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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 #:**210

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

**Submitter:**

Guy Panckhurst

**Address for service:**

Guy Panckhurst  
Surveying The Bay Ltd  
11 Ossian Street Ahuriri Napier 4110  
New Zealand

**Email:** [guy@surveyingthebay.co.nz](mailto:guy@surveyingthebay.co.nz)

**I wish to be heard:** Yes

**I am willing to present a joint case:** Yes

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

- No

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

(a) adversely affects the environment; and

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

- No

## Submission points

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**Point 210.1**

**Section:** SUB - Subdivision

**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:**

For the activity to remain controlled it needs to comply with SUB-S6 to SUB-S18. In the majority of cases the cross leases involve existing buildings with defined restrictive use areas and access arrangements. Many of SUB-S6 to SUB-S18 standards are not relevant to this situation. Many of the matters of control are not relevant to this situation either.

**Relief sought**

Amend the applicable standards and matters of control to only address the issues that fundamentally need to be assessed. The most important of these are creating easements that are appropriate to cover the relevant services, and that the boundaries reflect the existing cross lease arrangement, or any changes are appropriate and agreed by the owners. There is no need for Council to make assessments of whether the cross lease complies with the current plan since most date from the 1980's. Also, delete the infrastructure requirement that the water supplies need to be completely separate. This requirement is highly onerous for many projects, and we need to make cross lease to freehold conversions as easy as possible to help reduce the number of undesirable cross lease schemes.

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## Point 210.2

**Section:** SUB - Subdivision

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

**Provision:**

SUB-S12: Transport, access, and connectivity

**All zones**

1. All new allotments must have vehicular access to an existing, legal road that complies with the relevant provisions of the Transport chapter for vehicle access and manoeuvrability.

**Matters of discretion:**

1. The safety of vehicles, pedestrians, and cyclists;
2. Connectivity with adjoining land uses and roading networks;
3. The effects of traffic generation, and
4. Active street frontages.

**Sentiment:** Amend

**Submission:**

It is acknowledged that all allotments should have practical vehicle access, but there are sometimes instances when it is not practical to provide a physical access because other works need to occur first, or installing a crossing may result in damage during subsequent building construction activities.

**Relief sought**

Acknowledge the situations and allow vehicle crossings to be deferred to the time of Building Consent if it can be demonstrated that it is impractical to provide them at the time of subdivision.

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## Point 210.3

**Section:** SUB - Subdivision

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

**Provision:**

SUB-S16: Utility services

**All zones**

1. Each allotment must be designed and located so that provision is made for power lines, gas distribution pipes (where available) and telecommunication lines.
2. With the exception of industrial and rural zones, all utility services must be laid underground.
3. At the time of subdivision, sufficient land for telecommunications, transformers and any associated ancillary services must be set aside.
4. All necessary easements for the protection of network utility services must be duly granted and reserved

**Matters of discretion:**

1. The ability of the site to be adequately serviced by network utilities, and
2. Public health and safety.

**Sentiment:** Amend

**Submission:**

The wording of SUB-S16 does not make it clear if power/gas/telecommunications connections need to be made. It appears that the connections need to be "designed and located so that provision is made...", which is unclear as to the meaning.

It is acknowledged that electricity connections should be made available in urban zones, but why should connections be required in rural zones? Often rural subdivisions are not for residential purposes and electricity connections are irrelevant and not needed, and an added cost that is not justified.

There are options available other than fibre telecommunication cables for urban sites, such as wireless, mobile or starlink connections. It should not be a requirement, and not the role of Council to dictate that a fibre network connection is mandatory.

**Relief sought**

Clarify the wording as to what utility services are required and which are to be physically installed.

Remove the requirement for electricity connections on rural sites at the time of subdivision.

Remove the requirement to provide telecommunications connections at the time of subdivision.

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**Point 210.4**

**Section:** GRZ - General Residential Zone

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

**Provision:**

**GRZ-S4: Other yards**

**Purpose:** *to maintain a suburban character; to provide for building maintenance; to provide protection from natural hazards; to maintain water quality and provide access to watercourses or open drains for maintenance purposes.*

1. No part of any building may be erected closer than 1 m to a side or rear site boundary unless written approval of the adjacent landowner(s) is provided.
2. Any part of a building for visitor accommodation with frontage onto Meeanee Quay must not be erected closer than 3 m to any side or rear boundary unless written approval of the adjacent landowner(s) is provided.
3. No part of any building, fence, or structure may be erected closer than 6 m to any watercourse or open drain.

**Matters of discretion are:**

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

**Sentiment:** Amend

**Submission:**

Often, subdivision proposals involve a new internal boundary along a vehicle access that is less than 1m from an existing building. The applicant is able to provide "self-approval" for the infringement.

**Relief sought**

Amend the wording in (1) to clarify that the landowner of a site being subdivided can provide consent (through the acting agent) that the internal yard can be less than 1m, and in this case the proposal would comply with GRZ-S4.

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## Point 210.5

**Section:** GRZ - General Residential Zone

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

### Provision:

#### GRZ-S10: Windows to the street

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

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

#### Matters of discretion are:

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



**Figure 2 - Front Facade**

**Sentiment:** Oppose

### Submission:

The requirement for 20% street facing glazing is in the MfE Medium Density Residential Standards Guide, but this is the General Residential Zone, and it is not considered appropriate to control the amount of glazing for a GRZ dwelling. This requirement is more suited to the MRZ & HRZ zones. Residents in the GRZ should be able to choose their own amount of glazing depending on the style of dwelling, orientation, proximity to other buildings, character of the street etc.

### Relief sought

Delete this standard.

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## Point 210.6

**Section:** SUB - Subdivision

**Sub-section:** Policies

**Provision:**

SUB-P9: Integrated provision of infrastructure

Require subdivision to provide servicing that meets the requirements of the Code of Practice for Land Development and Subdivision Infrastructure and that:

- a. is coordinated, integrated, and compatible with the existing infrastructure network.
- b. enables the existing network to be expanded or extended to adjacent land in the future where that land is zoned or identified through a future urban development strategy for urban development, and especially through the avoidance of allotments created primarily for the purpose of preventing connectivity to adjacent sites (spite strips).
- c. enables electricity and telecommunications services to be reticulated to each site, and undergrounded in residential and commercial zones where practicable.
- d. connects sites capable of containing a building, in areas where service connections to the public network are available and capacity exists, to the following networks:
  - i. wastewater;
  - ii. stormwater, and
  - iii. potable water.

unless it is demonstrated that an alternative means of servicing can be provided meeting legislative and acceptable environmental outcomes.

*Relates to SUB-O3*

**Sentiment:** Amend

**Submission:**

Electricity should not be required to rural sites, when it is often not relevant and other options are available. Telecommunications should not be required for rural or nfill sites, when it is not a Council service and different options are available such as wireless and starlink.

**Relief sought**

Delete requirement for electricity on rural sites and telecommunications on rural and infill sites.

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**Point 210.7**

**Section:** TPT - Transport

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

**Provision:**

TPT-S1: Car parking

**Purpose:** *to ensure the design parking areas achieves TPT-P5.* **Car park dimensions**

**Matters of discretion are:**

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>1. Vehicle parking spaces for cars must meet the requirements specified for onsite car</li></ul> | <ul style="list-style-type: none"><li>1. Functional requirements of the activity;</li><li>2. Safety and efficiency of the integrated</li></ul> |
|--|--|

parking space dimensions in NZS 2890.1:2004 as shown in TPT - Figure 1 and TPT - Figure 2.

- transport network;
- 3. Amenity and character of the zone/precinct/development area, and
- 4. Stormwater management.

**TPT - Figure 1 - Onsite car parking space dimensions:**



**Notes:**

- a. With the exception of 90 degree car parks, aisle width dimensions are for manoeuvring into and out of car parks with one-way aisles.
- b. User Class is identified as:
  1. for all day parking, such as tenant, employee and commuter parking;
  2. for medium-term parking, such as town centre parking, sports and entertainment centres, motels, airport visitors;
  3. for short-term parking, such as short-term town centre parking, shopping parking, hospitals, and the drop-off of children;
  4. accessible parking for people with disabilities.
- c. Dimension C is selected as follows:
  - i. C1: where parking is to a wall or high kerb not allowing any overhang;
  - ii. C2: where parking is to a low kerb which allows 600mm overhang;
  - iii. C3: where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern.
- d. Dimension L is selected as follows:
  - i. L1: space length for consecutive parallel parking spaces;
  - ii. L2: space length for obstructed end



- spaces;
- iii. L3: space length for unobstructed end spaces.

### **TPT - Figure 2 Vehicle tracking curve car (85<sup>th</sup> Percentile Car B85)**

□

**Note:** The dotted line about the vehicle depicts a 300 mm clearance about the vehicle. See following key in figure 3.

### **TPT - Figure 3 Vehicle key dimensions (85<sup>th</sup> Percentile Car B85)**

□

3. Where a parking space is located at the end of a blind aisle, an additional 1 m clearance must be provided to allow vehicles to exit the aisle without reversing, and
4. Where any parking space has a die directly next to a wall, support column or other obstacle, an additional 300 mm width must be provided.

### **Car park construction and formation**

5. For sites with fewer than four vehicle parking spaces, the surface must be formed to an all weather standard, with a maximum gradient of 1:20

For sites with four or more on-site vehicle parking spaces, the surface must be formed, sealed, marked and drained, with a maximum gradient of 1:20.

### **Landscaping**

6. Where any vehicle parking area is formed adjacent to any road or public place, a landscaped area of indigenous plants 2 m wide adjacent to the road or public place must be provided and maintained, except for driveways.

**Note:** where zones and/or precincts also contain landscaping standards, the more restrictive standard applies.

## Lighting

7. Lighting is required where there are 10 or more parking spaces which are likely to be used during the hours of darkness. The parking and manouevring areas and associated pedestrian routes must be adequately lit during use in a manner that complies with the rules in the Light chapter.

**Note:** Any land use that is required by other legislation (particularly the Disabled Persons Community Welfare Act 1974) to provide specific vehicle parking spaces must provide the parking spaces required by that legislation.

**Sentiment:** Amend

### Submission:

Car parks with more than 3 spaces are required to be sealed, but it is not clear why this is necessary. In many cases a low-impact permeable pavement would be preferable from a stormwater management perspective.

The landscaping strip needs to be 2m wide in indigenous plants, but it is not clear why indigenous plants are preferable, and this should not be mandated. A 2m strip is wider than considered necessary for a parking area.

### Relief sought

Delete the requirement for sealing of 4 or more carparks. Reduce the planting width to say 1m and do not restrict the type of plant.

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## Point 210.8

**Section:** SUB - Subdivision

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

### Provision:

#### SUB-S1: Minimum allotment sizes - residential

General Residential Zone, Medium Density Residential Zone, High Density Residential Zone, precincts or overlays not otherwise provided for elsewhere.	<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></ol></li></ol></li></ol>	<b>Activity Status where standards are not met:</b>  Non-complying
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ii. no vacant allotments are created.

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:

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
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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
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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
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Coronation Street Historic Heritage Overlay	300 m <sup>2</sup>	<b>Activity Status where standards are not met:</b> Non-complying
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**Sentiment:** Amend

**Submission:**

It is not clear what "allotment size" means, as it is not defined anywhere. Presumably it means the legal area of the allotment, since there is no mention of net site area.

**Relief sought**

Clarify exactly what is meant by "allotment size".

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## Point 210.9

**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 Public Works Act 1981.

**Sentiment:** Amend

**Submission:**

It is not clear what is meant by "part of the site used for access". This description is not precise enough for clear interpretation.

**Relief sought**

Clearly define "part of the site used for access".

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## Point 210.10

**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</b>

Jervoistown Precinct

2,500 m<sup>2</sup>

are not met: NA  
Activity Status  
where standards  
are not  
met: Prohibited

**Sentiment:** Amend

**Submission:**

The minimum allotment size of 5000m<sup>2</sup> is considered appropriate, but the blanket 1.5ha minimum average is too large. There are many sites in the hilly areas that could easily support an average area of considerably less than 1.5ha. Appropriate development in the hills off the Heretaunga plains should be encouraged and there are areas that are already zoned rural lifestyle (residential) that could support higher densities without adverse effects. There are already non-complying applications being approved in this zone as long as it can be demonstrated there are no adverse effects or affected parties.

**Relief sought**

Perform more investigation as to which areas in the rural residential zones could support higher densities, and re-zone these areas, or allow subdivision as a discretionary or restricted discretionary activity.

**Point 210.11**

**Section:** SUB - Subdivision

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

**Provision:**

**SUB-S1: Minimum allotment sizes - residential**

General Residential Zone, Medium Density Residential Zone, High Density Residential Zone, precincts or overlays not otherwise provided for elsewhere.

1. There is no minimum allotment size for the following:
  - a. any allotment with an existing residential unit, if:
    - 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
    - ii. no vacant allotments are created.
  - 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:
    - 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

**Activity Status where standards are not met:**  
Non-complying

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:**

1. The minimum allotment size of 350m<sup>2</sup> under (2) provides no flexibility for two lot infill subdivision when, due to site constraints, either the lot containing the existing dwelling, or the vacant allotment cannot achieve 350m<sup>2</sup>. This standard could prevent many potential infill subdivisions from occurring.
2. Under 1(b) (ii) there would be an issue under a staged subdivision where some vacant titles are created pending development of dwellings on the next stage. A staged subdivision development would likely not be able to comply with this standard, and could compromise funding and cashflow for the next stages.
3. Rather than 1(b)(ii) mandating no vacant allotments, why not ensure that any future building development cannot occur on the vacant allotment unless it is in accordance with the land use consent granted, which could be secured by way of Consent Notice.

**Relief sought**

Reduce minimum lot size to 300m<sup>2</sup>, which is more likely to be able to be achieved with infill subdivision. Remove the minimum size for allotments containing dwellings, as long as other amenity standards can be complied with.

Allow vacant allotments to be created under staged subdivision consents, whilst imposing Consent Notices to ensure that future development is according to the granted land use consent.

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**Point 210.12**

**Section:** SUB - Subdivision

**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 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.

**Sentiment:** Amend

**Submission:**

The standard says there must be a "flood free" building platform, but what exactly does this mean? There are many areas in Napier that are potentially susceptible to flooding in certain AEP storms. On new sites the potential flooding hazard is mitigated by setting floor levels that are above the flood level.

**Relief sought**

Consider whether "flood free" is the most appropriate wording for this standard.