling use and development: “...to provide new residential...opportunities, while avoiding, remedying and mitigating adverse effects on the environment.”

Compliance with the road design standards of the Code could achieve objective 51b.4 in terms of avoiding and mitigating traffic safety effects. DO5 as proposed however would better achieve both objectives 51b.3 and 51b.4 in terms of retaining and enhancing landscape values and while still avoiding or mitigating the effects of traffic safety.

General

A number of rules in the proposed Mission Special Character Zone district plan chapter refer to the structure plan design outcomes as one of the matters that Council will restrict its discretion to in the assessment of resource consent applications. In regards to this design outcomes DO9, DO18, and DO19 all relate to specifically listed restricted discretionary activities. The other design outcomes are more general and will be able to be considered in the assessment of subdivision applications and where relevant in regards to land use consent applications.

Some matters of additional detail will be addressed in the subdivision application(s) that will be required to implement the development of the Residential Precinct, one of these matters is the Building Design Manual and Review Process. DO7 sets out the outcomes that the Design Manual will need to achieve. Some components of the structure plan will be implemented through the subdivision consent and subsequent development rather than through any standalone resource consent. The design outcomes therefore provide some qualitative criteria to be achieved by these components which include: DO1 Green network and reserves, DO8 Path Network, DO10 Central Community Reserve, DO11 Puketitiri Road Buffer Strip, DO16 Woodland hillside, and DO17 Public Path.

Other matters covered by the design outcomes are the more traditional aspects of subdivision assessment such as DO2 Stormwater, DO4 Street network character, DO5 Street network safety & function, DO6 Subdivision allotment design, DO12 Wastewater and DO13 Water supply; or effects mitigation criteria such as DO3 Archaeology, DO14 Geotechnical stability, DO15 Mission landscape and DO20 Rural Residential Precinct Buffer.

The last design outcome is DO21 Taipo Stream

Proposed Structure Plan Design Outcomes Appendix 26A

maintenance easement which provides for a 6m wide easement to be secured upon subdivision in providing certainty of maintenance access to local authorities in regard to the Taipo Stream.

These design outcomes are also focused on the achievement of the three objectives of the Mission Special Character Zone: 51b.3 in regards to the retention and enhancement of the values that create the special character of the zone; 51b.4 in regards to avoiding, remedying and mitigating adverse effects on the environment; and 51b.5 in enhancing the contribution of the eastern hill face backdrop to the Mission's significant landscape character. Accordingly, the proposed design outcomes are appropriate for achieving the objectives of the Plan Change.

5 ASSESSMENT OF THE RISKS OF ACTING OR NOT ACTING

5.1 THE RISKS OF ACTING

Section 32(2)(c) of the RMA requires that the assessment of the efficiency and effectiveness of the provisions in achieving the objectives must ‘assess the risks of acting or not acting if there is insufficient information about the subject matter of the provisions’.

In this case, the information about the subject matter of the provisions is robust and founded on a series of technical assessments listed as follows:

- Urban Design, Landscape & Visual Effects; Gavin Lister, Isthmus
- Recreation & Open Space Assessment; Gavin Lister, Isthmus
- Engineering Assessment, and letter response to further information; Russell Nettlingham, Strata Group
- Traffic Engineering; Andrew Prosser, TDG
- Further Information Traffic Responses; Mark Georgeson, TDG
- Archaeological Assessment; Dianne Harlow, Architage
- Economic Benefit Assessment; Sean Bevin, Economic Solutions Ltd
- Stormwater Runoff and Flood Effects; Jon Rix, Tonkin & Taylor
- Financial Contributions Assessment, and further information, Andrew Taylor, Surveying the Bay
- Ecological Significance Assessment; Adam Forbes, Forbes Ecology

Further to the reports commissioned to support this plan change, the existing Western Hills Residential Zone provides previous confirmation that the MHL property is appropriate for residential development through the RMA Schedule 1 process. The identification of this land as appropriate for residential development in HPUDS and the Regional Policy Statement (via policy UD4.3(c)¹⁹) is also confirmation that there is sufficient information about the subject matter of the provisions.

It is noted that resource consent to discharge urban stormwater is still to be obtained from the Hawke’s Bay Regional Council and that this consent is planned to be applied for in early 2018. Given the area of land available within the zone on which stormwater can be attenuated, an engineering solution will be available to attenuate stormwater to avoid any adverse effects downstream. Once obtained the stormwater discharge consent will confirm the volume of onsite stormwater storage required to ensure that any downstream effects can be mitigated. The proposed subdivision rule 51b.77(1)(c) and associated plan provisions, provide a safeguard to require stormwater discharge consent is obtained prior

¹⁹ It is noted that the Hawke’s Bay Regional Policy Statement has not yet been updated to support the reviewed Heretaunga Plains Urban Development Strategy 2017 so the map referenced identifies the area of the previous Western Hills Residential Zone rather than the larger area of the proposed Residential Precinct of the Mission Special Character Zone.

to subdivision being applied for so as to mitigate the risks of acting in notifying this plan change before such consents are in place.

5.2 THE RISKS OF NOT ACTING

Status Quo

The risk of not acting would be retention of the status quo situation. That is, an area zoned for residential development on the MHL property (Western Hills Residential Zone) which the owners are not prepared to develop due to their understanding of the development costs following their withdrawn subdivision consent application in 2005. The uneconomic development costs are due to the undulating topography of the site and the necessary earthworks to meet the requirements of the Code of Practice for Subdivision and Land Development and the Western Hills Residential Concept Plan.

Opportunity Cost

The flow on effects of not acting are that Napier community will not realise the benefits of implementing the 'western hills' greenfield development area identified in HPUDS, including the alternative elevated residential option that it provides compared to the other greenfield areas identified in HPUDS within the City which are all based on flat land.

The economic costs of not acting can be derived from the Economic Solutions Report which states ²⁰:

“Over the initial 25-year development period, most of the local and regional economic impact gain will arise from the actual construction activity currently estimated at a total direct expenditure figure of approximately \$484 million. This will be supplemented by the impact gains arising from the ongoing annual operation during the period of the various new dwellings and visitor facilities built as part of the development, with a total direct financial impact over the full period of approximately \$63 million. Both development categories will generate significant flow-on economic impact gains within the Hawkes Bay region, with the latter category (annual dwelling and facility operations) considerably outweighing ‘downside’ economic impacts associated with foregone rural production and potential reduced custom for other visitor accommodation outlets in Napier. The report also identifies a number of other potential flow-on economic benefits for the City and region flowing from the development. Overall then, it is anticipated that the development will have a major positive net economic effect for Napier and the wider region”.

In addition to the loss of these economic benefits, the cost of not acting and retention of the status quo would also include the social costs of: the uncertainty of land use for the eastern hill face backdrop, which could be a continuation of its current unplanted state; and the continuation of no public walkway access across and within the MHL property. The cost of not acting would also result in the loss of the environmental benefits from the

²⁰ Proposed Mission Special Character Zone – Economic Benefit Assessment, Sean Bevin, Economic Solutions Limited, November 2016 (Page 3)

proposed planting of the eastern hill face and the western valleys, as well as the improved water quality and ecology likely to result from these plantings in association with the low impact storm water system.

Natural Hazards Avoidance

A significant risk in not acting is that the City of Napier would remain without any greenfield residential development areas on elevated sites clear of natural hazard risks from coastal inundation, tsunami, liquefaction, ground shaking amplification and flooding. As is demonstrated in section 5.5 of the accompanying Mission Special Character Zone AEE Report²¹ this sets the proposed Residential Precinct of the Mission Special Character Zone apart from the remainder of the City's greenfield development areas, which are primarily located on the coastal flats.

5.3 CONCLUSION

Given the above there is adequate information on which to make a decision, costs in not acting, and benefits in acting, accordingly it can be concluded that acting on implementing the proposed Mission Special Character Zone plan change is not subject to any significant risk.

²¹ *Marist Holdings (Greenmeadows) Ltd, Mission Special Character Zone Assessment of Environmental Effects and Proposed Plan Change Description, Mitchell Daysh Ltd, December 2017 (Page 37)*