
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 #:179

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

Submitter:

Napier BSL No. 3 Limited

Address for service:

Cameron Drury
Stradegy Planning Ltd
45 Tennyson Street Napier 4110
New Zealand

Email: cam@stradegy.co.nz

Attachments:

Napier PDP BSL 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 179.1

Section: General

Sentiment: Amend

Submission:

The specific provisions of the Proposed Plan Change that this submission relates to:

- This submission raises opposition to the Mixed Use Zone (MUZ), Stormwater (SW), Iron Pot Heritage Overlay (OVR8) and the West Quay Waterfront Precinct (PREC10) sections of the PDP with particular submission points on specific provisions as outlined in the body of this submission.

The BSL submission is:

1. BSL owns numerous landholdings in the Ahuriri area of the Mixed Use Zone, some of which are included in the Iron Pot Heritage Overlay (OVR8) and the West Quay Waterfront Precinct (PREC10).
2. The BSL submission seeks amendments to the PDP to:
 - Better provide for hospitality activities,
 - Better provide for office accommodation and retail activities,
 - Refine the triggers for when resource consent is required,
 - Refine the bulk and location standards to better enable the activities provided for within the Zone,
 - Although generally supported, clarify and refine the approach to improved stormwater management,
 - Provide landowners with greater certainty when undertaking alterations/additions and constructing new buildings within the Iron Pot Heritage Overlay (OVR8),
 - Better align the activity status of demolition activities with the Policies of the Iron Pot Heritage Overlay (OVR8) and provide greater discretion for when proposals affect values associated with groups of buildings compared buildings with specific individual values.

Relief sought

1. The following key themes are addressed to achieve the relief sought:
 - a. Rules
 - b. Standards
 - c. Assessment Criteria

Point 179.2

Section: MUZ - Mixed Use Zone

Sub-section: MUZ - Mixed Use Zone - Rules Table

Provision:

MUZ-R1: New buildings

MUZ-R1A

MUZ-R2B

Activity Status: Permitted

Activity Status where activity conditions are not met: Restricted Discretionary

Where:

1. The gross floor area of the building does not exceed 400 m².

Matters of discretion are:

1. Quality design;
2. Accessibility and connectivity;
3. Resilience and infrastructure, and
4. Quality living environments.

Notification status: Any application under this rule is precluded from being notified on a public or limited basis.

Sentiment: Oppose

Submission:

Submission Theme 1: Rules

Reasons

It seems nonsensical to limit the gross floor area of new buildings to 400m². There is no specific policy support for this, while a limit of 400m² risks implementation of MUZ-P1.

Relief sought

Relief Sought - Rules:

Delete Rule

Point 179.3

Section: MUZ - Mixed Use Zone

Sub-section: MUZ - Mixed Use Zone - Rules Table

Provision:

MUZ-R3: Commercial activity outside the city centre fringe control area

MUZ-R3A

MUZ-R3B

Activity Status: Permitted

Activity Status where activity conditions are not met:

Restricted Discretionary

Where:

Matters of discretion are:

1. For any office activity:
 - a. relates to the administration and management of an industrial activity or commercial activity otherwise permitted in the Mixed Use Zone, and
 - b. must be limited to 20% of the gross floor area of buildings on the site.
2. For any retail activity:
 - a. the goods and services offered must be manufactured, processed, repaired, serviced or warehoused on the site, and
 - b. the activity must be limited to 20% of the gross floor area of

1. Function, role and amenity of the city centre and other centres;
2. Quality living environments;
3. Amenity values;
4. Character of the area;
5. Safety, attractiveness, and connectivity of streets and public open spaces, and
6. Resilience and infrastructure.

buildings on the site.

Sentiment: Amend

Submission:

Submission Theme 1: Rules

Reasons

To improve clarity and avoid stand alone commercial, office accommodation or retail activities falling to be assessed as a non-complying activity under MUZ-R17.

Relief sought

Relief Sought - Rules:

Insert new Rule to provide for office accommodation and retail activities within limits as a Permitted Activity in a similar manner as PREC10-R2A.

Amend the activity description of MUZ-R3A as follows:

Commercial Activity (including office accommodation and retail activities) outside the city center fringe control area'

Or

Insert new rule to provide for commercial office accommodation and retail activities not otherwise provided for under Rule MUZ-R3A and the new permitted activity rule as a Restricted Discretionary Activity.

Point 179.4

Section: MUZ - Mixed Use Zone

Sub-section: MUZ - Mixed Use Zone - Rules Table

Sentiment: Amend

Submission:

Submission Theme 1: Rules

reasons

The zone should provide for Hospitality activities without these falling to be assessed as a non-complying activity under MUZ-R17

Relief sought

Relief Sought - Rules:

Insert new rule to provide for Hospitality activities as a Permitted Activity where appropriate and as Restricted Discretionary Activity otherwise.

Point 179.5

Section: SW - Stormwater

Sub-section: SW - Stormwater - Rules Table

Provision:

SW-R1: Development of new or redevelopment of existing uncovered car parks

SW-R1A

SW-R1B

Activity Status: Permitted

Activity Status where activity conditions are not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The car park provides for no more than ten car park spaces;
2. Stormwater run-off from the total impervious area of the carpark and access ways must be treated by an approved stormwater management device designed to remove sediments and contaminants prior to discharge into the stormwater network, or
3. The approved stormwater management device must be maintained in good working order for the life of the device.

1. Public health and safety;
2. Network efficiency, and
3. Effects on the values of the receiving environment.

Note: Rules in the zone and/or precinct chapter and the Transport chapter may apply in addition to the above.

Sentiment: Oppose

Submission:

Submission Theme 1: Rules

Reason

The number of car parks should not trigger the need for consent. Requiring resource consent for any carpark more than 10 spaces is an inefficient method to achieve stormwater quality objectives. Further, there are no standards to measure compliance with (2) against. There is no clarity as to what would be an "approved" stormwater management device.

Relief sought

Relief Sought - Rules

Delete rule. Consider if outcomes are best achieved through the Stormwater Bylaw or Code of Practice rather than a resource consent process. Alternatively, amend the rule to remove the 10 car park trigger for consent and improve clarity on the expected stormwater treatment.

Point 179.6

Section: SW - Stormwater

Sub-section: SW - Stormwater - Rules Table

Provision:

SW-R2: Development of new or redevelopment of existing roads or state highways

SW-R2A

SW-R2B

Activity Status: Permitted

Activity Status where activity conditions are

Where:

Matters of discretion are:

1. The road or state highway is designed to accommodate more than 5,000 vehicles per day;
2. Stormwater run-off from the total impervious area of the carriageway of the road or state highways must be treated by an approved stormwater management device(s) designed to remove sediments and contaminants prior to discharge into the stormwater network, or
3. The approved stormwater management device must be maintained in good working order for the life of the device.

1. Public health and safety;
2. Network efficiency, and
3. Effects on the values of the receiving environment.

Note: Rules in the zone and/or precinct chapter and the Transport chapter may apply in addition to the above.

Sentiment: Amend

Submission:

Submission Theme 1: Rules

Reason

The current drafting of the rule effectively requires roads designed to accommodate less than 5,000 vehicle per day to seek resource consent under SW-R2B. Further, there are no standards to measure compliance with (2) against.

Relief sought

Relief sought - rules

Delete rule and consider if outcomes are best achieved through the Stormwater Bylaw or Code of Practice. Alternatively, amend rule to improve clarity of when permitted activity conditions would be met.

Point 179.7

Section: OVR8 - Iron Pot Heritage Overlay

Sub-section: OVR8 - Iron Pot Heritage Overlay - Rules Table

Provision:

OVR8-R2: Partial demolition of a building or structure on a Contributory site

OVR8-R2A

OVR8-R2B

Activity Status: Permitted

Activity Status where activity conditions are not met:

Where:

Restricted Discretionary

1. Demolition is to the rear part of a building that is not visible from an

adjoining street.

Matters of discretion are:

1. Consistency and compatibility with the heritage values identified in the SCHED4 Historic Heritage Overlay and Precinct Schedule;
2. Effect on the heritage values of the overlay;
3. The extent to which the partial demolition removes any unsympathetic or modern addition/alteration to the building or structure;
4. Practicality and cost of alternatives available;
5. The resilience of the heritage feature to change, and
6. Effects on the authenticity and integrity of the building or structure and its setting.

Sentiment: Amend

Submission:

Submission Theme 1: Rules

Reason

Support the approach of allowing limited work as a Permitted Activity but greater certainty of the view shaft from the street is required to enable effective implementation of the Rule.

Relief sought

Relief sought - rules

Amend rule to improve clarity in implementation.

Point 179.8

Section: OVR8 - Iron Pot Heritage Overlay

Sub-section: OVR8 - Iron Pot Heritage Overlay - Rules Table

Provision:

OVR8-R3: External additions and alterations to buildings or structures on a Contributory site

OVR8-R3A

OVR8-R3B

Activity Status: Permitted

Activity Status where activity conditions are not met:

Restricted Discretionary

Where:

1. External additions and alterations to building facades are less than 25 m² in area where these facades can be viewed from an adjacent street, and **Matters of discretion are:**

2. External additions and additions to building facades are unlimited where these facades cannot be viewed from an adjoining street.

1. Consistency and compatibility with heritage values identified in the SCHED4 Historic Heritage Overlay and Precinct Schedule;
2. Effect on the heritage values of the overlay;
3. The visibility of the addition or alteration from the street;
4. The extent to which the alteration removes or reverses any unsympathetic or modern addition/alteration to the building or structure;
5. Practicality and cost of alternatives available;
6. The resilience of the heritage feature to change, and
7. Enabling ongoing use.

Sentiment: Amend

Submission:

Submission Theme 1: Rules

Reasons

Support the approach of allowing limited work as a Permitted Activity but greater certainty of the view shaft is required to enable effective implementation of the Rule. Further, and what constitutes the 25m² allowed – gross floor area or vertical area of a façade (just a front façade?)

Relief sought

Relief sought - rules

Amend rule to improve clarity in implementation.

Point 179.9

Section: OVR8 - Iron Pot Heritage Overlay

Sub-section: OVR8 - Iron Pot Heritage Overlay - Rules Table

Provision:

OVR8-R5: New or relocated buildings or structures not otherwise provided by OVR8-R4 on a Contributory site

Activity Status: Restricted Discretionary

NA

Matters of discretion are:

1. Consistency and compatibility with heritage values identified in the SCHED4 Historic Heritage Overlay and Precinct Schedule.

Sentiment: Oppose

Submission:

Submission Theme 1: Rules

Reasons

Greater certainty for landowners needs to be provided.

Relief sought

Relief sought - rules

Delete rule, or alternatively amend to a Controlled activity with non-notification status so it is clear that new buildings are anticipated and enabled on sites within the overlay, however conditions may be applied in terms of design.

Point 179.10

Section: OVR8 - Iron Pot Heritage Overlay

Sub-section: OVR8 - Iron Pot Heritage Overlay - Rules Table

Provision:

OVR8-R6: Total demolition or relocation off site of a building or structure on a Contributory site

Activity Status: Non-complying NA

Sentiment: Oppose

Submission:

Submission Theme 1: Rules

Reasons

Together with a non-complying activity status noting responding to Policy OVR8-P7, which sets out circumstances when demolition can occur, greater discretion is considered appropriate when considering groups of buildings as opposed to individual buildings.

Relief sought

Relief sought - rules

Amend to a Discretionary status

Point 179.11

Section: OVR8 - Iron Pot Heritage Overlay

Sub-section: OVR8 - Iron Pot Heritage Overlay - Rules Table

Provision:

OVR8-R7: Maintenance and repair of any existing building or structure on a Non-contributory site

OVR8-R9A **OVR8-R9B**

Activity Status: Permitted

Activity Status when conditions are not met: Restricted Discretionary

Where:

Matters of discretion are:

1. External additions and alterations to building facades are less than 25 m² in area where these facades can be viewed from an adjacent street, and
2. External additions and alterations to building facades are unlimited where these facades cannot be viewed from an adjoining street.

1. Consistency and compatibility with heritage values identified in the SCHED4 Historic Heritage Overlay and Precinct Schedule;
2. Effect on the heritage values of the overlay;
3. The visibility of the addition or alteration from the street;
4. The extent to which the alteration removes or reverses any unsympathetic or modern addition/alteration to the building or structure;
5. Practicality and cost of alternatives available;
6. The resilience of the heritage feature to change, and
7. Enabling ongoing use.

Sentiment: Amend

Submission:

Submission Theme 1: Rules

Reasons

Support the approach of allowing limited work as a Permitted Activity but greater certainty of the view shaft is required to enable effective implementation of the Rule, and what constitutes the 25m² allowed – gross floor area or vertical area of a façade (just a front façade?) The rule/approach should be more enabling than OVR8-R3A given it applies to non-contributory sites.

Relief sought

Relief sought - rules

Amend

Point 179.12

Section: OVR8 - Iron Pot Heritage Overlay

Sub-section: OVR8 - Iron Pot Heritage Overlay - Rules Table

Provision:

OVR8-R7: Maintenance and repair of any existing building or structure on a Non-contributory site

OVR8-R11: New or relocated buildings or structures not otherwise provided by OVR8-R10OVR8-R10, on a Non-contributory site

Sentiment: Oppose

Submission:

Submission Theme 1: Rules

Reasons

Greater certainty for landowners needs to be provided.

Relief sought

Relief sought - rules

Delete rule, or alternatively amend to a Controlled activity with non-notification status so it is clear that new buildings are anticipated and enabled on sites within

Point 179.13

Section: MUZ - Mixed Use Zone

Sub-section: MUZ - Mixed Use Zone - Standards Table

Provision:

MUZ-S3: Yards

Purpose: *to maintain the amenity values of adjacent residential zones; to maintain the attractiveness of the Pandora Road streetscape; to provide for the operation and maintenance of the Tyne Street drain.*

1. There is no front yard requirement, except that a minimum 3 m landscaped yard comprised of indigenous plants is required where sites:
 - a. front onto Pandora Road, and
 - b. adjoin a site that is zoned Residential.
2. There is no side or rear yard requirement, except that no part of any building must be located within 6 m of a residential zone site boundary or Tyne Street drain.

Matters of discretion are:

1. Purpose of the standard;
2. Quality living environments;
3. Amenity values;
4. Character of the area, and
5. Operation and maintenance of watercourses and open drains.

Sentiment: Oppose

Submission:

Submission Theme 2: Standards

Reasons

Specific provision:

MUZ-S3(2)

A 6m set back from a residential site boundary does not enable optimal use of a site and is considered excessive to maintaining residential amenity when a MUZ-S2 would apply (height in relation to boundary)

Relief sought

Relief sought - rules

Reduce to setback 1 m.

Point 179.14

Section: MUZ - Mixed Use Zone

Sub-section: MUZ - Mixed Use Zone - Standards Table

Provision:

MUZ-S8: Open 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 6 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 one communally accessible location, or
 - ii. located directly adjacent to the unit.
 - e. free of buildings, parking spaces, and servicing and manoeuvring areas.
2. A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that:
- a. is at least 6 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 communally accessible location, in which case it may be located at ground level, or
 - ii. located directly 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.
4. For the purpose of this standard, south is defined as between 135 and 225 degrees.

1. Purpose of the Standard;
2. Quality living environments, and
3. Amenity values.

Sentiment: Oppose

Submission:

Specific Provision: MUZ-S8(3)

Submission Theme 2: Standards

Reasons

Seems excessive for when higher density is encouraged and also impractical for open space areas above ground floors. This rule is also less important in Hawkes Bay than other areas of the country. Shaded outdoor areas can be valuable during the summer.

Relief sought

Relief sought - rules

Point 179.15

Section: MUZ - Mixed Use Zone

Sub-section: MUZ - Mixed Use Zone - Standards Table

Provision:

MUZ-S9: Residential Outlook space

Residential units and visitor accommodation activities only

1. An outlook space must be provided for each residential unit as specified in this clause.
2. An outlook space must be provided from habitable room windows as shown in the diagram below:

1. Purpose of the standard;
2. Quality living environments, and
3. Amenity values.

***Purpose:** to maintain a reasonable level of sunlight access and privacy for residents and visitors in the Mixed Use Zone.*



Figure 1 - Outlook space

3. The minimum dimensions for a required outlook space are as follows:
 - a. a principal living room must have an outlook space with a minimum dimension of 4 m in depth and 4 m in width, and
 - b. all other habitable rooms must have an outlook space with a minimum dimension of 1 m in depth and 1 m in width.
4. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
5. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.

6. Outlook spaces may overlap where they are on the same wall plane in the case of a multistorey building.
7. Outlook spaces may be under or over a balcony.
8. Outlook spaces required from different rooms within the same building may overlap.
9. Outlook spaces must:
 - a. be clear and unobstructed by buildings, and
 - b. not extend over an outlook space or outdoor living space required by another dwelling.

Sentiment: Oppose

Submission:

Submission Theme 2: Standards

Reasons

Seems excessive for when higher density is encouraged

Relief sought

Relief sought - rules

Amend or delete and place as an Assessment Criteria

Point 179.16

Section: MUZ - Mixed Use Zone

Sub-section: MUZ - Mixed Use Zone - Standards Table

Provision:

MUZ-S12: Storage of shipping containers

Purpose: to minimise the visual amenity effects from the storage of shipping containers.

1. The outdoor storage (including the repair and distribution) of shipping containers must not exceed a height of 3 m.

Matters of discretion are:

1. Purpose of the standard;
2. Amenity values;
3. Character of the area, and
4. Safety, attractiveness, and connectivity of streets and public open spaces.

Sentiment: Oppose

Submission:

Submission Theme 2: Standards

Reasons

Likely to only allow a single shipping container. In a zone where light industry is provided for the stacking of two shipping containers would not be unreasonable and would be lesser in height than a new building complying with the height limit which may have more significant effects.

Relief sought

Relief sought - rules

Amend the height limit to allow the stacking of two shipping containers.

Point 179.17

Section: MUZ - Mixed Use Zone

Sub-section: MUZ - Mixed Use Zone - Standards Table

Provision:

MUZ-S13: Garages

Purpose: *to provide for a streetscape attractive for pedestrians and cyclists; to minimise risk of vehicles overhanging the footpath.*

1. A garage door facing the street must be set back at least 5 m from the site's frontage.
2. Garages integrated within a residential unit building:
 - a. must be no closer to the front boundary than the front line of the residential unit, and
 - b. the width of the garage door must be no greater than 50% of the width of the front facade of the building.
3. Accessory buildings and garages detached from a residential unit must cumulatively obscure no more than 50% of the width of the front facade of the residential unit.

Matters of discretion are:

1. Quality living environments;
2. Amenity values;
3. Character of the area, and
4. Safety, attractiveness, and connectivity of streets and public open spaces.

Sentiment: Oppose

Submission:

Specific provision - MUZ-13(2)-(3)

Submission Theme 2: Standards

Reasons

Compromises variety in design – risks straight facades with no modulation.

Relief sought

Relief sought - rules

Consider the best tool to achieve the outcome sought and make provision for narrow lots. This may include deleting the standard and relying on assessment criteria for multi-unit developments, or amendments to the standard.

Point 179.18

Section: MUZ - Mixed Use Zone

Sub-section: MUZ - Mixed Use Zone - Standards Table

Provision:

MUZ-S14: Fences and walls

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

1. Fences or walls (or a combination of these structures) must not exceed 2 m measured from the ground level at the boundary.
2. Where a fence or wall of more than 1.2 m in height is located within 2 m of a road boundary, a 1 m deep planting strip shall be provided between the fence and the road boundary:
 - a. the planting strip shall consist of shrubs and hedge or tree plantings.
 - b. the planting shall be selected, located, provided at a density, and maintained in a manner to ensure that, when mature, a minimum 1.2 m high visually impermeable screen of planting is achieved along the length of the planting strip.
 - c. trees and plants within the planting strip shall be selected, located and maintained in a manner so as not to:
 - i. create traffic safety problems by obscuring visibility for road users or train drivers;
 - ii. obstruct traffic, official road, or hazard signage, and
 - iii. interfere with transport infrastructure or network utilities.

Matters of discretion are:

1. Purpose of the standard;
2. Quality living environments;
3. Amenity values;
4. Character of the area, and
5. Safety, attractiveness, and connectivity of streets and public open spaces.

Sentiment: Amend

Submission:

Submission Theme 2: Standards

Reasons

The purpose relates only to residential activities but would otherwise apply to every activity

Relief sought

Relief sought - rules

Amend to apply to only residential activities.

Point 179.19

Section: SW - Stormwater

Sub-section: SW - Stormwater - Standards Table

Provision:

SW-S1: Hydraulic mitigation

All sites with a connection to a public stormwater network

1. Provide retention (volume reduction) of at least 10 mm runoff depth for the impervious area for which hydrology mitigation is required (refer to Figure 1).
2. Provide detention (temporary storage) and a

Matters of discretion are:

1. Purpose of the standard;
2. Public health and safety;

Purpose: to reduce potential flooding hazards and optimise efficiency of the stormwater and drinking water networks.

drain down period of 24 hours for the difference between the pre-development and post-development run-off volumes from the 10% AEP, 24-hour rainfall event (refer to Figure 3 below, Table 9 of the Napier City Council Code of Practice for Land Development and Subdivision Infrastructure*) minus the 10 mm retention volume or any greater retention volume that is achieved over the impervious area for which hydrology mitigation is required (refer to Figure 2).

3. Network efficiency and resilience;
4. Receiving environment values, and
5. Use of low impact design.

***Note:** As at August 2021, the rainfall depth for the 10% AEP 24 hour duration event is 139 mm.

3. All retention and detention to be provided within the site boundary.
4. Where stormwater management devices including stormwater detention and/or retention tanks are provided, an operation and maintenance plan is required to be lodged with, and approved by Napier City Council that addresses:
 - i. how the whole site and specific equipment/features are operated and maintained with respect to stormwater;
 - ii. personnel responsibilities, treatment method(s), treatment requirements;
 - iii. mitigation of pollutants (gross, soluble, and suspended);
 - iv. location(s) of treatment and conveyance systems;
 - v. the maintenance schedule for the specific equipment/features included on the site;
 - vi. the design parameters and limitations of the specific equipment/features, and
 - vii. the design calculations for the specific equipment/features.
5. The operation and maintenance manual will be enforced through a consent notice on the title to ensure future property owners are aware of the maintenance obligations for the stormwater management device.
6. For the purpose of this standard, the impervious area for which hydrology mitigation is required is any new or redeveloped impervious area undertaken since the date this rule becomes operative.

Sentiment: Amend

Submission:

Submission Theme 2: Standards

Reasons

Significant loss of land and cost for larger development. There needs to be balance between private and public response, and options for when on-site solutions are not a practicable option.

Implementation under (5) is not possible without subdivision.

Relief sought

Relief sought - rules

Amend

Point 179.20

Section: MUZ - Mixed Use Zone

Sub-section: Assessment criteria

Provision:

MUZ-AC1: New buildings not meeting permitted standards (MUZ-R1)

Quality design

- a. The extent to which the site layout and building design positively contributes to the safety, attractiveness, character, and 'sense of place' of the area particularly as experienced from streets, laneways, and public open spaces.
- b. The extent to which the development is consistent with the Hastings Residential Intensification Design Guide.

Accessibility and connectivity

- c. The extent to which the development is easily accessible for all members of Napier's community.
- d. The extent to which publicly accessible pedestrian and cycle connections are provided through the site where development fronts two or more streets or public open spaces (where practicable and appropriate).

Resilience and infrastructure

- e. Whether the building contributes to the resilience of the area to natural hazards and climate change where feasible.
- f. Whether suitable provision is made for onsite rubbish storage and sorting of recycling materials that is of sufficient size to service the activities in the buildings and is easily accessible for collection.
- g. Whether the development can be sufficiently serviced by water, wastewater, and stormwater infrastructure, including through the use of low impact stormwater design where appropriate.

Quality living environments

- h. If the building provides residential units, whether the design and layout of the residential units provide quality living

environments.

- i. The criteria HRZ-AC1 'Quality living environments' of the High Density Residential Zone apply in addition to the above.
- j. The extent to which the development is consistent with the Hastings Residential Intensification Design Guide.

Sentiment: Oppose

Submission:

Submission Theme 3: Assessment Criteria

Reasons

Not necessary with Rule MUZ-R1 deleted

Relief sought

Relief Sought – Assessment Criteria - rules

Delete

Point 179.21

Section: MUZ - Mixed Use Zone

Sub-section: Assessment criteria

Provision:

MUZ-AC1: New buildings not meeting permitted standards (MUZ-R1)

Quality design

- a. The extent to which the site layout and building design positively contributes to the safety, attractiveness, character, and 'sense of place' of the area particularly as experienced from streets, laneways, and public open spaces.
- b. The extent to which the development is consistent with the Hastings Residential Intensification Design Guide.

Accessibility and connectivity

- c. The extent to which the development is easily accessible for all members of Napier's community.
- d. The extent to which publicly accessible pedestrian and cycle connections are provided through the site where development fronts two or more streets or public open spaces (where practicable and appropriate).

Resilience and infrastructure

- e. Whether the building contributes to the resilience of the area to natural hazards and climate change where feasible.
- f. Whether suitable provision is made for onsite rubbish storage and sorting of recycling materials that is of sufficient size to service the activities in the buildings and is easily accessible for collection.
- g. Whether the development can be sufficiently serviced by water, wastewater, and stormwater infrastructure, including through the use of low impact stormwater design where appropriate.

Quality living environments

- h. If the building provides residential units, whether the design and layout of the residential units provide quality living environments.
- i. The criteria HRZ-AC1 'Quality living environments' of the High Density Residential Zone apply in addition to the above.
- j. The extent to which the development is consistent with the Hastings Residential Intensification Design Guide.

Sentiment: Oppose

Submission:

Submission Theme 3: Assessment Criteria

Reasons

Criteria (b) refers to the Hastings Residential Intensification Design Guide. This should not apply to non-residential buildings.

Relief sought

Relief Sought – Assessment Criteria - rules

Amend to not apply to non-residential buildings

Point 179.22

Section: SW - Stormwater

Sub-section: Assessment criteria

Provision:

SW-AC1: All activities requiring consent in this chapter

Public health and safety

- a. The existing flooding risk to the site and the wider catchment in a 2% and 10% AEP event and the extent to which the proposed development will increase that risk.
- b. The extent to which onsite retention and detention can practicably reduce flooding risk to the site and wider catchment.
- c. Whether impervious areas can be reduced while meeting the practical requirements of the proposed activity and any other objectives, policies, and assessment criteria of this plan.
- d. Whether any changes to overland flowpaths will increase flooding risk to other sites in the catchment.

Network efficiency

- e. The extent to which the existing network has capacity to accommodate additional stormwater run-off from the development.
- f. The potential cumulative effects on the network capacity from growth anticipated in planning documents.
- g. The timing of any planned upgrades to network infrastructure.
- h. Whether onsite retention will reduce demand on the drinking water network.

Effects on the values of the receiving environment

- i. Whether the extent and nature of contaminants generated from the activity will:

- i. adversely affect the ecological, cultural and recreational values of the stormwater network's receiving environments, and/or
 - ii. affect the ability for Napier City Council to meet the conditions of its comprehensive stormwater network discharge consent.
-
- j. The extent to which the stormwater management device(s) proposed will be effective in removing the anticipated contaminants from the activity.
 - k. The proposed methods for operating and maintaining the stormwater treatment processes and devices to ensure their continued and ongoing effectiveness in removing contaminants.
 - l. The proposed methods for monitoring and reporting on the effectiveness of the treatment process.

Low impact design

- m. The extent to which the criteria in SW-AC2 are met.

Recognise constraints

- n. The extent to which the best practicable option is achieved for the development, having regard to the site constraints.

Sentiment: Amend

Submission:

Submission Theme 3: Assessment Criteria

Reasons

Significant and costly expert assessment would be required to satisfy many of the criteria – increasing resource consenting costs. Too greater / onerous assessment on the wider environment being imposed on individual resource consent applicants.

Relief sought

Relief Sought – Assessment Criteria - rules

Review and focus the criteria

Job Ref: 23196

15 December 2023

Napier City Council
Private Bag 6010
NAPIER 4142

Submission via Isoplan

Napier BSL NO.3 Limited – Submission on Napier’s Proposed District Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

This is a submission by Napier BSL No.3 Limited (BSL) on Napier’s Proposed District Plan (“**PDP**”).

BSL does not consider it can gain an advantage in trade competition through this submission.

The specific provisions of the Proposed Plan Change that this submission relates to:

- This submission raises opposition to the Mixed Use Zone (MUZ), Stormwater (SW), Iron Pot Heritage Overlay (OVR8) and the West Quay Waterfront Precinct (PREC10) sections of the PDP with particular submission points on specific provisions as outlined in the body of this submission.

The BSL submission is:

1. BSL owns numerous landholdings in the Ahuriri area of the Mixed Use Zone, some of which are included in the Iron Pot Heritage Overlay (OVR8) and the West Quay Waterfront Precinct (PREC10).
2. The BSL submission seeks amendments to the PDP to:
 - Better provide for hospitality activities,
 - Better provide for office accommodation and retail activities,
 - Refine the triggers for when resource consent is required,
 - Refine the bulk and location standards to better enable the activities provided for within the Zone,
 - Although generally supported, clarify and refine the approach to improved stormwater management,
 - Provide landowners with greater certainty when undertaking alterations/additions and constructing new buildings within the Iron Pot Heritage Overlay (OVR8),
 - Better align the activity status of demolition activities with the Policies of the Iron Pot Heritage Overlay (OVR8) and provide greater discretion for when proposals affect



values associated with groups of buildings compared buildings with specific individual values.

3. The following key themes are addressed to achieve the relief sought:
 - a. Rules
 - b. Standards
 - c. Assessment Criteria

Submission Theme 1: Rules

4. Relief Sought - Rules:

| Section | Subsection | Provision | Amend / Oppose / Support | Reasons | Relief sought |
|---------|-------------|-----------|--------------------------------|---|---|
| MUZ | Rules Table | MUZ-R1A | Oppose | It seems nonsensical to limit the gross floor area of new buildings to 400m ² . There is no specific policy support for this, while a limit of 400m ² risks implementation of MUZ-P1. | Delete Rule |
| MUZ | Rules Table | MUZ-R3A | Amend | To improve clarity and avoid stand alone commercial, office accommodation or retail activities falling to be assessed as a non-complying activity under MUZ-R17. | <p>Insert new Rule to provide for office accommodation and retail activities within limits as a Permitted Activity in a similar manner as PREC10-R2A.</p> <p>Amend the activity description of MUZ-R3A as follows:</p> <p>Commercial Activity (<u>including office accommodation and retail activities</u>) outside</p> |



| | | | | | |
|-----|-------------|---------|----------------|--|--|
| | | | | | <p>the city center fringe control area'</p> <p>Or</p> <p>Insert new rule to provide for commercial office accommodation and retail activities not otherwise provided for under Rule MUZ-R3A and the new permitted activity rule as a Restricted Discretionary Activity.</p> |
| MUZ | Rules Table | General | Amend | The zone should provide for Hospitality activities without these falling to be assessed as a non-complying activity under MUZ-R17 | Insert new rule to provide for Hospitality activities as a Permitted Activity where appropriate and as Restricted Discretionary Activity otherwise. |
| SW | Rules Table | SW-R1A | Oppose | The number of car parks should not trigger the need for consent. Requiring resource consent for any carpark more than 10 spaces is an inefficient method to achieve stormwater quality objectives. Further, there are no standards to measure compliance with (2) against. There is no clarity as to what would be an "approved" stormwater management device. | Delete rule. Consider if outcomes are best achieved through the Stormwater Bylaw or Code of Practice rather than a resource consent process. Alternatively, amend the rule to remove the 10 car park trigger for consent and improve clarity on the expected stormwater treatment. |
| SW | Rules Table | SW-R2A | Oppose / Amend | The current drafting of the rule effectively | Delete rule, and consider if |



| | | | | | |
|------|-------------|----------|-----------------|---|--|
| | | | | requires roads designed to accommodate less than 5,000 vehicle per day to seek resource consent under SW-R2B. Further, there are no standards to measure compliance with (2) against. | outcomes are best achieved through the Stormwater Bylaw or Code of Practice. Alternatively, amend rule to improve clarity of when permitted activity conditions would be met. |
| OVR8 | Rules Table | OVR8-R2A | Support / Amend | Support the approach of allowing limited work as a Permitted Activity but greater certainty of the view shaft from the street is required to enable effective implementation of the Rule. | Amend rule to improve clarity in implementation. |
| OVR8 | Rules Table | OVR8-R3A | Support / Amend | Support the approach of allowing limited work as a Permitted Activity but greater certainty of the view shaft is required to enable effective implementation of the Rule. Further, and what constitutes the 25m ² allowed – gross floor area or vertical area of a façade (just a front façade?) | Amend rule to improve clarity in implementation. |
| OVR8 | Rules Table | OVR8-R5 | Oppose | Greater certainty for landowners needs to be provided. | Delete rule, or alternatively amend to a Controlled activity with non-notification status so it is clear that new buildings are anticipated and enabled on sites within the overlay, however conditions may be |



| | | | | | |
|------|-------------|----------|--------|--|--|
| | | | | | applied in terms of design. |
| OVR8 | Rules Table | OVR8-R6 | Oppose | Together with a non-complying activity status noting responding to Policy OVR8-P7, which sets out circumstances when demolition <u>can</u> occur, greater discretion is considered appropriate when considering groups of buildings as opposed to individual buildings. | Amend to a Discretionary status |
| OVR8 | Rules Table | OVR8-R9A | Amend | Support the approach of allowing limited work as a Permitted Activity but greater certainty of the view shaft is required to enable effective implementation of the Rule, and what constitutes the 25m ² allowed – gross floor area or vertical area of a façade (just a front façade?) The rule/approach should be more enabling than OVR8-R3A given it applies to non-contributory sites. | Amend |
| OVR8 | Rules Table | OVR8-R11 | Oppose | Greater certainty for landowners needs to be provided. | Delete rule, or alternatively amend to a Controlled activity with non-notification status so it is clear that new buildings are anticipated and enabled on sites within the overlay, however conditions may be |



| | | | | | |
|--|--|--|--|--|-----------------------------|
| | | | | | applied in terms of design. |
|--|--|--|--|--|-----------------------------|

Submission Theme 2: Standards

5. Relief Sought – Standards

| Section | Subsection | Provision | Amend / Oppose / Support | Reasons | Relief sought |
|---------|-----------------|-----------|--------------------------------|--|--|
| MUZ | Standards Table | MUZ-S3(2) | Oppose | A 6m set back from a residential site boundary does not enable optimal use of a site and is considered excessive to maintaining residential amenity when a MUZ-S2 would apply (height in relation to boundary) | Reduce to setback 1 m. |
| MUZ | Standards Table | MUZ-S8(3) | Oppose | Seems excessive for when higher density is encouraged and also impractical for open space areas above ground floors. This rule is also less important in Hawkes Bay than other areas of the country. Shaded outdoor areas can be valuable during the summer. | Amend or delete the requirement for open space to not be south facing. |
| MUZ | Standards Table | MUZ-S9 | Oppose | Seems excessive for when higher density is encouraged | Amend or delete and place as an Assessment Criteria |
| MUZ | Standards Table | MUZ-12 | Oppose | Likely to only allow a single shipping container. In a zone where light industry is provided for the stacking of two | Amend the height limit to allow the stacking of two shipping containers. |



| | | | | | |
|-----|-----------------|---------------|----------------|---|--|
| | | | | shipping containers would not be unreasonable and would be lesser in height than a new building complying with the height limit which may have more significant effects. | |
| MUZ | Standards Table | MUZ-13(2)-(3) | Oppose | Compromises variety in design – risks straight facades with no modulation. | Consider the best tool to achieve the outcome sought and make provision for narrow lots. This may include deleting the standard and relying on assessment criteria for multi-unit developments, or amendments to the standard. |
| MUZ | Standards Table | MUZ-14 | Amend | The purpose relates only to residential activities but would otherwise apply to every activity | Amend to apply to only residential activities. |
| SW | Standards Table | SW-S1 | Oppose / Amend | Significant loss of land and cost for larger development. There needs to be balance between private and public response, and options for when on-site solutions are not a practicable option. Implementation under (5) is not possible without subdivision. | Amend |



Submission Theme 3: Assessment Criteria

6. Relief Sought – Assessment Criteria:

| Section | Subsection | Provision | Amend / Oppose / Support | Reasons | Relief sought |
|---------|---------------------|-----------|--------------------------------|---|---|
| MUZ | Assessment Criteria | MUC-AC1 | Oppose | Not necessary with Rule MUZ-R1 deleted | Delete |
| MUZ | Assessment Criteria | MUC-AC1 | Oppose | Criteria (b) refers to the Hastings Residential Intensification Design Guide. This should not apply to non-residential buildings. | Amend to not apply to non-residential buildings |
| SW | Assessment Criteria | SW-AC1 | Oppose/ Amend | Significant and costly expert assessment would be required to satisfy many of the criteria – increasing resource consenting costs. Too greater / onerous assessment on the wider environment being imposed on individual resource consent applicants. | Review and focus the criteria |

7. *BSL wishes to be heard in support of its submission.*

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

Yours Sincerely

Cameron Drury
Principal Planner, Director
E cam@stradegy.co.nz

