



HEARINGS COMMITTEE (RESOURCE CONSENT HEARING)

Open Agenda

Meeting Date: Monday 18 July 2022

Time: 9.30am (Applicant: Kwok and Janine Cheng)

Venue: Breakout Room 2
Napier War Memorial Centre
Marine Parade
Napier

Committee Members Deputy Mayor Brosnan (in the Chair) and Councillor Simpson

Officer Responsible Executive Director City Strategy (Richard Munneke)

Administration Governance Team

ORDER OF BUSINESS

Apologies

Nil

Conflicts of interest

Agenda items

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| 1 | RM210183 - Section 42A Report | 3 |
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AGENDA ITEMS

1. RM210183 - SECTION 42A REPORT

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| <i>Type of Report:</i> | Legal |
| <i>Legal Reference:</i> | Resource Management Act 1991 |
| <i>Document ID:</i> | 1475207 |
| <i>Reporting Officer/s & Unit:</i> | Christina Bunny, Senior Resource ConsentsPlanner Kathryn Hunt, Personal Assistant to Director City Strategy |

1.1 Purpose of Report

To hear submissions to application RM210183 for Land Use Consent to remove a Group 3A Heritage Item, and replace this dwelling with a new two-storey building within the Hardinge Road Residential zone at 69 Hardinge Road, Ahuriri, Napier.

Officer's Recommendation

That the Hearings Commissioners resolve:

That pursuant to the requirements of Section 104, 104B of the Resource Management Act 1991, the Napier City Council **declines** Land Use Consent to the application by Janine and Sing Gheng for the removal of a Group 3A Heritage Item, and construction of a new building in accordance with the plans submitted under RM210183

1.2 Attachments

- Section 42A Officer's Report (Doc Id 1475476) [↓](#)
- Appendix A - Application Documents and Additional Information Received (Doc Id 1475530) (Under separate cover 1) [⇌](#)
- Appendix B - Plan set (Doc Id 1475528) (Under separate cover 1) [⇌](#)
- Appendix C - Building Condition Report (Doc Id 1475529) (Under separate cover 1) [⇌](#)
- Appendix D - Notification Decision (Doc Id 1475527) (Under separate cover 1) [⇌](#)
- Appendix E - Submission (Doc Id 1475526) (Under separate cover 1) [⇌](#)
- Appendix F - Shading Diagrams (Doc Id 1475531) (Under separate cover 1) [⇌](#)
- Appendix F - Shading Diagram video links (Doc Id 1475650) (Under separate cover 1) [⇌](#)
- Appendix G - Draft Condition set (Doc Id 1475625) (Under separate cover 1) [⇌](#)



Recommendation on an application for resource consent under the Resource Management Act 1991

Discretionary Activity

Removal of Group 3A Heritage Item, and construction of New Dwelling

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| Hearing Date | 18 July 2022 |
| To: | Hearings Panel: Deputy Mayor Brosnan (Chair) Councillor Nigel Simpson <i>Appointed by Napier City Council</i> |
| Reporting Officer: | Christina Bunny Senior Resource Consents Planner, Napier City Council |
| Application Number: | RM210183 |
| Applicant: | Janine and Sing Gheng |
| Site address: | 69 Hardinge Road, Ahuriri, Napier |
| Legal description: | Lot 4 Deeds Plan 317 RT HBB4/251 253m ² . |



Contents

1. Executive Summary
2. Introduction
3. Site and Locality Description
4. Summary of Proposal
5. Reason for Consent & Activity Status
6. Notification and Submission
7. Actual and Potential Effects
8. Statutory Provisions
9. Conclusion
10. Recommendation

Appendices

Appendix A- Application Documents and Additional Information Received

Appendix B- Plan set

Appendix C- Building Condition Report

Appendix D- Notification Decision

Appendix E- Submission

Appendix F- Shading Diagrams

Appendix G- Draft Condition Set

Relevant Application Dates:

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|---|-------------------------|
| <i>Application Received:</i> | <i>20 October 2021</i> |
| <i>Notification Decision Made:</i> | <i>11 February 2022</i> |
| <i>Limited Notification:</i> | <i>23 February 2022</i> |
| <i>Submissions Closed:</i> | <i>23 March 2022</i> |
| <i>Submissions Received:</i> | <i>22 March 2022</i> |

1. Executive Summary:

- 1.1 Janine and Sing Gheng (the applicant) has lodged an application for Land Use Consent to remove a Group 3A Heritage Item, and replace this dwelling with a new two-storey building.
- 1.2 The activity status of the proposed land use is discretionary under Rule 56.17(c) and Rule 8.12 of the Napier District Plan.
- 1.3 The proposed development was limited notified to one neighbour- the landowner of 68 Hardinge Road. One submission was received in opposition of the proposal in whole.
- 1.4 Actual and potential effects arising from the development relate to:
 - Heritage Values*
 - Amenity & Character*
 - Shading and Availability of Sunlight*
 - Outlook and Building Dominance*
 - Onsite Amenity (Open Space)*
 - Earthworks and Construction Effects*
 - Servicing Effects*
 - Natural Hazards*
 - Reverse Sensitivity*
 - Positive Effects*
- 1.5 The proposal has been assessed, in light of the submission and against the relevant provisions under Section 104 of the Act.
- 1.6 In regards to the neighbour, the new building is considered to generate adverse shading effects, availability of sunlight, dominance and outlook that I do not consider to have been mitigated to an appropriate level.
- 1.7 Broadly speaking the proposal is generally consistent with the objectives and policies of the Napier District Plan, however, I do not consider the proposal to be entirely consistent with these.
- 1.8 It is recommended the proposal to remove a Group 3A Heritage Item may be granted following further consideration of the proposed new dwelling.
- 1.9 It is recommended consent for the current proposal, being a new dwelling that will not meet all of the provisions within Chapter 8 of the Operative Napier City Plan, be declined.

2. Introduction:

- 2.1 This report has been prepared by Christina Bunny, Senior Resource Consent Planner, Napier City Council. I have a Bachelor of Environmental Management (Policy & Planning) 2005. I have 7 years of professional experience as a Resource Management Planner.
- 2.2 I have read and complied with the Code of Conduct for Expert Witness in the Environment Court Practice Note 2014 in preparing this report. I agree to comply with it in presenting this report and any evidence at the hearing.
- 2.3 I can confirm that I have considered the material facts that I am aware of, that might alter or detract from the opinions expressed here. I also confirm that the opinions that I have expressed in my evidence are mine, unless I have specifically stated that I have relied on others in forming my opinions.
- 2.4 It is my role as the reporting officer to assess this application against the Operative City of Napier District Plan, the Resource Management Act 1991 and any other associated legislation and plans that are relevant to make recommendations to the Hearings Committee.
- 2.5 I reserve the right to amend my opinion and subsequent recommendation in whole or in part as a result of any evidence, information or other matters that are raised during the course of the hearing.

2.6 Report Status

- 2.6.1 This report is a s42A report prepared under the Resource Management Act 1991 (RMA). It provides an independent assessment and recommendations on the application made by Janine and Sing Gheng (the applicant).
- 2.6.2 This report does not represent any decision on the application and it only provides for professional assessment and opinions by the report author. This report will be considered by the Hearings Panel as delegated by Napier City Council, in conjunction with other evidence and submission which have been received to the application. It does not have greater weight than any other material or submissions that may be presented.

3. Site and Locality Description

- 3.1 The subject site is located at 69 Hardinge Road, Napier, legally described as Lot 4 Deeds 317, being 253 m² and held on Record of Title HBB4/251. The site is relatively narrow with Hardinge Road frontage of 10.6 m, and currently occupied by a single storey dwelling likely constructed in early 1900s.
- 3.2 There is currently no vehicle crossing or on-site parking provided. Provision for water, stormwater and wastewater connections are along Hardinge Road, with connection for water and wastewater established. The site is located within an area subject to flooding, therefore discussions have occurred with Napier City Council Engineers regarding the proposed finished floor level for the proposed dwelling.



Image 1: Site Location (Source: Napier City Council Intramaps)

3.3 Locality Description:

3.3.1 A description of the site and immediately surrounding locale is contained within the Assessment of Environmental Effects prepared by Rebecca Sutton, Strategy (**Appendix A**). In conjunction with reviewing this site description, I have also visited the site and surrounding locale on the following three occasions:

- 26 October 2021
- 23 May 2022
- 20 June 2022

3.3.2 **Comments:**

3.3.2.1 The site contains a single storey dwelling, and is set amongst other single storey dwellings in the immediate vicinity. The existing dwelling is located close to the western boundary at single storey height.

3.3.2.2 Two storey dwellings are established alongside single storey dwellings, both modern and historic in character, towards the eastern direction where Hardinge Road meets Chatham Street.

3.3.2.3 The western end of Hardinge Road consists of a mixture of modern single storey dwellings and smaller cottages reflective of historic character of the area. There is a larger presence

of modern two storey dwellings, with noticeable departures from the permitted height recession planes west of the subject site.

- 3.3.2.4 In summary the character is generally a mix of housing styles, with cottages and modern housing dispersed alongside each other, along Hardinge Road.
- 3.3.2.5 The existing dwelling is part of a grouping of three dwellings which remain a cluster, all likely established in the early 1900s.
- 3.3.2.6 The site is opposite the ocean and public areas comprising the Foreshore Reserve to the north and is the vicinity of Napier Port and Port Industrial Zone 200 m to the east. The site is located within the Port Noise Outer Noise Boundary.
- 3.3.2.7 Land zoned Northern Residential zone is located further to the east, alongside land within the Hardinge Road and Battery Road Character overlays. Land zoned Mixed-Use is located south of Waghorne Street. Approximately 600m to the west is Mixed-Use zoning, foreshore commercial, with the boat harbour and Ahuriri hub further to the west.
- 3.3.2.8 The site is located within an established residential area, afforded beach front views, and it is noted in the District Plan as having more permissive development control standards than other residential zones of the Napier District, including a front yard allowance for buildings of 1m from the road boundary and permitted site coverage of 75%, landscaped area of 15%, and a lower threshold for on-site open space. This illustrates a tolerance for larger scale development along Hardinge Road.

3.4 District Plan:

- 3.4.1 The site is located within the Hardinge Road Residential zone where residential activities are permitted subject to compliance with performance standards/conditions listed in Chapter 8 of the Plan. The zone description for the Hardinge Road Residential Zone states:
- *The Hardinge Road Residential Zone applies to those properties fronting Hardinge Road and Waghorne Street. Some of the oldest buildings in the Ahuriri area lie on Hardinge Road, tightly grouped and close to the road. The early cottages are small in scale and simple in form. The traditional character of the Hardinge Road area is low rise, with spaces between small buildings being comparatively small. Many original buildings sit right on the road edge or have very narrow front yards. Traditionally, roof forms were simple gables or hips with lean-to verandas facing the road.*
 - *In recent times, very intensive new development has begun to replace the historic cottages, resulting in a mix of old and new styles. The Council considers that provision for intensive development should be maintained to enable development to take advantage of the waterfront location while recognising the historic character of the area.*
 - The site is also located within the Hardinge Road Character Overlay, and thus the existing dwelling is considered a Group 3A Heritage Item in the District Plan. Group 3A Heritage items are those buildings which contribute as a group, or by a recognised style, to the character of Ahuriri.

