
Submission on Napier City Proposed District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Napier City Council - Planning Unit

Date received: 14/12/2023

Submission Reference Number #:126

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

Submitter:

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I wish to be heard: No

I am willing to present a joint case: No

Could you gain an advantage in trade competition in making this submission?

- No

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- N/A

Submission points

Point 126.1

Section: RPROZ - Rural Production Zone

Sub-section: Policies

Provision:

RPROZ-P1: Use or development of highly productive land

Ensure the use or development minimises or mitigates any actual or potential cumulative loss of the availability or productive potential of highly productive land by:

- a. avoiding inappropriate use and development that are not land-based primary production activities.
- b. enabling the maintenance, operation, or upgrade of any existing activity where loss of highly productive land is minimised.
- c. providing for use and development where:
 - i. highly productive land is subject to permanent or long-term constraints in accordance with Section 3.10 of the National Policy Statement for Highly Productive Land 2022;
 - ii. it avoids any significant loss of productive capacity;
 - iii. it avoids the fragmentation of large of geographically cohesive areas of highly productive land, and
 - iv. the environmental, social, cultural, and economic benefits outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land, taking into account both tangible and intangible values.

Relates to RPROZ-O1, RPROZ-O2, RPROZ-O3, RPROZ-O4 and RPROZ-O5

Sentiment: Amend

Submission:

The policy as drafted is more onerous than the NPS:HPL in that it does not specify that a range of activities are exempted from being considered “inappropriate” under clause 3.9(2) and 3.9(3). For example, home occupations may be appropriate under clause 3.9(2)(g) as a small scale activity that does not affect the productive capacity of the soil. This overly restrictive policy direction flows through to the rules and therefore requires amendment.

Relief sought

Amend the policy to more accurately reflect the NPS-HPL, including any changes to the NPS-HPL made by the new government in advance of the PDP being made operative.

Point 126.2

Section: RPROZ - Rural Production Zone

Sub-section: RPROZ - Rural Production Zone - Rules Table

Provision:

RPROZ-R12: Home business

RPROZ-R12A

RPROZ-R12B

Activity Status: Permitted

Activity Status where conditions 1-7 and standards are not met: Restricted Discretionary

Where:

Matters of discretion are:

- 1. The activity complies with all of the Rural Production Zone Standards;

2. The site must be occupied by a residential building and used for residential activities by the person or persons living on the site as their principal place of residence;
 3. No more than three persons work on the site who reside outside the dwelling unit;
 4. At all times, the home business must remain incidental and secondary to the use of any buildings for residential purposes;
 5. 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 80 m² if located in an accessory building;
 6. Any external storage must be screened from view of any adjacent properties and public open space;
 7. Retailing of goods must not occur from the site, and
 8. The activity is not located on highly productive land.
1. Scale and intensity of land use;
 2. Rural characteristics and economic significance;
 3. Scale, height, bulk, setbacks, and built form;
 4. Risk to public health and safety and the environment;
 5. The cumulative effects of non-compliance with more than one standard;
 6. The effects on rural character;
 7. The effects on public health and safety;
 8. The effects on amenity values;
 9. The effects on traffic safety;
 10. The type, frequency, and timing of traffic;
 11. Any nuisance effects, and
 12. The effects on matters of reverse sensitivity.

Activity Status where condition 8 and standards of RPROZ-R12B are not met: Non-complying

Sentiment: Amend

Submission:

This rule effectively makes any home business on highly productive land a non-complying activity – even when it is undertaken in an existing, lawfully established building. This is not the policy direction of the NPS-HPL, which enables home occupations under clause 3.9(2)(g) where there is no effect on the productive capacity of the soil. The implementation guide for the NPS-HPL specifically recognises home businesses as being intended to be covered by this clause and therefore excluded from being considered an “inappropriate” activity. This rule should be amended to enable home businesses within existing buildings as a permitted activity, and any other home businesses on highly productive land not meeting the standards, as a restricted discretionary activity, so that the NPS-HPL can be appropriately applied.

This is particularly important in the current economy to enable small businesses to establish within people’s place of residence.

Relief sought

Amend RPROZ-R12A to delete condition (8), or alternatively amend condition (8) to state the home business on highly productive land should not occur outside of established buildings.

Amend RPROZ-R12B to delete the requirement for infringing condition (8) to be a non-complying activity and instead include it as a restricted discretionary activity.