

Appendix E – ANNOTATED PLAN CHANGE PROVISIONS

Key to Annotations: Blue – Officers S42A recommendation (27 August, prior to expert evidence), Green – Officers S42A Recommendation (12 Sept, post expert evidence and prior to hearing), Purple – Officers S42A Recommendation (post hearing, if required), Orange – Additional changes by Hearing Commissioners (if required)

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| 1. | Part 10 – District Plan Appendices | Appendix 26A - Mission Special Character Zone, Design Outcome 7 | <p>Amend the following:</p> <p>Design Outcome 7: Design Manual and Review Process</p> <p>A design manual and design review process is to be implemented to ensure houses contribute positively to the streetscape and character of the Residential <u>and Rural Residential</u> Precincts. The design manual is to be submitted with the first subdivision consent application involving land within the Residential Precinct and be given effect to by way of condition of consent. The design review process is to be administered by Marist Holdings (Greenmeadows) Ltd or successor – be a condition of subdivision consent – enforced by consent notice on the title of each residential <u>and rural residential</u> allotment. Napier City Council's role will be to certify that the process is followed in accordance with the condition. The Design Manual will be assessed on its ability to ensure that built development within the Residential <u>and Rural Residential</u> Precincts will give effect to the objectives and policies of the Mission Special Character Zone and in particular objective 51b.4 and policies 51b.4.2 <u>and 51b.4.5</u>. The Design Manual is to include design principles and guidelines which buildings are to be assessed against in the design review process. It is to address such matters as:</p> <ul style="list-style-type: none"> • Relationship of house to street (i.e. including such matters as setbacks, orientation of entrance to the street, provision of windows overlooking street). • House design and appearance (e.g. the design guide is to set out themes characteristic of Napier houses; design principles such as variety, use of materials characteristic of the area, modelling of façade and roof forms to create interest to streetscape <u>and the use of recessive building and colours to mitigate the effects of the development in the Rural Residential Precinct and in the Prominent Visual Development Area</u>). • Garaging (including avoidance of visual dominance of garage doors, maximum garage door width as proportion of house width, setbacks from the street, – but also including instances where garages may be appropriate close to the street boundary as part of the distinctive character of the precinct). • Landscape design (including street fencing and contribution of trees in front yards to streetscape). • Specific guidelines and design principles for the Neighbourhood Centre (see Design Outcome 9). | <p>This amendment introduces a new example of what to include in the Design Manual for the Prominent Visual Development Area within the Residential Precinct. The use of recessive building materials and colours is a technique to integrate buildings within the landscape and to avoid buildings that contrast with and dominate the landscape to ensure natural values are maintained.</p> <p>Evaluation of Amendments</p> <p>In considering the effectiveness and efficiency of the design outcomes in achieving the Mission Plan Change and District Plan objectives and policies for the residential precinct (51b.3, 51b.3.1) and Residential Environments (4.2, 4.2.3, 4.2.4), I have considered the following costs and benefits:</p> <p>Costs of not including this provision:</p> <ul style="list-style-type: none"> • Risk of visually prominent houses in non-recessive colours dominating the skyline • Impact on adjacent properties and broader landscape values • Restriction in flexibility and freedom of self-expression for property owners <p>Benefits of including this provision:</p> <ul style="list-style-type: none"> • Minimise the effects on landscape values identified in the Napier City Landscape Study • Minimise visual impact of development as viewed from Taradale and its surrounds, and in particular from Church Road, adjacent properties and from within the MSCZ. <p>Based on the above, I recommend the changes as set out in the adjacent column.</p> |
| 2. | Part 10 – District Plan Appendices | Appendix 26A - Mission | Insert the following: | This new design outcome introduces a Design Manual and Design Review process to the Rural Residential Precincts. This recommendation will ensure the plan change more effectively responds to the significant landscape |

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| | | Special Character Zone Design Outcomes – Design Outcome 21. | <p><u>New Design Outcome 21: Rural Residential Design Manual (with consequential renumbering of design outcome 21 to 22)</u></p> <p><u>A design manual is to be implemented to ensure houses in the rural residential precincts contribute positively to the landscape of the Mission Special Character Zone. The design manual is to be submitted with the first subdivision consent application involving land within the Rural Residential Precincts and be given effect to by way of condition of consent. The design review process is to be administered by Marist Holdings (Greenmeadows) Ltd or successor – be a condition of subdivision consent – enforced by consent notice on the title of each rural residential allotment. Napier City Council's role will be to certify that the process is followed in accordance with the condition. The Design Manual will be assessed on its ability to ensure that built development within the Rural Residential Precincts will give effect to the objectives and policies of the Mission Special Character Zone, in particular objectives 51b.3 and 51b.4 and policies 51b.3.1 and 51b.4.5. The Design Manual may form part of the residential precinct design manual but is to include design principles and guidelines which buildings in the rural residential precinct are to be assessed against in a design review process. It is to address such matters as:</u></p> <ul style="list-style-type: none"> • <u>Relationship of house to landscape to retain and protect rural character and amenity values</u> • <u>Consideration of scale and built form in relation to the existing rural landscape</u> • <u>House design and appearance (e.g. design principles such as the use of recessive buildings materials and colours to mitigate visual amenity affects)</u> • <u>Landscape design to integrate the building into the landscape (e.g vegetative buffer, building setback)</u> • <u>Consideration of rural character and heritage values (e.g. the consideration of scale and built form with regard to traditional farming buildings and yards on the Church Road frontage)</u> • <u>A site analysis plan to indicate the defining attributes and features of the sites immediate surroundings e.g contours, roads, reserves and walkways, waterways and wetlands</u> | <p>features identified and recommended for the 'Western Hills' in the Napier Landscape Assessment Report (July 2009). In my opinion, the rural residential precinct provides opportunity for development in areas that are no less sensitive than other visually prominent areas of the MSCZ. The specific policy for the rural residential precinct is:</p> <ol style="list-style-type: none"> 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 full residential development. b) Provide land use controls that are generally consistent with the Rural Residential Zone. c) To enable the efficient use and development of existing building resources. <p>Rural residential development is likely to occur in areas of greater landscape significance within this precinct such as on high points, ridgelines and areas adjacent to the residential precinct where a design manual already applies. In my opinion, reduced intensity of development in the rural residential precinct in the form of larger minimum lot sizes, greater setbacks and smaller site coverage provisions are not in themselves sufficient in mitigating potential visual amenity issues when the landscape is viewed as a whole. The recommendation of a design manual and review process on titles as a method of managing the visual amenity issues in an area identified as a significant landscape feature is deemed appropriate to meet the following obligations under the RMA, MSCZ objectives and existing objectives and policies of the Napier District Plan.</p> <p>Section 7(c) of the Resource Management Act 1991 (RMA) requires Council to have particular regard to the maintenance and enhancement of amenity values. Objective 51b.3 of the Mission Special Character Zone provides 'for the sustainable management of the Mission Special Character Zone including the retention and enhancement of the values of the landscape, heritage, archaeology and versatile land resources that create the special character of the Zone' This aligns with the Rural Environments objective in the Napier District plan 'to protect the city's outstanding natural features, significant landscapes and its rural land from the adverse affects of inappropriate subdivision, use and development of land' and policy 33.2.5 that requires 'specific consideration of the landscape and visual effects of development proposals where they are located on landscapes identified as outstanding or significant in the Napier City Landscape Assessment Study'.</p> <p>The above recommendation has been developed as an appropriate response to submission 7. Merv McNatty who raises concern about the visual impact of the rural residential precinct. Plan Change 12 provides an opportunity to strengthen the District Plan provisions applying to the significant landscape comprising the MSCZ, beyond existing rural residential zoning rules. This is reflective of the precincts location within the Mission</p> |

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| | | | | <p>Special Character Zone and the wider significant amenity feature of the Western Hills.</p> <p>Evaluation of Amendments</p> <p>In considering the effectiveness and efficiency of the design outcomes in achieving the Mission Plan Change and District Plan objectives and policies for the rural residential precinct (51b.3, 51b.3.1) and rural environments, I have considered the following costs and benefits:</p> <p>Costs of not including a Design Manual and Review process for the Rural Residential Precincts:</p> <ul style="list-style-type: none"> • The risk of visually prominent houses that dominate the landscape rather than complement existing significant amenity values • Reduced flexibility and freedom of expression for property owners • Additional process required for developer and property owners <p>Benefit of requiring a Design Manual and review process for the Rural Residential Precincts:</p> <ul style="list-style-type: none"> • Visual effects on landscape values as identified in the Napier City Landscape Study are minimised • Increased certainty for property owners at the pre-design stage on design expectations as set out in the manual • Reduced risk of visual amenity issues on the Mission Special Character Zone on properties as viewed from adjacent properties and within the precinct itself. <p>Based on the above, I recommend that the changes set out in the adjacent column are appropriate under S32AA of the RMA.</p> |
| 3. | Part 10 – District Plan Appendices | Appendix 26A - Mission Special Character Zone Design Outcomes – Design Outcome 1. | <p>Amend Design Outcome 1, bullet point 4:</p> <ul style="list-style-type: none"> • Connected corridors of restored <u>and maintained</u> indigenous vegetation – particularly on South facing slopes. <p>New bullet point added to Design Outcome 1</p> <p><u>Planting of a band of indigenous vegetation (nominally 20m wide) on the south side of the Residential Precinct to soften views of housing, and provide shelter, in the event the existing pine plantation is removed.</u></p> | <p>The inclusion of the word 'maintained' seeks to ensure certainty of the maintenance of the bands of revegetation as per the structure plan. Not including this word creates the risk that there is no expectation in this regard. Repeating the bullet point of Design Outcome 20 in Design Outcome 1 is necessary because Design Outcome 1 applies to the whole zone while Design Outcome 20 is specific to the Landscape & Visitor, Rural Production and Rural Residential Precincts. The required vegetation buffer as shown on the Structure Plan map falls largely in the Residential Precinct.</p> <p>In terms of section 32AA, these amendments are efficient and effective in improving the administration of the plan change provisions, being primarily a matter of clarification rather than substance.</p> |
| 4. | Chapter 51b | 51b.1, 51b.2.4, | Update all references in Chapter 51b from 'versatile and productive soils' to 'versatile and productive <u>land</u> ' | This change aligns terminology with Horticulture NZ, Heretaunga Plains Urban Development Strategy 2017 and the Regional Policy Statement that |

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| | | 51.b.2.6, 51.b.3.5, 51.b.4.3, 51b.4.3c, 51b.6(10) and 51b.16a 51b.17 | | <p>references the protection of versatile land in favour of terminology concerned with versatile soils. It is more encompassing of all factors influencing versatility, rather than just soils.</p> <p>In terms of section 32AA, these amendments are efficient and effective in improving the administration of the plan change provisions, again being primarily a matter of clarification rather than substance.</p> |
| 5. | Chapter 66 Code of Practice | 6.1.3(4) | <p>Delete the following:</p> <p>4. The esplanade reserves for the Taipo Stream shall be 6 metres and 20 metres, except for where it traverses the Mission Special Character Zone where there is no esplanade reserve requirement as shown on Appendix A4 attached.</p> <p><u>Note:-Design Outcome 21 in the Mission Special Character Zone Structure Plan provides for a 6m easement for maintenance and stormwater management purposes</u></p> <p><u>Update 6.1.3(4) with the following:</u></p> <p><u>The esplanade reserves for the Taipo stream shall be 6 metres and 20m metres as shown on Appendix A4 attached. Consideration of the need to apply the esplanade reserve for the Mission Special Character Zone shall only apply in the following circumstances (albeit with the exception listed below). Any subdivision application for land Comprised in (either Lot 1 DP 27138 held in Certificate of title W3/453 W1/63 and/or Part Lot 2 DP25932 held in certificate of title HBW1/63 (as at 12 September 2018) which falls within the Productive Rural, and/or Landscape & Visitor, and/or Rural Residential (fronting Church Road) Precincts where sites of less than 4ha are created within 100m of the Taipo Stream. The exception to this provision is that no esplanade reserve will be required for sites created through subdivision within the Residential Precinct and the Rural Residential Precinct which adjoins the Residential Precinct.</u></p> | <p>Further discussions with HBRC, as Asset Managers of the Taipo Stream have focused on their concerns with the substitution of a 20m reserve corridor for a 6m easement proposed in the plan change and as supported in the S42A report. Concerns were raised in relation to the adequacy of an easement as a substitution to an esplanade reserve that negates any future options of gaining an esplanade reserve if the land use was to change from productive use to one supporting residential type development. A change in land use would remove the health and safety concerns of public access to a stream that traverses a working vineyard. In addition, the Heretunga Plains Rivers Control and Flood Drainage Scheme and powers under the Local Government Act 2002 allow the HBRC to undertake stream maintenance on this section of the Taipo Stream without the need for a 6m easement. Rule 71 in the RRMP controls any activity within 6m of the stream that may impede these rights.</p> <p>This further consideration of the long term affects of an easement over an esplanade reserve requirement has led to an update to recommendation 7. This amendment negates the need to provide a 6m easement on subdivision but provides for an esplanade reserve if land use is to change. Updates to this rule will ensure a 20m Esplanade Reserve is acquired on subdivision of the Rural Residential precinct (Church Road frontage) where the health and safety concerns around public access through a working vineyard do not exist. An esplanade reserve at a width of 20m allows for effective stormwater quality improvements, the mitigation of natural hazards and provides for public access and recreational use.</p> <p>Evaluation of Amendments</p> <p>In considering the effectiveness and efficiency of this rule in achieving the Mission Plan Change objective 51b.4 and policy 51b.4.3(c) and District Plan objective 5.1.4 (4) and policy 5.2.5 (5), I have considered the following costs and benefits:</p> <p>Costs of not acquiring a 6m easement at the time of subdivision with a provision of obtaining a 20m esplanade reserve in the future, and the cost of not acquiring a 20m esplanade reserve for the Rural Residential Precinct (Church Road Frontage):</p> <ul style="list-style-type: none"> Health and safety issues of an esplanade reserve with public access being acquired adjacent to a working vineyard |

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| | | | | <ul style="list-style-type: none"> • Impact on ambience of the winery if vineyards were to be removed to allow for the esplanade reserve. • A 6m easement does not give sufficient space to achieve effective riparian margin enhancement and is only sufficient for access and maintenance. • Inability for public to access the stretch of the Taipo stream that traverses the rural residential precinct (Church Road frontage) <p>Benefits of not acquiring a 6m easement at the time of subdivision with a provision of obtaining a 20m esplanade reserve in the future, and the benefits of acquiring a 20m esplanade reserve on subdivision of the rural residential precinct (Church Road frontage):</p> <ul style="list-style-type: none"> • Heretaunga Plains Rivers Control and Flood Drainage scheme allows HBRC to manage, access and maintain water courses, including the Taipo Stream. Rule 71 of the RRMP prevents any activity that may impede those rights. • This option maintains the opportunity for a 20m esplanade reserve in the future upon subdivision of less than 4ha and within 100m of the Taipo Stream. • An 20m esplanade reserve through the rural residential precinct (Church Rd frontage) will provide the ability link with the public path network on the opposite side of Church Road and with the MSCZ path network as shown on the structure plan (shown as one of the alternative alignments) <p>Based on the above, I recommend that the changes set out in the adjacent column are appropriate under S32AA of the RMA.</p> |
| 6. | Part 10 - District Plan Appendices | Appendix 26A - Mission Special Character Zone Design Outcomes – Design Outcome 21 | <p><u>Design Outcome 21</u></p> <p>Taipo Stream Maintenance Easement Access for Napier City Council (and potentially the Hawke's Bay Regional Council) is secured by easement along both sides of the Taipo Stream within the Productive Rural Precinct and Landscape & Visitor Precinct and Rural Residential Precinct for stream maintenance and stormwater management purposes only. The easement will provide a minimum width of 6 metres except where existing buildings and structures necessitate a lesser width, on both sides of the Taipo Stream for maintenance purposes and be registered on the relevant land titles at the time of the first subdivision of the parent title.</p> <p><u>Design Outcome 22: Taipo Stream Esplanade Reserve (renumbered as a result of new Design Outcome 21)</u></p> <p><u>Any subdivision application for land in the Mission Special Character Zone which falls within the Productive Rural, and/or Landscape & Visitor, and/or Rural</u></p> | An update to the the Design Outcome for the Taipo Stream Easement is required to reflect the above recommendation to rule 6.1.3 (4) and therefore the reasons under section 32AA are as above. |

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| | | | <u>Residential (fronting Church Road) Precincts where sites of less than 4ha are created within 100m of the Taipo Stream will be subject to the provision of a 20m esplanade reserve requirement. An esplanade reserve of 20m allows for effective stormwater quality improvements, the mitigation of natural hazards and provides for public access and recreational use. Not requiring the esplanade reserve at this point in time mitigates health and safety concerns of public access through a working vineyard. This allows the productive uses of the MSCZ to continue until such time as there is a change of land use moving away from productive uses to a residential form of development.</u> | |
| 7. | Chapter 51b | Objective 51b.3 | Update Objective 51b.3 by inserting the following word: To provide for the sustainable management of the Mission Special Character Zone including the retention and enhancement of the values of the landscape, heritage, <u>cultural</u> , archaeology and versatile land resources that create the special character of the Zone. | The inclusion of the word 'cultural' in objective 51b.3 accurately reflects the significance of the area to mana whenua with respect to cultural values and ensures alignment with Councils obligations under section 6(e) and 7(a) of the RMA. |
| 8. | Chapter 51.b | New Policy 51b.3.4 | Insert the following policy: <u>Policy 51b.3.4 6 (new numbering)</u> <u>Ensure that kaitiaki status of mana whenua is recognised and provided for through development design that takes into account and reflects the relationship of the site to mana whenua ancestral values.</u> | The inclusion of this new policy provides the mechanism for delivery of objective 51b.3 and provides the basis for Design Outcome 3 of the Structure Plan. In terms of appropriateness, the efficiency and effectiveness of the proposed policy will assist in achieving Objective 51b.3 being 'the sustainable management of the Mission Special Character Zone including the retention and enhancement of the values of the landscape, heritage, <u>cultural</u> , archaeology and versatile land resources that create the special character of the Zone. |
| 9. | Part 10 - District Plan Appendices | Appendix 26A - Mission Special Character Zone Design Outcomes – Design Outcome 3. | Insert the following into Design Outcome 3: <u>Design Outcome 3: Archaeology and Cultural Values</u> Subdivision and development, including tree planting, is to be designed to avoid the disturbance of the 'Recorded Identified Sites' as shown on the Map of Archaeological Sites in Appendix 26F, including a 10m buffer zone around such sites. An updated archaeological Assessment of Environmental Effects is to be submitted with applications for the following activities: <ul style="list-style-type: none"> • Subdivision consent within the Residential Precinct. • Felling the southern pine plantation • Constructing walkway paths • Construction of 'art cabin' accommodation | The amendment to this design outcome seeks to ensure objective 51b.3 and policy 51b.3.4 are delivered through tangible outcomes that recognise and respect cultural values in the design of the development. Evaluation of Amendments In considering the effectiveness and efficiency of the design outcomes in achieving the proposed amendments to the Mission Plan Change objectives and policies (51b.3, 51b.3.4) and District Plan Objectives . I have considered the following costs and benefits: Costs of not including an objective, policy and design outcome to address cultural values: <ul style="list-style-type: none"> • The Risk of not delivering on our statutory obligations under the RMA |

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| | | | <p><u>Cultural values are to be recognised and respected in the design of the development, in particular, in open spaces and public pathways, to reflect the whakapapa, ancestral names, history and stories of the area through engagement with Te Taiwhenua o te Whanganui ā Orotū and Ngāti Pārau. This may include:</u></p> <ul style="list-style-type: none"> • <u>the erection of pou whenua and/or cultural art on the development.</u> • <u>the possible gifting of names for precincts, streets and/or reserves.</u> • <u>the acknowledgement of stories in the form of plaques or memorials in the area.</u> • <u>locally sourced fruiting and flowering natives appropriate for the environment.</u> • <u>the acknowledgement of the historical pathways of Ngāti Hinepare in the design of public pathway</u> | <ul style="list-style-type: none"> • The risk of not maintaining mana whenua ancestral values depicted through stories, names and historical pathways and associations to place. • The lost opportunity to recognise and provide for cultural values on land with historical connections to multiple hapū <p>Benefits of not including an objective, policy and design outcome to address cultural values:</p> <ul style="list-style-type: none"> • The opportunity to increase public knowledge of the significance of the area to mana whenua e.g. through interpretation panels, plaques, memorials • The opportunity for mana whenua to exercise kaitiakitanga within their respective rohe. • The opportunity to develop ongoing relationships between the landowner, Council and mana whenua in respect of the plan change area. <p>For the reasons stated above, I recommend the changes set out in the adjacent column as they will provide the opportunity for cultural values (ie relationship of Māori and their culture and traditions with their ancestral lands) to be recognised and provided for in accordance with statutory RMA obligations.</p> |
| 10. | Chapter 51b | <i>Principle Reasons for adopting Objectives and Policies</i> | <p>Insert the following wording to Chapter 51b under the heading "<i>Principle Reasons for adopting Objectives and Policies</i>"</p> <p>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. <u>Similarly, there is a relationship of mana whenua ancestral values to the Zone. It is appropriate for these values to be acknowledged in development design as expressed in Policy 51b.3.6 and further articulated in the Structure Plan Design Outcomes. These mana whenua ancestral values are documented in cultural impact assessments prepared in August 2018 on behalf of both Ngāti Pārau and and Te Taiwhenua o Te Whanganui ā Orotū.</u></p> | <p>In terms of appropriateness, the efficiency and effectiveness of the proposed addition to the '<i>Principle Reasons for Adopting Objectives and Policies</i>' is that it provides clarity and certainty to the proposed amended objective, new policy and amendment to Design Outcome 3 and usefully references the documentation of Cultural values in the Cultural Impact Assessments prepared in August 2018.</p> |