



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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HEARINGS COMMITTEE (RESOURCE CONSENT HEARING) (KWOK AND JANINE CHENG)

Open Agenda PRE-CIRCULATED EXPERT SUBMITTER EVIDENCE

Meeting Date: Monday 18 July 2022

Time: 9.30am (Submitter Evidence precirculated)

Venue: Breakout Room 2
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 Advisor: Carolyn Hunt

ORDER OF BUSINESS

Apologies

Nil

Conflicts of interest

Agenda items

- 1 Precirculated Statement of Evidence on behalf of the Expert Submitter.....3

AGENDA ITEMS

1. PRECIRCULATED STATEMENT OF EVIDENCE ON BEHALF OF THE EXPERT SUBMITTER

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	1480301
<i>Reporting Officer/s & Unit:</i>	Christina Bunny, Senior Resource ConsentsPlanner

1.1 Purpose of Report

The purpose of this report is to enable the pre-circulated Submitter expert Statement of Evidence on behalf of Kevin Riddell to be uploaded to the website prior to the Resource Consent Hearing in regard to 69 Hardinge Road, Napier as is required by the provisions of the Resource Management Act.

Officer's Recommendation

That the Hearings Commissioners resolve:

That the Expert Submitter evidence pre-circulated on behalf Kevin Riddell be uploaded to the website prior to the hearing commencing on 18 July 2022 so it can be viewed by the Applicant and members of the public.

1.2 Attachments

- 1 Statement of Evidence of James Lunday on behalf of submitter Kevin Riddell (*Doc Id 1480297*) [↓](#)
- 2 Statement of Evidence of Peter Christie on behalf of Kevin Riddell (*Doc Id 1480299*) [↓](#)

IN THE MATTER

of the Resource Management Act 1991
("RMA" or "the Act")

AND

IN THE MATTER

of a resource consent application to **NAPIER CITY COUNCIL** for a land use consent to remove a Group 3A Heritage dwelling and construct a new two storey building within the Hardinge Road Residential Zone at 69 Hardinge Road, Ahuriri, Napier

**STATEMENT OF EVIDENCE OF JAMES DICKSON LUNDAY
ON BEHALF OF KEVIN RIDDELL**

Dated 11 July 2022

Statement of Evidence – James Lunday

Introduction

1. My name is James Dickson Lunday.
2. I hold the qualifications of Diploma of Architecture, Bachelor of Arts with First Class Honours, Bachelor of Planning with First Class Honours, a Diploma of Urban Design and a Masters of Urban Design (Distinction) both from Oxford Brookes. I have over 40 years' experience in Architecture, Strategic Planning, Heritage Planning, Urban Regeneration and Urban Design having worked in Government, Academic and Private Sector roles. I undertook the Ministry for the Environment Making Good Decisions Foundation Course in 2014.
3. I have held the positions of Graduate Architect for City of Glasgow Corporation, Urban Designer/Landscape Planner for the State Government of Victoria, Australia, Director of Urban Regeneration for the Civic Trust, UK, Executive Director of the Auckland Heritage Trust, Senior Lecturer at University of Auckland, General Manager of Regenerate Christchurch, Manager of Urban Design and Heritage at the City of Greater Geelong and Principal of Common Ground Studio.
4. I have been a practicing Urban Designer since 1982, when I was appointed to the position of Urban Designer and Landscape Planner for the Ministry for Planning and Environment, Victoria, Australia. During this time I was involved in the restructuring of Melbourne with a focus on infrastructure land-use led economic recovery with the aim of creating Melbourne as the most Liveable City in Australia. As part of this I was involved in the regeneration of the CBD as the centre of retail and culture for Victoria (initiating such projects as the Lanes, and Southbank). In addition I worked for Townscape Advisory Services where we worked with failing provincial Town Centres to improve their competitiveness in attracting and retaining retail.
5. In 1985 I returned to Europe from Australia to take up the position of Project Director of Regeneration for the Civic Trust, London, in charge of Urban Renewal Projects. The major focus of this organisation was the urban regeneration of failing Towns and Communities. Whilst in this position the Civic Trust became a founder

of the Urban Villages Forum, established to develop new settlements to absorb growth in the United Kingdom. The Civic Trust introduced the concept of Conservation Areas to the British Planning Legislation. In 1989, I left Europe and I was appointed to the position of Executive Director of the Auckland Heritage Trust and accepted an Academic position at the University of Auckland.

6. I was a lecturer at the University of Auckland between 1989-2002, within the School of Architecture, Property and Planning, lecturing in landscape planning, urban design, economic development and heritage planning.
7. I have published extensively in my field, particularly with respect to achieving sustainable urban development. In 2000 I co-authored a book 'Manual for Sustainable Neighbourhood Development' (Christina du Plessus, James Lunday and Pierre Swanepoel – Pretoria, ISBN 0-621-29983-9).
8. I am a past member of the Auckland City Council, Manukau City Council, and Queenstown Urban Design Panels.
9. I am the principal and founder of Common Ground Urban Design and Architecture Ltd (Common Ground Studio) and manage a multi-disciplinary practice focused on Urban Design and Development.
10. In New Zealand I have completed a number of large-scale strategic planning exercises resulting in Master planned or Urban Design led Plan Changes, Variations, and design projects. Major projects include Pegasus Town, Homestead Bay, Jacks Point, Albany City, Waikanae North, Ngārara Farm, Taupō Eastern Urban Lands, New Lynn TOD, Tāmaki TOD, Glen Eden TOD, the Quad Auckland Airport and a retail expansion of Queenstown and Darwin Airports. I have also been involved in consulting work on major Town Developments and waterfront redevelopment in Australia, China, Sri Lanka, Australia and Kuwait. I have been involved in the reconstruction of post-earthquake Christchurch and instrumental in protecting the Christchurch Cathedral. I produced the first Conservation study in New Zealand in 1991 (St Joseph's Convent School, Takapuna) and have been responsible for the restoration of several historic buildings .

Code of Conduct for Expert Witnesses

11. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. I confirm that I have considered all material facts that I am aware of that might alter or detract from the opinions I express, and that this evidence is within my area of expertise, except where I state that I am relying on evidence of another person.

Scope of Evidence

12. In this evidence I provide a summary of my expert opinion regarding the urban design and heritage implications of the proposed demolition and removal of the existing dwelling located at 69 Hardinge Road, Ahuriri, Napier and its replacement with a new two-storey building on the site.
13. In particular, my evidence will cover:
- (a) Some general observations about built heritage character and common threats or challenges to its protection and restoration, based on my experience in heritage character assessments and urban developments of this kind.
 - (b) The significance of the existing dwelling to both the heritage value of the group of 3 dwellings of which it forms part, and within the Group 3A Heritage feature identified in the District Plan (ie the Hardinge Road Character Area) as a whole.
 - (c) The consequences of removal of the existing dwelling (and its replacement with the proposed new dwelling) for that Group, as *a collective*.
 - (d) In that regard, to comment on the extent to which other developments of new buildings along Hardinge Road have affected (or retained) the existing heritage character of the Group and wider Area.
 - (e) To respond to the suggestion that given the existing condition of the building (as revealed in the report prepared by Pidd

Architecture, Appendix C to the s 42A report), it is of low heritage or conservation value in its own right, and cannot realistically be restored.

14. Having read most of the evidence I will not go into detailed descriptions of the statutory planning framework, the existing site and building or the proposed building. These are described in detail in the various planning and architectural reports. I will concentrate on two areas of my expertise; firstly the importance of protecting our Heritage and upholding the protection mechanisms placed in the District Plan to that end, and secondly the urban design issues around the proposal.

Development Proposal

15. In preparing this evidence I have:
- (a) Reviewed the application Assessment of Environmental Effects (**AEE**) and proposed development plans.
 - (b) Reviewed the s 42A report.
 - (c) Reviewed the relevant sections of the District Plan including sections 4 (Residential Environments), 56 (Heritage) and Appendix 13A in particular.
 - (d) Assessed the site and spatial context from a heritage character perspective based on my familiarity with this area of Napier, a Google Maps traverse of the setting focusing particularly on Hardinge Road between Battery Road and Stafford Street; and
 - (e) Reviewed the applicant's evidence (statement from Ms Beachen) and the evidence provided by the reporting planner of the council.
 - (f) Reviewed a draft of the statement of evidence of Mr Peter Christie outlining the extensive renovation undertaken of the submitters' Villa at 68 Hardinge Road.
16. I was not able to visit the site prior to preparing this statement of evidence but will have done so prior to the hearing. Should the opinions

I express in this statement change as a result of that site visit, I will advise the Committee Members of this at the hearing.

General Comments – Heritage Character

17. Heritage provides clues to our past, who we are as a people and how we developed our society. Heritage is not only the preservation of rare artefacts or exquisite public and private buildings, but represents our whole society from its pre-colonial to post-colonial eras and includes narratives, landscapes, buildings, groups of buildings and whole areas. It helps us come to terms with our darkest pasts and our brightest moments. It provides clues to how we evolved as a society.
18. Our heritage is always at risk. It is important that we care for and protect our historic heritage for current and future generations. The New Zealand Government regards the management of historical heritage as an important part of our collective responsibilities, and this is reflected in the RMA with protection of historic heritage being a matter of national importance under s6(f).
19. The Department of Conservation defines three areas that cover heritage. These areas often overlap:

Fabric

Fabric is the physical remains that exist today - it is what you can see or touch. Fabric to Māori could be considered as tika - customary practice. **Artefacts** such as greenstone adzes made by Māori, flakes used by the moa hunters, old bottles and objects left behind by early settlers and even underwater relics. **Man-made features and plantings** left behind from the past such as Māori fortifications, gold mining water tunnels, holes made by gum diggers and trees planted by European settlers. **Buildings** ranging in size from enormous government buildings, to large homesteads, down to small huts, and even smaller castaway shelters. **Machinery and structures** still standing in remote locations, bits of rusty machinery left behind in the bush, or abandoned concrete fortifications.

Stories

Stories describe and explain our history - they are what you read, hear or watch. Stories can be told in many different ways. They tell us what happened in the past, the people involved, what events took place and why. For Māori stories could be considered as kawa - traditional expressions. **Memories and oral traditions** add colour and human interest. **Visual records** like drawings, photos, old movies and maps allow us a glimpse into the past that often makes us want to find out more. **Written records** found in libraries, archives, museums and government departments help us to uncover more of the history behind the stories.

Culture

Culture describes the connection people have with historic places – what they feel, experience or do there. Our cultural experience is enriched by knowledge of the past. Culture to Māori could be considered as tangata whenua - identity. **Spiritual connection.** People get involved in conservation projects at places that are special to them. They are creating a taonga or treasure that will be there for their children and many generations to come. **Pilgrimage, our identity.** People make pilgrimages to places both in New Zealand and overseas to remember special events in our history. They may have a family connection or just a passion about a part of New Zealand history. **Past times, interests.** Hundreds take part in heritage events, collect antiques, and restore old machinery and buildings. They share this heritage with others, it is what they are interested in, what they spend their spare time doing. **Traditional skills.** People still practice today skills from our past. They may carve, weave or work with old machinery, sometimes for their own enjoyment, often to undertake repairs, even as part of their job – this helps keep our heritage alive, especially if we pass these skills on to our children.

20. When considering heritage we must look at the overlaps. In the Hardinge Road Character Area what went before these buildings were built; the lot pattern (before the car) and the built fabric, the technology used in the build, the stories of the people that lived there, are all revealed through what remains today, and become part of the wider stories of Napier.
21. The point I make here is that given 69 Hardinge Road is classified as part of a group of villas within a Heritage Character Area as defined in the District Plan, this should be the dominant consideration for assessing the effects of demolition of part of the built heritage fabric of the Group and Area, and the replacement of the villa with a modern building that is out of scale and character with its two neighbours (as I address below).

Description of Heritage Character Setting – Hardinge Road Character Area

22. I will now explore why Hardinge Road was considered a heritage area in the first place and within that, why this group of 3 villa buildings is an important if not crucial part of that Heritage Character area as a whole. In this I rely on the Port Ahuriri Hawkes Bay New Zealand Study 1994 by Salmond Architects. This was prepared for the City Council and formed the basis of its Heritage Preservation Strategy and Policies. I will attempt to paraphrase the areas that refer to the subject site but would encourage the Committee members to have access to this interesting and in-depth report. This report is referred to in section 56 of the District Plan. In particular, I would draw attention to section 4.02.1 of the report.
23. As discussed earlier I do not intend to repeat information that is available in the other evidence for the convenience of the Hearings Committee. However, I do note that the subject site and building sit in the Hardinge Road Character (Heritage) Area and are specifically identified as part of a significant group of villas (67, 68 and 69 Hardinge Road). I will prepare a PowerPoint of relevant maps and photographs to support this part of my evidence at the hearing.

24. I quote from Section 4.01 and 4.02.1 of the Salmond Architects Report as follows:

“The purpose of the Heritage Study and inventories was to identify buildings which are considered, on the face of it, to contribute to the essential character of the area. It does not follow that each has great architectural significance, but each is considered to be representative of a building type and to be reasonably well preserved. In other cases, where a building has been much altered, it may be of such intrinsic historic significance that this outweighs other apparent shortcomings.

(emphasis added)

Surviving building styles in the Hardinge Road Character Area represent several distinct periods of development:

- 1850s-1890s; workers' and seafarers' small cottages and early villas;
- 1890s-1910s; late 19th century villas and early 20th century transitional villas;
- 1930s-1940s bungalow and modern (Art Deco); post war modern large scale housing development

The traditional character of the Hardinge Road low rise, with spaces between small buildings being correspondingly small. Many original buildings sit right on the street edge or have very narrow front yards. Traditionally, roof forms were simple gables or hips with lean-to verandahs facing the street, so that the characteristic scale of the street edge is that of the human figure.

On Hardinge Road itself, the seaside promenade maintains a generous open spatial character, while in Waghorne Street, the street itself is the dominating open space. In recent development, car parking and modern requirements for building height have altered the scale of the street frontage, while the traditional texture of weatherboard and corrugated iron has

been transformed by the use of new seamless materials and metal roof tiles.”

25. I note that 67, 68 and 69 Hardinge Road undeniably form part of the character of the Hardinge Road Character area and are listed in the Heritage inventory within the Salmond report as being an important grouping of villas.

26. The Salmond report recommended (at 4.02.3):

To maintain the existing character of the Hardinge Road Character Area, traditional subdivision patterns of the area should be preserved and site amalgamation should be resisted. It is of great importance that the earliest buildings in this area are preserved and that the historic scale of the area is not overwhelmed by further large scale development. Hence, bulk and location controls should aim to preserve the existing residential building scale and site densities. New development on the seaside promenade should be limited to low rise landscaping for public access and recreation. It will be equally important to maintain the traditional relationship between buildings and the street frontage.

The following recommendations are proposed to preserve the existing character of the Hardinge Road Character Area:

- Existing buildings included in the Heritage Inventory should, wherever possible, be preserved;
- Incentives should be offered to encourage owners to recover original character elements where these have been lost or altered;
- Existing residential sites should be retained and not re-zoned for commercial or other more intensive uses;
- New development in the precinct should observe traditional relationships between buildings and with the dominant street;
- Bulk and location controls should aim to preserve existing building scale and street setback along the dominant street;

- Public open spaces should be developed to encourage public use but should avoid the addition of landscape structures which obscure traditional views;
- New planting on the foreshore reserve should be selected to maintain the existing open character traditional to the foreshore.

(emphasis added)

27. In my opinion, based on the Salmond Report (which is reflected in the current District Plan) and my observations, the group of villas comprising 67, 68 and 69 Hardinge Road should be at best preserved, or at least adapted to modern use in a style that keeps the integrity of the grouping. This has been successfully carried out in the neighbouring property (the Riddell house at 68 Hardinge Road) as explained by Mr Christie.

Relevant District Plan Provisions

28. I attach as Appendix A to this evidence a schedule setting out the key District Plan provisions that I have had regard to in preparing this statement of evidence, noting that I have given emphasis (through underlining) to those provisions I consider most relevant in this case.
29. Particular themes that I take from those provisions and which have informed my opinion include that:
- (a) The Council is seeking to identify, conserve and avoid the loss of heritage resources and heritage values associated with those resources (Objective 56.2 and associated policies).
 - (b) The Council is seeking to maintain and enhance areas of the City that have a recognised special character, and the Port Ahuriri Heritage Study has identified that the Hardinge Road area has distinctive character, whereby features which are critical to that character should be preserved and protected (Objective 56.3, associated policies and principal reasons for adopting).

- (c) While some buildings within these areas may not individually warrant protection as a heritage item, collections of buildings with similar features are important to heritage values (Objective 56.3, associated policies and principal reasons for adopting).
- (d) Buildings which contribute to the essential character of the Port Ahuriri Heritage Study are shown on the maps in Appendix 13A.
- (e) Group 3A identifies buildings which contribute *as a group* to the character of Ahuriri, with the Hardinge Road Character Area being such a group, and the existing building to be demolished and removed in this case forming part of collection of 3 villas in the shaded area on Appendix 13A (Section 56.6, Introduction to Rules).
- (f) The Hardinge Road Residential Zone applies to some of the oldest buildings in the Ahuriri area as lie on Hardinge Road, being tightly grouped and close to the road, with the early cottages being small in scale and simple in form. While provision for intensive development should be maintained to take advantage of the waterfront location, this should recognise the historic character of the area (Zone description, section 4 of the District Plan).
- (g) That along Hardinge Road and Waghorne Street, land use and development should be restricted to maintain and enhance the scale and design of the built environment that contributes to the area's character (Objective 4.4 and Policy 4.4.6).

30. I now address the heritage related effects of the proposal in light of these District Plan themes and provisions.

Heritage Effects of the Development

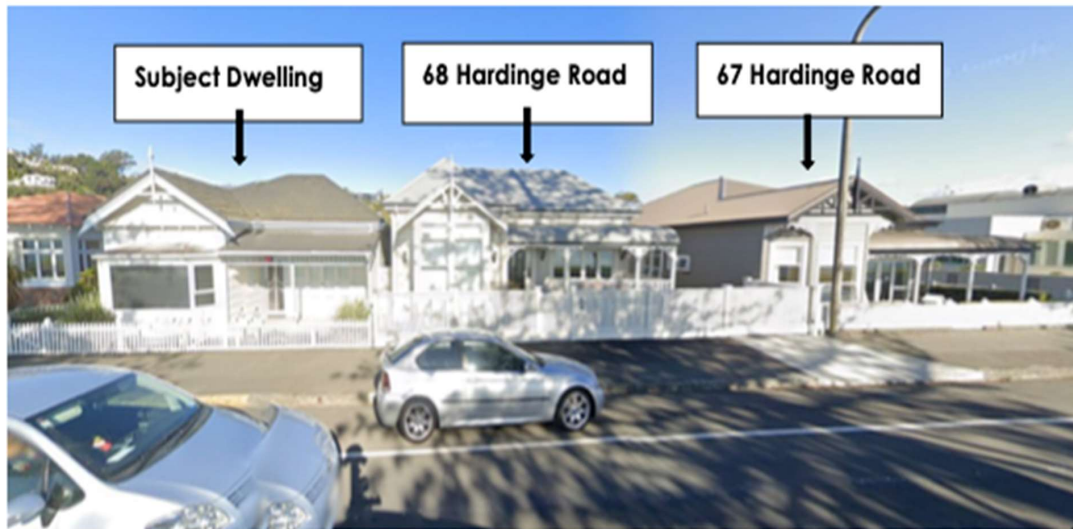
31. In giving this evidence I acknowledge that there is an understandable demand for new houses to be developed to take advantage of the north facing and highly attractive amenity setting of Hardinge Road as it looks out over Hawke's Bay.

32. The key point I wish to make however is that the current building, and regardless of its existing condition, forms part of a group that is, if not more than the sum of its parts, at least the sum of its parts.
33. To take away one item of the group necessarily affects the whole group.
34. I do not comment specifically on the sunlight and amenity issues for Mr Riddell, which appear to be the main reason why Ms Bunny is recommending that consent be refused in the s 42A report.
35. That impact is however symbolic of the form, scale and character of new built development on the site which is completely inappropriate for the setting, particularly in terms of the effect it would have on the Group 3A group of buildings of which the existing dwelling forms part.
36. Simply put, this is the wrong site for a two-storey house with onsite carparking, four bedrooms, a double garage, a pool room, and a swimming pool. The building is dominant, out of scale and character with the historic group of villas. It also destroys the historic streetscape and the association of the small site without car access built on the street. I attach a photo montage from the section 42a report (Applicant's AEE), and a photo montage of the existing conditions from the same report.



Image 3: Proposed Building (source: Applicants AEE)

Figure 2: Existing Streetscape Character



37. Acknowledging also that the “skinny” nature of the site makes “front to back” connections challenging within the available footprint (see AEE page 19), the development is simply too ambitious for this site.
38. A key point that I wish to respond to is around the notion that the inferior condition of the dwelling means it is not a good candidate for restoration, such that there is no real loss in heritage value terms (pages 18 and 19 of the s42A report (section A6.iv). The preceding section of the report (A6.iii) states that the Council will have regard to the relevant Objectives and Policies of this Plan (as I have summarised above) and in addition will consider the following criteria:
1. *Whether the proposal follows appropriate conservation method.*
 2. *Whether the proposal respects existing evidence of the heritage item and to what extent.*
 3. *Whether the proposal conserves the historical setting of the place and to what degree.*
 4. *Whether the proposal will assist in risk mitigation, that is, in the prevention of potential risk from any natural process or event.*
 5. *Whether the contents of a place that contribute to its cultural heritage value are conserved.*

6. *Whether works of art and special fabric will be retained.
Carving, painting, weaving, stained glass and other arts and crafts associated with a place should be considered integral with a place .Where it is necessary to carry out maintenance and repair of any such material, specialist conservation advice appropriate to the material should be sought.*
7. *Whether invasive investigation can be justified.*
8. *Whether non-intervention is a desirable alternative.*

39. In conclusion at section A6.iv of the report, the reporting officer then states:

“It is my opinion that the removal of this dwelling will remove a building that contributes to the character of the Hardinge Road Character overlay. However, it is acknowledged that this would require significant works to allow for the continued occupation of the building and efficiency of the use of the site for continued residential occupation, therefore it is considered the potential adverse effects on heritage values do not generate adverse effects that are more than minor“

40. The reporting officer makes this conclusion on the basis of the Pidd Architects report for the applicant. As far as I can see they are not heritage experts and have not conducted a conservation report (eg using the ICOMOS Charter Process). I have been involved in multiple adaptive reuse projects and I am currently restoring a scheduled two-storey villa in Lyttleton. This was considered by the engineer to be too expensive to repair. The new build was costed at \$1.4 million to replace the existing. The full restoration and upgrading has come in at just \$600,000.
41. I would consider that the conclusion of the reporting officer was based on flawed information, almost hearsay. The fact is that this is a part of a protected Group of Buildings and the sum of the total is more than the individual. In addition, the building, as demonstrated by the restoration of the neighbouring building, is far from being unrepairable and being brought up to modern standards.

42. I also comment on the concept that this is not an individual listing, but rather a grouping, such that the inevitable heritage loss relative to the building itself is not significant (see 8.5.2.20). In my opinion, this goes against the recommendations of the Salmond Report and also Council policy as set out above. The group is more important than the individual. In themselves the villas are not unique or remarkable. It is the collective grouping that makes them important.
43. Indeed, I would say that while villas may be common place, collections of villas are becoming extremely rare. Further, it is precisely because of the developments that have been allowed by Council in recent times within the Hardinge Road Character Area (see s42A report at B4.V), that this particular group of villas is now all the more significant.
44. I would also say that this new building does not by any means “conserve” the historical setting of the area (criteria 3 as set out above), with reference to the factors set out at A7.1 on page 19 of the s42A (and as suggested based on these same factors in pages 20 and 21 of the AEE). This suggestion is untenable in my expert opinion.
45. In section 9.1.1 of the s 42A report, it is stated that a group is a lower threshold for protection. In my opinion this is incorrect when it comes to built heritage, for the reasons I have explained, with reference to the District Plan provisions and underlying Salmond report, noting the specific significance of this remaining group of 3 villas within the Hardinge Road Character Area as a whole.
46. In the following Appendix I set out the Objectives, policies and other provisions of the District Plan pertinent to this application, with my commentary in italics.

Conclusion

47. The proposal will remove one of the buildings that form an increasingly rare and important cluster of three dwellings from Hardinge Road. Therefore, it is appropriate to consider the character as a collection of buildings rather than focusing just on individual protection.

48. It is my professional opinion that the applicant's architects report did not follow appropriate heritage protocol and I disagree that the building is beyond repair.
49. The proposed building is out of scale and character with the group of buildings.
50. In my opinion the demolition and replacement with an out of context building falls down on Chapter 56 and in particular the Objectives and Policies of that Chapter aimed at preservation of heritage values and, I suggest, structures.
51. The heritage effects of removal of the existing villa cannot be considered less than minor. The fact that it forms part of an increasingly rare group of intact heritage buildings strengthens the need to protect the structure and preserve the character of the area.
52. Overall, I disagree with the Council officer's assessment of the heritage matters. If the Council considers it appropriate to reduce the heritage values of the Character Area to the extent proposed with this application, then a more honest approach would be a Plan Change to remove the heritage status of the Hardinge Road Character Area, not to process this as a consent only notifying one adjacent owner. This deserved a wider audience included in the assessment process through notification.

James Lunday

11 July 2022

APPENDIX A

CHAPTER 4 RESIDENTIAL ENVIRONMENTS

Objective 4.4

To ensure that all developments and structures within the City's residential character areas maintain, enhance and are sympathetic to the dominant natural and physical features which contribute to the amenity and character of those areas.

The dominant nature of the group of buildings has been ignored in the applicant's design.

4.4.6 Along Hardinge Road and Waghorne Street:

- a. Develop land use controls over development that are less restrictive while recognising the area's diverse building development, the smaller site sizes and the close proximity of many buildings to roads and adjacent sites.
- b. Restrict land use and development to maintain and enhance the scale and design of the built environment that contributes to the area's character.

The proposed building does not enhance or maintain the scale and design of the group of villas.

Principal Reasons for Adopting Objective and Policies

As the City of Napier has developed over time, a number of areas featuring distinctive architectural styles and streetscapes have emerged. Careful management, including the restriction of some land uses is required to ensure that the special character of these areas is maintained. In some instances, this character can be destroyed through modern redevelopment, while in other character areas, the blend of historical and modern architectural forms contributes to the area's special character.

The Council wishes to recognise both the historical styles of development as well as modern demands for the Hardinge Road and Waghorne Street residential area. The Hardinge Road area has experienced significant change over the last decade. Remaining historic buildings tend to be concentrated along Waghorne Street, but pressure for redevelopment and opportunities exist which may threaten the character of the area. The demand for waterfront locations has tended towards intensive modern developments on the small sites. This has created close-knit buildings

with very small setbacks from the road and adjacent properties. Future development should recognise the scale and historic styles of buildings in the Hardinge Road and Waghorne Street area.

The proposed building does not respect the scale and character of the group or the streetscape qualities.

4.9.8 Hardinge Road Residential Zone

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.

This is a small compact site and the proposal is to replace a single family home with a single family home. This is not intensification as sought to be provided for .

Chapter 56 HERITAGE

56.1 Resource Management Issues

56.1.1 The possibility of the loss of identified heritage features through the development process.

56.1.2 The possibility of the loss of special character in areas of the City, through the development process.

The review process has highlighted areas of the City that have a special character that is related to the heritage of the City. The Council aims to preserve the elements that give these areas their character. Areas of the City that fall into this category include the Art Deco Quarter, special character areas of Ahuriri and Westshore and the residential character areas of Marewa Art Deco, Marewa State Housing and the Te Awa Bungalow area. It is the fact that there is an intact collection of buildings of one particular character that makes them important and warrants that encouragement be given to their preservation. The development process can have a profound

effect on the collective nature of these buildings and a variety of means will be employed to safeguard the character of these areas.

(emphasis added)

This proposal does not reinforce the identity of the Hardinge Heritage Area.

Objective 56.2

To identify, conserve and enhance heritage features to ensure that the heritage of the City be reflected in the future.

The proposal fails to conserve or enhance Heritage features.

Policies

To achieve this objective, the Council will:

56.2.1 Identify heritage resources with historic, cultural, architectural, archaeological value or of special spiritual significance to the district including sites, buildings, places, or areas.

56.2.2 Avoid the loss of heritage value associated with heritage resources listed in the Plan.

The reporting officer has not responded to these objectives, and the loss of heritage value will not be avoided.

Objective 56.3

To maintain and enhance the areas of the City that have a recognised special character.

Policies

To achieve this objective, the Council will:

56.3.1 Identify areas of the City that have a particular character within a clearly defined area.

56.3.2 Encourage any future development and use within the identified character areas to be sympathetic with the elements that make the areas special.

56.3.3 To maintain and enhance where appropriate the character of the Hardinge Road, Battery Road, Iron Pot and Coronation Street character areas identified in the Port Ahuriri Heritage Study (Refer to Appendix 13A for maps of character areas).

The development fails to achieve these provisions.

Principal Reasons for Adopting Objective and Policies

In preparing for the review of the Plan, consultation has revealed that the City has areas of distinctive character and that there is a consensus that this character should be preserved.

These special character areas are diverse and range from art deco housing to a mixed use industrial area. For the most part, the character areas have a common scale and design and have elements that can be linked to the history of the area. Collections of buildings with similar features are important to heritage values. This is particularly evident on West Quay, Ahuriri, and also in the art deco special character area in Logan Avenue or the State Housing special character area in Russell Road, Marewa.

In the character areas development can have a negative impact on the existing streetscape. The Council's aim is to draw the community's attention to the importance of retaining the scale of existing buildings and in some instances to the importance of the positioning of buildings on the site.

...

The Port Ahuriri Heritage Study identifies a number of precincts of distinctive character and states that those features which are critical to that character should be preserved and protected. The Ahuriri Advocacy Area identified on the planning maps comprise four specific character areas; Iron Pot, Hardinge Road, Battery Road and Coronation Street. The heritage study identified these four areas as being of distinctive character. While individually all buildings in the character areas may not warrant protection as heritage items, and they do not all share common features, the Council wishes to recognise those features which contribute to the overall character of Ahuriri and the linkages to the past. Buildings which are considered to contribute to the essential character of the area are originally in the Port Ahuriri Heritage Study and these are now shown on the maps in Appendix 13A.

(emphasis added)

56.6 Introduction to Rules

The heritage features of the City have been grouped according to either their type or the level of significance for the heritage values of the City. Groups 1-3 are in the order of importance and Groups 4 and 5 are special heritage sites and are not in any order of priority.

Group 3 Identifies buildings that contribute as a group, or by a recognised style, to the character of the City. The Council will encourage the protection of this character. It includes:

Buildings within the Advocacy areas shown on the planning maps.

Group 3A Identifies buildings which contribute as a group, or by a recognised style, to the character of Ahuriri. The Council will encourage the protection of this character. It includes:

Buildings within the Ahuriri Advocacy Areas (Iron Pot,. Hardinge Road, Battery Road and Coronation Street Character Areas) shown on the planning maps and in Appendix 13A.

Again the proposal fails to acknowledge or uphold the importance of the Group 3A designation.

IN THE MATTER of the Resource Management Act 1991
("RMA" or "the Act")

AND

IN THE MATTER of a resource consent application to **NAPIER CITY COUNCIL** for a land use consent to remove a Group 3A Heritage Item and construct a new two storey building within the Hardinge Road Residential Zone at 69 Hardinge Road, Ahuriri, Napier

**STATEMENT OF EVIDENCE OF PETER CHRISTIE
ON BEHALF OF KEVIN RIDDELL**

Dated 11 July 2022

Statement of Evidence – Peter Christie

Introduction

1. My name is Peter Christie. I have been in the building industry all of my working life. I hold a trade certificate in carpentry and joinery. I am also a licensed building practitioner and I'm qualified with a site two level licence. I have been the principal of Christie Builders and Joiners LTD for 40 years.
2. Our company was approached by Kevin and Prue Riddell in August 2017 to look at an old Villa at number 68 Hardinge Road, Ahuriri, Napier. They had purchased the old Villa which was bounded on both sides by similar houses and were keen to restore the building to as close to its original state as possible to be in keeping with its present surroundings.
3. They had already had discussions with a design company but felt they were not sympathetic enough to the detailing of the existing building. After seeing other buildings we had restored and altered they approached us to come up with a brief to bring the old villa back to its former glory and complement the neighbouring houses which was very important to them.

Restoration project outline

4. We drew up a floor plan based on the existing and without changing the outer boundaries of the original house. This included the removal of sections of the house which had been added poorly and detracted from the original building, such as a 'lean to' laundry, a 'lean to' back porch, storage shed at the rear of the house and a garage which was unsafe on the west side of the building.
5. The plan also included the removal of a poorly designed out of character veranda at the front of the building which extended down the west side of the house.
6. We also removed the out of character front boundary wall and a vast area of stamped concrete which extended across the front of the

building down the western side of the house and across the entire back yard. This had been laid on top of the original paths and site covering.

7. The original bay window at the front of the house was to remain but needed considerable work to bring it up to scratch.
8. After completing an updated floor plan for the inside of the house, which was sympathetic to the original, we set about designing the exterior joinery which was all to be replaced with double glazed timber joinery. All the windows and doors had to be designed to complement the age and style of the house.
9. An updated plan was produced and forwarded to Prue and Kevin. It was made very clear to them that to complete this project to the standard they wanted would incur quite some considerable cost. Prue and Kevin explained they understood that, but it was important to them to keep the character of the house in keeping with its surroundings and they were prepared to meet the costs to achieve this and protect the integrity of the area. So, to this end we were asked to proceed with the project.
10. After gaining all the required building consents, we began by lifting the house and repiling the building, replacing structural timber where necessary. The Council made it clear that the site was located within the Hardinge Road Character Area (Group 3A Heritage) and also, that this area of Napier was occupied prior to 1900, so any disturbance of land may require an archaeological authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014.
11. We contacted Heritage New Zealand and explained we were restoring an original house in the area and the only excavation taking place was to replace wooden piles in the original pile holes. Based on this we were given permission to proceed.
12. Next came the exterior walls which required strengthening to meet the building code and reframing to accommodate the replacement double glazed timber joinery. The house was reclad with accoya weatherboard using the same profile as existing and new verandas were added at the front and rear of the building with rolled roofing, fluted posts, and a

balustrade in keeping with the house. Incidentally our company won first place in the master joiners' competition for double glazed timber joinery that year, showing how new double glazed timber joinery could be made to complement an older building.

13. The roof was replaced to match the original, but the internal gutter system had to be completely rebuilt, along with the internal ceilings. This required engineering design of support beams to support the roof and ceilings. The walls and ceilings were insulated and lined with Gib board. All the interior doors, frames and mouldings were replaced in Rimu, as per the existing. The bay window at the front of the house was completely rebuilt and the sashes were all double glazed with a Rimu window seat on the inside.
14. The internal plan included a new lounge, kitchen, dining room and family room down the western side of the house. The master bedroom (with ensuite bathroom containing a ventilated skylight, to give more light and ventilation), two bedrooms, a guests' toilet and laundry are located down the east side of a central hallway. The main bathroom and family room were across the back of the house. The laundry and family room have access to the rear veranda.
15. After a survey was completed the boundary fences were replaced and a block wall to the new garage was erected on the rear of the western boundary.
16. The overall cost of this restoration was 1.4 million dollars.
17. I have been in the building industry all my life specialising in renovation and restoration projects. This project is very special to me. We were very fortunate to be involved and be part of the team and are proud of what we as a team achieved.

69 Hardinge Road application

18. I was asked to attend a meeting with Studio 26 Architects and the owners of 69 Hardinge road on the 16th of September 2021 to discuss the erecting of a new house on the neighbouring property. A planner

was present at that meeting also. At that meeting I made it clear that Kevin and Prue Riddell had purchased the neighbouring property and had spent a large sum of money in preserving the character of the house to complement its surroundings, and before agreeing to signing any documents he would need to have accurate information on distances and heights to assess the effect it would have on his property. The plans we were shown at the meeting did not have this information.

19. On receiving this information, my son and I went to the site and plotted the position and height of the neighbouring concrete wall and marked it on the existing concrete block wall. We then stood up a rod, cut to the height of the wall in the correct position. We then photographed the effect the position and height of the wall would have on Kevin and Prue's property and sent these photographs to them (I return to these photos below). Kevin and Prue replied, saying they were not happy at all with the effects on their property if the project was to go ahead as planned.
20. They asked me to convey this to Studio 26 architects. This I did on 23rd of November, leaving a message for Caleb Heard, who I had been dealing with regards to the plans etc. I contacted Kevin on the 2nd of December to say I had no response from Studio 26 thus far.
21. After this a Napier City Council document was sent to Kevin directly by email asking him to sign and return it, as approval to the new house plans. This was in February of this year. Through his lawyer, Kevin advised that he would not sign this approval to the application. It was then notified to Kevin and Prue who made a submission against it.
22. I am aware that the applicant has now amended the plans to move the rear part of the proposed new house to comply with the 1 m side yard (having read Ms Beachen's evidence of 4 July, and looked at the revised plans). There would however still be a 5.3 m high wall to a point as far back along the boundary and to the height shown by the location of the rod in the photos attached at Appendix A to this evidence. That rod also shows the degree of shading in the morning, with the photo having been taken on 19 November (2021) at 9.56 am.

23. I note that the shading diagrams provided by the applicant's planners (which I have also seen, received in May this year) seem to suggest that most of the shading on the rear yard would be from the boundary wall but this is clearly not correct as the shading from the rod itself shows. That aside, and whatever the exact relative shadings are of a permitted or the proposed building, anyone within the rear bedroom or on the back deck or in the rear courtyard of Kevin and Prue's house would be faced with a 5.3 m concrete wall, whereas a compliant wall would only be 3 m high plus 45 degrees from the boundary. The photos attached at Appendix A to my evidence also show the inside of the bedroom and laundry at the rear of Kevin and Prue's house, which are most affected by shading from the new dwelling.
24. A final point to note is that I have reviewed the so-called building condition report prepared by Mr Gary Pidd. My clear impression is that the building condition at 69 Hardinge Road is if anything better than we started with for Kevin and Prue at 68 Hardinge Road. Based on my experience, that building could be restored by using the same or equivalent systems we used at number 68, but need not be as expensive given the very high standard of quality materials and detailing preferred by Kevin and Prue for 68 Hardinge Road.

Peter Christie

11 July 2022

APPENDIX A

Photos at 68 Hardinge Road, Ahuriri

Rod and rear courtyard



Back veranda



Rear bedroom



Laundry

