
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: 15/12/2023

Submission Reference Number #:173

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: Yes

I am willing to present a joint case: Yes

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

Point 173.1

Section: GRZ - General Residential Zone

Sub-section: GRZ - General Residential Zone - Standards Table

Provision:

GRZ-S2: Height in relation to boundary

Purpose: *to maintain a suburban character; to maintain a reasonable level of sunlight access and minimise effects on the quality of the neighbours' living environment; to enable quality relationships and passive surveillance between residential units and public open space.*

1. Buildings and structures must not project beyond a 45 degree recession plane measured from a point 3 m vertically above ground level along side and rear site 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 GRZ-S2 clause 1 above.
3. GRZ-S2 clause 1 above does not apply to a boundary adjoining:
 - a. sites exceeding 2,000 m² in an Open Space Zone or gazetted reserve, and
 - b. site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
4. GRZ-S2 clause 1 above does not apply to the height exemptions set out in GRZ-S1 clause 3.

Matters of discretion are:

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

Sentiment: Oppose

Submission:

I wish to express concern that this rule GRZ-S2 takes no account of the building and boundary orientation, time of the day, the sun angle and its sun or shading effect on neighbouring properties.

The effect of a building 'mass' is not universal on differing adjacent land. Simply, the orientation, time of the day and season will have varying effects on neighbouring properties.

I acknowledge that some consideration of orientation is noted in the Residential Standards Table GRZ – General Residential Zone – Standards Table; GRZ-S11 Outdoor Space, Rule 3, a and b.

The Hastings District Council's example of how this is dealt with could be introduced into the Napier City Council's Proposed District Plan as a solution to my concern.

The Hastings District Council District Plan - Appendix 8.0-1 – Method of Determining Recession Planes is an example of how this may be introduced to satisfy my concern.

Relief sought

Introduce differing requirements related to the orientation of each boundary - Use HDC as the benchmark for this change.

Point 173.2

Section: GRZ - General Residential Zone

Sub-section: GRZ - General Residential Zone - Standards Table

Provision:

Purpose: *to provide for privacy of residential units while enabling opportunities for passive surveillance of the street and public open spaces; to minimise visual dominance effects to immediate neighbours and the street.*

1. Fences or walls (or a combination of these structures) must not exceed the height specified below, measured from the ground level at the boundary:
 - a. within the front yard, and within a side or rear yard adjacent to a common boundary with an Open Space Zone, either:
 - i. 1.2 m in height;
 - ii. 1.8 m in height for no more than 50% of the length of the boundary and 1.2 m for the remainder, or
 - iii. 1.8 m in height if the fence is at least 50% visually open as viewed perpendicular to the front boundary.
 - b. Within the side and rear yards: 2 m.

Matters of discretion are:

1. Purpose of the standard;
2. Neighbourhood character;
3. Safety, attractiveness, and connectivity of streets and public open spaces, and
4. Quality living environments.

Sentiment: Oppose

Submission:

The planner(s) who designed Rule a.(i) have taken a position of being 'Social Architects' by virtue of assuming they know best in relation to passive surveillance of the street and public open spaces. It is my opinion that the author(s) of this rule are not qualified in such matters.

I think it would be safe to say that the planners have not surveyed the land owners on this matter.

I understand the visual dominance aspect of the 'Purpose', but in reality, this should not override personal safety as perceived by the land owners.

As a society, we are experiencing an increase in urban crime. Such restrictions will only provide 'escape routes' for people with criminal intent. The limitation on such low fence heights will also provide ready escape routes for the very people this rule is trying to provide observation for/by the resident(s).

Visual openness is also the antithesis of sound transmission. Residents must be able to reduce sound from either neighbouring properties or traffic and road noise by the use of fencing and planting. Higher fences are part of the solution.

I am also of the opinion that such rules take away the individual's right to protect themselves via fencing and gates by a design which they see as appropriate.

The proliferation of security camera observation from residential homes is a testament to the citizen's concerns in this matter.

During early housing and suburban development throughout the 1900's, the street became an extension of the landowner's property. Low fences may have been appropriate then. Our society, mobility via vehicles, proliferation of vehicular movements and crime has changed our perception of safety in this respect. We simply do not see neighbourhood children playing on the streets and using open spaces and parks in the same manner as was used in the mid 1900's

It appears that planners have a socially idealistic view, and it appears they are trying to re-create this again.

I am of the opinion that we cannot, and will not return to the ideal world of 'yesteryear' via social design mechanisms imposed via such restrictions.

Relief sought

Remove the requirement that limits fence heights on the basis that the Proposed District Plan is endeavouring to control an aspect of design which must remain under the owners' discretion.

Point 173.3

Section: GRZ - General Residential Zone

Sub-section: GRZ - General Residential Zone - Rules Table

Provision:

GRZ-R5: Grazing of livestock

GRZ-R5A

GRZ-R5B

Activity Status: Permitted

Activity Status where activity conditions are not met: Non-complying

Where:

1. The net site area is greater than 2,000 m².

Note: The Napier City Council Animal Control Bylaw 2021 also applies to this activity.

Sentiment: Oppose

Submission:

I question this rule as Permitted Use.

Am I correct in my interpretation that a land owner complying with the net site area of 2000 sq.m. rule can graze livestock in the middle of a Residential Area as a Permitted use, subject to the NCC Animal Control Bylaw 2021?

As an example, the landowner could set up a Pig Farm in the middle of a Residential Area with all attendant functions that would be required to manage such a farm?

I am of the opinion that the Activity Status should not be 'Permitted', as of right.

Relief sought

Remove this use as a 'Permitted Use' as in my opinion, it could be open to abuse. Considers it should be made a Discretionary use.

Point 173.4

Section: GRZ - General Residential Zone

Sub-section: GRZ - General Residential Zone - Standards Table

Provision:

GRZ-S11: Outdoor living space

Purpose: to provide

1. A residential unit at ground floor level must

Matters of discretion are:

quality onsite living environments by providing useable outdoor living areas appropriate for the number of residents on site.

have an outdoor living space that is at least 20 m² and that comprises ground floor, balcony, patio, or roof terrace space that:

- a. where located at ground level, has no dimension less than 3 m.
- b. where provided in the form of a balcony, patio or roof terrace, is at least 8 m² and has a minimum dimension of 1.8 m.
- c. is accessible from the residential unit.
- d. may be:
 - i. grouped cumulatively by area in 1 communally accessible location, or
 - ii. located directly adjacent to the unit.
- e. is free of buildings, parking spaces, and servicing and manoeuvring areas.

1. Purpose of the standard;
2. Quality living environments.

2. A residential unit located above the ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that:

- a. is at least 8 m² and has a minimum dimension of 1.8 m.
- b. is accessible from the residential unit.
- c. may be:
 - i. grouped cumulatively by area in one accessible location, in which case it may be located at ground level, or
 - ii. located directed adjacent to the unit.

3. Where open space is located south of any building located on the same site, the southern boundary of that space must be separate from any wall or building by:

- a. at least 9 m for two-storey buildings, and
- b. at least 6 m for single-storey buildings.
For the purpose of this standard, south is defined as between 135 and 225 degrees.

Advice note: Day care centres may be subject to additional open space requirements from the Ministry of Education and/or Te Whatu Ora.

Sentiment: Oppose

Submission:

I understand the intent of taking advantage of the land area for the benefit of the ground floor tenant by specifying minimum dimensions of open space. Rule 1, a, b, c and d.

It appears to be excessive in its requirement when compared with Rule 2, residential units 'above ground'. From a designer's perspective, there are design limitations in relation to >2 storey outdoor living spaces.

I consider that a reduction of the requirements of Rule 1 (ground floor) more aligned with Rule 2 (above ground) would present a more equitable design solution.

Relief sought

I consider that this rule requires further consideration. As written, it necessarily provides a disadvantage to upper level apartments.

If the rule related to ground floor open space is reduced, it could provide an opportunity for densification of the whole of site development.

Point 173.5

Section: GRZ - General Residential Zone

Sub-section: GRZ - General Residential Zone - Standards Table

Provision:

GRZ-S10: Windows to the street

***Purpose:** to provide for passive surveillance of the street and public open space; to provide visual interest to the street and public open space.*

1. Any residential unit facing the street must have a minimum of 20% of the street-facing facade in glazing. This can be in the form of windows or doors.
2. Front doors may be solid. Garage doors do not contribute towards the 20% glazing.
3. For the purpose of this rule, any area of roof space that is fully enclosed by a gable must not be included in the area of the front facade.

Matters of discretion are:

1. Purpose of the standard;
2. Neighbourhood character;
3. Safety, attractiveness, and connectivity of streets and public open spaces, and
4. Quality living environments.



Figure 2 - Front Facade

Sentiment: Oppose

Submission:

As an architect, I have spent my whole career using orientation and sun tracking as two dominant criteria when considering residential design analysis. These criteria alone will influence the design outcome.

It is a sad testament in our society when 'standard' plans are 'plonked' on a site without such consideration. This process has a very negative effect on our streetscape.

As a society, we should all be concerned with orientation to 1) minimise the need to heat homes with alternative sources of heat, and 2) to design homes to maximise the benefits of light, air, sun and access to the outside.

As an example, for a house on the southern side of the street to have the outdoor space in the front yard, thus suggesting the house should be planned with minimum rear yard space. If this rule were amended such, then higher secure fences, secure gates etc would then provide a safe, sunny outside space for the family. The corollary of good planning will likely be a reduced energy consumption.

The restriction or otherwise on the percentage of windows facing the street is irrelevant. The design outcome is totally dependent on the orientation and the users access to the exterior.

As a society, we should refer to the principal that our early suburbs, state houses etc were based on 'imported' design principles from the northern hemisphere. Early design in England had most suburban dwellings oriented to the street. The sun track also moves in the southern hemisphere. This is exactly the opposite to New Zealand.

There are many examples in early residential developments in New Zealand where orientation was adopted from the northern hemisphere, (south facing) or by early design, always oriented to the street. This has led to many of our building stock being costly to heat, compromised access to the outside and poor use of the surrounding land.

It would be far more beneficial to focus on the above outcomes, rather than prescriptive rules which are inappropriate for the site under consideration. Developers could then focus on good outcomes rather than mediocre or poor outcomes by acknowledging that there are additional aspects that should be considered in the design of the dwelling.

Relief sought

Remove the rule related to the percentage of windows facing the street because this requirement takes no account of the design outcome which should/must relate to the orientation of the dwelling and the resultant design and planning of the dwelling on the site. refer to the body of the submission above for detailed examples of how design and orientation can vary the outcome.