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## 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 #:**139

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

**Submitter:**

Alison Francis

**Address for service:**

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**Attachments:**

Napier City Council Proposed District Plan submission.pdf

**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

- **No**

### Submission points

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**Point 139.1**

**Section:** Planning Maps

**Sentiment:** Amend

**Submission:**

Amend the zoning of The Loop and Riverbend Road.

1. The proposal is for this area to be zoned Rural Production Zone.
2. The existing level of development in this area, along with the constraints of Riverbend Road, Willowbank Avenue and The Loop make it impossible to ever achieve the minimum Lot size set by the Proposed District Plan of 4ha. Further, the character of this area is residential and there would be reverse sensitivity issues were a productive land use seeking to establish within the area.
3. We consider that the Settlement Zone (SETZ) is more appropriate for this area as:
4. The Settlement Zone recognises clusters of residential communities located in rural areas, these areas are generally not serviced by Council.
5. Re-zoning the area as SETZ meets the Proposed Objectives of the PDP:
  - a. SETZ-O1: Rural settlements help provide housing options for Napier residents
  - b. SETZ-O2: Residential development in appropriate areas: while this settlement is on versatile land, we consider the horse has bolted and by zoning this SETZ it will provide for an area of development, further alleviating the pressure on the highly productive land in the surrounding areas.
  - c. SETZ-O3: Character and amenity: this area does not have a rural character, it is very residential.
  - d. SETZ-O4: All lots are currently large enough to allow for on site servicing and the subdivision provisions for the SETZ will continue to maintain this.
  - e. SETZ-O5: Reverse Sensitivity: the area of land is bounded by roads, separating the properties from productive uses.

**Relief sought**

Amend the zoning of the identified areas from Rural Production Zone to Settlement Zone. Please see our attachment for the map of the area.

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**Point 139.2**

**Section:** SUB - Subdivision

**Sub-section:** SUB - Subdivision - Standards Table

**Provision:**

SUB-S3: Minimum allotment sizes - rural

Rural Lifestyle Zone, Mission Rural Residential Precinct	5,000 m <sup>2</sup> minimum allotment size with a minimum average allotment size of 1.5 ha. The minimum average allotment size must be calculated using the parent allotment in existence as at 11 November 2000. This parent allotment will be the base for any further proposed subdivision.	<b>Activity Status where standards are not met:</b> Non-complying
Productive Rural Zone, Mission Productive Rural Precinct	4 ha	<b>Activity Status where standards are not met:</b> Non-

Rural Special Control Area	50 ha	complying <b>Activity Status where standards are not met:</b> Non-complying
Settlement Zone	800 m <sup>2</sup> fully serviced sites 1500 m <sup>2</sup> unserviced sites	<b>Activity Status where standards are not met:</b> Non-complying
Open Space Zones	No minimum	<b>Activity Status where standards are not met:</b> NA
Jervoisstown Precinct	2,500 m <sup>2</sup>	<b>Activity Status where standards are not met:</b> Prohibited

**Sentiment:** Amend

**Submission:**

1. The subdivision provisions for this zone are:

*5,000m<sup>2</sup> minimum allotment size with a minimum average allotment size of 1.5ha. The minimum average allotment size must be calculated using the parent allotment in existence as at 11 November 2000. This parent allotment will be the base for any further proposed subdivision*

2. We request that this is amended to remove the requirement to go back to 11 November 2000, and further, that the 1.5ha balance lot is also removed from the subdivision provisions.

3. The areas where this zone applies, being the areas west of Bay View, the Poraiti Hills and the western areas of Taradale, are heavily developed into a rural/residential lifestyle character at present. Given that there has clearly been development (as intended by the Operative District Plan) since 11 November 2000, we consider that it is unlikely that there will be many properties that will be able to meet the parent allotment in existence as at 11 November 2000. We question if a capacity study has been done to determine how many properties are available for subdivision of this type in these area.

4. Limiting the amount of subdivision potential in these zones will not help to meet longer term growth. There is a clear demand for lifestyle lots in Napier and surrounds and with the NPS-HPL and increased areas of flood prone zones, the areas available for lifestyle living are minimised.

5. Further, the requirement to maintain a 1.5ha balance lot is unsubstantiated. Councils have gradually reduced the size of what an appropriate "lifestyle lot" is (for example, Hastings District Council reduced their minimum lifestyle lot size from 6ha to 2500m<sup>2</sup> in their most recent District Plan review). We contend that 1.5ha is too big to be used effectively as a lifestyle lot, and far too small to be used for a productive lot. We understand the desire to retain a rural aspect to these communities, but would welcome further discussion on the appropriateness of keeping the minimum average allotment at 1.5ha and consider that 8,000m<sup>2</sup> - 1ha might be more appropriate.

**Relief sought**

1. Amend the subdivision provisions for the Rural Lifestyle Zone to:

*5,000m<sup>2</sup> minimum allotment size.*

**Point 139.3**

**Section:** RLZ - Rural Lifestyle Zone

**Sub-section:** RLZ - Rural Lifestyle Zone - Rules Table

**Provision:**

RLZ-R5: Minor residential unit, a residential care facility, an education facility

**RLZ-R5A****RLZ-R5B****Activity Status:** Permitted**Activity Status where activity conditions are not met:** Discretionary**Where:**

1. The activity complies with all of the Rural Lifestyle Zone Standards;
2. The net site area is more than 5000 m<sup>2</sup>;
3. The activity does not cater for more than ten people;
4. A maximum of one non-rural activity may be undertaken on any site;
5. The combined gross floor area of these activities must not exceed 80 m<sup>2</sup> (per site, not per activity), and
6. Access is to be shared with any primary dwelling on site.

**Sentiment:** Amend**Submission:**

1. We do not agree that a minor residential unit should be in the same category as a residential care facility or education facility. These are very different activities with different effects. A minor unit would normally house family members (or be rented out) and results in a residential amenity. A residential care facility and an education facility (at the sizes specified) are suitable activities for the Rural Lifestyle Zone, but are commercial activities and result in different effects to those of residential activities, notably around activity on site and traffic movements.
2. We consider that the Minor Residential Unit provision should be separated, and given the same performance standards as that of Minor Residential Units in the SETZ zone:

*Activity Status: Permitted**Where:*

- *The activity complies with all of the standards of the Settlement Zone;*
- *No more than one minor residential unit per site, and*
- *The gross floor area of the unit must not exceed 80m<sup>2</sup>*

3. As the lots in the Rural Lifestyle Zone are generally larger than those of the SETZ zone, the Council may wish to borrow from Hastings District and set a maximum distance from the primary dwelling requirement, normally 25-30m. This will help to ensure that minor units are seen as supplementary to the primary dwelling on site and not result in fragmentation of buildings on site.

**Relief sought**

1. Amend RLZ-R5 to remove "Minor Residential Unit"
2. Create a new Rule in the RLZ zone to read:

RLZ-Rx: Minor Residential Units

*Activity Status: Permitted*

Where:

- The activity complies with all of the standards of the Settlement Zone;
- No more than one minor residential unit per site, and
- The gross floor area of the unit must not exceed 80m<sup>2</sup>
- The minor residential unit must be within 30m of the primary dwelling on sites.

RLZ-RxB

Activity status where activity conditions are not met: Discretionary.

## Point 139.4

Section: RLZ - Rural Lifestyle Zone

Sub-section: RLZ - Rural Lifestyle Zone - Standards Table

Provision:

RLZ-S7: Building coverage

<p><b>General Rural Zone</b></p> <p><i><b>Purpose:</b> to maintain the rural character; to maintain residential amenity in a rural setting; to control dominance, shading, privacy, and sunlight access.</i></p>	<p>1. Building coverage (measured from gross building area) does not exceed 10% or 1,000 m<sup>2</sup> of the net site area, whichever is the lesser.</p> <p><b>Note:</b> Netting structures and greenhouses (where crops grown under or within those structures are grown directly in the soil of the site) are excluded from total building coverage calculations.</p>	<p><b>Matters of discretion are:</b></p> <ol style="list-style-type: none"><li>1. The scale and bulk of the building in relation to the site;</li><li>2. Scale, height, bulk, setbacks, and built form;</li><li>3. Rural characteristics and economic significance;</li><li>4. Effects on amenity;</li><li>5. The existing built density of the area;</li><li>6. The effect on the open space appearance of the area;</li><li>7. The control of stormwater run-off, and</li><li>8. Infrastructure services, capacity, and stormwater management.</li></ol>
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Sentiment: Amend

Submission:

1. There seems to be a mistake, as this rule references the "General Rural Zone".
2. Further, the requirement that if the building coverage exceeds 10% or 1,000m<sup>2</sup> of the net site area would be considered a non-complying activity (RLZ-R8) is very strict.
3. If the property is only 5,000m<sup>2</sup>, which many of the properties are, the building coverage only needs to be 501m<sup>2</sup> to be non-complying. Given the cost of the land, these are generally higher end properties, with larger dwellings and often large garages/pole sheds, getting to 500m<sup>2</sup> would not be hard for many of these properties. We agree that this is a relevant performance standard and a resource consent should be needed if the building coverage is exceeded. However, we would expect that this would be treated as a RDIS activity at the most to allow for a consideration of the appropriateness of the building coverage and ensuring that a rural amenity was provided.

Relief sought

1. Amend RLZ-R8 to read:

RLZ-R8: Any land use that does not comply with the Building Coverage Standards

Activity Status: Restricted Discretionary

Matters for Discretion:

- How the proposal retains the open character of the surrounding Rural Lifestyle zone
- The scale and design of proposed buildings
- How stormwater will be managed to minimise runoff

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## Point 139.5

Section: MRZ - Medium Density Residential Zone

Sub-section: MRZ - Medium Density Residential Zone - Standards Table

Provision:

### MRZ-S2: Height in relation to boundary

**Purpose:** *to achieve an urban character; to facilitate a range of housing forms while maintaining a reasonable level of sunlight access and minimise effects on the quality of the neighbours' living environment.*

1. Buildings and structures must not project beyond a 45 degree recession plane measured from a point 4 m vertically above ground level along side and rear boundaries.
2. Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of MRZ-S2.1. above.
3. Control MRZ-S2.1. above does not apply to a boundary adjoining:
  - a. sites exceeding 2,000 m<sup>2</sup> in an Open Space Zone or gazetted reserve, and
  - b. there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
4. Where the site adjoins a site zoned General Residential Zone, MRZ-S2.1. and 2. do not apply and buildings must comply with GRZ-S2.
5. MRZ-S2 clause 1 above does not apply to the height exemptions set out in MRZ-S1 clause 2.

**Matters of discretion are:**

1. Purpose of the standard;
2. Housing supply and diversity;
3. Planned urban character;
4. Safety, attractiveness, and connectivity of streets and public open spaces, and
5. Quality living environments.

Sentiment: Amend

Submission:

1. We submit that this is too permissive the southern boundaries. We understand that this is driven by the Medium Density Residential Standards, but this is also the maximum standard provided by these standards.
2. Given the generally uniform nature of the sites within this proposed zone, there is the potential for many new developments to be along the northern boundary of neighbouring properties. We think 4m and 45 degrees will result in too

much shading on neighbouring properties and adverse amenity effects.

3. To protect the amenity of outdoor living spaces to the south of new developments, we request that this standard be revised.

### **Relief sought**

1. Amend MRZ-S2 Height in Relation to Boundary to read

*Buildings and structures must not project beyond a 45 degree recession plane measured from a point 4m vertically above ground level along side and rear boundaries.*

*Except for boundaries facing the southern half of a compass, where the buildings and structures must not project beyond a 45 degree recession plane measured from a point 3m above ground level.*

14 December 2023

Napier City Council  
Proposed District Plan  
Submissions

To whom it may concern

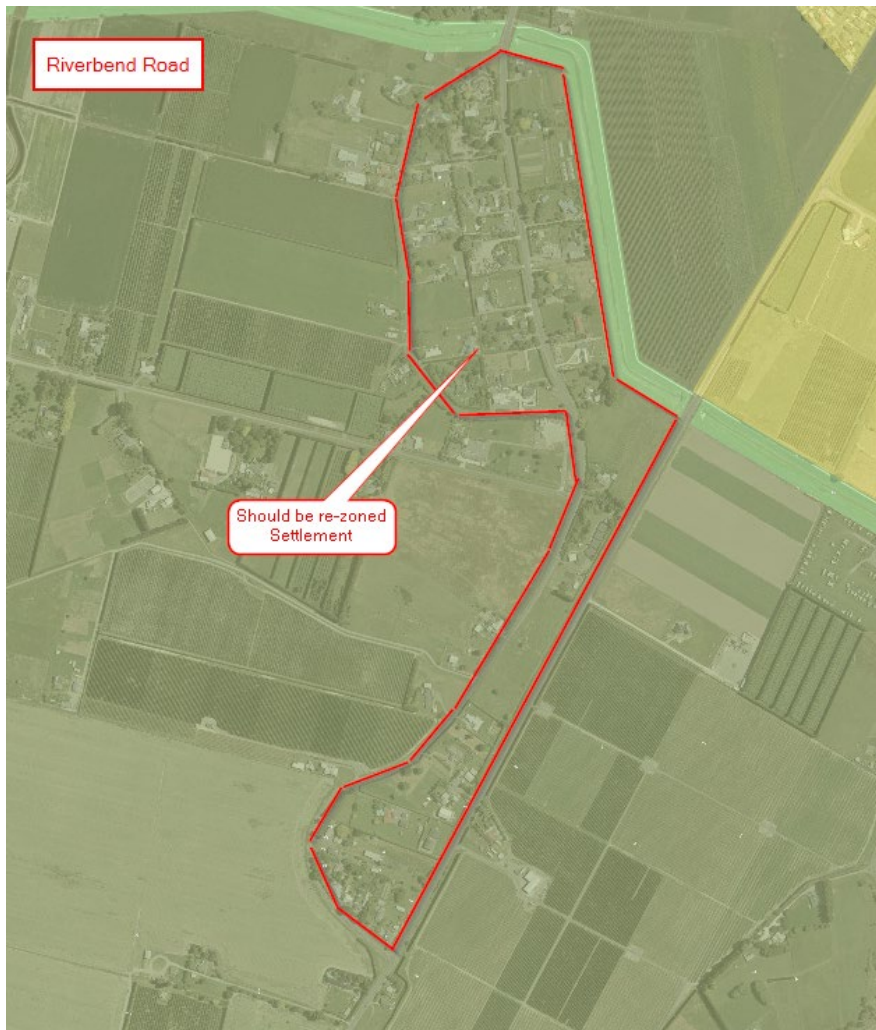
**Napier City Council Proposed District Plan.**

Thank you for providing us with the opportunity to submit on the Napier City Council Proposed District Plan. In general, we are very supportive of the Proposed District Plan and we look forward to working with Council on the implementation.

This submission largely focusses on some specific points we have picked up while undertaking a review of the proposed plan, set out below.

1. **Planning Maps:**
2. **The Loop and Riverbend Road**
3. We do not support the proposed zoning of The Loop and Riverbend Road rural residential areas.
4. Our colleagues, The Surveying Company, have also made a submission on this and we adopt their map for reference:





5. The proposal is for this area to be zoned Rural Production Zone.
6. The existing level of development in this area, along with the constraints of Riverbend Road, Willowbank Avenue and The Loop make it impossible to ever achieve the minimum Lot size set by the Proposed District Plan of 4ha. Further, the character of this area is residential and there would be reverse sensitivity issues were a productive land use seeking to establish within the area.
7. We consider that the Settlement Zone (SETZ) is more appropriate for this area as:
8. The Settlement Zone recognises clusters of residential communities located in rural areas, these areas are generally not serviced by Council.
9. Re-zoning the area as SETZ meets the Proposed Objectives of the PDP:
  - a. SETZ-O1: Rural settlements help provide housing options for Napier residents
  - b. SETZ-O2: Residential development in appropriate areas: while this settlement is on versatile land, we consider the horse has bolted and by zoning this SETZ it will provide for an area of development, further alleviating the pressure on the highly productive land in the surrounding areas.

- c. SETZO3: Character and amenity: this area does not have a rural character, it is very residential.
- d. SETZO4: All lots are currently large enough to allow for on site servicing and the subdivision provisions for the SETZ will continue to maintain this.
- e. SETZO5: Reverse Sensitivity: the area of land is bounded by roads, separating the properties from productive uses.

**10. Relief Sought:**

11. Rezone the area as shown above to Settlement Zone.

**12. SUB – Subdivision**

**13. Rural Lifestyle Zone: Subdivision provisions**

14. The subdivision provisions for this zone are:

*5,000m<sup>2</sup> minimum allotment size with a minimum average allotment size of 1.5ha. The minimum average allotment size must be calculated using the parent allotment in existence as at 11 November 2000. This parent allotment will be the base for any further proposed subdivision*

15. We request that this is amended to remove the requirement to go back to 11 November 2000, and further, that the 1.5ha balance lot is also removed from the subdivision provisions.
16. The areas where this zone applies, being the areas west of Bay View, the Poraiti Hills and the western areas of Taradale, are heavily developed into a rural/residential lifestyle character at present. Given that there has clearly been development (as intended by the Operative District Plan) since 11 November 2000, we consider that it is unlikely that there will be many properties that will be able to meet the parent allotment in existence as at 11 November 2000. We question if a capacity study has been done to determine how many properties are available for subdivision of this type in these area.
17. Limiting the amount of subdivision potential in these zones will not help to meet longer term growth. There is a clear demand for lifestyle lots in Napier and surrounds and with the NPS-HPL and increased areas of flood prone zones, the areas available for lifestyle living are minimised.
18. Further, the requirement to maintain a 1.5ha balance lot is unsubstantiated. Councils have gradually reduced the size of what an appropriate “lifestyle lot” is (for example, Hastings District Council reduced their minimum lifestyle lot size from 6ha to 2500m<sup>2</sup> in their most recent District Plan review). We contend that 1.5ha is too big to be used effectively as a lifestyle lot, and far too small to be used for a productive lot. We understand the desire to retain a rural aspect to these communities, but would welcome further discussion on the appropriateness of keeping the minimum average allotment at 1.5ha and consider that 8,000m<sup>2</sup> - 1ha might be more appropriate.

**19. Relief Sought:**

20. Amend the subdivision provisions for the Rural Lifestyle Zone to:

21. 5,000m<sup>2</sup> minimum allotment size.

**22. RLZ – Rural Lifestyle Zone**

**23. RLZ-R5: Minor Residential unit, a Residential Care Facilities, an education facility**

*Activity status: permitted where:*

2. *The net site area is more than 5000m<sup>2</sup>*

24. We do not agree that a minor residential unit should be in the same category as a residential care facility or education facility. These are very different activities with different effects. A minor unit would normally house family members (or be rented out) and results in a residential amenity. A residential care facility and an education facility (at the sizes specified) are suitable activities for the Rural Lifestyle Zone, but are commercial activities and result in different effects to those of residential activities, notably around activity on site and traffic movements.

25. We consider that the Minor Residential Unit provision should be separated, and given the same performance standards as that of Minor Residential Units in the SETZ zone:

*Activity Status: Permitted*

*Where:*

- *The activity complies with all of the standards of the Settlement Zone;*
- *No more than one minor residential unit per site, and*
- *The gross floor area of the unit must not exceed 80m<sup>2</sup>*

26. As the lots in the Rural Lifestyle Zone are generally larger than those of the SETZ zone, the Council may wish to borrow from Hastings District and set a maximum distance from the primary dwelling requirement, normally 25-30m. This will help to ensure that minor units are seen as supplementary to the primary dwelling on site and not result in fragmentation of buildings on site.

**27. Relief Sought:**

28. Amend RLZ-R5 to remove “Minor Residential Unit”

29. Create a new Rule in the RLZ zone to read:

RLZ-Rx: Minor Residential Units

*Activity Status: Permitted*

*Where:*

- *The activity complies with all of the standards of the Settlement Zone;*
- *No more than one minor residential unit per site, and*
- *The gross floor area of the unit must not exceed 80m<sup>2</sup>*
- *The minor residential unit must be within 30m of the primary dwelling on sites.*

RLZ-RxB

*Activity status where activity conditions are not met: Discretionary.*

### **30. RLZ-S7: Building Coverage**

31. There seems to be a mistake, as this rule references the “General Rural Zone”.
32. Further, the requirement that if the building coverage exceeds 10% or 1,000m<sup>2</sup> of the net site area would be considered a non-complying activity (RLZ-R8) is very strict.
33. If the property is only 5,000m<sup>2</sup>, which many of the properties are, the building coverage only needs to be 501m<sup>2</sup> to be non-complying. Given the cost of the land, these are generally higher end properties, with larger dwellings and often large garages/pole sheds, getting to 500m<sup>2</sup> would not be hard for many of these properties. We agree that this is a relevant performance standard and a resource consent should be needed if the building coverage is exceeded. However, we would expect that this would be treated as a RDIS activity at the most to allow for a consideration of the appropriateness of the building coverage and ensuring that a rural amenity was provided.

### **34. Relief sought:**

35. Amend RLZ-R8 to read:

*RLZ-R8: Any land use that does not comply with the Building Coverage Standards  
Activity Status: Restricted Discretionary*

*Matters for Discretion:*

- *How the proposal retains the open character of the surrounding Rural Lifestyle zone*
- *The scale and design of proposed buildings*
- *How stormwater will be managed to minimise runoff*

### **36. MRZ – Medium Density Residential**

#### **37. MRZ-S2: Height in relation to boundary**

*Buildings and structures must not project beyond a 45 degree recession plane measured from a point 4m vertically above ground level along side and rear boundaries*

38. We submit that this is too permissive the southern boundaries. We understand that this is driven by the Medium Density Residential Standards, but this is also the maximum standard provided by these standards.
39. Given the generally uniform nature of the sites within this proposed zone, there is the potential for many new developments to be along the northern boundary of neighbouring

properties. We think 4m and 45 degrees will result in too much shading on neighbouring properties and adverse amenity effects.

40. To protect the amenity of outdoor living spaces to the south of new developments, we request that this standard be revised.

**41. Relief sought:**

42. Amend MRZ-S2 Height in Relation to Boundary to read

*Buildings and structures must not project beyond a 45 degree recession plane measured from a point 4m vertically above ground level along side and rear boundaries.*

*Except for boundaries facing the southern half of a compass, where the buildings and structures must not project beyond a 45 degree recession plane measured from a point 3m above ground level.*

**43. We wish to be heard at a hearing in support of our submission.**

Regards



Alison Francis MNZPI

Director Bay Planning Ltd