
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 #:174

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

Submitter:

Jude Minor

Address for service:

Matthew Morley
Stradegy Planning Ltd
45 Tennyson Street Napier 4110
New Zealand

Email: matthew@stradegy.co.nz

Attachments:

Attachment 1-Site Location.pdf

Attachment 2- Other sites.pdf

23191 Supporting Information.pdf

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

- **N/A**

Submission points

Point 174.1

Section: Planning Maps

Sentiment: Oppose

Submission:

The specific provisions of the proposal that this submission relates to:

The zoning for the sites at 18, 20 and 22 Avenue and 39 Southwark Avenue, under the PDP being 'Medium Density Residential' (MRZ),

Summary of submission:

With regard to 18-24 Durham Avenue, these landholdings are owned by the submitter and encompass four titles and cover a total area of 3043m². The current uses include a mix of commercial (i.e. Tamatea Medical Centre) which is located on 18 & 22 Durham Ave, and residential which is on 22 Durham Avenue and 39 Southwark Avenue. The submitter's intention is to expand the Medical Centre activity to the sites at 22 Durham Avenue and 39 Southwark Avenue in the future via Resource Consent approval. **Attachment 1** provides the sites location and OPD zoning.

Relief sought

1. Jude Minor opposes the proposed Medium Density Residential Zone (MDRZ) for his sites and for the site located at 6 Durham Avenue .

2. Jude Minor seeks the following relief:

Rezoning of the 18, 20, 22 Durham Avenue and 39 Southwark Avenue to that of the Local Centre Zone (LCZ), identified as 'A' in **Attachment 1**, and;

3. The reasons for the submission are set out as follows:

4. This submission in effect requests that the PDP zoning for the sites identified above be changed MRZ to LCZ to reflect the commercial service activities occurring on these sites and to be consistent with the rezoning of the sites.

5. The purpose of the LCZ is to provide a range of commercial and community activities to service the needs of the residential catchment. The LCZ is intended to provide for a range of day-to-day amenities such convenience retail, takeaway food stores, hairdressers, bookstores, and pharmacies. It is considered the subject sites fall within this category given their long-standing existing and future commercial use and that they provide for the day-to-day needs of the immediate and surrounding community.

6. The LCZ would also allow the submitter to operate and develop their landholdings more easily for commercial purposes in order to maximize their locational advantages being within close proximity to Tamatea as well as the residential areas.

7. The location of the sites being on an urban connector road under the PDP and closest to the Tamatea Residential area would accord with Councils desire to make provision for local centers that contribute to the quality of our communities by providing necessary local services and amenities that are easily accessible to their immediate residential catchments. The rezoning of the subject sites would essentially extend the perimeter of the Tamatea Local Centre zone to incorporate other nearby non-residential activities that support the overall service and amenity offering to the community.

8. The MRZ proposed under the PDP does not recognize the extent of non-residential uses currently occurring within the area and will result in these uses having to rely on 'existing use rights' and/or the need for Resource Consent approval for ongoing use and development.

9. The provisions of the LCZ will better provide for the ongoing use of Jude Minors sites used for commercial and community facility (including health) purposes than that proposed by the PDP MRZ.

10. Given the existing commercial service activities and location of the identified sites and the nature of performance standards applicable to the MRZ, the currently proposed zoning will not allow the efficient use of the sites or facilitate an appropriate scale of a local center allowing day-to-day commercial activities that service the needs of the immediate residential community. The site also has locational advantages in being easily accessible by walking and cycling from the immediate and surrounding neighborhood and local schools.

11. The above approach is entirely consistent with the hierarchy for center zones established in the PDP.

Point 174.2

Section: Planning Maps

Sub-section: General

Provision: General

Sentiment: Oppose

Submission:

The specific provisions of the proposal that this submission relates to:

- The zoning for 6 Durham Avenue being located within the Medium Density Residential zone,

Summary of submission:

This submission also relates to 6 Durham Avenue which is also proposed to be zoned MRZ. This site covers a total area of 1881m² and is currently occupied by a commercial activity (i.e. petrol station). The site has been used for commercial purposes for some time and is adjoined by other commercial activities to the east (i.e. 8 Durham Avenue and 7A Leicester Avenue) and a designation to the north (i.e. Tamatea Primary School). **Attachment 2** provides the sites location and ODP zoning.

Relief sought

Jude Minor opposes the proposed Medium Density Residential Zone (MDRZ) for the site located at 6 Durham Avenue .

2. Jude Minor seeks the following relief:

- Rezoning of 6 Durham Avenue as identified as 'B' on **Attachment 2** to LCZ,

3. The reasons for the submission are set out as follows:

4. This submission in effect requests that the PDP zoning for the sites identified above be changed MRZ to LCZ to reflect the commercial service activities occurring on these sites and to be consistent with the rezoning of the sites.

5. The purpose of the LCZ is to provide a range of commercial and community activities to service the needs of the residential catchment. The LCZ is intended to provide for a range of day-to-day amenities such convenience retail, takeaway food stores, hairdressers, bookstores, and pharmacies. It is considered the subject sites fall within this category given their long-standing existing and future commercial use and that they provide for the day-to-day needs of the immediate and surrounding community.

6. The LCZ would also allow the submitter to operate and develop their landholdings more easily for commercial purposes in order to maximize their locational advantages being within close proximity to Tamatea as well as the residential areas.

7. The location of the sites being on an urban connector road under the PDP and closest to the Tamatea Residential area would accord with Councils desire to make provision for local centers that contribute to the quality of our communities by providing necessary local services and amenities that are easily accessible to their immediate residential catchments. The rezoning of the subject sites would essentially extend the perimeter of the Tamatea Local Centre zone to incorporate other

nearby non-residential activities that support the overall service and amenity offering to the community.

8. The MRZ proposed under the PDP does not recognize the extent of non-residential uses currently occurring within the area and will result in these uses having to rely on 'existing use rights' and/or the need for Resource Consent approval for ongoing use and development.

9. The provisions of the LCZ will better provide for the ongoing use of 6 Durham Avenue used for commercial purposes than that proposed by the PDP MRZ.

10. Given the existing commercial service activities and location of the identified sites and the nature of performance standards applicable to the MRZ, the currently proposed zoning will not allow the efficient use of the sites or facilitate an appropriate scale of a local center allowing day-to-day commercial activities that service the needs of the immediate residential community. The site also has locational advantages in being easily accessible by walking and cycling from the immediate and surrounding neighborhood and local schools.

11. The above approach is entirely consistent with the hierarchy for center zones established in the PDP.

Job Ref: 23191 – Jude Minor

12th December 2023

Napier City Council
Private Bag 6010
NAPIER 4142

Submission via Isoplan

Jude Minor – Submission on Napier’s Proposed District Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

This is a submission on behalf of Jude Minor on the Napier Proposed District Plan (PDP).

Jude Minor does not consider they would gain an advantage in trade competition through this submission.

The specific provisions of the proposal that this submission relates to:

- The zoning for the sites at 18, 20 and 22 Avenue and 39 Southwark Avenue, under the PDP being 'Medium Density Residential' (MRZ),
- The zoning for other sites located at 6 Durham Avenue also being located within the Medium Density Residential zone,

Summary of submission:

1. With regard to 18-24 Durham Avenue, these landholdings are owned by the submitter and encompass four titles and cover a total area of 3043m². The current uses include a mix of commercial (i.e. Tamatea Medical Centre) which is located on 18 & 22 Durham Ave, and residential which is on 22 Durham Avenue and 39 Southwark Avenue. The submitter's intention is to expand the Medical Centre activity to the sites at 22 Durham Avenue and 39 Southwark Avenue in the future via Resource Consent approval. **Attachment 1** provides the sites location and OPD zoning.
2. In addition to the above sites, this submission also relates to 6 Durham Avenue which is also proposed to be zoned MRZ. This site covers a total area of 1881m² and is currently occupied by a commercial activity (i.e. petrol station). The site has been used for commercial purposes for some time and is adjoined by other commercial activities to the east (i.e. 8 Durham Avenue and 7A Leicester Avenue) and a designation to the north (i.e. Tamatea Primary School). **Attachment 2** provides the sites location and ODP zoning.



3. Jude Minor opposes the proposed Medium Density Residential Zone (MDRZ) for his sites and for the site located at 6 Durham Avenue .

4. Jude Minor seeks the following relief:

- Rezoning of the 18, 20, 22 Durham Avenue and 39 Southwark Avenue to that of the Local Centre Zone (LCZ), identified as 'A' in **Attachment 1**, and;
- Rezoning of 6 Durham Avenue as identified as 'B' on **Attachment 2** to LCZ,

5. The reasons for the submission are set out as follows:

6. This submission in effect requests that the PDP zoning for the sites identified above be changed MRZ to LCZ to reflect the commercial service activities occurring on these sites and to be consistent with the rezoning of the sites.
7. The purpose of the LCZ is to provide a range of commercial and community activities to service the needs of the residential catchment. The LCZ is intended to provide for a range of day-to-day amenities such convenience retail, takeaway food stores, hairdressers, bookstores, and pharmacies. It is considered the subject sites fall within this category given their long-standing existing and future commercial use and that they provide for the day-to-day needs of the immediate and surrounding community.
8. The LCZ would also allow the submitter to operate and develop their landholdings more easily for commercial purposes in order to maximize their locational advantages being within close proximity to Tamatea as well as the residential areas.
9. The location of the sites being on an urban connector road under the PDP and closest to the Tamatea Residential area would accord with Councils desire to make provision for local centers that contribute to the quality of our communities by providing necessary local services and amenities that are easily accessible to their immediate residential catchments. The rezoning of the subject sites would essentially extend the perimeter of the Tamatea Local Centre zone to incorporate other nearby non-residential activities that support the overall service and amenity offering to the community.
10. The MRZ proposed under the PDP does not recognize the extent of non-residential uses currently occurring within the area and will result in these uses having to rely on 'existing use rights' and/or the need for Resource Consent approval for ongoing use and development.



11. The provisions of the LCZ will better provide for the ongoing use of Jude Minors sites and 6 Durham Avenue used for commercial and community facility (including health) purposes than that proposed by the PDP MRZ.
12. Given the existing commercial service activities and location of the identified sites and the nature of performance standards applicable to the MRZ, the currently proposed zoning will not allow the efficient use of the sites or facilitate an appropriate scale of a local center allowing day-to-day commercial activities that service the needs of the immediate residential community. The site also has locational advantages in being easily accessible by walking and cycling from the immediate and surrounding neighborhood and local schools.
13. The above approach is entirely consistent with the hierarchy for center zones established in the PDP.

Jude Minor wishes to be heard in support of their submission.

If others make a similar submission, Jude Minor is happy to consider presenting a joint case at a hearing.

Yours Sincerely,

Matt Morley
Intermediate Planner BEP
E matthew@stradegy.co.nz

Figure 1: Submitters Landholdings and OPP Zoning



Figure 2: All sites location and PDP zoning

