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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:** 15/12/2023

**Submission Reference Number #:**189

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

**Submitter:**

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**I wish to be heard:** No

**I am willing to present a joint case:** No

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

- **No**

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

(a) adversely affects the environment; and

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

- **Yes**

## Submission points

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**Point 189.1**

**Section:** Definitions

**Sub-section: Definitions**

**Provision:**

has the same meaning as in section 218 of the RMA (as below):

means—

- a. any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
  - i. the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
  - ii. a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
- b. any parcel of land or building or part of a building that is shown or identified separately—
  - i. on a survey plan; or
  - ii. on a licence within the meaning of Part 7A of the Land Transfer Act 1952; or
- c. any unit on a unit plan; or
- d. any parcel of land not subject to the Land Transfer Act 1952.

ALLOTMENT

**Sentiment:** Amend

**Submission:**

The definition used in the District Plan **must be** the definition specified within the National Planning Standards, as follows.

**Relief sought**

Amend definition of allotment to the wording required by the National Planning Standards:

<b>allotment</b>	has the same meaning as in section 218 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 10px;"><p>(2) In this Act, the term allotment means—</p><ul style="list-style-type: none"><li>(a) any parcel of land under the Land Transfer Act 2017 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—<ul style="list-style-type: none"><li>(i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or</li><li>(ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or</li></ul></li><li>(b) any parcel of land or building or part of a building that is shown or identified separately—<ul style="list-style-type: none"><li>(i) on a survey plan; or</li><li>(ii) on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017; or</li></ul></li><li>(c) any unit on a unit plan; or</li><li>(d) any parcel of land not subject to the Land Transfer Act 2017.</li></ul><p>(3) For the purposes of subsection (2), an allotment that is—</p><ul style="list-style-type: none"><li>(a) subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 record of title could be issued under that Act; or</li><li>(b) not subject to that Act and was acquired by its owner under 1 instrument of -----</li></ul></div>
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conveyance—

shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.

(4) For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.

## Point 189.2

**Section:** Definitions

**Sub-section:** Definitions

**Provision:**

COMMUNAL OPEN SPACES

means, in relation to developments of five or more residential units or Papakāinga developments, a specified quantity of landscaped land freely available to all residents on the site, exclusive of driveways, buildings, and the private outdoor living space requirements of individual household units.

**Sentiment:** Amend

**Submission:**

The definition as written suggests that communal open space can only be provided when a development contains five or more residential units. There are no rules/standards/or assessment criteria within the plan that would preclude a development of less than 5 units providing communal open space. The definition in the plan should reflect this.

**Relief sought**

Amend to:

COMMUNAL OPEN SPACES

means,  
in relation to developments of five **two** or more residential units or Papakāinga developments, a specified quantity of landscaped land freely available to all residents on the site, exclusive of driveways, buildings, and the private outdoor living space requirements of individual household units.

## Point 189.3

**Section:** Definitions

**Sub-section:** Definitions

**Provision:**

NET SITE AREA

means the total area of the site, but excludes:

- a. any part of the site that provides legal access to another site;
- b. any part of a rear site that provides legal access to that site;
- c. any part of the site used for access to the site;
- d. any part of the site subject to a designation that may be taken or acquired under the

**Sentiment:** Amend

**Submission:**

The definition used in the District Plan **must be** the same as the definition specified within the National Planning Standards.

**Relief sought**

Amend definition to the definition specified within the National Planning Standards, being:

**means the total area of the site, but excludes:**

- (a) any part of the site that provides legal access to another site;**
  - (b) any part of a rear site that provides legal access to that site;**
  - (c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.**
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**Point 189.4**

**Section:** SD - Urban Form and Development

**Sub-section:** Policies

**Provision:**

SD-UFD-P3: Greenfield growth

Ensure that any future expansion of urban limits:

- a. requires indicative public access routes to be vested in Council as part of any subdivision;
- b. avoids urban rezoning in areas with highly productive soils, and
- c. enables the provision of social facilities to meet the diverse demographic and cultural needs of people and communities.

**Sentiment:** Amend

**Submission:**

Without the HPL mapping having been completed, it is uncertain whether it will be possible to provide sufficient development capacity to meet future demand without urban rezoning of highly productive soils. Regardless, this policy as written is contrary to both the NPS-UD and the NPS-HPL which envisage that some HPL land is likely to be required to be rezoned to provide sufficient development capacity within the District.

**Relief sought**

Amend policy wording to be consistent with the NPS-UD and NPS-HPL, as follows:

Ensure that any future expansion of urban limits:

- a. requires indicative public access routes to be vested in Council as part of any subdivision;
- b. ~~avoids~~ **restricts** urban rezoning in areas with highly productive soils **unless**
  - (i) , the urban rezoning is required to provide sufficient development capacity to meet and demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020; and
  - (ii) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity

within the same locality and market while achieving a well-functioning urban environment; and

- (iii) the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values; and
  - c. enables the provision of social facilities to meet the diverse demographic and cultural needs of people and communities.
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#### **Point 189.5**

**Section:** SD - Urban Form and Development

**Sub-section:** Policies

**Provision:**

SD-UFD-P7: Centre zones

Achieve Objective SD-UFD-O4: Economic activity by:

- a. having a hierarchy of centre zones which:
  - i. enables the greatest intensity of development and greater range of activities in the City Centre and Town Centre Zones, and
  - ii. enables a lesser intensity of development and lesser range of activities in the Local Centres and Neighbourhood Centres to meet the needs of the immediate locality.
- b. providing a Large Format Retail Zone which enables retail activities with large floor plates that are unable to be located in Centre Zones.
- c. providing a Mixed Use Zone which enables a range of activities while restricting retail and office activities that would detract from the function of centres.
- d. restricting retail and office activity in other zones including residential and industrial zones.

**Sentiment:** Oppose

**Submission:**

Restricting retail and office activities from establishing outside the City Centre is not consistent with the NPS-UD which promotes well functioning urban environments, and reducing greenhouse gas emissions from car travel. The population of Napier is not sufficient to support reliance on public transport, therefore well functioning urban environments require the ability to access more services and facilities in neighbourhood centres. Mixed use zones in particular should enable the establishment of a range of business and residential activities to support the efficient development of these areas, and reduce reliance on car travel that results when people living in these areas are forced to travel to the city centre each day for employment or to access office based services.

**Relief sought**

Provide for the establishment of the full range of commercial activities in all centre zones and the mixed use zone to support the development of well functioning urban environments.

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#### **Point 189.6**

**Section:** FC - Financial Contributions

**Sentiment:** Amend

**Submission:**

The proposed Stormwater section of the Plan requires that there be no increase in stormwater runoff from a site in association with any subdivision or redevelopment of land. Any subdivision / land development undertaken in accordance with those rules will therefore have no effect on existing stormwater infrastructure, and therefore no financial contributions should be payable for upgrades / new stormwater infrastructure as there will be no work required to accommodate additional demand from future developments. Attempting to charge financial contributions in these circumstances would be clearly contrary to the proposed objectives and policies relating to financial contributions.

### Relief sought

Amend the financial contributions provisions to remove the requirement to pay stormwater contributions where developments will not generate any additional demand on stormwater infrastructure as required by the proposed stormwater rules.

### Point 189.7

**Section:** SW - Stormwater

**Sub-section:** SW - Stormwater - Standards Table

### Provision:

#### SW-S1: Hydraulic mitigation

**All sites with a connection to a public stormwater network**

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

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 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).

#### Matters of discretion are:

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

**Submission:**

the permitted activity standard will be unable to be complied with for any new development and/or redevelopment of land that is not also subject to a subdivision consent, as it is not possible for a consent notice to be registered on a title outside the subdivision process. The requirements as a whole are excessive and likely cost-prohibitive for minor site works, such as new footpaths or outdoor paved areas, and if strictly enforced would ultimately lead to the degradation of the amenity of the district as property owners would not undertake property maintenance works that involved the development and/or redevelopment of impervious surfaces.

**Relief sought**

Delete standard SW-S1, and consequentially also amend rule SW-R5 to reflect that this standard has been deleted.

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**Point 189.8**

**Section:** SUB - Subdivision

**Sub-section:** Objectives

**Provision:**

SUB-O5: Natural hazards

New subdivision reduces, or does not increase, the risks from natural hazards to people, property, and infrastructure.

*Relates to SUB-I2, SUB-I3*

**Sentiment:** Amend

**Submission:**

This provision is inconsistent with the provisions within the RMA relating to natural hazards, in particular, s6 which requires the management of "significant risk" from natural hazards.

**Relief sought**

SUB-O5: Natural hazards

New subdivision reduces, or does not increase, ~~the~~ **any significant** risks from natural hazards to people, property, and infrastructure.

*Relates to SUB-12, SUB-13*

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**Point 189.9**

**Section:** SUB - Subdivision

**Sub-section:** Objectives

**Provision:**

SUB-O6: Subdivision in rural zones

Subdivision of rural land:

- a. protects highly productive land;
- b. ensures rural lifestyle subdivision is contained within the Rural Lifestyle Zone and avoided within the highly productive land in the Rural Productive Zone, and
- c. avoids reverse sensitivity effects between rural activities and sensitive activities.

*Relates to SUB-11, SUB-12, SUB-17*

**Sentiment:** Amend

**Submission:**

The rural zones includes several zones that are not intended or suitable for productive rural farming activities. The objective should clearly distinguish between the expected predominant use of the Rural Productive Zone for productive farming activities, and the expected predominant use of the other rural zones for residential/rural lifestyle activities.

**Relief sought**

SUB-O6: Subdivision in rural zones

Subdivision of rural land:

- a. protects highly productive land **within the Rural Production Zone;**
- b. ensures rural lifestyle subdivision is contained within the Rural Lifestyle Zone and avoided within the highly productive land in the Rural **Production** Productive-Zone, and
- c. avoids reverse sensitivity effects between rural activities **carried out in the Rural Production Zone** and sensitive activities.

*Relates to SUB-11, SUB-12, SUB-17*

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**Point 189.10**

**Section:** SUB - Subdivision



**Sub-section:** Policies

**Provision:**

SUB-P4: Subdivision design is sympathetic to the landscape

Ensure that subdivision design, in both rural and urban areas, responds to the natural landscape by:

- a. locating building platforms and associated infrastructure away from visually prominent areas, and
- b. locating and designing roads, access, building platforms, and infrastructure so that earthworks are minimised and the visual effects associated with them are mitigated.

*Relates to SUB-O1, SUB-O2*

**Sentiment:** Oppose

**Submission:**

If this policy is to be retained, certainty needs to be provided regarding what is meant by 'visually prominent areas'. In urban areas it could be argued that any building platform close to the road is "visually prominent". Requiring mitigation of any visual effects, whether positive or adverse or the degree of the effect (Clause b) suggests that all roads, access, building platforms etc must be completely screened from view, which is clearly not practical or desirable.

**Relief sought**

delete this policy

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**Point 189.11**

**Section:** SUB - Subdivision

**Sub-section:** Policies

**Provision:**

SUB-P8: Access and egress

Manage the number, location, and design of access and egress points to support all of the following:

- a. safety and amenity for pedestrians and cyclists to and from the site and along the street frontage;
- b. visibility of vehicles, pedestrians, and cyclists when exiting the site;
- c. efficient access to the site to minimise queuing within the integrated transportation network;
- d. safe and efficient operation of intersections, and
- e. encourage shared vehicle access by way of rear lanes in urban areas, where appropriate, to avoid the proliferation of vehicle crossings.

*Relates to SUB-O3*

**Sentiment:** Amend

**Submission:**

There is likely to be a conflict between minimising queuing on the road and incorporating shared access in urban areas with large high/medium density developments. Some guidance should be provided as to which should take precedence where such conflicts arise. The policy encourages shared vehicle access "where appropriate" but provides no guidance regarding when this

might be "inappropriate".

**Relief sought**

Amend to clarify how competing outcomes should be balanced, and provide certainty regarding when shared access might be considered appropriate.

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**Point 189.12**

**Section:** SUB - Subdivision

**Sub-section:** Policies

**Provision:**

SUB-P10: Road reserves

Require subdivision to provide sufficient road reserves to accommodate the needs of:

- a. different types of transport modes;
- b. network utilities including provision around low-impact design for road-generated stormwater, and
- c. lighting, street furniture, domestic rubbish disposal and landscaping in a way that will not create future safety, amenity, and/or maintenance issues.

*Relates to SUB-O3*

**Sentiment:** Amend

**Submission:**

This policy would likely only relate to greenfields subdivisions, and should be amended accordingly.

**Relief sought**

Amend to:

SUB-P10: Road reserves

Require **greenfields** subdivision to provide sufficient road reserves to accommodate the needs of:

- a. different types of transport modes;
- b. network utilities including provision around low-impact design for road-generated stormwater, and
- c. lighting, street furniture, domestic rubbish disposal and landscaping in a way that will not create future safety, amenity, and/or maintenance issues.

*Relates to SUB-O3*

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**Point 189.13**

**Section:** SUB - Subdivision

**Sub-section:** Policies

**Provision:**

SUB-P19: Highly productive land

Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive of highly productive land by:

- a. providing for the amalgamation of smaller holdings on highly productive land.
- b. avoiding subdivision for the purpose of rural lifestyle.
- c. allowing subdivision in accordance with Section 3.8 of the National Policy Statement for Highly Productive Land 2022.
- d. providing for subdivision where:
  - i. highly productive land is subject to permanent or long-term constraints in accordance with Section 3.10 of the National Policy Statement for Highly Productive Land 2022;
  - ii. it avoids any significant loss of productive capacity;
  - iii. it avoids the fragmentation of large or geographically cohesive area of highly productive land, and
  - iv. the environmental, social, cultural, and economic benefits outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land, taking into account both tangible and intangible values.

Relates to SUB-O6

**Sentiment:** Amend

**Submission:**

Lifestyle subdivision where the balance land is amalgamated with neighbouring land is an effective means of increasing the size (and therefore overall productive capacity) of landholdings. Boundary relocations of this nature should therefore be encouraged for small landholdings comprising highly productive land.

**Relief sought**

Amend to:

SUB-P19: Highly productive land

Ensure subdivision avoids, if possible, or otherwise mitigates any actual loss or potential cumulative loss of the availability or productive of highly productive land by:

- a. providing for the amalgamation of smaller holdings on highly productive land.
- b. ~~avoiding subdivision for the purpose of rural lifestyle.~~
- c. allowing subdivision in accordance with Section 3.8 of the National Policy Statement for Highly Productive Land 2022.
- d. providing for subdivision where:
  - i. highly productive land is subject to permanent or long-term constraints in accordance with Section 3.10 of the National Policy Statement for Highly Productive Land 2022;
  - ii. it avoids any significant loss of productive capacity;
  - iii. it avoids the fragmentation of large or geographically cohesive area of highly productive land, and
  - iv. the environmental, social, cultural, and economic benefits outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land, taking into account both tangible and intangible values.

Relates to SUB-O6

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**Point 189.14**

**Section:** SUB - Subdivision

**Sub-section:** Policies

**Provision:**

SUB-P20: Small lots in rural production zone

Land fragmentation and/or the creation of allotments for residential and rural lifestyle activities are to be avoided.

*Relates to SUB-06*

**Sentiment:** Oppose

**Submission:**

Lifestyle subdivision where the balance land is amalgamated with neighbouring land is an effective means of increasing the size (and therefore overall productive capacity) of landholdings. The creation of lifestyle sites around existing dwellings through boundary relocations should therefore be encouraged for small landholdings comprising highly productive land.

**Relief sought**

Delete this policy

**Point 189.15**

**Section:** SUB - Subdivision

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

**Provision:**

SUB-R2: Boundary adjustment

**SUB-R2A**

**SUB-R2B**

**Activity Status:** Controlled

**Activity Status where activity conditions are not met:** Discretionary

**Where:**

1. Subdivision involves two or more adjacent sites (which are not separated by any road, rail, river, stream, or watercourse);
2. No new site is created, and no existing site area is changed by more than 10% of its original area;
3. No existing complying lot is rendered non-complying, and no dwelling is severed from its existing site;
4. The adjustment does not result in non-compliance or increase any existing non-compliance with any other rules or standards, and
5. Boundary alterations do not prevent any existing allotment's legal and physical access to a road or limit or interfere with any servicing requirements of any of the sites.

**Matters of control are:**

1. Purpose and objectives and policies of the relevant zone, precinct, and development area;
2. Safe, connected, and efficient transport network;
3. Infrastructure and stormwater;
4. Natural hazards and land stability;
5. Heritage values;
6. Cultural values;
7. Landscape and topographical features;
8. Natural features and indigenous trees and vegetation;
9. Management of construction effects;
10. Management of potential reverse sensitivity effects on existing land uses, and
11. Subdivision chapter assessment criteria.

**Sentiment:** Amend

**Submission:**

This provision should be extended to boundary relocations generally. The requirements that all lots remain complying, and each site retains any existing dwellings and access are sufficient to ensure that new lots are suitable for their intended/future permitted uses. Limiting the area to 10% is not necessary.

**Relief sought**

Amend to:

SUB-R2: Boundary ~~adjustment~~ **relocation**

SUB-R2A

SUB-R2B

**Activity Status:** Controlled

**Activity Status where activity conditions are not met:** Discretionary

**Where:**

1. Subdivision involves two or more adjacent sites (which are not separated by any road, rail, river, stream, or watercourse);
2. No new site is created, ~~and no existing site area is changed by more than 10% of its original area;~~
3. No existing complying lot is rendered non-complying, and no dwelling is severed from its existing site;
4. The adjustment does not result in non-compliance or increase any existing non-compliance with any other rules or standards, and
5. Boundary alterations do not prevent any existing allotment's legal and physical access to a road or limit or interfere with any servicing requirements of any of the sites.

**Matters of control are:**

1. Purpose and objectives and policies of the relevant zone, precinct, and development area;
2. Safe, connected, and efficient transport network;
3. Infrastructure and stormwater;
4. Natural hazards and land stability;
5. Heritage values;
6. Cultural values;
7. Landscape and topographical features;
8. Natural features and indigenous trees and vegetation;
9. Management of construction effects;
10. Management of potential reverse sensitivity effects on existing land uses, and
11. Subdivision chapter assessment criteria.

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**Point 189.16**

**Section:** SUB - Subdivision

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

**Provision:**

SUB-R5: Cross lease title to freehold subdivision

**SUB-R5A**

**SUB-R5B**

**Activity Status:** Controlled

**Activity Status where activity conditions are not met:** Restricted discretionary

**Where:**

**Matters of discretion are:**

1. Subdivision is to create freehold titles from existing cross lease titles;
2. Compliance with SUB-S1 - SUB-S5 (minimum allotment sizes) does not apply, and
3. Compliance with SUB-S6 - SUB-S18 does apply.

1. The matters of control listed for SUB-R5A, and
2. The matters identified in the standards not complied with (SUB-S6 - SUB-S18).

**Matters of control are:**

1. Purpose and objectives and policies of the relevant zone, precinct, and development area;
2. Safe, connected, and efficient transport network;
3. Infrastructure and stormwater;
4. Natural hazards and land stability;
5. Heritage values;
6. Cultural values;
7. Landscape and topographical features;

8. Natural features and indigenous trees and vegetation;
9. Management of construction effects;
10. Management of potential reverse sensitivity effects on existing land uses, and
11. Subdivision chapter assessment criteria.

**Sentiment:** Amend

**Submission:**

Existing cross lease titles contain existing established development. Subdivision of these properties to create freehold titles will not give rise to any change in the existing development or servicing of the land, and therefore compliance with all development standards should be waived.

**Relief sought**

Amend to:

SUB-R5: Cross lease title to freehold subdivision

**SUB-R5A**

**SUB-R5B**

**Activity Status:** Controlled

~~Activity Status where activity conditions are not met:~~ Restricted discretionary

**Where:**

~~Matters of discretion are:~~

1. Subdivision is to create freehold titles from existing cross lease titles;
2. Compliance with SUB-S1 – SUB-S5 (minimum allotment sizes) does not apply, and
3. Compliance with SUB-S6 – SUB-S18 does apply.

1. The matters of control listed for SUB-R5A, and
2. The matters identified in the standards not complied with (SUB-S6 – SUB-S18).

**Matters of control are:**

**1. The extent to which the new boundaries reflect the existing occupation of each of the existing units.**

1. Purpose and objectives and policies of the relevant zone, precinct, and development area;
  2. Safe, connected, and efficient transport network;
  3. Infrastructure and stormwater;
  4. Natural hazards and land stability;
  5. Heritage values;
  6. Cultural values;
  7. Landscape and topographical features;
  8. Natural features and indigenous trees and vegetation;
  9. Management of construction effects;
  10. Management of potential reverse sensitivity effects on existing land uses, and
  11. Subdivision chapter assessment criteria.
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**Point 189.17**

**Section:** SUB - Subdivision

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

**Provision:**

SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation

**SUB-R8A**

**SUB-R8B**

**Activity Status:** Discretionary

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

**Where:**

1. Subdivision is not on highly productive land;
2. Compliance with standards SUB-S6 - SUB-S18;
3. Allotment size of the lifestyle site is within the range of 2,500 m<sup>2</sup> - 5,000 m<sup>2</sup> and contains an existing dwelling;
4. Subdivision results in the amalgamation of the balance area with an adjoining site, so that no additional records of title are created by the subdivision;
5. The amalgamated balance of new sites created exceeds 4 ha, and
6. A consent notice is registered on the record of title confirming there will be no further subdivision of the lifestyle allotment created.

**Sentiment:** Amend

**Submission:**

Lifestyle subdivision where the balance land is amalgamated with neighbouring land is an effective means of increasing the size (and therefore overall productive capacity) of landholdings. Boundary relocations of this nature should therefore be encouraged for small landholdings comprising highly productive land.

**Relief sought**

Amend to:

SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation

**SUB-R8A**

**SUB-R8B**

**Activity Status:** Discretionary

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

**Where:**

1. Subdivision is not on highly productive land;



2. Compliance with standards SUB-S6 - SUB-S18;
3. Allotment size of the lifestyle site is within the range of 2,500 m<sup>2</sup> - 5,000 m<sup>2</sup> and contains an existing dwelling;
4. Subdivision results in the amalgamation of the balance area with an adjoining site, so that no additional records of title are created by the subdivision;
5. The amalgamated balance of new sites created exceeds 4 ha, and
6. A consent notice is registered on the record of title confirming there will be no further subdivision of the lifestyle allotment created.

### Point 189.18

**Section:** SUB - Subdivision

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

**Provision:**

SUB-R12: Subdivision on highly productive land

**Activity Status:** Non-complying NA

**Sentiment:** Oppose

**Submission:**

It is inappropriate to prevent all subdivision of highly productive land.

**Relief sought**

Delete this rule.

### Point 189.19

**Section:** SUB - Subdivision

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

**Provision:**

SUB-S1: Minimum allotment sizes - residential

<p>General Residential Zone, Medium Density Residential Zone, High Density Residential Zone, precincts or overlays not otherwise provided for elsewhere.</p>	<ol style="list-style-type: none"> <li>1. There is no minimum allotment size for the following:               <ol style="list-style-type: none"> <li>a. any allotment with an existing residential unit, if:                   <ol style="list-style-type: none"> <li>i. either the subdivision does not increase the degree of any non-compliance with the District Plan or land use consent has been granted, and</li> <li>ii. no vacant allotments are created.</li> </ol> </li> <li>b. any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application that will be determined</li> </ol> </li> </ol>	<p><b>Activity Status where standards are not met:</b></p> <p>Non-complying</p>
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concurrently if the applicant for the resource consent can demonstrate that:

- i. it is practicable to construct on every allotment within the proposed subdivision a residential unit that complies with the standards of the relevant zone, or land use consent is concurrently sought for the infringement to the relevant standard(s), and
- ii. no vacant allotments are created.

2. A minimum allotment size of 350 m<sup>2</sup> applies to any subdivision that creates new vacant allotments.

Large Lot Residential	1,000 m <sup>2</sup> minimum allotment size with a minimum average allotment size of 3,000 m <sup>2</sup> .	<b>Activity Status where standards are not met:</b> Non-complying
Napier Hill/Mataruahou Amenity Precinct, Marewa Post-War Historic Heritage Overlay, Marewa State Housing Historic Heritage Overlay, Te Awa Bungalow Historic Heritage Overlay, Napier South Historic Heritage Overlay	500 m <sup>2</sup>	<b>Activity Status where standards are not met:</b> Discretionary
Harbour Reserve Historic Heritage Overlay, Tram Shelter Historic Heritage Overlay	150 m <sup>2</sup>	<b>Activity Status where standards are not met:</b> Non-complying
Coronation Street Historic Heritage Overlay	300 m <sup>2</sup>	<b>Activity Status where standards are not met:</b> Non-complying

**Sentiment:** Amend

**Submission:**

Requiring that subdivision within the Large Lot Residential Zone achieves a minimum average allotment size of 3000m<sup>2</sup> is unnecessary, and will prevent the efficient use of the land resource. The most likely outcome from a rule of this nature will be the creation of multiple lots of close to 1000m<sup>2</sup> in size and a large balance site to compensate. The minimum lot size of 1000m<sup>2</sup> will be sufficient to ensure an appropriate density of development while ensuring the efficient use of the available land resource within this zone.

**Relief sought**

Amend to:

<p>General Residential Zone, Medium Density Residential Zone, High Density Residential Zone, precincts or overlays not otherwise provided for elsewhere.</p>	<p>1. There is no minimum allotment size for the following:</p> <ul style="list-style-type: none"> <li>a. any allotment with an existing residential unit, if: <ul style="list-style-type: none"> <li>i. either the subdivision does not increase the degree of any non-compliance with the District Plan or land use consent has been granted, and</li> <li>ii. no vacant allotments are created.</li> </ul> </li> <li>b. any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application that will be determined concurrently if the applicant for the resource consent can demonstrate that: <ul style="list-style-type: none"> <li>i. it is practicable to construct on every allotment within the proposed subdivision a residential unit that complies with the standards of the relevant zone, or land use consent is concurrently sought for the infringement to the relevant standard(s), and</li> <li>ii. no vacant allotments are created.</li> </ul> </li> </ul> <p>2. A minimum allotment size of 350 m<sup>2</sup> applies to any subdivision that creates new vacant allotments.</p>	<p><b>Activity Status where standards are not met:</b> Non-complying</p>
<p>Large Lot Residential</p>	<p>1,000 m<sup>2</sup> minimum allotment size with a minimum average allotment size of 3,000 m<sup>2</sup>.</p>	<p><b>Activity Status where standards are not met:</b> Non-complying</p>
<p>Napier Hill/Mataruahou Amenity Precinct, Marewa Post-War Historic Heritage Overlay, Marewa State Housing Historic Heritage Overlay, Te Awa Bungalow Historic Heritage Overlay, Napier South Historic Heritage Overlay</p>	<p>500 m<sup>2</sup></p>	<p><b>Activity Status where standards are not met:</b> Discretionary</p>
<p>Harbour Reserve Historic Heritage Overlay, Tram Shelter Historic Heritage Overlay</p>	<p>150 m<sup>2</sup></p>	<p><b>Activity Status where standards are not met:</b> Non-complying</p>

**Point 189.20**

**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-complying
Rural Special Control Area	50 ha	<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
Jervoistown Precinct	2,500 m <sup>2</sup>	<b>Activity Status where standards are not met:</b> Prohibited

**Sentiment:** Amend

**Submission:**

Requiring that subdivision achieves a minimum average allotment size of 1.5 ha based on the parent allotment in existence as at 11 November 2000 adds unnecessary complexity when determining subdivision potential, and is inconsistent with both the pattern of subdivision consents granted by Council under the Operative District Plan, and the expected character within a rural residential area.

**Relief sought**

Amend to:

**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,		<b>Activity Status</b>

Mission Productive Rural Precinct	4 ha	<b>where standards are not met:</b> Non-complying
Rural Special Control Area	50 ha	<b>Activity Status where standards are not met:</b> Non-complying
Settlement Zone	800 m <sup>2</sup> fully serviced sites	<b>Activity Status where standards are not met:</b> Non-complying
	1500 m <sup>2</sup> unserviced sites	
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

**Point 189.21**

**Section:** SUB - Subdivision

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

**Provision:**

SUB-S6: Number of allotments

**All general residential, commercial and industrial zones, precincts, and control areas**

The number of new allotments created must not exceed three allotments.

**Matters of discretion:**

1. Street layout;
2. Reserve and open space requirements;
3. Purpose of the relevant zone, precinct, and development area;
4. Adherence to any relevant structure plan;
5. Safe, connected, and efficient transport network;
6. Infrastructure and stormwater;
7. Natural hazards, including liquefaction, land stability, and coastal hazards;
8. Heritage values;
9. Cultural values;
10. Landscape and topographical features;
11. Indigenous trees, mature trees and vegetation;
12. Management of construction effects;
13. Management of potential reverse sensitivity effects on existing land uses;
14. Financial contributions;
15. Compliance with the Code of Practice for Land Development and Subdivision Infrastructure, and
16. Consistency with the Subdivision Design Guide.

**Rural zones, precincts, and control areas**

**Matters of discretion:**

1. Street layout;

The number of new allotments created must not exceed six allotments.

2. Reserve and open space requirements;
3. Purpose of the relevant zone, precinct, and development area;
4. Adherence to any relevant structure plan;
5. Safe, connected, and efficient transport network;
6. Infrastructure and stormwater;
7. Natural hazards, including liquefaction, land stability, and coastal hazards;
8. Heritage values;
9. Cultural values;
10. Landscape and topographical features;
11. Street layout;
12. Context mapping;
13. Connectivity;
14. Open space requirements;
15. Consistency with the Subdivision Design Guide, and
16. Compliance with the Engineering Code of Practice.

**Sentiment:** Amend

**Submission:**

There is a risk that subdivisions will be undertaken in a piecemeal manner to avoid the change in activity status from Controlled to Restricted Discretionary associated with the creation of four or more sites in a residential zone or 7 or more sites in a rural zone.

**Relief sought**

n/a

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**Point 189.22**

**Section:** SUB - Subdivision

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

**Provision:**

SUB-S8: Building platform

**All zones**

1. Each allotment must contain at least one stable, flood-free building platform capable of containing existing and new buildings in compliance with the permitted activity performance standards for the zone where it is located (including building setbacks applicable to that zone), and be suitable for building foundations;
2. Details must be provided of the extent and quantum of earthworks required to create a building platform and access.
3. The building platform must be located outside and exclusive of any:
  - a. Coastal Erosion Hazard Area;
  - b. significant natural area;
  - c. public access corridor;
  - d. archaeological site;
  - e. land required for access or the

**Matters of discretion:**

1. Natural hazards and land stability;
2. Cultural values;
3. Heritage values;
4. Landscape values;
5. Ecological values;
6. Reverse sensitivity;
7. Earthworks;
8. Infrastructure and connectivity, and
9. Productive capacity.

- disposal of stormwater or wastewater,  
and
- f. highly productive land.

**Sentiment:** Amend

**Submission:**

Where vacant sites are created, particularly in rural zones, the land may contain multiple potential building platforms with the potential to require earthworks. It is not appropriate in these situations to require details of any earthworks that might be required to create a building platform and access and this will be determined by the design and location of the building at the time of development.

**Relief sought**

Amend to:

**SUB-S8: Building platform**

**All zones**

1. Each allotment must contain at least one stable, flood-free building platform capable of containing existing and new buildings in compliance with the permitted activity performance standards for the zone where it is located (including building setbacks applicable to that zone), and be suitable for building foundations;
2. ~~Details must be provided of the extent and quantum of earthworks required to create a building platform and access.~~
3. The building platform must be located outside and exclusive of any:
  - a. Coastal Erosion Hazard Area;
  - b. significant natural area;
  - c. public access corridor;
  - d. archaeological site;
  - e. land required for access or the disposal of stormwater or wastewater, and
  - f. highly productive land.

**Matters of discretion:**

1. Natural hazards and land stability;
2. Cultural values;
3. Heritage values;
4. Landscape values;
5. Ecological values;
6. Reverse sensitivity;
7. Earthworks;
8. Infrastructure and connectivity, and
9. Productive capacity.

**Point 189.23**

**Section:** SUB - Subdivision

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

**Provision:**

**SUB-S13: Stormwater treatment and disposal**

**All zones**

**Matters of discretion:**

1. For allotments capable of containing a building, each allotment must

1. Infrastructure

- be designed to manage the treatment, containment, and disposal of stormwater from all impervious or potentially impervious surfaces in accordance with the Code of Practice for Land Development and Subdivision Infrastructure.
2. The means for treatment, containment, and disposal of stormwater must incorporate low impact design principles in accordance with the Code of Practice for Land Development and Subdivision Infrastructure. This will include the use of swale drains, rain gardens, rain tanks, detention tanks, re-use systems, and other methods to minimise stormwater run-off.
  3. Where the means of stormwater disposal is to ground, that area of disposal must not be subject to instability, slippage, or inundation or be used for the disposal of wastewater.
- servicing;
  2. Public health and safety;
  3. Compliance with the Code of Practice for Land Development and Subdivision Infrastructure, and
  4. Environmental benefits (including ecological benefits of the proposed design for stormwater treatment and disposal).

**Sentiment:** Oppose

**Submission:**

it is not practical to require detailed stormwater design for any potential future development of a vacant site at the time of subdivision. This can be more appropriately dealt with at the time of building in accordance with the relevant zone provisions.

**Relief sought**

Delete this standard.

**Point 189.24**

**Section:** SUB - Subdivision

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

**Provision:**

SUB-S17: Indicative public access route

**All Zones**

1. When land is subdivided containing an indicative public access route, Council will require:
  - a. the provision of an easement or vesting of land to secure ongoing public access along the proposed walkway;
  - b. the minimum width of the easement or land vested in a. above must be 10 m;
  - c. the provision of an easement, covenant, or other legally enforceable requirement on the land title restricting buildings from locating within the public access corridor, and
  - d. the provision of a legal mechanism to protect council access to the easement or vested land under a. above to provide for maintenance and development of the indicative public access routes.

**Matters of discretion:**

1. The extent to which key feature public access corridors are compromised;
2. Safety, attractiveness, and connectivity of streets, public access ways, and public open spaces;
3. Public health and safety, and
4. Ecological, landscape, and cultural values.

**Sentiment:** Amend



**Submission:**

The standard should also provide details regarding how compensation will be determined and provided to landowners whose property rights are being affected by the requirement to provide public access through their land.

**Relief sought**

Amend to include details regarding how compensation will be provided by Council for the provision of public access easements.

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**Point 189.25**

**Section:** General

**Sentiment:** Amend

**Submission:**

The purpose of controlled and restricted discretionary activities is to limit the matters that are required to be considered to those matters specifically stated in the Plan as being relevant to the specific activity or rule that is unable to be complied with. Including as a matter over which control or discretion is restricted to essentially the entire plan is not appropriate. If a proposal meets the criteria for consideration as either a controlled or restricted discretionary activity, and the plan has been competently prepared to give effect to those objectives and policies, further specific consideration of objectives and policies should not be necessary in association with applications for resource consent for controlled or restricted discretionary activities.

**Relief sought**

For all sections of the plan, assessment criteria for controlled and restricted discretionary activities are amended to remove any requirement to specifically consider the objectives and policies of the plan.

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**Point 189.26**

**Section:** SUB - Subdivision

**Sub-section:** Assessment criteria

**Provision:**

SUB-AC5: Shape factor (SUB-S11)

*Relevant zone rules and standards*

- a. Whether the applicant provides a concept plan demonstrating how sites created are able to accommodate development in accordance with the relevant district wide and zone provisions.

*Infrastructure and connectivity*

- b. The extent to which the site would prevent connectivity with adjoining sites, in particular transport, cycling, pedestrian, and infrastructure servicing.

**Sentiment:** Amend

**Submission:**

This should specify that the assessment criteria only relate to subdivisions where the shape factor standard is not met.

Compliance with the shape factor standard itself should be sufficient to achieve these requirements.

**Relief sought**

Amend to:

SUB-AC5: **Subdivision not meeting** Shape factor **standard** (SUB-S11)

*Relevant zone rules and standards*

- a. Whether the applicant provides a concept plan demonstrating how sites created are able to accommodate development in accordance with the relevant district wide and zone provisions.

*Infrastructure and connectivity*

- a. The extent to which the site would prevent connectivity with adjoining sites, in particular transport, cycling, pedestrian, and infrastructure servicing.
- 

**Point 189.27**

**Section:** SUB - Subdivision

**Sub-section:** Assessment criteria

**Provision:**

SUB-AC6: Indicative public access route (SUB-S17)

- a. Whether there are alternative practicable options for alignment of the public access route and the measures to protect these.
- b. The extent to which future development will ensure there are no impediments to maintaining ongoing public access along the indicative public access route.

**Sentiment:** Amend

**Submission:**

Assessment criteria should clearly state that they only apply where the relevant standard is not met.

**Relief sought**

Amend to:

SUB-AC6: **Subdivision not meeting** Indicative public access route **standard** (SUB-S17)

- a. Whether there are alternative practicable options for alignment of the public access route and the measures to protect these.
  - b. The extent to which future development will ensure there are no impediments to maintaining ongoing public access along the indicative public access route.
- 

**Point 189.28**

**Section:** NFL - Natural Features and Landscape

**Sub-section:** NFL - Natural Features and Landscapes - Rules Table

**Provision:**

NFL-R2: Buildings or structures within an outstanding natural feature and special character feature

**NFL-R2A**

**NFL-R2B**

**Activity Status:** Permitted

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

**Where:**

1. No part of a building or structure:
  - a. exceeds 3 m in height;
  - b. has a reflectance value no greater than 30% within Groups A, B, or C within BS5252 standard colour palette for the exterior finish of the building or structure;
  - c. gross floor area does not exceed 10 m<sup>2</sup>, and
  - d. compliance with all other building permitted activity standards in the underlying zone.

**Sentiment:** Amend

**Submission:**

No provision is made for the use of natural / unpainted materials in buildings.

**Relief sought**

Amend to allow the use of natural materials.

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**Point 189.29**

**Section:** NFL - Natural Features and Landscape

**Sub-section:** NFL - Natural Features and Landscapes - Rules Table

**Provision:**

NFL-R3: Buildings or structures within a special character landscape (excluding the Special Purpose Airport Zone)

**NFL-R3A**

**NFL-R3B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. No part of a building or structure:

- a. exceeds 3 m in height;
- b. has a reflectance value no greater than 30% within Groups A, B, or C within BS5252 standard colour palette for the exterior finish of the building or structure;
- c. gross floor area does not exceed 300 m<sup>2</sup>, and
- d. compliance with all other building permitted activity standards in the underlying zone.

1. Visual impact;
2. Landscape values, and
3. Cultural values.

**Notification Status:** Any application under this rule is precluded from being publicly notified.

**Sentiment:** Amend

**Submission:**

Clause b of this rule as written would require resource consent as a Restricted Discretionary activity for any building containing windows or using natural, unpainted, materials.

**Relief sought**

Amend to provide for windows in buildings as a permitted activity, and the use of unpainted materials that meet the reflectance value. Also amend wording to clarify the requirement that no part of a building has a reflectance value ~~no~~ greater than 30%.

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**Point 189.30**

**Section:** RPROZ - Rural Production Zone

**Sub-section:** Policies

**Provision:**

RPROZ-P3: Rural character and amenity

Rural areas retain a sparse building density, open rural character, natural features, amenity values, and a sense of openness, with the elements that characterise an area as Rural Production Zone including:

- a. a landscape dominated by openness and vegetation;
- b. significant visual separation between residential buildings on neighbouring properties;
- c. buildings are generally integrated into a predominantly natural setting, and
- d. there are natural character elements of waterways, waterbodies, indigenous vegetation and natural landforms, including the coastal environment.

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

**Sentiment:** Amend

**Submission:**

The separation between residential buildings on properties is a private matter between neighbours by virtue of the Deemed Permitted Boundary Activity provisions of the RMA, and is not something that can be dictated by Council.

**Relief sought**

Amend to:

### RPROZ-P3: Rural character and amenity

Rural areas retain a sparse building density, open rural character, natural features, amenity values, and a sense of openness, with the elements that characterise an area as Rural Production Zone including:

- a. a landscape dominated by openness and vegetation;
- b. ~~significant visual separation between residential buildings on neighbouring properties;~~
- c. buildings are generally integrated into a predominantly natural setting, and
- d. there are natural character elements of waterways, waterbodies, indigenous vegetation and natural landforms, including the coastal environment.

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

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#### Point 189.31

**Section:** RPROZ - Rural Production Zone

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

#### Provision:

RPROZ-R2: Primary production activities within highly productive land

#### RPROZ-R2A

**Activity Status:** Permitted

#### Where:

1. The activity and any building or structure complies with all the Rural Production Zone Standards, and
2. The activity is a land-based primary production activity.

#### RPROZ-R2B

**Activity Status where conditions and standards of RPROZ-R2A are not met:** Restricted Discretionary

#### Where:

1. The activity is a supporting activity, and
2. The application complies with RPROZ-R2-REQ1.

#### RPROZ-R2-REQ1

1. Any application under rule RPROZ-R2A must include a productive capacity assessment report prepared by a suitably qualified and experienced soil scientist which shall address the following matters:
  - a. a plan identifying the productive capacity of the site, and
  - b. evaluation and evidence to confirm that the subdivision will not result in the

cumulative loss of the availability and productive capacity of highly productive land within the district.

**Matters of discretion are:**

1. Scale and intensity of land use;
2. Rural characteristics and economic significance;
3. Ecological, aquatic, cultural and natural values;
4. Risk to public health and safety, and the environment;
5. Fire and pest control;
6. Cumulative effects;
7. Setback distances from the property boundary, Ahuriri Estuary, any watercourse or open drain;
8. The effects on the shading, outlook and amenity of the neighbouring properties;
9. The effects on the open rural character of the zone; and
10. The effects on the maintenance, use and development of a watercourse or open drain.

**Activity Status where conditions and standards of RPROZ-R2B are not met:** Non-complying.

**Sentiment:** Amend

**Submission:**

With regard to RPROZ-R2-REQ1 - it is inappropriate to require evidence to confirm that subdivision will not result in adverse effects in association with applications for land use consent that do not include subdivision.

**Relief sought**

Remove the requirement to evaluate the effects of subdivision where no subdivision is proposed.

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**Point 189.32**

**Section:** RPROZ - Rural Production Zone

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

**Provision:**

RPROZ-R3: Rural industry and associated buildings and structures

**RPROZ-R3A**

**RPROZ-R3B**

**Activity Status:** Permitted

**Activity Status where conditions and**

**Where:**

1. The activity complies with all the Rural Production Zone Standards except RPROZ-S1 Yards, RPROZ-S4 Height, and RPROZ-S5 Building coverage;
2. Any outdoor storage associated must be screened from view of any adjacent sites and public open space;
3. Any building or structure must be a minimum of 15 m from any site boundary;
4. Any building or structure is no more than 15 m in height;
5. The maximum gross floor area of any building is 700m<sup>2</sup>, and
6. The activity is located within highly productive land and is a supporting activity.

**Matters of discretion are:**

1. Scale and intensity of land use;
2. Rural characteristics and economic significance;
3. Ecological, aquatic, and natural values;
4. Risk to public health and safety and the environment;
5. Fire and pest control;
6. Cultural, ecological, and aquatic values;
7. Cumulative effects;
8. Setback distances from the property boundary, Ahuriri estuary, any watercourse, or open drain;
9. The effects on the shading, outlook, and amenity of the neighbouring properties;
10. The effects on the open rural character of the zone, and
11. The effects on the maintenance, use, and development of a watercourse or open drain.

**Activity Status where conditions and standard of RPROZ-R3B are not met:** Non-complying

**Sentiment:** Amend

**Submission:**

This rule as written requires restricted discretionary resource consent for any rural industry and associated buildings and structures on land that is not highly productive land.

**Relief sought**

Amend to:

RPROZ-R3: Rural industry and associated buildings and structures

**RPROZ-R3A**

**Activity Status:** Permitted

**Where:**

1. The activity complies with all the Rural Production Zone Standards except RPROZ-S1 Yards, RPROZ-S4 Height, and RPROZ-S5 Building coverage;
2. Any outdoor storage associated must be screened from view of any

**RPROZ-R3B**

**Activity Status where conditions and standards are not met:** Restricted Discretionary

**Matters of discretion are:**

1. Scale and intensity of land use;
2. Rural characteristics and economic significance;

- adjacent sites and public open space;
- 3. Any building or structure must be a minimum of 15 m from any site boundary;
- 4. Any building or structure is no more than 15 m in height;
- 5. The maximum gross floor area of any building is 700m<sup>2</sup>, and
- 6. The **if the** activity is located within highly productive land, **it** and is a supporting activity.

- 3. Ecological, aquatic, and natural values;
- 4. Risk to public health and safety and the environment;
- 5. Fire and pest control;
- 6. Cultural, ecological, and aquatic values;
- 7. Cumulative effects;
- 8. Setback distances from the property boundary, Ahuriri estuary, any watercourse, or open drain;
- 9. The effects on the shading, outlook, and amenity of the neighbouring properties;
- 10. The effects on the open rural character of the zone, and
- 11. The effects on the maintenance, use, and development of a watercourse or open drain.

**Activity Status where conditions and standard of RPROZ-R3B are not met:** Non-complying

**Point 189.33**

**Section:** RPROZ - Rural Production Zone

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

**Provision:**

RPROZ-R5: Residential activities and associated buildings and structures (excluding minor residential units)

**RPROZ-R5A**

**Activity Status:** Permitted

**Where:**

- 1. The activity complies with all of the Rural Production Zone Standards.
- 2. One residential unit per site where the net site area of the site is larger than 2,500 m<sup>2</sup>.
- 3. The activity is not located on highly productive land.

**RPROZ-R5B**

**Activity Status where condition 3 is not met:** Restricted Discretionary

**Where:**

- 1. The activity is ancillary to land-based primary production activity within the same site.
- 2. The application complies with RPROZ-R5B-REQ1.

**RPROZ-R5B- REQ1**

- 1. Any application under rule RPROZ-R5A must include a productive capacity assessment report prepared by a suitably qualified and experienced soil scientist which shall address the following matters:



- a. a plan identifying the productive capacity of the site, and
- b. evaluation and evidence to confirm that the subdivision will not result in the cumulative loss of the availability and productive capacity of highly productive land within the district.

**Matters of discretion are:**

1. Scale and intensity of land use;
2. Consistency with the scale and character of the rural environment;
3. Location, scale and design of buildings or structures;
4. Whether or not the activity will result in the cumulative loss of the availability of the productive capacity of highly productive land;
5. Whether or not the activity will have actual or potential reverse sensitivity effects on land-based primary production activities;
6. Setback distances from the property boundary, Ahuriri Estuary, any watercourse or open drain;
7. The effects of shading, outlook and amenity of the neighbouring properties;
8. The effects on the open character of the zone;
9. The effects on the maintenance, use and development of a watercourse or open drain; and
10. The capacity of the site to cater for on-site infrastructure associated with the proposed activity.

**RPROZ-R5C**

**Activity Status where conditions of RPROZ-R4B 1 and 2 are not met: Non-complying**

**Sentiment:** Amend

**Submission:**

The construction of one dwelling on a rural property to provide accommodation for the owner or farm manager is specifically anticipated by the NPS-HPL as a supporting activity. It is inappropriate to prevent the owner of a property from residing on their land, or where they reside elsewhere, providing on-site farm manager accommodation for security.

The permitted size of buildings for supporting activities is appropriately controlled by Standard RPROZ-S5 – Building coverage.

*Note: if it is Council's intention to adopt a district plan that is inconsistent with the NPS-HPL, the reference to "subdivision" should be removed from any evaluation report required to support an application for land use consent.*

**Relief sought**

Amend to:

RPROZ-R5: Residential activities and associated buildings and structures (excluding minor residential units)

**RPROZ-R5A**

**Activity Status:** Permitted

**Where:**

1. The activity complies with all of the Rural Production Zone Standards.
2. One residential unit per site where the net site area of the site is larger than 2,500 m<sup>2</sup>.
3. The activity is not located on highly productive land.

**RPROZ-R5B**

~~Activity Status where condition 3 is not met:~~  
~~Restricted-Discretionary~~

~~Where:~~

- ~~1. The activity is ancillary to land-based primary production activity within the same site.~~
- ~~2. The application complies with RPROZ-R5B-REQ1.~~

~~RPROZ-R5B-REQ1~~

- ~~1. Any application under rule RPROZ-R5A must include a productive capacity assessment report prepared by a suitably qualified and experienced soil scientist which shall address the following matters:~~
  - ~~a. a plan identifying the productive capacity of the site, and~~
  - ~~b. evaluation and evidence to confirm that the subdivision will not result in the cumulative loss of the availability and productive capacity of highly productive land within the district.~~

~~Matters of discretion are:~~

- ~~1. Scale and intensity of land use;~~
- ~~2. Consistency with the scale and character of the rural environment;~~
- ~~3. Location, scale and design of buildings or structures;~~
- ~~4. Whether or not the activity will result in the cumulative loss of the availability of the productive capacity of highly productive land;~~
- ~~5. Whether or not the activity will have actual or potential reverse sensitivity effects on land-based primary production activities;~~
- ~~6. Setback distances from the property~~

boundary, Ahuriri Estuary, any watercourse or open drain;

7. The effects of shading, outlook and amenity of the neighbouring properties;
8. The effects on the open character of the zone;
9. The effects on the maintenance, use and development of a watercourse or open drain; and
10. The capacity of the site to cater for on-site infrastructure associated with the proposed activity.

## RPROZ-R5C

**Activity Status where conditions of RPROZ-R4B 1 and 2 are not met:** Non-complying

### Point 189.34

**Section:** RPROZ - Rural Production Zone

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

#### Provision:

RPROZ-R6: Minor residential unit

#### RPROZ-R6A

**Activity Status:** Permitted

#### Where:

1. The activity complies with all of the Rural Production Zone standards.
2. One minor residential unit per site where the site is larger than 5,000 m<sup>2</sup>; and
  - a. The minor residential residential unit is less than 80 m<sup>2</sup> in gross floor area;
  - b. The minor residential unit shares access with the primary residential unit onsite.
3. The activity is not located on Highly Productive Land.

#### RPROZ-R6B

**Activity Status where condition RPROZ-R6A 3 is not met:** Restricted discretionary

#### Where:

1. The activity is ancillary to the land-based primary production activity within the same site.
2. The application complies with RPROZ-R6B-REQ1

#### RPROZ-R6B-REQ1

1. Any application under rule RPROZ-R6A must include a productive capacity assessment report prepared by a suitably qualified and experienced soil scientist which shall address the following matters:
  - a. a plan identifying the productive

- capacity of the site, and
- b. evaluation and evidence to confirm that the subdivision will not result in the cumulative loss of the availability and productive capacity of highly productive land within the district.

**Matters of discretion are restricted to:**

1. Scale and intensity of land use;
2. Consistency with the scale and character of the rural environment;
3. Location, scale and design of buildings or structures;
4. Whether or not the activity will result in the cumulative loss of the availability of the productive capacity of highly productive land;
5. Whether or not the activity will have actual or potential reverse sensitivity effects on land-based primary production activities;
6. Setback distances from the property boundary, Ahuriri Estuary, any watercourse or open drain;
7. The effects of shading, outlook and amenity of the neighbouring properties;
8. The effects on the open character of the zone;
9. The effects on the maintenance, use and development of a watercourse or open drain; and
10. The capacity of the site to cater for on-site infrastructure associated with the proposed activity.

**RPROZ-R6C**

**Activity status where conditions of RPROZ-R6A 1 and 2 and RPROZ-R6B 1 and 2 are not met: Non complying**

**Sentiment:** Amend

**Submission:**

As above – a minor residential provides for supporting activities on the site.

**Relief sought**

Amend to:

RPROZ-R6: Minor residential unit

**RPROZ-R6A**

**RPROZ-R6B**

**Activity Status:** Permitted

**Where:**

1. The activity complies with all of the Rural Production Zone standards.
2. One minor residential unit per site where the site is larger than 5,000 m<sup>2</sup>; and
  - a. The minor residential residential unit is less than 80 m<sup>2</sup> in gross floor area;
  - b. The minor residential unit shares access with the primary residential unit onsite.
3. ~~The activity is not located on Highly Productive Land.~~

~~**Activity Status where condition RPROZ-R6A 3 is not met:** Restricted discretionary~~

~~**Where:**~~

- ~~1. The activity is ancillary to the land-based primary production activity within the same site.~~
- ~~2. The application complies with RPROZ-R6B-REQ1~~

~~**RPROZ-R6B-REQ1**~~

- ~~1. Any application under rule RPROZ-R6A must include a productive capacity assessment report prepared by a suitably qualified and experienced soil scientist which shall address the following matters:
  - ~~a. a plan identifying the productive capacity of the site, and~~
  - ~~b. evaluation and evidence to confirm that the subdivision will not result in the cumulative loss of the availability and productive capacity of highly productive land within the district.~~~~

~~**Matters of discretion are restricted to:**~~

- ~~1. Scale and intensity of land use;~~
- ~~2. Consistency with the scale and character of the rural environment;~~
- ~~3. Location, scale and design of buildings or structures;~~
- ~~4. Whether or not the activity will result in the cumulative loss of the availability of the productive capacity of highly productive land;~~
- ~~5. Whether or not the activity will have actual or potential reverse sensitivity effects on land-based primary production activities;~~
- ~~6. Setback distances from the property boundary, Ahuriri Estuary, any watercourse or open drain;~~
- ~~7. The effects of shading, outlook and amenity of the neighbouring properties;~~
- ~~8. The effects on the open character of the zone;~~
- ~~9. The effects on the maintenance, use and development of a watercourse or open drain; and~~

10. The capacity of the site to cater for on-site infrastructure associated with the proposed activity.

## RPROZ-R6C

Activity status where conditions of RPROZ-R6A 1 and 2 and RPROZ-R6B 1 and 2 are not met: Non complying

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### Point 189.35

**Section:** RPROZ - Rural Production Zone

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

**Provision:**

RPROZ-R10: Travellers' accommodation

**Activity Status:** Non-complying

NA

**Sentiment:** Amend

**Submission:**

The name of the rule should be amended to "Visitor Accommodation" to be consistent with the definitions provided within the District Plan.

Existing buildings should be able to be used for this purpose without the need to first obtain a resource consent.

**Relief sought**

Amend to:

RPROZ-R10: Travellers' **Visitors** accommodation

**Activity Status:** Non-complying

NA

**RPROZ-R10A**

Activity Status: ~~Non-Complying~~ **Permitted**

**Where:**

1. **The activity is being carried out within an existing residential building.**

**Point 189.36**

**Section:** RPROZ - Rural Production Zone

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

**Provision:**

RPROZ-R12: Home business

**RPROZ-R12A**

**RPROZ-R12B**

**Activity Status:** Permitted

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

**Where:**

**Matters of discretion are:**

1. The activity complies with all of the Rural Production Zone Standards;
2. The site must be occupied by a residential building and used for residential activities by the person or persons living on the site as their principal place of residence;
3. No more than three persons work on the site who reside outside the dwelling unit;
4. At all times, the home business must remain incidental and secondary to the use of any buildings for residential purposes;
5. The area of the home occupation must not exceed 30% of the gross floor area of the dwelling unit if located within the dwelling unit and/or 80 m<sup>2</sup> if located in an accessory building;
6. Any external storage must be screened from view of any adjacent properties and public open space;
7. Retailing of goods must not occur from the site, and
8. The activity is not located on highly productive land.

1. Scale and intensity of land use;
2. Rural characteristics and economic significance;
3. Scale, height, bulk, setbacks, and built form;
4. Risk to public health and safety and the environment;
5. The cumulative effects of non-compliance with more than one standard;
6. The effects on rural character;
7. The effects on public health and safety;
8. The effects on amenity values;
9. The effects on traffic safety;
10. The type, frequency, and timing of traffic;
11. Any nuisance effects, and
12. The effects on matters of reverse sensitivity.

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

**Sentiment:** Amend

**Submission:**

Home occupations are frequently carried out within an existing dwelling / accessory building. In this case it is irrelevant whether the existing building has been established on highly productive land, and this in itself should not be a trigger for requiring resource consent.

**Relief sought**

Amend to:

RPROZ-R12: Home business

**RPROZ-R12A**

**Activity Status:** Permitted

**Where:**

1. The activity complies with all of the Rural Production Zone Standards;
2. The site must be occupied by a residential building and used for residential activities by the person or persons living on the site as their principal place of residence;
3. No more than three persons work on the site who reside outside the dwelling unit;
4. At all times, the home business must remain incidental and secondary to the use of any buildings for residential purposes;
5. The area of the home occupation must not exceed 30% of the gross floor area of the dwelling unit if located within the dwelling unit and/or 80 m<sup>2</sup> if located in an accessory building;
6. Any external storage must be screened from view of any adjacent properties and public open space;
7. Retailing of goods must not occur from the site, and
8. The activity is not located on highly productive land, **or will be carried out within an existing building.**

**RPROZ-R12B**

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

**Matters of discretion are:**

1. Scale and intensity of land use;
2. Rural characteristics and economic significance;
3. Scale, height, bulk, setbacks, and built form;
4. Risk to public health and safety and the environment;
5. The cumulative effects of non-compliance with more than one standard;
6. The effects on rural character;
7. The effects on public health and safety;
8. The effects on amenity values;
9. The effects on traffic safety;
10. The type, frequency, and timing of traffic;
11. Any nuisance effects, and
12. The effects on matters of reverse sensitivity.

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

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**Point 189.37**

**Section:** RPROZ - Rural Production Zone

**Sub-section:** RPROZ - Rural Production Zone - Standards Table

**Provision:**

RPROZ-S3: Setback from highly productive land

- Rural Production Zone**
1. No residential activity is located closer than 30 m from highly productive land.

**Purpose:** to protect highly productive land and avoid reverse sensitivity effects to



*land-based primary  
productive activities.*

**Sentiment:** Oppose

**Submission:**

A 30m setback from the boundary of any highly productive land is excessive, and not necessary protect against reverse sensitivity effects from residential activities. The setbacks required under standard RPROZ-S1 are sufficient. The setback should also relate only to highly productive land on an adjoining title. It is neither sensible nor practical to require a residential activity to be located 30m from highly productive land contained within the same property.

**Relief sought**

Delete this standard

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**Point 189.38**

**Section:** RLZ - Rural Lifestyle Zone

**Sub-section:** Policies

**Provision:**

RLZ-P4: Manage development in the Rural Lifestyle Zone

Use and development does not degrade the values associated with the rural environment by:

- a. reducing the productive capacity of highly productive land and soils;
- b. locating development on highly productive land or versatile soils suitable for productive production;
- c. diminishing biodiversity, natural character, or environmental qualities;
- d. disrupting ecological corridors between ecosystems;
- e. restricting access to waterbodies;
- f. compromising landscapes and their characteristics;
- g. degrading historic heritage features;
- h. adversely impacting on cultural values, and
- i. degrading rural amenity values.

*Relates to RLZ-O1, RLZ-O2, RLZ-O3, RLZ-O4, and RLZ-O5*

**Sentiment:** Amend

**Submission:**

The availability of "highly productive land" for productive purposes is removed by virtue of zoning of land as Rural Production Zone land. Specifically, the District Plan proposes to adopt the definition of Highly Productive land in the NPS-HPL, which states that land is only considered highly productive land if it is zoned general rural or rural production. Development of Rural Production Zoned land therefore cannot have any impact on the productive capacity of highly productive land.

**Relief sought**

Amend to:

RLZ-P4: Manage development in the Rural Lifestyle Zone

Use and development does not degrade the values associated with the rural environment by:

- a. reducing the productive capacity of highly productive land and soils;
- b. locating development on highly productive land or versatile soils suitable for productive production;
- c. diminishing biodiversity, natural character, or environmental qualities;
- d. disrupting ecological corridors between ecosystems;
- e. restricting access to waterbodies;
- f. compromising landscapes and their characteristics;
- g. degrading historic heritage features;
- h. adversely impacting on cultural values, and
- i. degrading rural amenity values.

*Relates to RLZ-O1, RLZ-O2, RLZ-O3, RLZ-O4, and RLZ-O5*

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**Point 189.39**

**Section:** RLZ - Rural Lifestyle Zone

**Sub-section:** Policies

**Provision:**

RLZ-P6: Cumulative effects

Use and development of the Rural Lifestyle Zone do not have adverse cumulative effects, that:

- deplete the versatility and productivity of the soil resource, highly productive land, or natural resources;
- avoid adverse effects on outstanding natural features, and
- mitigate impacts on significant landscapes, biodiversity, and/or heritage and cultural values.

*Relates to RLZ-O2, RLZ-O3, and RLZ-O5*

**Sentiment:** Amend

**Submission:**

Land within the Rural Lifestyle zone is intended to be developed and used for rural lifestyle purposes.

**Relief sought**

Amend to:

RLZ-P6: Cumulative effects

Use and development of the Rural Lifestyle Zone do not have adverse cumulative effects, that:

- deplete the versatility and productivity of the soil resource, highly productive land, or natural resources;
- avoid adverse effects on outstanding natural features, and
- mitigate impacts on significant landscapes, biodiversity, and/or heritage and cultural values.

*Relates to RLZ-O2, RLZ-O3, and RLZ-O5*

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## Point 189.40

**Section:** RLZ - Rural Lifestyle Zone

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

### Provision:

RLZ-S3: Setback from highly productive land

#### Rural Lifestyle Zone

**Purpose:** to protect highly productive land and avoid reverse sensitivity effects to land-based primary production activities.

1. No residential activity is located closer than 30 m from highly productive land.

**Sentiment:** Oppose

### Submission:

A 30m setback from the boundary of any land within the Rural Productive Zone comprising highly productive land is excessive, and not necessary protect against reverse sensitivity effects from residential activities. The setbacks required under standard RLZ-S2 are sufficient.

### Relief sought

Delete this standard.

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## Point 189.41

**Section:** RLZ - Rural Lifestyle Zone

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

### Provision:

RLZ-S4: Setback from land-based primary production

#### Rural Lifestyle Zone

1. No residential activity is located closer than 30 m from an existing lawfully established land-based primary production activity.

**Purpose:** to protect rural activities and avoid reverse sensitivity effects to land-based primary production activities.

**Sentiment:** Oppose

### Submission:

A 30m setback from the boundary of any land-based primary production activity is excessive, and not necessary protect against reverse sensitivity effects from residential activities. The setbacks required under standard RLZ-S2 are sufficient.

### Relief sought

**Point 189.42**

**Section:** RLZ - Rural Lifestyle Zone

**Sub-section:** Assessment criteria - Rural Lifestyle Zone

**Provision:**

RLZ-AC2: All land uses

*Rural character*

- a. The extent to which the activity is compatible with the sparsely built-up character of a rural environment, including:
  - i. an environment that is characterised by low-density built form, fewer buildings, hard surfaces, and outdoor storage areas;
  - ii. areas of vegetation, natural features, and open space;
  - iii. small scale agricultural, pastoral, and horticultural activities;
  - iv. the layout, scale, materials and characteristics of buildings are consistent with a rural setting;
  - v. the large setbacks and spaces between buildings, and
  - vi. compatibility with rural amenity.

*Height, scale, bulk, and built form*

- b. The extent to which the positioning, bulk, and building design could have adverse effects on rural character and amenity.
- c. The extent to which the site layout and use of spaces maintain adequate levels of privacy in adjacent properties.
- d. Whether the activity will dominate or cause reduced access to sunlight or daylight, increase shading on indoor and outdoor living spaces at adjacent residential properties, taking account of the extent of any overshadowing, the intended use of spaces and the position of outdoor living spaces, or main living areas in residential buildings.
- e. Whether the activity will have adverse effects on the outlook from adjoining properties.
- f. The scale of buildings, structures, or storage and the effects on the character of any adjoining residential property.
- g. The effects of any landscaping and trees proposed within the site or on the boundary of the site in mitigating adverse visual effects.

*Infrastructure services, capacity, and stormwater management*

- h. Whether adequate provision is made for water supply and stormwater disposal.
- i. Whether adequate provision is made for the disposal of waste and effluent.
- j. The extent to which the land use has avoided, remedied, or mitigated any adverse effects on the environment (including human health and safety) or infrastructural services.
- k. Whether the method of disposal of wastewater is effective or has potential to impact on other properties and avoids or reduces contamination.

*Risk to public health and safety and the environment*

- l. Whether the use, storage, or method of disposal of any wastewater, trade waste, solid material, and/or liquid leachate controls the risk to public health and safety and the environment.
- m. The area of impervious surface and whether the methods to avoid accidental discharges to ground or water are reliable.
- n. Whether the volume of water or rate and composition of discharges may have adverse effects on the Council's reticulated trade waste, wastewater, and stormwater network infrastructure.

**Sentiment:** Amend

**Submission:**

The rural lifestyle zone is intended for rural residential development. Assessment criteria relating to effects on productive and versatile land or whether activities are compatible with activities more appropriately carried out within the Rural Production Zone are not relevant to the development and use of this land. Assessment of effects on amenity should be restricted to effects on the amenity of the zone in which the activity is proposed to be carried out.

**Relief sought**

Amend RLZ-AC2 (r), (u) and (x) as follows:

~~r. Whether the use of development is located on and utilises productive or versatile land.~~

u. Whether the establishment and operation of the land use would have adverse effects on the amenity of the ~~Rural, Rural Lifestyle or Settlement Zones.~~

x. Whether activities will complement primary production (agriculture, horticulture, and/or viticulture activities) and contribute to the social, cultural, and economic wellbeing of the community.

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**Point 189.43**

**Section:** RLZ - Rural Lifestyle Zone

**Sub-section:** Assessment criteria for particular land uses

**Provision:**

RLZ-AC3: Seasonal workers accommodation

- a. The capacity for providing water and waste services on site.
- b. Whether buildings and structures are compatible with rural amenity, of a similar design and scale to those used for rural activities, and vehicle parking and storage areas are screened from adjacent properties by fencing and/or landscaping.
- c. The extent to which the land use is consistent with and supports primary production or may result in conflict with rural activities, rural production, or rural industry.
- d. Whether the scale and design of the proposed building complements the character of the area.
- e. Whether the siting of the activity will impact on the amenity of the adjoining property.
- f. Whether traffic generation associated with the number of occupants will adversely impact on the road network.

**Sentiment:** Amend

**Submission:**

Residential activities are expected to be the predominant use within a rural lifestyle zone. It is not necessary to consider potential conflicts with primary production activities in association with the proposed establishment of seasonal workers accommodation in this zone.

**Relief sought**

Amend to:

RLZ-AC3: Seasonal workers accommodation

- a. The capacity for providing water and waste services on site.
- b. Whether buildings and structures are compatible with rural amenity, of a similar design and scale to those used for rural activities, and vehicle parking and storage areas are screened from adjacent properties by fencing and/or landscaping.
- c. ~~The extent to which the land use is consistent with and supports primary production or may result in conflict with rural activities, rural production, or rural industry.~~
- d. Whether the scale and design of the proposed building complements the character of the area.
- e. Whether the siting of the activity will impact on the amenity of the adjoining property.

- f. Whether traffic generation associated with the number of occupants will adversely impact on the road network.
- 

**Point 189.44**

**Section:** RLZ - Rural Lifestyle Zone

**Sub-section:** Assessment criteria for particular land uses

**Provision:**

RLZ-AC4: Residential care facilities, retirement complexes, travellers' accommodation, day care centres, and education facilities

*Compatibility with rural land use*

- a. Whether the impact of the scale and intensity of the use is compatible with surrounding rural land uses.
- b. Whether the land use's hours of operation would adversely affect the amenity, health, safety, and wellbeing of surrounding land uses and residents.
- c. Whether the volume of traffic likely to be attracted to the site is likely to cause an effect on the neighbouring people and environment, including the road network and traffic safety and efficiency.
- d. Whether the site is a suitable size for the type and number of persons being catered or cared for.
- e. Whether the proposed land use will have an adverse effect on any sites of significance to Māori, cultural values, or heritage values of the area.
- f. Whether the land use will contribute to the social, cultural, and economic well-being of the community, including for the purposes of diversifying land uses complementing primary production such as agriculture, horticulture, and/or viticulture activities.
- g. Whether the land use will contribute to the efficient use and/or development of natural and physical resources within the city and the availability of alternative sites and locations in an appropriate zone.
- h. The extent to which the land use may enhance amenity values and have positive effects on the surrounding environment and wider community.
- i. The extent to which the provision of additional landscaping and other mitigation measures will mitigate the potential for visual and noise impacts over and above those required by the rules and standards for other activities within the rural environments.
- j. Whether the establishment and operation of the land use would adversely affect the amenity of the Rural, Rural Lifestyle, Settlement Zones, the Jervoistown Development Area, or result in significant social or economic impacts.
- k. Whether the establishment and operation of the land use would adversely affect the efficient use and/or development of natural and physical resources of any other zone or result in significant social, cultural, or economic impacts.

**Sentiment:** Amend

**Submission:**

Assessment of amenity effects associated with development should relate only to effects in relation to the zone in which the activity is proposed to be undertaken.

**Relief sought**

Amend to:

RLZ-AC4: Residential care facilities, retirement complexes, travellers' accommodation, day care centres, and education facilities

*Compatibility with rural land use*

- a. Whether the impact of the scale and intensity of the use is compatible with surrounding rural land uses.

- b. Whether the land use's hours of operation would adversely affect the amenity, health, safety, and wellbeing of surrounding land uses and residents.
- c. Whether the volume of traffic likely to be attracted to the site is likely to cause an effect on the neighbouring people and environment, including the road network and traffic safety and efficiency.
- d. Whether the site is a suitable size for the type and number of persons being catered or cared for.
- e. Whether the proposed land use will have an adverse effect on any sites of significance to Māori, cultural values, or heritage values of the area.
- f. Whether the land use will contribute to the social, cultural, and economic well-being of the community, including for the purposes of diversifying land uses complementing primary production such as agriculture, horticulture, and/or viticulture activities.
- g. Whether the land use will contribute to the efficient use and/or development of natural and physical resources within the city and the availability of alternative sites and locations in an appropriate zone.
- h. The extent to which the land use may enhance amenity values and have positive effects on the surrounding environment and wider community.
- i. The extent to which the provision of additional landscaping and other mitigation measures will mitigate the potential for visual and noise impacts over and above those required by the rules and standards for other activities within the rural environments.
- j. Whether the establishment and operation of the land use would adversely affect the amenity of the Rural, Rural Lifestyle, Settlement Zones, the Jeroivostown Development Area, or result in significant social or economic impacts.
- k. Whether the establishment and operation of the land use would adversely affect the efficient use and/or development of natural and physical resources of any other zone or result in significant social, cultural, or economic impacts.

**Point 189.45**

**Section:** Planning Maps

**Sentiment:** Amend

**Submission:**

In order to achieve well-functioning urban environments as required by the NPS-UD, the District Plan should ensure that medium and high density residential zones are appropriately located in close proximity to all of the following: parks, schools, commercial areas, and community services. As the population of Napier is not sufficient to support full reliance on public transport, medium and high density development should be directed to locations that are within walking distance (500m-700m) of all of these facilities. This also requires greater flexibility in the type of commercial / retail activities that can establish within local community centres to support residents.

**Relief sought**

Review the proposed location of medium and high density zones to ensure that future residents of these areas will have ready access to services and facilities within a reasonable (walkable) distance to support the intensification of development.

**Point 189.46**

**Section:** GRZ - General Residential Zone

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

**Provision:**

GRZ-R1: Residential units and residential activity

GRZ-R1A

GRZ-R1B

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:**

**Where:**

Restricted Discretionary

1. One residential unit per site.

**Matters of discretion are:**

1. Housing supply and diversity;
2. Neighbourhood character;
3. Safety, attractiveness, and connectivity of streets and public open spaces;
4. Quality living environments, and
5. Infrastructure capacity and stormwater management.

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

**Sentiment:** Oppose

**Submission:**

Precluding public or limited notification for any development of a residential site to contain more than 1 residential unit is not appropriate. Significant increases in density have the potential to have significant adverse effects on the surrounding residential area, and residents have a right to have their concerns considered when there are potential direct effects on the use and enjoyment of their property. The Council, through the District Plan should show respect for their community and allow for public and/or limited notification where appropriate.

**Relief sought**

Suggest amending to:

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis **only if compliance with all of standards GRZS1-GRZS11 is achieved.**

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**Point 189.47**

**Section:** General

**Sentiment:** Oppose

**Submission:**

The residential sections of the Proposed District Plan include several references to the Hastings Residential Intensification Design Guide. This guide has been used as the basis for Hastings District Council to justify granting numerous poor quality residential developments that are significantly degrading the quality of the existing residential environment. The design guide is not fit for purpose and should not be adopted by Napier City Council, where the quality of recent developments has been of a far higher standard. This quality of developments being undertaken within Napier should be protected and strived for, and if necessary, an appropriate, fit for purpose design guide developed to ensure that the character and amenity of Napier is not



degraded in a similar manner to recent developments in Hastings.

### Relief sought

Remove all references to the Hastings Residential Intensification Design Guide from the Proposed Napier District Plan.

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### Point 189.48

**Section:** MRZ - Medium Density Residential Zone

**Sub-section:** MRZ - Medium Density Residential Zone - Rules Table

### Provision:

MRZ-R1: Residential units and residential activity

#### MRZ-R1A

**Activity Status:** Permitted

#### Where:

1. One residential unit per site.

**Note:** Minor residential units are considered standard residential units subject to this rule within the Medium Density Residential Zone.

**Sentiment:** Amend

#### Submission:

Precluding public or limited notification for any development of a residential site to contain more than 1 residential unit is not appropriate. Significant increases in density have the potential to have significant adverse effects on the surrounding residential area, and residents have a right to have their concerns considered when there are potential direct effects on the use and enjoyment of their property. The Council, through the District Plan should show respect for their community and allow for public and/or limited notification where appropriate.

### Relief sought

Amend to:

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis **only if compliance with all of standards MRZS1-MRZS14 is achieved.**

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#### MRZ-R1B

**Activity Status where activity conditions are not met:**

Restricted Discretionary

#### Matters of discretion are:

1. Housing supply and diversity;
2. Safety, attractiveness, and connectivity of streets and public open spaces;
3. Quality living environments; and
4. Infrastructure capacity and stormwater management.

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

**Point 189.49**

**Section:** HRZ - High Density Residential Zone

**Sub-section:** HRZ - High Density Residential Zone - Rules Table

**Provision:**

HRZ-R1: Residential units and residential activity

**HRZ-R1A**

**HRZ-R1B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:**

Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. One residential unit per site.

1. Housing supply and diversity;
2. Safety, attractiveness, and connectivity of streets and public open spaces;
3. Quality living environments;
4. Effects on adjoining sites, and
5. Infrastructure capacity and stormwater management.

**Note:** Minor residential units are considered standard residential units subject to this rule within the High Density Residential Zone.

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

**Sentiment:** Amend

**Submission:**

Precluding public or limited notification for any development of a residential site to contain more than 1 residential unit is not appropriate. Significant increases in density have the potential to have significant adverse effects on the surrounding residential area, and residents have a right to have their concerns considered when there are potential direct effects on the use and enjoyment of their property. The Council, through the District Plan should show respect for their community and allow for public and/or limited notification where appropriate.

**Relief sought**

Amend to:

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis, **only if compliance with all of standards HRZS1-HRZS14 is achieved.**

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**Point 189.50**

**Section:** LLRZ - Large Lot Residential Zone

**Sub-section:** LLRZ - Large Lot Residential Zone - Rules Table

**Provision:**

LLRZ-R4: Minor residential unit

**LLRZ-R4A**

**LLRZ-R4B**

**Activity Status:** Discretionary

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

**Where:**

1. One minor residential unit per site, and
2. The gross floor area of the unit does not exceed 80 m<sup>2</sup>.

**Sentiment:** Amend

**Submission:**

Allowing minor residential units to establish on larger sites within residential zones as a permitted activity provides for the efficient use of the land resource.

**Relief sought**

Amend to:

LLRZ-R4: Minor residential unit

**LLRZ-R4A**

**LLRZ-R4B**

**Activity Status:** Discretionary-Permitted

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

**Where:**

1. One minor residential unit per site, and
2. The gross floor area of the unit does not exceed 80 m<sup>2</sup>.

---

**Point 189.51**

**Section:** LLRZ - Large Lot Residential Zone

**Sub-section:** LLRZ - Large Lot Residential Zone - Rules Table

**Provision:**

LLRZ-R8: Visitor accommodation

**Activity Status:** Discretionary

NA

**Sentiment:** Amend

**Submission:**

Existing buildings should be able to be used for this purpose without the need to first obtain a resource consent.

**Relief sought**

Amend to:

LLRZ-R8: Visitor accommodation

**Activity Status:** Discretionary-Permitted

NA

**Where:**

1. **The activity is being carried out within an existing residential building.**

**LLRZ-R8B**

**Activity Status where conditions are not met: Discretionary**

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**Point 189.52**

**Section:** SETZ - Settlement zone

**Sub-section:** SETZ - Settlement Zone - Rules Table

**Sentiment:** Amend

**Submission:**

The use of existing residential buildings for visitor accommodation should be a permitted activity.

**Relief sought**

Add new rule:

**SETZ-RX – Visitor Accommodation**

**SETZ-RXA**

**Activity Status: Permitted**

**Where:**

**The activity is being carried out within an existing residential building.**

---

**Point 189.53**

**Section:** SETZ - Settlement zone

**Sub-section:** SETZ - Settlement Zone - Standards Table

**Provision:**

**SETZ-S3: Setback from highly productive land**

Settlement Zone                      1. No residential activity is located closer than 30 m from highly productive land                      **Matters of discretion are restricted to: NA**

***Purpose:** to protect highly productive land and avoid reverse effects to land-based primary production activities.*

**Sentiment:** Oppose

**Submission:**

A 30m setback from the boundary of any land within the Rural Productive Zone comprising highly productive land is excessive, and not necessary protect against reverse sensitivity effects from residential activities.

**Relief sought**

Delete this standard.

---

**Point 189.54**

**Section:** SETZ - Settlement zone

**Sub-section:** SETZ - Settlement Zone - Standards Table

**Provision:**

**SETZ-S4: Setback from land-based primary production**

Settlement Zone                      1. No residential activity is located closer than 30 m from an existing lawfully established land-based primary production activity.                      **Matters of discretion are restricted to: NA**

***Purpose:** to protect highly productive land and avoid reverse sensitivity effects to land-based primary production activities.*

**Sentiment:** Oppose

**Submission:**

A 30m setback from the boundary of any land-based primary production activity is excessive, and not necessary protect against reverse sensitivity effects from residential activities.

**Relief sought**

Delete this standard.

---

**Point 189.55**

**Section:** PREC6 - Mission Productive Rural Precinct

**Sub-section:** Rules

**Sentiment:** Amend

**Submission:**

I assume that it is intended that the rules for the Mission Productive Rural Precinct are to apply in addition to the rules for the Rural Production Zone, as this section clearly states that each of the objectives, policies and standards of the RPZ apply in addition to the provisions that are specific to the precinct. For the avoidance of any doubt it should also be clearly stated that the rules of the RPZ also apply if this is the case.

**Relief sought**

Include a statement confirming whether the rules of the Rural Production Zone are intended to apply in this precinct.

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**Point 189.56**

**Section:** PREC7 - Mission Rural Residential Precinct

**Sub-section:** PREC7 - Mission Rural Residential Precinct - Rules Table

**Sentiment:** Amend

**Submission:**

It is assumed that the Rules for the Mission Rural Residential Precinct (PREC7) are to apply in addition to the Rules for the Rural Lifestyle Zone (RLZ), as this Section clearly states that each of the objectives, policies and standards of the RLZ apply in addition to the provisions that are specific to the Precinct. For the avoidance of doubt it should also be clearly stated that the rules of the RLZ also apply if this is indeed the case.

**Relief sought**

Include a statement confirming whether the rules of the Rural Lifestyle Zone are intended to apply in this precinct.

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**Point 189.57**

**Section:** TPT - Transport

**Sub-section:** TPT - Transport - Standards Table

**Provision:**

TPT-S3: Loading spaces

**Purpose:** to manage the provision of loading to achieve Policy TPT-P5.

1. This standard applies to activities involving industrial activities, retail activities, office activities, visitor accommodation, and day care centres.
2. A minimum of one loading space must be provided on the site of the use it is intended to serve, except:

**Matters of discretion are:**

1. Functional

- a. where a service lane is designated or provided, or where the site is located in the inner city and Taradale Vehicle Levy areas and where the activity has a gross floor area less than 1000 m<sup>2</sup>, refer to Appendix 13 - Inner City Vehicle Levy and Appendix 14 - Taradale Vehicle Levy of the Plan.

2. Safety and efficiency of the integrated transport network.

3. The loading spaces shall meet the following design requirements:

Freight depots, transport depots, warehouses, bulk stores and other similar uses

- Minimum length: 19 m (18 m truck).
- Minimum width: 3.5 m if adjacent to a kerb or 4.5 m if adjacent to a wall.
- Manoeuvring space requirements for semi-trailer design vehicles will need to be in accordance with NZTA RTS 18 (on road tracking curves for heavy vehicles).

Retail activities, office activities, visitor accommodation, manufacturing premises, and other similar uses

- Minimum length: 9 m
- Minimum width: 3 m
- Manoeuvring space requirements for medium rigid design vehicles will need to be in accordance with NZTA RTS 18 (on road tracking curves for heavy vehicles).

Day care centres

- Minimum length: 5.5 m
- Minimum width: 3 m
- Manoeuvring space requirements for the 85<sup>th</sup> percentile tracking curve as shown in TPT - Figure 2 and TPT - Figure 3 above.

4. Every loading space must be designed so that it is not necessary to reverse vehicles either on to or off the street. The loading space must not be stacked or located within vehicle manoeuvring areas.
5. The provision of a loading space in respect of any site must not be within the front yard required by the relevant standard for the zone (where applicable).
6. The method of loading must ensure that the footpath or access to adjacent properties remains clear at all times and ensures traffic safety is maintained on the roads.

**Sentiment:** Amend

**Submission:**

Visitor accommodation can often consist of B&B style accommodation within a dwelling, or short term rentals of standalone private dwellings (e.g., via AirBnB and bookabatch type booking services). In these situations it is not necessary to provide a dedicated loading space. The standard should be amended to reflect the requirement for a loading space for larger scale visitor accommodation such as motels and camping grounds where delivery vehicles are likely to visit the property in association with

the day to day running of the business.

**Relief sought**

Amend to only require provision of a loading space for visitor accommodation activities providing accommodation for 10 or more people (excluding permanent residents).

**Point 189.58**

**Section:** TPT - Transport

**Sub-section:** TPT - Transport - Standards Table

**Provision:**

TPT-S5: Vehicle access (restrictions)

**TPT-S6: Manoeuvring**

**Sentiment:** Amend

**Submission:**

Manoeuvring should only be required to be provided within a property if on-site parking is provided.

**Relief sought**

Amend to:

[TPT-S6: Manoeuvring]

**Purpose:** to ensure onsite manoeuvring is provided on sites to avoid reversing onto roads where this would compromise the safety and/or efficiency of the integrated transport network.

- 1. Activities **that provide on-site parking** must provide onsite manoeuvring areas so that no reverse manoeuvre by vehicles on to or off the road is necessary, for all activities as set out below:

**Matters of discretion are:**

**Residential activities:**

- a. On all sites which have direct access to an arterial road or state highway.
- b. On all rural sites
- c. Where an accessway serves three or more residential units

All manoeuvring areas must be provided and maintained in accordance with the 85<sup>th</sup> percentile tracking curve (refer to TPT - Figure 2 and TPT - Figure 3 under TPT-S1).

- 1. Functional requirements of the activity;
- 2. Safety and efficiency of the integrated transportation network, and
- 3. Amenity and character of the zone/precinct.

Freight depots, service stations, transport depots, warehouses, bulk stores, and other similar uses

*Vehicle tracking:* All manoeuvring areas must be provided and maintained in accordance with NZTA RTS 18.

Retail activities, office activities, visitor accommodation, manufacturing premises, and other similar uses

*Vehicle tracking:* All manoeuvring areas must be provided and maintained in accordance with NZTA RTS 18.