

NAPIER CITY COUNCIL – PROPOSED DISTRICT PLAN – HEARING STREAM 2

SUMMARY STATEMENT OF LEZEL BENEKE ON BEHALF OF KĀINGA ORA

2 DECEMBER 2024

1. Tēnā koutou katoa, my name is Lezel Beneke and I hold the position of Principal Development Planner within the Urban Planning and Design Group at Kāinga Ora–Homes and Communities. I confirm that I am authorised to give evidence on behalf of Kāinga Ora in respect of hearings on the Proposed District Plan. My qualifications and experience are outlined in paragraphs 2.2. to 2.4. of my primary evidence.
2. This primary evidence summarised:
 - a. The background to and the portfolio of Kāinga Ora;
 - b. The rationale for the relief sought concerning:
 - i. Earthworks – volume and single activity status; and
 - ii. Subdivision – Minimum Lot Size

Kāinga Ora Public Housing Portfolio

3. With respect to the Napier District, Kāinga Ora manages 1,530 properties across the city. There are a further 540 households on the public housing waitlist in Napier City who need a home, according to the Ministry for Social Development¹.

Earthworks

4. There are two key earthworks-related matters in the Kāinga Ora primary and further submissions that remain in contention. These are:
 - (a) The volume of earthworks allowed per site as a permitted activity; and
 - (b) Discrepancies in the volume of earthworks permitted per site, depending on whether that earthworks is associated with a building activity.

¹ The Housing Register, as at 30 September 2024, Ministry of Social Development.

Volume of Earthworks Permitted per Site

5. Kāinga Ora seeks a more enabling permitted activity framework in relation to earthworks, being a permitted activity threshold of 250m³ per site apply to all earthworks activities within residential zones and precincts, provided that those activities are able to comply with general earthworks standards.
6. Complying with the earthworks standards up to a permitted threshold of 250m³ is an efficient way of addressing the effects associated with such a level of modification. It is an effective way of balancing the management of potential adverse effects with the need to enable development and delivery of housing within residential zones.
7. In the experience of Kāinga Ora, earthworks activities and their potential adverse effects are typically well understood where sites are relatively level. General earthworks standards would apply regardless of whether consent is required for the volume of earthworks. They are an effective method of managing and monitoring potential effects from small scale earthworks.
8. Kainga Ora notes that there is also an inter-relationship between its relief sought in relation to the earthworks permitted activity standards and its relief sought in relation to residential zones, which will be heard at a later date; namely, an increase in the number of dwellings permitted per site in the GRZ, MRZ, and HRZ.
9. Although the change to permitted earthworks volumes requested by Kāinga Ora is likely to be of relatively little practical consequence to larger developments, which will require land use consent under zone provisions to assess their appropriateness and suitability, it will be consequential on smaller developments.
10. Smaller developments typically are impacted disproportionately by additional regulatory hurdles, as they often have smaller overall budgets, which are less able to absorb additional unnecessary administrative costs.
11. To assist the panel, the following table provides a comparison of permitted earthworks thresholds across some New Zealand councils:

<u>District Plan</u>	<u>Tier</u>	<u>Threshold</u>
New Plymouth Proposed District Plan – Decisions Version	Tier 2	No threshold but must not result in any instability of land or structures at or beyond the boundary of the site where the earthworks occur.

Whangarei District Council – Operative District	Tier 2	Earthworks associated with a subdivision is a controlled activity.
Porirua City Council	Tier 1	250m ³ within a 12 month period.
Western Bay of Plenty District Council	Tier 1	No threshold apart from in particular areas.
Rotorua Lakes District Council	Tier 2	100m ³ within a 12 month period.

Discrepancy in Permitted Activity Earthworks Volumes

12. Kāinga Ora considers a singular permitted activity for general earthworks volume should apply regardless of the purpose of that earthworks activity. From an effects perspective, separating out earthworks associated with a building activity from general earthworks is unnecessary. The potential effects of small-scale earthworks activities are well understood regardless of the intended purpose and can be sufficiently managed through general earthworks standards applying to all earthworks activities.

Vacant Lot Subdivision

13. Fundamentally, Kāinga Ora supports differentiation in the standards applying to vacant lot subdivision between residential zones such that they accord with, and enable, the outcomes envisaged by the underlying zone.
14. While Kāinga Ora has not undertaken thorough testing of the notified PDP vacant lot standards relative to the development standards in residential zones, the approach Auckland has taken to minimum vacant lot standards within the Auckland Unitary Plan (Operative in Part) are helpful – particularly given that this has now been operative for a number of years.
15. In the Auckland Unitary Plan, the following standards apply to vacant lot subdivision in residential zones and in comparison to the notified Napier PDP provisions:

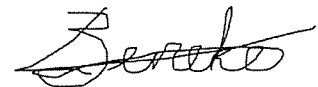
Auckland Unitary Plan - Op		Napier PDP	
Mixed Housing Suburban	400m ² and 8x15m shape factor	General Residential	350m ² and 8x15m shape factor
Mixed Housing Urban	300m ² and 8x15m shape factor	Medium Density Residential	350m ² and 8x15m shape factor
Terrace Housing & Apartments	1200m ² and 15x20m shape factor	High Density Residential	350m ² and 8x15m shape factor

16. The above Auckland framework has not created or resulted in significant obstacles for Kāinga Ora development activities.
17. Whilst there is some concern over a larger minimum site size in HRZ potentially hindering redevelopment via a controlled activity pathway, it is considered that vacant lot subdivision tends to be the exception rather than the norm in established brownfield environments.
18. More frequently, developers in brownfield environments (including Kāinga Ora) will seek concurrent land use and subdivision consents for development of dwellings and subsequent subdivision around them, in which case preclusions to the minimum site size requirements in the PDP would apply (noting *Standard SUB-S1(1)(b)*).
19. Notwithstanding the above, greenfield development and standalone subdivision needs to be provided for. In these environments (rather than brownfield), it becomes critically important that minimum site size and shape factor standards are set correctly based on planned zone outcomes rather than on previous or existing subdivision patterns.
20. On this basis, Kāinga Ora supports differentiation of minimum site size and shape factor standards applying to vacant lot subdivision. Kāinga Ora would also support a larger minimum site size and shape factor standard applying within the HRZ.
21. Kāinga Ora also seeks a more enabling restricted discretionary activity pathway would be appropriate for breaching these provisions. This would enable infringing applications to demonstrate how the proposal would continue to provide for buildings and dwellings that comply with zone development standards through matters of discretion, thus continuing to be in accordance with envisaged zone outcomes.

Subdivision Guidelines

22. In practice, the incorporation of design guidance within a District Plan creates an additional de facto set of rigid rules and standards to be complied with, which often fail to recognise or allow for flexibility and innovation in design in achieving quality planning outcomes.

23. In the view of Kāinga Ora, the outcomes envisaged by a particular zone or chapter should be clearly laid out in the Objectives and Policies. Non-statutory design guidelines sitting outside of the District Plan can then be beneficial in that they set out a 'method' by which those outcomes outlined within Objectives and Policies can be achieved; noting however that equally there may be other 'methods' of achieving those desired outcomes not otherwise identified in the guide.
24. Design guidance is best retained simply as guidance, to be relied upon and utilised as a tool outside of a district plan to assist applicants to better understand and interpret the relevant objectives, policies, and assessment criteria within the district plan.
25. Given the above, Kāinga Ora seeks that the Subdivision Design Guidelines and references to the guidelines are removed from the PDP. Critical outcomes sought by the Design Guidelines, should be built into the objectives and policies of the Subdivision chapter, as well as either the rules/standards or the assessment criteria depending on what outcome is sought.



Lezel Beneke

Principal Development Planner, Kāinga Ora

2 December 2024