UNDER The Resource Management Act 1991 ("RMA")

IN THE MATTER: of the Proposed Napier District Plan

STATEMENT OF PHILIP JOHN STICKNEY

Encompassing submissions lodged by Mana Ahuriri Holdings Limited Partnership

Planning – Subdivision

18 November 2024

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1. Introduction

1.1 My full name is Philip John Stickney. I hold the position of Technical Director – Planning and Land Development at Development Nous Limited ("DNL"). I am providing this planning statement on behalf of Mana Ahuriri Holdings Limited Partnership ("MAHLP") in support of submissions lodged on the Proposed Napier District Plan ("The Plan"), (Submitter Ref #263).

2. Experience

2.1 I hold a Bachelor of Regional Planning (Hons) from Massey University, and I am a full member of the New Zealand Planning Institute, having been admitted to the Institute in 1997. I have 30 years' experience working in the planning field in New Zealand, primarily in the housing and residential development sectors.

2.2 Prior to my current role, I was a Technical Director at Beca in Auckland, where I worked closely with Kāinga Ora Homes and Communities on planning advice and the provision of evidence on the proposed Waikato District Plan (which was focused on the inclusion of a new Medium Density Residential Zone). Prior to that I held the position of Associate Director at Boffa Miskell, where I led numerous project teams for primarily large-scale developments, as well as for numerous brown fields developments around the country.

2.3 Additionally in the last few years, we have assisted MAHLP with a review of redress sites and worked on a number of their key portfolio sites in advancing consents for Wharerangi Road ("Te Roropipi"), Munroe Street, and "Hospital Hill" sites, as well as providing some planning input into the Ahuriri Station site, which has now been listed as a Schedule 2 project in the Fast Track Consenting Bill 2024. These sites, as well as a number of smaller urban sites, collectively are small quantum of the land confiscated from Ahuriri hapu, however, provide a significant contribution to the development capacity required by Napier City to meet its obligations under the National Policy Statement on Urban Development 2020 ("NPS-UD 2020").

3. Code of Conduct

3.1 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence.

3.2 Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

3.3 In preparing this statement, I have reviewed the s.42 report, the s.32A assessment and the relevant background topic reports made available by Napier City Council.

4. Scope of Evidence

4.1 The Panel will have previously heard from Mana Whenua the importance of the District Plan and the need to have Iwi and hapū development aspirations recognised and reflected in The Plan. This statement builds on those themes with subdivision being an inherently key component in contributing to achieving development aspirations.

4.2 For large developments, subdivision processes are frequently the "building blocks" from which the various land use elements and infrastructure required to service future development then are developed. This approach has already been adopted for the Wharerangi Road development and will highly likely be required to create the framework for long term development at Ahuriri Station and others.

4.3 With this in mind, I therefore consider it appropriate that some significant changes are made to some of the strategic objectives and policies which are set out in the track change version of the subdivision chapter. The balance of this statement is focused on the more specific points of submission originally lodged relating to

various subdivision standards and rules which will have a direct bearing on a number of key development projects that MAHLP are now advancing. These should also be taken in the wider context as presented to you previously as those matters are relevant considerations, and which I will also address in respect of Council obligations under National Policy Statements later in this statement.

4.4 In summary, in respect of the more specific submission points, the thrust of the submissions lodged are intended to render subdivision a more enabling and flexible process. The related matters of land use controls are to be heard separately during subsequent hearings streams in 2025.

4.5 This statement has been prepared in the same order as the submission points are assessed in the s.42A report. I note that a number of submission points have been recommended for adoption in the s.42A report. I have reviewed the rationale and assessment for those matters and concur with the assessment and the resulting recommendation. This statement therefore focusses on those points of submission which the Council officer recommends be rejected.

5. Submissions Points #263.4, #263.5 and #263.6 –Issues SUB-I1 – SUB-I18, Objectives – SUB-O1 – SUB-O8 and Policies SUB-P1 – SUB-P20

5.1 I have reviewed the extent of the recommended changes to both the Issues, Objectives and the Policies sections of the SD and SUB chapter. While the recommended changes do, to some extent, mitigate some of the specific matters of concern I have, I am of the opinion that both sections of The Plan need to be tightened up to achieve a logical "cascade" of concise provisions more clearly.

5.2 I have contrasted the proposed provisions with what is currently contained within Part 2 of the Operative Plan (A5 Management Strategy for Land Development). While acknowledging that these are now over 10 years old, these provisions are "crisp" in their drafting, follow a legible and clear hierarchy between Objectives and Policies and convey relevant resource management provisions in a concise and logical manner. The useability of The Plan is a critical component of its

effectiveness, and I remain of the opinion that a more concise suite of Objectives and Policies is required to render the Plan effective and to be expressed in a way that can be easily discerned by the general public.

5.3 A number of matters raised in the provisions as currently drafted are, or should be, captured, and managed through the development standards in The Plan in any event, to support the outcomes sought by the Objectives and Policies section. The resulting suite of provisions with the numerous subclauses, even with amendments as recommended, becomes cumbersome and time consuming for an Applicant to navigate and assess. This adds additional, and unnecessary expense and time to the preparation and assessment of applications, both for Council officers and the Applicant.

5.4 To assist the Panel, I attach a track change version of the SUB chapter, which includes a significant consolidation of the Objectives and Policies to aid in a consolidation of the Chapter from its current.

6. Submissions Points #263.7 - #263 and #263.8 – Rules Table – SUB-R2B and SUB-R4B

6.1 SUB-R2B appears to have been partially addressed via the changes recommended as a result of the submission by the NCC Policy Team (#196.75) and FS#292.196.75) as that defaults a subdivision which is not a boundary adjustment back to the substantive SUB-R1A provisions and then an assessment of compliance can be made against the relevant Standards section of The Plan. This change is supported as it goes some way to directing boundary adjustments that do not comply with some of the standards back to the prevailing rules governing subdivision and the relevant standards that flow from that rule.

6.2 In respect of SUB-R4 (SUB-R4A and B), no changes are recommended. I am uncertain as to why a non-complying activity status is considered necessary, as the intent of the rule as drafted has a specific purpose (being that of subdivision to create conservation lots for the protection of scheduled heritage items, archaeological sites, and/or sites of significance to Māori).

6.3 Given the exceedingly narrow "scope" of the Rule, I cannot see why an Applicant would utilise this rule if they were not intending to incorporate the measures specified by the Rule, being that of protection or scheduling. I am of the opinion that the application of a Discretionary Activity status for SUB-R4B would be sufficiently robust to enable an assessment of any application that would, theoretically, be applied for that did not achieve these standards. It does not represent a logical cascade of activity status.

6.4 In terms of land that Iwi own or manage, they may choose to subdivide to protect such features but may wish to protect the item or feature through alternative means. This could be through an Iwi Management Plan, a Trustee structure managing a feature, or similar mechanism. That approach is one of Iwi deciding how they may wish to manage a particular taonga. To render the subdivision noncomplying in that situation is inappropriate and overly focused on aligning with a "traditional" legal way of protecting sites and features. A Discretionary Activity status would provide greater flexibility in how such matters are addressed during an application.

6.5 In that context, I note that the s.32 analysis then does not explore the costs, benefits, or options of considering how to enable Iwi to provide for the protection of such features by using alternative mechanisms that suit their own needs and the circumstances of each case.

7. Submissions Points #263.12, #263.13 - SUB-S1 and SUB-S2

7.1 MAHLP supports, in principle, the concept of integrating land use and subdivision consents together to ensure that the two elements are aligned and that good design outcomes can be achieved. However, there will be situations where subdivision to create development sites may proceed ahead of the substantive land use aspects of development. This is by no means an uncommon situation, often with sites being released in packages that cater for a range and scale of building companies to purchase and utilise their standard designs for the subsequent construction of dwellings. The zone within which the subdivision is

taking place (and the intent of the zone) should logically influence the baseline vacant site size that is created and the level of density that the zone envisages. I note that the heritage overlays enable vacant subdivision down to a minimum of 150sqm, which further leads me to the conclusion that changes are required to the MRZ and the HRZ in particular.

7.2 The Council is recommending a significant scale of land be upzoned from GRZ to MRZ as part of the District Plan review. It is critical that this land be utilised efficiently. I therefore remain of the view that a sliding scale of vacant allotments can be considered with the MRZ "baseline" being a minimum of 250sqm net.

8. Submissions Points #263.16, SUB-S11

8.1 The provisions of SUB-S11 require that all vacant site subdivision achieves a shape factor of a minimum of 8x15 metres. The rule does not distinguish a shape factor between vacant lots in the HRZ, MRZ and GRZ. Conversely, Rule SUB-R1 enables an Applicant to demonstrate that a complying dwelling can be built as part of a vacant site subdivision. The shape factor provisions in SUB-S11 represent a fixed provision that does not reflect the varying density and typologies that may be developed in each respective zone.

8.2 For example, a terrace typology within the MRZ may not require an 8 metre dimension if, for example, parking is rear loaded and does not require roads frontage access. I note that between 5 metres-6 metres is considered (usually) the minimum standard for a dwelling to enable stair access and create a useable living area. That form of development would be inherently suitable and is envisaged by the MRZ zone for example.

8.3 It would be therefore preferable to adopt either a sliding scale of notional shape factors that better reflect each zone or delete the rule altogether and rely upon the general provision in SUB-S1 to enable the Applicant for a vacant site subdivision to demonstrate that a complying building can be constructed. That will in turn provide

the maximum flexibility to respond to each site and each subdivision in various zonings as may be required.

9. Conclusions

9.1 MAHLP seeks that the Panel consider the relief sought in the original submissions and which has been recommended for adoption in part. The subdivision provisions will be critical for MAHLP to give effect to the urban development aspirations of Māori, as provided for in Policy 9(b) of the NPS-UD 2020 and while the amendments recommended thus far are appropriate, I consider that further refinement is both necessary and beneficial.

9.2 To assist the Panel, I append (*Annexure 1*), a copy of track change provisions that reflect the points of submission and this statement and are intended to assist the Panel and Council officers in their respective processes moving forward. I would be happy engage with the Council officers further on the attached.

Philip John Stickney

Planning Consultant for Mana Ahuriri Holdings Limited Partnership

18th November 2024

Attachments:

Annexure 1: Track change provisions – subdivision chapter