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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:** 14/12/2023

**Submission Reference Number #:**285

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

**Submitter:**

Kāinga Ora – Homes and Communities

**Address for service:**

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**Attachments:**

Kainga Ora.pdf

20231215 Kainga Ora submission on Napier City PDP vSIGNED.pdf

**I wish to be heard:** Yes

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

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

- **No**

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

(a) adversely affects the environment; and

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

- **Yes**

### Submission points

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## Point 285.1

**Section:** General

**Sub-section:** General

**Provision:** General

**Sentiment:** Support

**Submission:**

1. Kāinga Ora Homes and Communities (“Kāinga Ora”) is a Crown Entity and is required to give effect to Government policies. Kāinga Ora has a statutory objective that requires it to contribute to sustainable, inclusive, and thriving communities that:
    - a) Provide people with good quality, affordable housing choices that meet diverse needs; and
    - b) Support good access to jobs, amenities and services; and
    - c) Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
  2. Because of these statutory objectives, Kāinga Ora has interests beyond its role as a public housing provider. This includes a role as a landowner and developer of residential housing and as an enabler of quality urban developments through increasing the availability of build-ready land across the Waipā district.
  3. Kāinga Ora therefore has an interest in the PDP and how it:
    - (a) Gives effect to the National Policy Statement on Urban Development (“NPS-UD”); and
    - (b) Minimises barriers that constrain the ability to deliver housing development across public housing, affordable housing, affordable rental, and market housing; and
    - (c) Provides for the provision of services and infrastructure and how this may impact on the existing and planned communities, including Kāinga Ora housing developments.
  4. The Kāinga Ora submission is generally in support of the PDP as it has been notified, and particularly supports:
    - (d) The recognition of the need for well-functioning urban environments (consistent with the direction set out in the National Policy Statement on Urban Development 2020 (“NPS-UD”);
    - (e) The provision of medium density and high-density housing in a large portion of the existing residential areas across the city and the spatial extent of these;
    - (f) The recognition of the need to provide sufficient development capacity to meet long term demands for housing;
    - (g) The introduction of a papakāinga chapter which promotes the enablement of papakāinga in urban environments. Kāinga Ora do however seek some amendments to allow for more enabling standards to reflect the General Residential Zone (GRZ), Medium Density Residential Zone (MRZ) and High Density Residential Zone (HRZ) standards;
    - (h) The need to manage significant risks from natural hazards;
    - (i) The promotion of a compact urban form and residential intensification in Napier City; and
    - (j) The provision for enabling medium to high density residential development within a walkable catchment of the City Centre and larger Commercial Centres.
  5. Kāinga Ora acknowledge the constraints Napier City faces moving forward to accommodate population growth, and considers that the PDP, through enabling greater densities of development, will positively contribute toward housing the current and future population of Napier.
  6. Whilst overall, Kāinga Ora are supportive of the PDP, the following amendments to the PDP are sought to ensure provisions are enabling of development that is reflective of the respective zoning framework:
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## Point 285.2

**Section:** GRZ - General Residential Zone

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

**Provision:** General

**Sentiment:** Oppose

**Submission:**

Residential Zones –

i. Kainga Ora opposes the use of the word ‘maintain and enhance’ within the purpose statements in the respective ‘Standards Tables’ of the GRZ, MRZ and HRZ. Kainga Ora seeks that these are amended to refer to the ‘planned built environment’ in line with the objectives and policies of each zone and Policy 6 of the NPS-UD. The consequential requirement for development to ‘maintain and enhance’ the existing character of an area conflicts with the overall direction of the PDP to enable growth and intensification.

**Relief sought**

Kainga Ora seeks that these are amended to refer to the ‘planned built environment’ in line with the objectives and policies of each zone and Policy 6 of the NPS-UD. The consequential requirement for development to ‘maintain and enhance’ the existing character of an area conflicts with the overall direction of the PDP to enable growth and intensification.

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**Point 285.3**

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

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

**Provision:** General

**Sentiment:** Oppose

**Submission:**

Kainga Ora opposes the use of the word ‘maintain and enhance’ within the purpose statements in the respective ‘Standards Tables’ of the GRZ, MRZ and HRZ.

**Relief sought**

Kainga Ora seeks that these are amended to refer to the ‘planned built environment’ in line with the objectives and policies of each zone and Policy 6 of the NPS-UD. The consequential requirement for development to ‘maintain and enhance’ the existing character of an area conflicts with the overall direction of the PDP to enable growth and intensification.

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**Point 285.4**

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

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

**Provision:** General

**Sentiment:** Oppose

**Submission:**

Kainga Ora opposes the use of the word ‘maintain and enhance’ within the purpose statements in the respective ‘Standards Tables’ of the GRZ, MRZ and HRZ.

**Relief sought**

Kainga Ora seeks that these are amended to refer to the ‘planned built environment’ in line with the objectives and policies of each zone and Policy 6 of the NPS-UD. The consequential requirement for development to ‘maintain and enhance’ the existing character of an area conflicts with the overall direction of the PDP to enable growth and intensification.

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**Point 285.5**

**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:**

Restricted Discretionary

**Where:**

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:** Amend

**Submission:**

- i. Kāinga Ora seeks that the permitted number of dwellings be increased as follows:
  - (a) GRZ-R1A – Increase the number of dwellings permitted on site within the GRZ from 1 to 2 dwellings,

**Relief sought**

Increase the number of dwellings permitted on site within the GRZ from 1 to 2 dwellings,

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**Point 285.6**

**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**

**MRZ-R1B**

**Activity Status:** Permitted

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

Restricted Discretionary

**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.

**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.

**Sentiment:** Amend

**Submission:**

- i. Kāinga Ora seeks that the permitted number of dwellings be increased as follows:
  - (a) MRZ-R1A – Increase the number of dwellings permitted on site within the MRZ from 1 to 3 dwellings; and

**Relief sought**

Increase the number of dwellings permitted on site within the MRZ from 1 to 3 dwellings

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**Point 285.7**

**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:**

**Where:**

1. One residential unit per site.

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

**Matters of discretion are:**

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.

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

**Sentiment:** Amend

**Submission:**

- i. Kāinga Ora seeks that the permitted number of dwellings be increased as follows:
  - (a) HRZ-R1A – Increase the number of dwellings permitted on site from 1 to 3 dwellings..

**Relief sought**

Increase the number of dwellings permitted on site from 1 to 3 dwellings..

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**Point 285.8**

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

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

**Provision:**

**MRZ-S14: Maximum building length**

***Purpose:** to manage visual dominance effects on adjoining sites and provide a reasonable level of sunlight access and privacy for residents.*

1. The maximum length of a building above ground floor level shall be 22 m, measured parallel to side and rear boundaries, after which there shall be a minimum separation of 4 m between any other building on the same site.

**Matters of discretion are:**

1. Purpose of the standard;
2. Quality living environment;
3. Effects on adjoining sites.

**Sentiment:** Oppose

**Submission:**

- i. Kāinga Ora opposes MRZ-S14 and HRZ-S14 and seeks that these maximum building length standards of 22m are deleted. Kainga Ora considers that the purpose of this standard is to manage visual dominance; however, this is already appropriately managed by maximum heights, height in relation to boundary and yard setback standards.

## Relief sought

Kāinga Ora opposes MRZ-S14 and HRZ-S14 and seeks that these maximum building length standards of 22m are deleted.

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### Point 285.9

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

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

#### Provision:

##### HRZ-S14: Maximum building length

**Purpose:** to manage visual dominance effects on adjoining sites and provide a reasonable level of sunlight access and privacy for residents.

1. The maximum length of a building above ground floor must be 22 m, measured parallel to side and rear boundaries, after which there must be a minimum separation of 4 m between any other building on the same site.

#### Matters of discretion are:

1. Purpose of the standard;
2. Quality living environments, and
3. Effects on adjoining sites

**Sentiment:** Oppose

#### Submission:

- i. Kāinga Ora opposes MRZ-S14 and HRZ-S14 and seeks that these maximum building length standards of 22m are deleted. Kāinga Ora considers that the purpose of this standard is to manage visual dominance; however, this is already appropriately managed by maximum heights, height in relation to boundary and yard setback standards.

## Relief sought

Kāinga Ora opposes MRZ-S14 and HRZ-S14 and seeks that these maximum building length standards of 22m are deleted.

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### Point 285.10

**Section:** GRZ - General Residential Zone

**Sub-section:** Assessment criteria

#### Provision:

GRZ-AC1: Residential units (GRZ-R1); Minor residential units (GRZ-R3); Relocated buildings (GRZ-R9); Retirement village premises (GRZ-R10)

##### General

- a. The extent to which the site layout (location and design of buildings, access/car parking and open spaces) optimises the quality of the living environment and the safety and attractiveness of streets and public open spaces by addressing each of the criteria below.

##### Neighbourhood character

- b. The extent to which development is consistent with planned built form and any positive defining characteristics of the neighbourhood development. This includes consideration of any character, amenity values, and heritage values identified

for the area in the character statements at Schedule 4, and any coastal environment values.

- c. The extent to which the development is consistent with the Hastings Residential Intensification Design Guide.

### *Safety, attractiveness, and connectivity of streets and public open space*

- d. For developments on larger sites with frontages to two or more streets, whether connectivity is achieved to the surrounding neighbourhood.
- e. Whether the development contributes to attractive streets and public open spaces. This includes orientating residential units to front the street with clear and direct pedestrian access and minimising long expanses of blank walls.
- f. Whether the orientation of development and the placement of doors, windows, balconies, and habitable rooms maximise visibility over the street and public open space to enhance safety and security.
- g. The extent to which the development is consistent with the Hastings Residential Intensification Design Guide.

### *Quality living environments*

- h. The extent to which the site layout and residential unit design contributes to a warm, dry, and healthy living environment for residents.
  - i. Whether the site layout and residential unit design maintains a reasonable level of privacy for residents.
  - j. The extent to which the site layout and residential unit design contribute to a reasonable noise environment for residents, particularly to enable uninterrupted sleep.
  - k. Whether the entranceway is well lit and shelter is provided from the rain at the front door.
    - l. Whether residents, visitors, and emergency services can easily find and access the residential unit.
- m. Whether the site layout provides for easy storage and access of recycling and rubbish for collection.
- n. Whether communal collection areas will detract from the quality of the living environment, particularly for adjoining residents, and/or the safety and attractiveness of the street and public open spaces.
- o. The extent to which outdoor living spaces are useable by residents and contribute to a healthy living environment.
- p. Whether parking is safe and accessible for residents.
- q. Whether the layout of residential units provides sufficient room for the day-to-day needs of residents, including space for both furniture and internal circulation.
- r. Whether sufficient area is available for easily accessible and identifiable letter boxes.
- s. The extent to which the development is consistent with the Hastings Residential Intensification Design Guide.

**Sentiment:** Oppose

#### **Submission:**

- i. The assessment criteria for the GRZ, MRZ and the HRZ refers to the Hastings Residential Intensification Design Guide. Kāinga Ora opposes the inclusion of Design Guidelines in the District Plan and seeks that reference to these are deleted for the following reasons:
  - a) Kāinga Ora considers that these act as de-facto rules to be complied with. Kāinga Ora opposes any policy or rule approach which would require development proposals to comply with such design guidelines in the District Plan. Kāinga Ora alternatively seeks and supports design guidelines sit outside the Plan as guidance regarding best practice design outcomes. The Design Guidelines should be treated as a non-statutory tool.
  - b) If there is content of a Design Guideline that Council wants in the Plan, Kāinga Ora seeks that these are relocated within a specific rule, matter of discretion or assessment criterion. Where particular design outcomes are to be achieved, these should be specified in matters of discretion or assessment.
  - c) Notwithstanding the above, reference to design guidance that is regulated by another Council removes the ability for Council to adapt the guidance to reflect best practice and the planned built environment for the local urban environment of Napier City.

**Relief sought**



**Point 285.11**

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

**Sub-section:** Assessment criteria

**Provision:**

MRZ-AC1: Residential units (MRZ-R1); Relocated buildings (MRZ-R5); Retirement village premises (MRZ-R6)

*General*

- a. The extent to which the site layout (location and design of buildings, access/car parking, and open spaces) optimises the quality of the living environment and the safety and attractiveness of streets and public open spaces, by addressing each of the criteria below.

*Housing supply and diversity*

- b. The extent to which the development makes efficient use of the site and contributes to diversity of housing options in Napier.

*Safety, attractiveness, and connectivity of streets and public open space*

- c. For developments on larger sites with frontages to two or more streets, whether connectivity is achieved to the surrounding neighbourhood.
- d. Whether the development contributes to attractive streets and public open spaces. This includes orientating residential units to front the street with clear and direct pedestrian access and minimising long expanses of blank walls.
- e. Whether the orientation of development and the placement of doors, windows, balconies, and habitable rooms maximise visibility over the street and public open space to enhance safety and security.
- f. The extent to which the development is consistent with the Hastings Residential Intensification Design Guide.

*Quality living environments*

- g. Whether principal living rooms and outdoor living spaces are orientated and designed to provide privacy between residential units and optimise sunlight access.
- h. The extent to which outdoor living spaces are directly accessible from the principal living room.
- i. Whether landscaped areas can be consolidated to allow opportunities for large scale trees on site, contribute to the overall quality of outlook space and allow some privacy between residential units.
- j. Where communal open space is provided on site, whether it is located to provide convenient access for all residents and to maximise sunlight access, amenity, and use.
- k. Whether storage areas for rubbish are sufficiently sized, conveniently located, and appropriately screened.
- l. The extent to which the site layout and residential unit design contributes to a reasonable noise environment for residents, particularly to enable uninterrupted sleep.
- m. Whether the site layout provides for easy storage and access of recycling and rubbish for collection.
- n. Whether communal collection areas will detract from the quality of the living environment, particularly for adjoining residents, and/or the safety and attractiveness of the street and public open spaces.
- o. The extent to which outdoor living spaces are useable by residents and contribute to a healthy living environment.
- p. Whether parking is safe and accessible for residents.
- q. Whether the layout of residential units provides sufficient room for the day-to-day needs of residents, including space for both furniture and internal circulation.
- r. The extent to which the development is consistent with the Hastings Residential Intensification Design Guide.

**Sentiment:** Oppose

**Submission:**

i. The assessment criteria for the GRZ, MRZ and the HRZ refers to the Hastings Residential Intensification Design Guide. Kāinga Ora opposes the inclusion of Design Guidelines in the District Plan and seeks that reference to these are deleted for the following reasons:

- a) Kāinga Ora considers that these act as de-facto rules to be complied with. Kāinga Ora opposes any policy or rule approach which would require development proposals to comply with such design guidelines in the District Plan. Kāinga Ora alternatively seeks and supports design guidelines sit outside the Plan as guidance regarding best practice design outcomes. The Design Guidelines should be treated as a non-statutory tool.
- b) If there is content of a Design Guideline that Council wants in the Plan, Kāinga Ora seeks that these are relocated within a specific rule, matter of discretion or assessment criterion. Where particular design outcomes are to be achieved, these should be specified in matters of discretion or assessment.
- c) Notwithstanding the above, reference to design guidance that is regulated by another Council removes the ability for Council to adapt the guidance to reflect best practice and the planned built environment for the local urban environment of Napier City.

**Relief sought**

Kāinga Ora opposes the inclusion of Design Guidelines in the District Plan and seeks that reference to these are deleted

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**Point 285.12**

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

**Sub-section:** Assessment criteria

**Provision:**

HRZ-AC1: Residential units (HRZ-R1); Relocated buildings (HRZ-R5); Retirement village premises (HRZ-R6)

*General*

- a. The extent to which the site layout (location and design of buildings, access/car parking, and open spaces) optimises the quality of the living environment and the safety and attractiveness of streets and public open spaces by addressing each of the criteria below.

*Housing supply and diversity*

- b. The extent to which the development makes efficient use of the site and contributes to diversity of housing options in Napier.

*Safety, attractiveness and connectivity of streets and public open space*

- c. For developments on larger sites with frontages to two or more streets, whether connectivity is achieved to the surrounding neighbourhood.
- d. Whether the orientation of development and the placement of doors, windows, balconies, and habitable rooms maximise visibility over the street and public open space to enhance safety and security.
- e. Whether the development contributes to attractive streets and public open spaces. This includes orientating residential

- units to front the street with clear and direct pedestrian access and minimising long expanses of blank walls.
- f. Where the orientation of development and the placement of doors, windows, balconies, and habitable rooms maximise visibility over the street and public open space to enhance safety and security.
- g. The extent to which the development is consistent with the Hastings Residential Intensification Design Guide.

### Quality living environments

- h. Whether the principal living rooms and outdoor living spaces are oriented and designed to provide privacy between residential units and optimise sunlight access.
  - i. The extent to which outdoor living spaces are directly accessible from the principal living room.
  - j. Whether landscape areas can be consolidated to allow opportunities for large scale trees on site, contribute to the overall quality of outlook space and allow some privacy between residential units.
- k. Where communal open space is provided on site, whether it is located to provide convenient access for all residents and to maximise sunlight access, amenity, and use.
  - l. Whether storage areas for rubbish are sufficiently sized, conveniently located, and appropriately screened.
- m. Where the site layout provides for easy storage and access of recycling and rubbish for collection.
- n. Whether communal collection areas will detract from the quality of the living environment, particularly for adjoining residents, and/or the safety and attractiveness of the street and public open spaces.
- o. Whether parking is safe and accessible for residents.
- p. Whether the layout of residential units provides sufficient room for the day-to-day needs of residents, including space for both furniture and internal circulation.
- q. The extent to which the development is consistent with the Hastings Residential Intensification Design Guide.

**Sentiment:** Oppose

#### **Submission:**

- i. The assessment criteria for the GRZ, MRZ and the HRZ refers to the Hastings Residential Intensification Design Guide. Kāinga Ora opposes the inclusion of Design Guidelines in the District Plan and seeks that reference to these are deleted for the following reasons:
  - a) Kāinga Ora considers that these act as de-facto rules to be complied with. Kāinga Ora opposes any policy or rule approach which would require development proposals to comply with such design guidelines in the District Plan. Kāinga Ora alternatively seeks and supports design guidelines sit outside the Plan as guidance regarding best practice design outcomes. The Design Guidelines should be treated as a non-statutory tool.
  - b) If there is content of a Design Guideline that Council wants in the Plan, Kāinga Ora seeks that these are relocated within a specific rule, matter of discretion or assessment criterion. Where particular design outcomes are to be achieved, these should be specified in matters of discretion or assessment.
  - c) Notwithstanding the above, reference to design guidance that is regulated by another Council removes the ability for Council to adapt the guidance to reflect best practice and the planned built environment for the local urban environment of Napier City.

#### **Relief sought**

Kāinga Ora opposes the inclusion of Design Guidelines in the District Plan and seeks that reference to these are deleted

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#### **Point 285.13**

**Section:** CCZ - City Centre Zone

**Sub-section:** Policies

**Provision:**

### CCZ-P3: Quality public realm

Require development, including signage, to positively contribute to the character of Napier's city centre and the quality of streets and public open spaces including by:

- a. managing the height, bulk, form, and design of development to:
  - o provide for access to sunlight in streets and public open spaces;
  - o minimise glare and wind, and
  - o maintain and enhance the character of the city centre.
- b. requiring building frontages along key pedestrian routes to be designed to provide character, interest, and variation at street level.
- c. requiring development along other routes to provide visual interest through building layout and design, quality landscaping, and/or other mitigation measures appropriate for the context of the site.
- d. avoiding large blank walls where feasible.
- e. encouraging the design of new buildings on corner sites to emphasise the shape of the street corner through appropriate scale, form, and articulation.
- f. minimising visual clutter.
- g. incorporating the values of mana whenua.

*Relates to CCZ-O1*

**Sentiment:** Oppose

**Submission:**

- i. Kāinga Ora opposes the use of the words 'maintain and enhance' within Policy CCZ-P3 and within the purpose statements of the standards table. Kāinga Ora seeks these are amended to refer to the 'planned built environment' in line with Policy 6 of the NPS-UD. The consequential requirement for development to 'maintain and enhance' the existing character of an area conflicts with the overall direction of the PDP to enable growth and intensification.

**Relief sought**

Kāinga Ora seeks these are amended to refer to the 'planned built environment' in line with Policy 6 of the NPS-UD.

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**Point 285.14**

**Section:** CCZ - City Centre Zone

**Sub-section:** CCZ - City Centre Zone - Standards Table

**Provision:**

**CCZ-S2: Building setback at upper floors**

**Purpose:** to provide adequate daylight and sunlight access to

1. Building height over 12 m must be set back a minimum of 3 m from a front boundary and any boundary with the Napier City Heritage Precinct.

**Matters of discretion are:**

*public areas and open space areas; to maintain a 'human scale' at street level in the city centre; to maintain the character of the Napier City Heritage Precinct.*

2. Building height over 18 m must be set back a minimum of 6 m from a front boundary and any boundary with the Napier City Heritage Precinct.
3. Where the site adjoins a site zoned Medium Density Residential Zone, buildings must comply with MRZ-S2 on the shared boundary.
4. Where the site adjoins a site zoned General Residential Zone buildings must comply with GRZ-S2 on the shared boundary.

1. Purpose of the standard;
2. Vibrancy and vitality of the city centre;
3. Character of the city centre, and
4. Safety, attractiveness, and connectivity of streets and public open spaces.

**Sentiment:** Amend

**Submission:**

- i. Kāinga Ora supports standard CCZ-S2 as a way of enabling greater heights whilst also managing potential adverse effects on the receiving environment. However, seeks that a diagram be inserted within this standard to clearly illustrate the application. This would be beneficial for plan users.

**Relief sought**

seeks that a diagram be inserted within this standard to clearly illustrate the application.

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**Point 285.15**

**Section:** CCZ - City Centre Zone

**Sub-section:** Assessment criteria

**Provision:**

CCZ-AC3: New buildings (CCZ-R7)

*Vibrancy, vitality and character of the city centre; safety, attractiveness, and connectivity of streets and public open spaces*

- a. The extent to which the site layout and building design positively contribute to the vibrancy, vitality, and character of Napier's city centre, particularly as experienced from streets, laneways, and public open spaces.
- b. The extent to which the site layout and building design positively contribute to the attractiveness of streets, laneways, and public open spaces.
- c. The extent to which mana whenua values inform the design of the building.
- d. The extent to which the development is easily accessible for all members of Napier's community.
- e. Whether publicly accessible pedestrian and cycle connections are provided through the site where development fronts two or more streets or public open spaces (where practicable and appropriate).

*Resilience and infrastructure*

- f. Whether the building contributes to the resilience of the city centre to natural hazards and climate change.
- g. Whether suitable provision is made for onsite rubbish storage and sorting of recycling materials that is of sufficient size to service the activities in the buildings and is easily accessible for collection.

- h. Whether the development can be sufficiently serviced by water, wastewater, and stormwater infrastructure, having regard to the potential effects of climate change. This includes incorporating low impact stormwater design where appropriate.

### Quality living environments

- i. If the building provides residential units, whether the design and layout of the residential units provide quality living environments.
- j. The criteria HRZ-AC1 Quality living environments of the High Density Residential Zone apply in addition to the above.

**Sentiment:** Amend

**Submission:**

- i. Kāinga Ora supports engagement with and the involvement of mana whenua on developments, impacting on a site of significance and associated cultural values, however considers that the inclusion of 'mana whenua values to inform the design of the building' as assessment criteria within CCZ-AC3 for any new building within the City Centre would imply that a Cultural Values Assessment or Cultural Impact Assessment for all proposals for new buildings within this zone would be required. Kāinga Ora seeks clarification as to whether this was the intention of the assessment criteria and seeks changes to the criteria to clarify its intended purpose.

**Relief sought**

Kāinga Ora seeks clarification as to whether this was the intention of the assessment criteria and seeks changes to the criteria to clarify its intended purpose.

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**Point 285.16**

**Section:** PKA - Papakainga

**Sub-section:** PKA - Papakainga - Standards Table

**Provision:**

PKA-S1: Height

**All zones**

1. All buildings and structures must not exceed 10 m in height. **Matters of discretion are:**

***Purpose:** to maintain amenity value of the area by preventing tall, obtrusive structures and buildings.*

1. Neighbourhood character;
2. Safety and attractiveness of streets and public open spaces, and
3. Quality living environments.

**Sentiment:** Oppose

**Submission:**

(a) **Papakāinga** – Kāinga Ora supports the inclusion of provisions relating to papakāinga developments within the PDP; however, seek the following amendments:

- i. Papakāinga developments should be subject to the same activity status and permitted standards, amended in accordance with this submission (see 6(a)(ii) above), as residential activities/dwellings within the GRZ, MRZ and the HRZ. Kāinga Ora opposes a tailored maximum height, yard setbacks and building

coverage associated with papakāinga.

### Relief sought

Kāinga Ora opposes a tailored maximum height, yard setbacks and building coverage associated with papakāinga.

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### Point 285.17

**Section:** PKA - Papakainga

**Sub-section:** PKA - Papakainga - Standards Table

#### Provision:

##### PKA-S2: Front yards

**All zones**

1. Residential buildings and accessory buildings must not be erected closer than 7.5 m to any road boundary.
2. Industrial and commercial buildings must not be erected closer than 15 m to any road boundary.

**Matters of discretion are restricted to:**

***Purpose:** to maintain the open character and amenity of the area, and to ensure conflicts between adjoining land uses are avoided.*

1. Neighbourhood character;
2. Safety and attractiveness of streets and public open spaces, and
3. Quality living environments.

**Sentiment:** Oppose

#### Submission:

(a) **Papakāinga** – Kāinga Ora supports the inclusion of provisions relating to papakāinga developments within the PDP; however, seek the following amendments:

- i. Papakāinga developments should be subject to the same activity status and permitted standards, amended in accordance with this submission (see 6(a)(ii) above), as residential activities/dwellings within the GRZ, MRZ and the HRZ. Kāinga Ora opposes a tailored maximum height, yard setbacks and building coverage associated with papakāinga.

### Relief sought

Kāinga Ora opposes a tailored maximum height, yard setbacks and building coverage associated with papakāinga.

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### Point 285.18

**Section:** PKA - Papakainga

**Sub-section:** PKA - Papakainga - Standards Table

#### Provision:

##### PKA-S7: Building coverage

**All zones**

1. The maximum building coverage shall be 20% of the net site area.

**Matters of discretion are:**

***Purpose:** to maintain a low density character; to*

1. Neighbourhood character;
2. Safety and attractiveness of streets and

*minimise effects on the quality of the neighbours' living environment; and to manage the impact of impermeable surfaces on stormwater management, amenity, and landscaping.*

public open spaces, and  
3. Quality living environments.

**Sentiment:** Amend

**Submission:**

(a) **Papakāinga** – Kāinga Ora supports the inclusion of provisions relating to papakāinga developments within the PDP; however, seek the following amendments:

- i. Papakāinga developments should be subject to the same activity status and permitted standards, amended in accordance with this submission (see 6(a)(ii) above), as residential activities/dwellings within the GRZ, MRZ and the HRZ. Kāinga Ora opposes a tailored maximum height, yard setbacks and building coverage associated with papakāinga.

**Relief sought**

Kāinga Ora opposes a tailored maximum height, yard setbacks and building coverage associated with papakāinga.

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**Point 285.19**

**Section:** PKA - Papakainga

**Sub-section:** PKA - Papakainga - Rules Table

**Provision:**

PKA-R2: Papakāinga

Control area (if applicable),	PKA-R2A	PKA-R2B
General Residential Zone, Medium Density Zone, Large Lot Residential Zone, Rural Zone, Rural Production	<b>Activity Status:</b> Controlled  <b>Where:</b>	<b>Activity Status where activity condition 1 is not met:</b>  Restricted Discretionary



**Zone,  
Rural Lifestyle Zone,  
Settlement Zone,  
Māori Purpose Zone,  
Mixed Use Zone**

**Purpose of the Rule:**  
*to provide for  
papakāinga  
development within  
appropriate locations  
where the effects of the  
development will not  
impact on the  
surrounding  
environment and where  
reverse sensitivity  
issues are avoided.*

1. The activity complies with all of the standards.
2. The development is located on either:
  - a. Land declared Māori Land pursuant to the Te Ture Whenua Māori Act 1993, or
  - b. Land which was declared General Land under the Māori Affairs Amendment Act 1967, provided the applicant can demonstrate that the land has remained in ancestral ownership continuously from the date of the declaration.

**Matters of control are:**

1. Purpose of the rule, objectives, and policies of the relevant underlying zone;
2. Whether the development is consistent with any development plan prepared for the site;
3. Evidence of appropriate mechanisms to secure long-term Māori ownership of the land, and
4. For papakāinga on General Title, evidence as to why the land should be considered for papakāinga development and an explanation as to why land cannot be converted to Māori Freehold Title under Te Ture Whenua Māori Act 1993.

**Matters of discretion are:**

1. Consistency with any development plan for the Papakāinga development;
2. The matters of discretion stated for infringing the relevant standard(s);
3. Quality living environments;
4. Evidence of appropriate mechanisms to secure long-term Māori administration, ownership, and maintenance of the land, and
5. For papakāinga on General Title, evidence as to why the land should be considered for papakāinga development, and an explanation as to why land cannot be converted to Māori Freehold Title under Te Ture Whenua Māori Act 1993.

**Activity Status where activity condition 2 is not met:**

Discretionary

**Sentiment:** Oppose

**Submission:**

(a) **Papakāinga** – Kāinga Ora supports the inclusion of provisions relating to papakāinga developments within the PDP; however, seek the following amendments:

- i. Kāinga Ora questions the inclusion under rule PKA-R2A of a requirement for general title land to have been held in ancestral ownership 'continuously' since the declaration. Kāinga Ora seeks that the provisions reduce the barriers that Māori face in the development of papakāinga, acknowledging that general title land may be owned by Māori, but this may not have been 'continuously' as the proposed provisions requires.

Kāinga Ora requests amendments to the wording of these provisions to reduce the regulatory barriers, following further hui with Mana Whenua and Council.

**Relief sought**

Kāinga Ora requests amendments to the wording of these provisions to reduce the regulatory barriers, following further hui with Mana Whenua and Council.

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**Point 285.20**

**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><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 concurrently if the applicant for the resource consent can demonstrate that:<ol 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></ol></li></ol></li><li>2. A minimum allotment size of 350 m<sup>2</sup> applies to any subdivision that creates new vacant allotments.</li></ol>	<b>Activity Status where standards are not met:</b> Non-complying
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 150 m<sup>2</sup>  
Historic Heritage  
Overlay, Tram Shelter  
Historic Heritage Overlay

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

Coronation Street 300 m<sup>2</sup>  
Historic Heritage Overlay

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

**Sentiment:** Support

**Submission:**

- i. Kainga Ora supports the proposed subdivision provisions, to the extent that these enable for a controlled activity pathway, with no minimum lot size, for subdivisions that are associated with a land use consent (SUB-S1(1)).

**Relief sought**

Retain as notified.

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**Point 285.21**

**Section:** SUB - Subdivision

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

**Provision:**

**SUB-S2: Minimum allotment sizes - commercial and industrial**

All commercial zones  
and industrial zones,  
precincts, and overlays  
not otherwise provided  
for elsewhere

No minimum

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

Large Format Retail  
Zone

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

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

Pandora Specific  
Control Area

Front and corner sites: 1,000 m<sup>2</sup>

Rear sites: 2,000 m<sup>2</sup>

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

**Sentiment:** Oppose

**Submission:**

- i. Kāinga Ora opposes the proposed minimum lot size for vacant lot subdivision, being 350m<sup>2</sup> within SUB-S1(2). Kāinga Ora seeks the following amendments:

1. That within the GRZ, the minimum vacant allotment size is 300m<sup>2</sup>;
2. That within the MRZ and HRZ, a minimum shape factor of 8m x 15m. This shape factor shall be located outside of:
  - Land which may be subject to instability or is otherwise geotechnically unsuitable;
  - Network Utilities, including private and public lines.

## Relief sought

Kāinga Ora seeks the following amendments:

1. That within the GRZ, the minimum vacant allotment size is 300m<sup>2</sup>;
2. That within the MRZ and HRZ, a minimum shape factor of 8m x 15m. This shape factor shall be located outside of:
  - Land which may be subject to instability or is otherwise geotechnically unsuitable;
  - Network Utilities, including private and public lines.

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## Point 285.22

**Section:** EW - Earthworks

**Sub-section:** EW - Earthworks - Standards Table

**Provision:**

EW-S1: Extent of earthworks

<i>Purpose: to enable earthworks to occur within extent limits and to manage adverse effects when large earthworks are proposed.</i>	<b>Zone</b>	<b>Volume</b>	<b>Criteria (for any 12-month period)</b>	<b>Matters of discretion:</b>
	Rural Production, Rural Lifestyle, Airport, Settlement, Tertiary Education Zones, Mission (all), Jervoistown Precincts, Rural and Wastewater Special Control Areas	100 m <sup>3</sup>	Per hectare of site	1. Sediment control for the protection of waterways; 2. Visual impacts and landscape values; 3. Heritage and cultural values;
	All Residential Zones and Precincts, all Development Areas, all Commercial and Mixed Use Zones and Precincts, all Industrial Zones and Precincts, Boat Harbour Zone, Maori Purpose Zone, Port Zone, and Ahuriri Estuary Special Zone	50 m <sup>3</sup>	Per site	4. Ecological values; 5. Natural hazards, and 6. Health and safety.
	Open Space Zones	1000 m <sup>3</sup>	Per hectare site	

**Notes:**

1. To calculate the volume of earthworks per hectare of site, multiply the volume threshold (listed in the above table) by the total area of the subject site in hectares over any 12-month period.

**Sentiment:** Oppose

**Submission:**

- i. Kāinga Ora opposes the proposed Earthworks standards limiting the permitted volume of earthworks to 50m<sup>3</sup> per site, for any 12-month period, across all residential zones and precincts (EW-S1). Whilst it is acknowledged this is reflective of the operative provisions, Kāinga Ora seeks that this be increased to 250m<sup>3</sup>, to ensure that a level of land disturbance, consistent with the level of development anticipated through the PDP, is provided for as a permitted activity.

**Relief sought**

- i. Kāinga Ora seeks that this be increased to 250m<sup>3</sup>, to ensure that a level of land disturbance, consistent with the level of development anticipated through the PDP, is provided for as a permitted activity.

## Point 285.23

### 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:** Amend

**Submission:**

(a) **Stormwater** – Kāinga Ora support the use of engineering techniques and the attenuation of stormwater on-site to control the potential effects of development on the stormwater network and the surrounding environment. However, the requirement to provide for retention systems (SW-S1), fails to acknowledge that this is just one potential solution for attenuation. Kāinga Ora therefore seeks that any requirement for retention be included as one solution but not necessarily *the* solution; i.e. soakage and detention systems could also be utilised to address potential effects of development.

**Relief sought**

Kāinga Ora therefore seeks that any requirement for retention be included as one solution but not necessarily *the* solution; i.e. soakage and detention systems could also be utilised to address potential effects of development.

Any consequential changes necessary to give effect to the changes highlighted above or in the appendices attached.

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**Point 285.24**

**Section:** Planning Maps

**Sub-section:** General

**Provision:** General

**Sentiment:** Amend

**Submission:**

The changes sought are made to:

- (a) Ensure that Kāinga Ora can carry out its statutory obligations as a housing provider;
- (b) Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- (c) Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development;
- (d) Provide clarity for all plan users; and
- (e) Allow Kāinga Ora to fulfil its urban development functions as required under the Kāinga Ora–Homes and Communities Act 2019.

# Kāinga Ora seeks the following decision from Napier City Council:

That the specific amendments, additions or retentions which are sought as specifically outlined in this submission, are accepted and adopted into the PDP, including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

## Point 285.25

**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 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.

**Activity Status where standards are not met:**

Non-complying

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>.

**Activity Status where standards are not met:**

Non-complying

Napier Hill/Mataruahou 500 m<sup>2</sup>  
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

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

Harbour Reserve 150 m<sup>2</sup>  
Historic Heritage  
Overlay, Tram Shelter  
Historic Heritage Overlay

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

Coronation Street 300 m<sup>2</sup>  
Historic Heritage Overlay

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

**Sentiment:** Oppose

**Submission:**

i. Kāinga Ora opposes the proposed minimum lot size for vacant lot subdivision, being 350m<sup>2</sup> within SUB-S1(2). Kāinga Ora seeks the following amendments:

1. That within the GRZ, the minimum vacant allotment size is 300m<sup>2</sup>;
2. That within the MRZ and HRZ, a minimum shape factor of 8m x 15m. This shape factor shall be located outside of:
  - Land which may be subject to instability or is otherwise geotechnically unsuitable;
  - Network Utilities, including private and public lines.

**Relief sought**

Kāinga Ora seeks the following amendments:

1. That within the GRZ, the minimum vacant allotment size is 300m<sup>2</sup>;
2. That within the MRZ and HRZ, a minimum shape factor of 8m x 15m. This shape factor shall be located outside of:
  - Land which may be subject to instability or is otherwise geotechnically unsuitable;
  - Network Utilities, including private and public lines.



**15 December 2023**

Attn: Napier City Council

Submission via email: [districtplanreview@napier.govt.nz](mailto:districtplanreview@napier.govt.nz)

**KĀINGA ORA – HOMES AND COMMUNITIES SUBMISSION ON THE NAPIER  
CITY PROPOSED DISTRICT PLAN UNDER SCHEDULE 1 OF  
THE RESOURCE MANAGEMENT ACT 1991**

**This is a submission on the Napier City Proposed District Plan (“PDP”), prepared by Napier City Council (“the Council” or “NCC”):**

Kāinga Ora does not consider it can gain an advantage in trade competition through this submission. In any event, Kāinga Ora is directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

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

The Napier City Council PDP in its entirety.

**The Kāinga Ora submission is:**

1. Kāinga Ora Homes and Communities (“**Kāinga Ora**”) is a Crown Entity and is required to give effect to Government policies. Kāinga Ora has a statutory objective that requires it to contribute to sustainable, inclusive, and thriving communities that:
  - a) Provide people with good quality, affordable housing choices that meet diverse needs; and

- b) Support good access to jobs, amenities and services; and
  - c) Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
2. Because of these statutory objectives, Kāinga Ora has interests beyond its role as a public housing provider. This includes a role as a landowner and developer of residential housing and as an enabler of quality urban developments through increasing the availability of build-ready land across the Waipā district.
3. Kāinga Ora therefore has an interest in the PDP and how it:
- (a) Gives effect to the National Policy Statement on Urban Development (“**NPS-UD**”); and
  - (b) Minimises barriers that constrain the ability to deliver housing development across public housing, affordable housing, affordable rental, and market housing; and
  - (c) Provides for the provision of services and infrastructure and how this may impact on the existing and planned communities, including Kāinga Ora housing developments.
4. The Kāinga Ora submission is generally in support of the PDP as it has been notified, and particularly supports:
- (d) The recognition of the need for well-functioning urban environments (consistent with the direction set out in the National Policy Statement on Urban Development 2020 (“NPS-UD”);
  - (e) The provision of medium density and high-density housing in a large portion of the existing residential areas across the city and the spatial extent of these;
  - (f) The recognition of the need to provide sufficient development capacity to meet long term demands for housing;
  - (g) The introduction of a papakāinga chapter which promotes the enablement of papakāinga in urban environments. Kāinga Ora do however seek some amendments to allow for more enabling standards to reflect the General

Residential Zone (**GRZ**), Medium Density Residential Zone (**MRZ**) and High Density Residential Zone (**HRZ**) standards;

- (h) The need to manage significant risks from natural hazards;
  - (i) The promotion of a compact urban form and residential intensification in Napier City; and
  - (j) The provision for enabling medium to high density residential development within a walkable catchment of the City Centre and larger Commercial Centres.
5. Kāinga Ora acknowledge the constraints Napier City faces moving forward to accommodate population growth, and considers that the PDP, through enabling greater densities of development, will positively contribute toward housing the current and future population of Napier.
6. Whilst overall, Kāinga Ora are supportive of the PDP, the following amendments to the PDP are sought to ensure provisions are enabling of development that is reflective of the respective zoning framework:
- (a) **Residential Zones** –
    - i. Kainga Ora opposes the use of the word ‘maintain and enhance’ within the purpose statements in the respective ‘Standards Tables’ of the GRZ, MRZ and HRZ. Kainga Ora seeks that these are amended to refer to the ‘planned built environment’ in line with the objectives and policies of each zone and Policy 6 of the NPS-UD. The consequential requirement for development to ‘maintain and enhance’ the existing character of an area conflicts with the overall direction of the PDP to enable growth and intensification.
    - ii. Kāinga Ora seeks that the permitted number of dwellings be increased as follows:
      - (a) GRZ-R1A – Increase the number of dwellings permitted on site within the GRZ from 1 to 2 dwellings,
      - (b) MRZ-R1A – Increase the number of dwellings permitted on site within the MRZ from 1 to 3 dwellings; and

(c) HRZ-R1A – Increase the number of dwellings permitted on site from 1 to 3 dwellings..

- iii. Kāinga Ora opposes MRZ-S14 and HRZ-S14 and seeks that these maximum building length standards of 22m are deleted. Kāinga Ora considers that the purpose of this standard is to manage visual dominance; however, this is already appropriately managed by maximum heights, height in relation to boundary and yard setback standards.
- iv. The assessment criteria for the GRZ, MRZ and the HRZ refers to the Hastings Residential Intensification Design Guide. Kāinga Ora opposes the inclusion of Design Guidelines in the District Plan and seeks that reference to these are deleted for the following reasons:
- a) Kāinga Ora considers that these act as de-facto rules to be complied with. Kāinga Ora opposes any policy or rule approach which would require development proposals to comply with such design guidelines in the District Plan. Kāinga Ora alternatively seeks and supports design guidelines sit outside the Plan as guidance regarding best practice design outcomes. The Design Guidelines should be treated as a non-statutory tool.
- b) If there is content of a Design Guideline that Council wants in the Plan, Kāinga Ora seeks that these are relocated within a specific rule, matter of discretion or assessment criterion. Where particular design outcomes are to be achieved, these should be specified in matters of discretion or assessment.
- c) Notwithstanding the above, reference to design guidance that is regulated by another Council removes the ability for Council to adapt the guidance to reflect best practice and the planned built environment for the local urban environment of Napier City.

**(b) City Centre Zone**

- i. Kāinga Ora opposes the use of the words ‘maintain and enhance’ within Policy CCZ-P3 and within the purpose statements of the standards table. Kāinga Ora seeks these are amended to refer to the ‘planned built

environment' in line with Policy 6 of the NPS-UD. The consequential requirement for development to 'maintain and enhance' the existing character of an area conflicts with the overall direction of the PDP to enable growth and intensification.

- ii. Kāinga Ora supports standard CCZ-S2 as a way of enabling greater heights whilst also managing potential adverse effects on the receiving environment. However, seeks that a diagram be inserted within this standard to clearly illustrate the application. This would be beneficial for plan users.
  - iii. Kāinga Ora supports engagement with and the involvement of mana whenua on developments, impacting on a site of significance and associated cultural values, however considers that the inclusion of 'mana whenua values to inform the design of the building' as assessment criteria within CCZ-AC3 for any new building within the City Centre would imply that a Cultural Values Assessment or Cultural Impact Assessment for all proposals for new buildings within this zone would be required. Kāinga Ora seeks clarification as to whether this was the intention of the assessment criteria and seeks changes to the criteria to clarify its intended purpose.
- (c) **Papakāinga** – Kāinga Ora supports the inclusion of provisions relating to papakāinga developments within the PDP; however, seek the following amendments:
- i. Papakāinga developments should be subject to the same activity status and permitted standards, amended in accordance with this submission (see 6(a)(ii) above), as residential activities/dwellings within the GRZ, MRZ and the HRZ. Kāinga Ora opposes a tailored maximum height, yard setbacks and building coverage associated with papakāinga.
  - ii. Kāinga Ora questions the inclusion under rule PKA-R2A of a requirement for general title land to have been held in ancestral ownership 'continuously' since the declaration. Kāinga Ora seeks that the provisions reduce the barriers that Māori face in the development of papakāinga, acknowledging

that general title land may be owned by Māori, but this may not have been 'continuously' as the proposed provisions requires.

Kāinga Ora requests amendments to the wording of these provisions to reduce the regulatory barriers, following further hui with Mana Whenua and Council.

(d) **Subdivision –**

- i. Kāinga Ora supports the proposed subdivision provisions, to the extent that these enable for a controlled activity pathway, with no minimum lot size, for subdivisions that are associated with a land use consent (SUB-S1(1)).
- ii. Kāinga Ora opposes the proposed minimum lot size for vacant lot subdivision, being 350m<sup>2</sup> within SUB-S1(2). Kāinga Ora seeks the following amendments:
  1. That within the GRZ, the minimum vacant allotment size is 300m<sup>2</sup>;
  2. That within the MRZ and HRZ, a minimum shape factor of 8m x 15m. This shape factor shall be located outside of:
    - Land which may be subject to instability or is otherwise geotechnically unsuitable;
    - Network Utilities, including private and public lines.

(e) **Earthworks –**

- i. Kāinga Ora opposes the proposed Earthworks standards limiting the permitted volume of earthworks to 50m<sup>3</sup> per site, for any 12-month period, across all residential zones and precincts (EW-S1). Whilst it is acknowledged this is reflective of the operative provisions, Kāinga Ora seeks that this be increased to 250m<sup>3</sup>, to ensure that a level of land disturbance, consistent with the level of development anticipated through the PDP, is provided for as a permitted activity.

- (f) **Stormwater –** Kāinga Ora support the use of engineering techniques and the attenuation of stormwater on-site to control the potential effects of development on the stormwater network and the surrounding environment. However, the requirement to provide for retention systems (SW-S1), fails to acknowledge that

this is just one potential solution for attenuation. Kāinga Ora therefore seeks that any requirement for retention be included as one solution but not necessarily *the* solution; i.e. soakage and detention systems could also be utilised to address potential effects of development.

- (g) Any consequential changes necessary to give effect to the changes highlighted above or in the appendices attached.

7. The changes sought are made to:

- (a) Ensure that Kāinga Ora can carry out its statutory obligations as a housing provider;
- (b) Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- (c) Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development;
- (d) Provide clarity for all plan users; and
- (e) Allow Kāinga Ora to fulfil its urban development functions as required under the Kāinga Ora–Homes and Communities Act 2019.

**Kāinga Ora seeks the following decision from Napier City Council:**

That the specific amendments, additions or retentions which are sought as specifically outlined in **this submission**, are accepted and adopted into the PDP, including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

**Kāinga Ora wishes to be heard in support of their submission.**

Kāinga Ora seeks to work collaboratively with the Council and wishes to discuss its submission on the PDP to address the matters raised in its submission.

If others make a similar submission, Kāinga Ora are happy to consider presenting a joint case at a hearing.



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**Brendon Liggett**  
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**15 December 2023**

Attn: Napier City Council

Submission via email: [districtplanreview@napier.govt.nz](mailto:districtplanreview@napier.govt.nz)

**KĀINGA ORA – HOMES AND COMMUNITIES SUBMISSION ON THE NAPIER  
CITY PROPOSED DISTRICT PLAN UNDER SCHEDULE 1 OF  
THE RESOURCE MANAGEMENT ACT 1991**

**This is a submission on the Napier City Proposed District Plan (“PDP”), prepared by Napier City Council (“the Council” or “NCC”):**

Kāinga Ora does not consider it can gain an advantage in trade competition through this submission. In any event, Kāinga Ora is directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

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

The Napier City Council PDP in its entirety.

**The Kāinga Ora submission is:**

1. Kāinga Ora Homes and Communities (“**Kāinga Ora**”) is a Crown Entity and is required to give effect to Government policies. Kāinga Ora has a statutory objective that requires it to contribute to sustainable, inclusive, and thriving communities that:
  - a) Provide people with good quality, affordable housing choices that meet diverse needs; and

- b) Support good access to jobs, amenities and services; and
  - c) Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
2. Because of these statutory objectives, Kāinga Ora has interests beyond its role as a public housing provider. This includes a role as a landowner and developer of residential housing and as an enabler of quality urban developments through increasing the availability of build-ready land across the Waipā district.
3. Kāinga Ora therefore has an interest in the PDP and how it:
- (a) Gives effect to the National Policy Statement on Urban Development (“**NPS-UD**”); and
  - (b) Minimises barriers that constrain the ability to deliver housing development across public housing, affordable housing, affordable rental, and market housing; and
  - (c) Provides for the provision of services and infrastructure and how this may impact on the existing and planned communities, including Kāinga Ora housing developments.
4. The Kāinga Ora submission is generally in support of the PDP as it has been notified, and particularly supports:
- (d) The recognition of the need for well-functioning urban environments (consistent with the direction set out in the National Policy Statement on Urban Development 2020 (“**NPS-UD**”));
  - (e) The provision of medium density and high-density housing in a large portion of the existing residential areas across the city and the spatial extent of these;
  - (f) The recognition of the need to provide sufficient development capacity to meet long term demands for housing;
  - (g) The introduction of a papakāinga chapter which promotes the enablement of papakāinga in urban environments. Kāinga Ora do however seek some amendments to allow for more enabling standards to reflect the General

Residential Zone (**GRZ**), Medium Density Residential Zone (**MRZ**) and High Density Residential Zone (**HRZ**) standards;

- (h) The need to manage significant risks from natural hazards;
  - (i) The promotion of a compact urban form and residential intensification in Napier City; and
  - (j) The provision for enabling medium to high density residential development within a walkable catchment of the City Centre and larger Commercial Centres.
5. Kāinga Ora acknowledge the constraints Napier City faces moving forward to accommodate population growth, and considers that the PDP, through enabling greater densities of development, will positively contribute toward housing the current and future population of Napier.
6. Whilst overall, Kāinga Ora are supportive of the PDP, the following amendments to the PDP are sought to ensure provisions are enabling of development that is reflective of the respective zoning framework:
- (a) **Residential Zones** –
    - i. Kainga Ora opposes the use of the word ‘maintain and enhance’ within the purpose statements in the respective ‘Standards Tables’ of the GRZ, MRZ and HRZ. Kainga Ora seeks that these are amended to refer to the ‘planned built environment’ in line with the objectives and policies of each zone and Policy 6 of the NPS-UD. The consequential requirement for development to ‘maintain and enhance’ the existing character of an area conflicts with the overall direction of the PDP to enable growth and intensification.
    - ii. Kāinga Ora seeks that the permitted number of dwellings be increased as follows:
      - (a) GRZ-R1A – Increase the number of dwellings permitted on site within the GRZ from 1 to 2 dwellings,
      - (b) MRZ-R1A – Increase the number of dwellings permitted on site within the MRZ from 1 to 3 dwellings; and

(c) HRZ-R1A – Increase the number of dwellings permitted on site from 1 to 3 dwellings..

- iii. Kāinga Ora opposes MRZ-S14 and HRZ-S14 and seeks that these maximum building length standards of 22m are deleted. Kāinga Ora considers that the purpose of this standard is to manage visual dominance; however, this is already appropriately managed by maximum heights, height in relation to boundary and yard setback standards.
- iv. The assessment criteria for the GRZ, MRZ and the HRZ refers to the Hastings Residential Intensification Design Guide. Kāinga Ora opposes the inclusion of Design Guidelines in the District Plan and seeks that reference to these are deleted for the following reasons:
  - a) Kāinga Ora considers that these act as de-facto rules to be complied with. Kāinga Ora opposes any policy or rule approach which would require development proposals to comply with such design guidelines in the District Plan. Kāinga Ora alternatively seeks and supports design guidelines sit outside the Plan as guidance regarding best practice design outcomes. The Design Guidelines should be treated as a non-statutory tool.
  - b) If there is content of a Design Guideline that Council wants in the Plan, Kāinga Ora seeks that these are relocated within a specific rule, matter of discretion or assessment criterion. Where particular design outcomes are to be achieved, these should be specified in matters of discretion or assessment.
  - c) Notwithstanding the above, reference to design guidance that is regulated by another Council removes the ability for Council to adapt the guidance to reflect best practice and the planned built environment for the local urban environment of Napier City.

**(b) City Centre Zone**

- i. Kāinga Ora opposes the use of the words ‘maintain and enhance’ within Policy CCZ-P3 and within the purpose statements of the standards table. Kāinga Ora seeks these are amended to refer to the ‘planned built

environment' in line with Policy 6 of the NPS-UD. The consequential requirement for development to 'maintain and enhance' the existing character of an area conflicts with the overall direction of the PDP to enable growth and intensification.

- ii. Kāinga Ora supports standard CCZ-S2 as a way of enabling greater heights whilst also managing potential adverse effects on the receiving environment. However, seeks that a diagram be inserted within this standard to clearly illustrate the application. This would be beneficial for plan users.
  - iii. Kāinga Ora supports engagement with and the involvement of mana whenua on developments, impacting on a site of significance and associated cultural values, however considers that the inclusion of 'mana whenua values to inform the design of the building' as assessment criteria within CCZ-AC3 for any new building within the City Centre would imply that a Cultural Values Assessment or Cultural Impact Assessment for all proposals for new buildings within this zone would be required. Kāinga Ora seeks clarification as to whether this was the intention of the assessment criteria and seeks changes to the criteria to clarify its intended purpose.
- (c) **Papakāinga** – Kāinga Ora supports the inclusion of provisions relating to papakāinga developments within the PDP; however, seek the following amendments:
- i. Papakāinga developments should be subject to the same activity status and permitted standards, amended in accordance with this submission (see 6(a)(ii) above), as residential activities/dwellings within the GRZ, MRZ and the HRZ. Kāinga Ora opposes a tailored maximum height, yard setbacks and building coverage associated with papakāinga.
  - ii. Kāinga Ora questions the inclusion under rule PKA-R2A of a requirement for general title land to have been held in ancestral ownership 'continuously' since the declaration. Kāinga Ora seeks that the provisions reduce the barriers that Māori face in the development of papakāinga, acknowledging

that general title land may be owned by Māori, but this may not have been 'continuously' as the proposed provisions requires.

Kāinga Ora requests amendments to the wording of these provisions to reduce the regulatory barriers, following further hui with Mana Whenua and Council.

(d) **Subdivision –**

- i. Kāinga Ora supports the proposed subdivision provisions, to the extent that these enable for a controlled activity pathway, with no minimum lot size, for subdivisions that are associated with a land use consent (SUB-S1(1)).
- ii. Kāinga Ora opposes the proposed minimum lot size for vacant lot subdivision, being 350m<sup>2</sup> within SUB-S1(2). Kāinga Ora seeks the following amendments:
  1. That within the GRZ, the minimum vacant allotment size is 300m<sup>2</sup>;
  2. That within the MRZ and HRZ, a minimum shape factor of 8m x 15m. This shape factor shall be located outside of:
    - Land which may be subject to instability or is otherwise geotechnically unsuitable;
    - Network Utilities, including private and public lines.

(e) **Earthworks –**

- i. Kāinga Ora opposes the proposed Earthworks standards limiting the permitted volume of earthworks to 50m<sup>3</sup> per site, for any 12-month period, across all residential zones and precincts (EW-S1). Whilst it is acknowledged this is reflective of the operative provisions, Kāinga Ora seeks that this be increased to 250m<sup>3</sup>, to ensure that a level of land disturbance, consistent with the level of development anticipated through the PDP, is provided for as a permitted activity.

- (f) **Stormwater –** Kāinga Ora support the use of engineering techniques and the attenuation of stormwater on-site to control the potential effects of development on the stormwater network and the surrounding environment. However, the requirement to provide for retention systems (SW-S1), fails to acknowledge that

this is just one potential solution for attenuation. Kāinga Ora therefore seeks that any requirement for retention be included as one solution but not necessarily *the* solution; i.e. soakage and detention systems could also be utilised to address potential effects of development.

- (g) Any consequential changes necessary to give effect to the changes highlighted above or in the appendices attached.

7. The changes sought are made to:

- (a) Ensure that Kāinga Ora can carry out its statutory obligations as a housing provider;
- (b) Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- (c) Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development;
- (d) Provide clarity for all plan users; and
- (e) Allow Kāinga Ora to fulfil its urban development functions as required under the Kāinga Ora–Homes and Communities Act 2019.

**Kāinga Ora seeks the following decision from Napier City Council:**

That the specific amendments, additions or retentions which are sought as specifically outlined in **this submission**, are accepted and adopted into the PDP, including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

**Kāinga Ora wishes to be heard in support of their submission.**

Kāinga Ora seeks to work collaboratively with the Council and wishes to discuss its submission on the PDP to address the matters raised in its submission.

If others make a similar submission, Kāinga Ora are happy to consider presenting a joint case at a hearing.



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