



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*

Napier Civic Building  
231 Hastings Street  
**t +64 6 835 7579**  
**e info@napier.govt.nz**  
**www.napier.govt.nz**

# HEARINGS COMMITTEE (RESOURCE CONSENT HEARING)

## Open Attachments (Under separate cover 1)

---

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

---

### TABLE OF CONTENTS

<b>Item 1</b>	<b>RM210183 - Section 42A Report</b>
33Appendix A - Application Documents and Additional Information Received (Doc Id 1475530).....	2
Attachment 3	Appendix B - Plan set (Doc Id 1475528) .....79
Attachment 4	Appendix C - Building Condition Report (Doc Id 1475529) .....89
Attachment 5	Appendix D - Notification Decision (Doc Id 1475527) .....97
Attachment 6	Appendix E - Submission (Doc Id 1475526) .....116
Attachment 7	Appendix F - Shading Diagrams (Doc Id 1475531) .....122
Attachment 8	Appendix F - Shading Diagram video links (Doc Id 1475650) .....133
Attachment 9	Appendix G - Draft Condition set (Doc Id 1475625) .....134



## **Resource Consent Application for Land Use**

69 Hardinge Road, Ahuriri, Napier

Janine and Sing Gheng

21034AP1  
20 October 2021





# APPLICATION DETAILS

**Consent Authority:** Napier City Council

**The Applicant:** Janine and Sing Gheng

**Address for Service:** Stradegy Planning Limited  
PO Box 239, Napier 4140  
Attn: Rebecca Sutton

**Address for Invoice:** PO Box 8482  
Havelock North  
Hawkes Bay 4157  
Attn: Janine Gheng

## Site Details:

**Street Address:** .....69 Hardinge Road, Ahuriri, Napier

**Legal Description:**.....Lot 4 Deeds Plan 317 RT HBB4/251

**Area:** .....253m<sup>2</sup>

**Zoning:** .....Hardinge Road Residential  
.....Hardinge Road Character Area

**Additional Limitations:**.....Port Noise Boundary

## Activity for which Consent is sought:

Land Use Consent is sought to demolish the existing residential dwelling on the site, and to construct a new, residential dwelling.

The application is to be assessed as a **Discretionary Activity** under the City of Napier District Plan.

**Prepared  
by:**

Rebecca Sutton BA MRP(HONS) MNZPI  
Senior Planner

**Reviewed and  
Approved for  
Release by:**

Claire Price BRP (Hons) MNZPI  
Senior Planner

This document is the property of Stradegy Planning Limited. Any unauthorised employment or reproduction, in full or part is forbidden. This document has been prepared for a specific purpose for the above client and shall not be used for any other unauthorised purpose. Stradegy Planning Limited does not acknowledge any duty of care or responsibility to any other party.



# TABLE OF CONTENTS

<b>1. INTRODUCTION .....</b>	<b>3</b>
<b>2. SITE DESCRIPTION .....</b>	<b>3</b>
<b>3. DESCRIPTION OF PROPOSAL.....</b>	<b>6</b>
3.1 Demolition and Site Preparation Works .....	6
3.2 Proposed Residential Development .....	7
<b>4. STATUTORY CONSIDERATIONS .....</b>	<b>9</b>
<b>5. REASONS FOR CONSENT .....</b>	<b>9</b>
5.1 National Environmental Standard for Assessing and Managing Contaminants in Soil .....	10
5.2 City of Napier District Plan .....	10
<b>6. CONSULTATION .....</b>	<b>15</b>
<b>7. ASSESSMENT OF ENVIRONMENTAL EFFECTS .....</b>	<b>17</b>
7.1 Demolition of a Group 3A Heritage Item .....	18
7.2 Proposed New Dwelling and Swimming Pool .....	21
7.3 Construction Effects and Earthworks .....	23
7.4 Summary and Section 104(1)(a) Overview .....	24
<b>8. NOTIFICATION .....</b>	<b>25</b>
8.1 Section 95A Assessment – Wider Environmental Effects .....	25
8.2 Section 95B Assessment – Effects on the Local Environment and Particular Parties .....	26
<b>9. RELEVANT OBJECTIVES AND POLICIES.....</b>	<b>29</b>
9.1 National Policy Statement on Urban Development .....	30
9.2 City of Napier District Plan .....	30
<b>10. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991 .....</b>	<b>31</b>
<b>11. CONCLUSION .....</b>	<b>31</b>

## Appendices –

1. Record of Title
2. Architectural Plans
3. Existing Dwelling Review Report
4. HB Hazards Portal Report
5. District Plan Compliance Analysis
6. Written Approvals of 70 Hardinge Road
7. Sun Studies



## 1. INTRODUCTION

The applicant seeks resource consent to remove the existing dwelling on the site, which is listed as a Group 3A heritage item in the City of Napier District Plan; and undertake a new re-development of the site inclusive of site preparation works, construction of a two stored dwelling, swimming pool and associated outdoor living spaces.

The site is within the Hardinge Road Character Area, and this application investigates both the values of the existing building on the site, along with what the existing building contributes to the streetscape character. The application demonstrates that a new, re-development of the site is a more efficient and effective use of this residential site, while doing so in a way that respects the streetscape character provided within the locale, respects the neighbouring boundaries through window placement along with provision of on-site carparking and well-designed, functional outdoor spaces.

The following report has been prepared in accordance with Schedule 4 of the Resource Management Act (**the RMA**) and meets the requirements of Form 9. The level of detail provided is commensurate to the scale and significance of the effects that the activity may have on the environment.

## 2. SITE DESCRIPTION

The subject site is at 69 Hardinge Road and located within the 'Hardinge Road Residential' Zone. The site is regular in shape and dimension; comprising a modest total area of 253m<sup>2</sup>. The site currently is developed with a single level dwelling that occupies the front two-thirds of the property. A rear, lawned yard provides the outdoor living area for the site, as shown in **Figure 1** below.

**Figure 1:** Subject Site





The site is included within the defined 'Hardinge Road Character Area' and as such, the existing dwelling on the site is identified as a Group 3A heritage item within the City of Napier District Plan. It is also noted that the site is subject to an archaeological alert regarding potential occupation prior to 1900.

### **Record of Title**

A copy of the Record of Title for the property has been provided in **Appendix 1**. The title is 'Limited as to Parcels' and as such, does not form a guarantee with regard to the location of the site boundaries and/or parcel area.

Notwithstanding this limitation, the applicant and the adjacent property to the west (68 Hardinge Road) have engaged surveyors to undertake a boundary definition for these two properties. This work has been completed, however the formal process of removing the limitation has yet to be commenced with Land Information New Zealand.

To this end, there is a high degree of certainty available to the applicant and project architect with regard to the correct positioning of boundaries, such that the extent of the proposed infringements to the performance standards of the District Plan are able to be confidently detailed. This has been confirmed by email received from Mr. Colin Hunt, Resource Consents Planner and dated 05 July 2021 – a copy of which is included in **Appendix 1**.

### **Statutory Acknowledgment Areas**

We are aware of the 'Ahuri Hapū and the Trustees of the Mana Ahuri Trust Deed of Settlement' which identifies much of Napier as an Area of Interest. The settlement is to occur following enactment of the settlement legislation. The Ahuri Hapū Claims Settlement Bill is awaiting Royal Assent and will come into force on the day after the date on which it receives this Assent.

However, with reference to the current application, there is no applicable formal Statutory Acknowledgment Area referred to in Schedule 11 of the Act relevant to the current site.

### **Natural Hazards**

According to the Hawkes Bay Natural Hazard Property Report, the site is located within:

- A medium liquefaction vulnerability area
- Relative high Earthquake Amplification
- Partially within the 1% AEP (Year 2120) Coastal Inundation Extent

A copy of this report is provided in **Appendix 4**.

### **Archaeological Matters**

The Napier City GIS advises that the site may have been occupied prior to 1900. Ms Gaylynne Carter of Archaeology Hawke's Bay has undertaken a preliminary risk assessment, with the recommendation that further assessment be undertaken with regard to accurate dating of

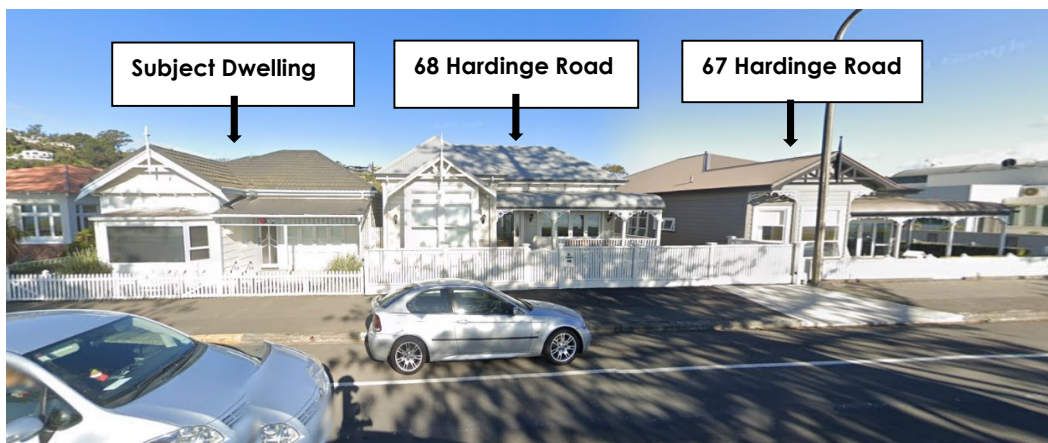


the dwelling, prior to determining whether an Archaeological Authority through Heritage New Zealand is required. As the archaeological authority process is separate to the resource consent process, the applicant would anticipate an advice note being included within the Resource Consent, detailing the responsibility of the applicant to contact Heritage New Zealand prior to commencement of any works provided for within the current application for Resource Consent.

### **Locality Description**

The subject site is located within the Hardinge Road Character Area and is identified within Appendix 13A – Ahuriri Advocacy Area of the District Plan as a site demonstrating a particular building style/type, along with 67 and 68 Hardinge Road. This existing presentation to the street is detailed in Figure 2 below:

**Figure 2:** Existing Streetscape Character



Whilst it is acknowledged that the subject dwelling comprises part of a three-dwelling series of villa's, given the confined extent of the repetition (i.e. three dwellings), it is not considered that the dwelling is a fundamental component regarding the generation of a particular or uniform 'streetscape characteristic' when viewed in the overall context of the Hardinge Road Character Area/ streetscape.

Further, whilst the external appearance of the dwelling is representative of the villa style, this does not acknowledge the existing condition of the building, which cannot be considered original noting the number of additions/ alterations and substitution of building materiality that has occurred since the 1960's.

### **Pre-Application Consultation**

We understand that Mr Gary Pidd of Studio26 Architects had initial conversations with Mr Paul O'Shaughnessy, Principal Planner, Napier City Council related to the removal of the proposed dwelling, and Mr Graham Thorpe, Senior Services Engineer with regard to stormwater disposal from the site. We understand that from this discussion, stormwater disposal from the site by way



of kerb connection (utilising a sealed rainwater drainage system) has been confirmed as acceptable in this instance.

### 3. DESCRIPTION OF PROPOSAL

The proposal is to occur across two distinct stages, being the demolition of the existing dwelling and site preparation works, followed by the construction of the proposed two-storied residential dwelling and associated swimming pool.

These various aspects are described in detail below in Sections 3.1 and 3.2 respectively.

#### 3.1 DEMOLITION AND SITE PREPARATION WORKS

The proposed development will require the demolition of the existing villa dwelling located on the site. The initial design phase of the proposal sought to ascertain whether relocation of the dwelling was plausible. However after review of the overall building condition (refer **Appendix 3**), it is not considered appropriate to relocate the structure.

The existing dwelling is typical of the later 1800's/ early 1900's villa, yet it has been heavily modified in terms of form and materiality. In particular, a noticeable absence of most of the original features (both internally and externally) associated with the dwelling is evident, with a single 'original' timber window remaining along the southern façade of the dwelling and the remainder comprising either aluminium framing or later wooden joinery that has been retrofitted. The majority of weatherboards are replacement circa 1960's/1970's.

The asbestos-based building materiality requires suitably qualified contractors to demolish the existing dwelling to ensure health and safety on site and immediate surrounds. Here we note that this material is not in a deteriorated condition, and as such is not considered to be a HAIL activity in terms of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health).

Following completion of building demolition, site preparation works will be required in the form of surface excavation to establish the finished ground level for the dwelling, and to excavate the proposed swimming pool to be located within the south-east extent of the site. The existing ground level is to be decreased by circa 300mm across the site, as detailed on 'Section B' (**Appendix 2**). The extent of the pool will require more extensive excavation, to an overall maximum depth of 2 metres, and it is anticipated that this cut material will need to be removed from the site rather than re-used.

Parallel to the resource consent, an archaeological authority may be required prior to the demolition of the building and site preparation works, and an advice note to this effect is anticipated.





### 3.2 PROPOSED RESIDENTIAL DEVELOPMENT

The proposed new dwelling has been carefully designed to complement the existing character area. The site concept and elevation design is shown within the Architectural Plan Set and Renders provided in **Appendix 2** to this application. The supplied renders are reproduced as Figure 3 below, with a streetscape montage of the proposed development within the existing streetscape shown in **Figure 4**.

**Figure 3:** Renders of Proposed New Dwelling



**Figure 4:** Streetscape Montage



In terms of three-waters infrastructure solutions, it is proposed to utilise the existing water and wastewater connections that are provided to the existing dwelling, and a kerb connection for disposal of stormwater from the site.

The modest size of the site has necessitated a two-storied design for the dwelling, so as to allow for inclusion of on-site car-parking as well as the 4 proposed bedrooms. This allows for a generous gross floor area of 237.54m<sup>2</sup> comprised of:

Ground Floor (117.01m<sup>2</sup>)



- Internal access double garage with internal dimensions of 3.2 metres width by 10.2 metres depth. The separate laundry (in addition to the garage floor area) is to be located within the south east corner of the garage, and a further storage locker is proposed along the southern extent of the wall.
- The 'pool room' is directly accessible from either the garage, or from the hallway from the entrance foyer. This multi-function space comprises 12.48m<sup>2</sup> of floor area and has wide openings to both the south and east, providing direct access to the decking and swimming pool;
- An exterior car-park/ standing bay is provided to the north of the garage within the site;
- A separate entrance/ coat room provides access to the main pedestrian foyer and from there, bedrooms 2 and 3 are accessed, along with a shared bathroom and separate toilet. The centrally located stairwell provides access to the second level.

#### First Floor (120.53m<sup>2</sup>)

- The first floor provides for the open plan kitchen (with attached scullery), dining and lounge space, and provision of direct access to the extensive, north-facing deck area providing the main, formalised outdoor living space. This deck and associated dining and lounge room are all orientated out to the extensive coastal vistas to the north.
- A separate guest bathroom is provided at this level, along with the fourth bedroom/office space.
- The master suite is located within the south-west extent of the first floor, inclusive of a generous walk-in-wardrobe and ensuite bathroom.

In conjunction with the proposed internal living spaces, the design and relationship of the outdoor living spaces and associated has been carefully considered and is described as follows:

- The ground floor, northern courtyard is to be accessed from the main pedestrian entrance and will provide a tranquil garden space, separated from the adjacent footpath by a solid, 1.2-metre-high boundary fence.
- The eastern external pedestrian path is to comprise a concreted surface, providing external access to the 36m<sup>2</sup> rear deck that is to occupy the south eastern corner of the property, located around the in-ground swimming pool.
- A service court is to be located within the south-western corner of the site and will accommodate the hot-water servicing and waste/ recycling bin storage.
- New, 2-metre-high solid fencing is to be installed around the rear boundaries of the site, to provide the required safety for the swimming pool, along with protection of privacy between this outdoor living area and the outdoor living areas of adjacent sites.

Overall, the proposed site development is considered to be of a particularly high architectural standard and will complement the character and appearance evident along Hardinge Road.





## 4. STATUTORY CONSIDERATIONS

Section 88 of the RMA allows any person to make a resource consent application, provided it is in the prescribed form and includes an assessment of environmental effects in such detail to correspond with the scale and significance of the effects that the activity may have on the environment.

Schedule 4 of the Act lists those matters that must (and should) be included in an assessment of environmental effects. These matters are referenced throughout the body of this report, confirming that the application meets all the requirements of Section 88.

In accordance with section 104(1), and when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 of the Act, have regard to:

- a) *Any actual and potential effects on the environment of allowing the activity; and*
- ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- b) *Any relevant provisions of:*
  - i) *a national environmental standard:*
  - ii) *other regulations:*
  - iii) *a national policy statement:*
  - iv) *a New Zealand coastal policy statement:*
  - v) *a regional policy statement or proposed regional policy statement:*
  - vi) *a plan or proposed plan; and*
- c) *Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

As a discretionary activity, the Council is not restricted in its assessment of the effects of the application. To this end, an assessment of the activities adverse effects is undertaken in Section 7 of this report, the conclusions of which are considered in relation to notification in Section 8.

The relevant provisions of the City of Napier District Plan in terms of section 104(1)(b) are considered in Section 9. Here it is considered that National Policy Statement on Urban Development and the City of Napier District Plan that are relevant in terms of the various documents listed in s104(1)(b).

Part 2 of the Act contains sections 5, 6, 7 and 8. Section 5 outlines the purpose of the Act, which is to "promote the sustainable management of natural and physical resources", and the meaning of the "sustainable management". Sections 6 and 7 contain "matters of national importance" and "other matters", while Section 8 provides for the principles of the Treaty of Waitangi. Part 2 of the Act is considered in Section 10 of this report where an overall assessment is arrived upon.

## 5. REASONS FOR CONSENT

The proposal is subject to the National Environmental Standard for Assessing and Managing



Contaminants in Soil to Protect Human Health (**NESCS**) and the City of Napier District Plan.

## 5.1 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL

The "National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health" (**NESCS**) applies to the following activities where they are undertaken on land on which an activity or industry included on the "Hazardous Activities or Industries List" (**HAIL**) has been, is or is more likely than not to have been undertaken;

- The removal of underground fuel storage system and associated soil
- Soil sampling
- Soil disturbance
- Subdivision of land
- Change in land use

With the proposal involving soil disturbance, consideration of the NESCS is necessary. Having reviewed the historic imagery on Napier City Councils GIS and Retrolens, there is no evidence to suggest that a HAIL has, or is likely to have occurred on the site - noting that the site has been occupied by a residential dwelling since the early 1900's. Further, whilst the existing cladding is understood to contain asbestos, these are not of deteriorated condition. Therefore, based on the available information, the site is not considered to be 'piece of land', and as such, the regulations do not apply to the subject site.

## 5.2 CITY OF NAPIER DISTRICT PLAN

The proposal is to demolish the existing dwelling on the site, which is located within the Hardinge Road Character Area, and construct a new, two storied dwelling and associated swimming pool in its place.

The following analysis identifies the resource consent approvals required under the various chapters of the District Plan.

### **Chapter 8 – Hardinge Road Residential Zone**

Residential Activities are provided for as a 'permitted' within the zone, where it complies in all respects with the relevant conditions in the Hardinge Road Residential zone activity table and conditions table.

Where a non-compliance with one or more of the performance standards within the conditions table occurs, the activity is defined as **Restricted Discretionary** activities pursuant to Rule 8.12. In this instance, the following performance conditions are unable to be met:

#### **8.16 Yards**

*Side and Rear Yards:*

- The proposed dwelling is to be located 0.38 metres from the western site boundary over its full extent, where a minimum set back of 1 metre is required.



- The proposed dwelling footing is to be constructed 1-metre from the eastern site boundary, which means the cladding will extend into this side yard setback. In addition, the first floor pop out window will extend into the 1 metre side yard by 0.3-metres over a horizontal distance of 3-metres.
- The proposed nib wall of the new swimming pool will extend above the existing ground level (following excavation) within 1 metre of the rear/ southern boundary of the site over a maximum horizontal extent of 3 metres. This requires consent as the swimming pool meets the definition of 'building' as it will exceed 25,000 litres in capacity.

### 8.18 Height in Relation to Boundary

The proposed new dwelling will generate the following height in relation to boundary infringements:

#### **North**

*Maximum vertical infringement of 1 metre at building apex*

#### **West**

*Maximum vertical infringement of 2 metres over full dwelling extent (18.92 metres)*

#### **East**

*Maximum vertical infringement of 1.5 metres over full dwelling extent (15.20 metres)*

#### **South**

*Maximum vertical infringement of 0.5 metres at building apex*

### 8.21 Open Space

Condition 8.21 requires each dwelling unit to have a minimum of 40% of open space of the gross floor area of all buildings on the site. The proposed new dwelling will have a gross floor area of 237.54m<sup>2</sup> (117.01m<sup>2</sup> + 120.53m<sup>2</sup>) therefore would require 95m<sup>2</sup> of open space. Due to the small site size, it is proposed to provide for total open space of 70.29m<sup>2</sup> across three separate areas on the site.

## **Chapter 56 – Heritage**

The proposal includes the complete demolition of the existing dwelling, which is defined as a Group 3A heritage item due to its location within the Hardinge Road Character area. This requires consent for a **Discretionary** activity pursuant to Rule 56.17(c).

## **5.2.1 Activity Status**

Overall, and noting that the various aspects of the proposal comprise the overall re-development of the site, it is considered appropriate to bundle the assessments to the most restrictive activity status.

On this basis, the proposal is to be assessed under the City of Napier District Plan as a **Discretionary** Activity.



## 5.2.2 District Plan Context

Land use activities within the Hardinge Road Residential Zone are subject to the Objectives and Policies for Residential Environments, as outlined in Chapter 4 of the District Plan. Also relevant to the application are the Objectives and Policies detailed within Section 56.1 as they pertain to Heritage, noting that the dwelling is within the Hardinge Road Character Area and also those detailed in Sections 52A as they relate to Earthworks. The provisions associated with each are introduced below.

### **Residential Environments**

Section 4.9 of Chapter 4 includes zone descriptions that provides an outline of the defining residential characteristics of the Hardinge Road Residential Zone. These include:

- Buildings tightly grouped and located close to the road with little to no front yard;
- Early cottages are small in scale and simple in form;
- Low rise buildings, with space between small buildings being comparatively small;
- Traditional roof forms including simple gables or hips with lean-to verandas facing the road
- Presence of very intensive new development, resulting in a mix of both old and new styles.

Importantly, it is acknowledged by Council 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.

Chapter 4 of the District Plan outlines a number of resource management issues confronting residential zones in general, and includes a range of objectives and policies to address these issues. Of the seven objectives and associated policies, the following are considered to be particularly relevant to the current application:

#### **Objective 4.2**

***To enable the diverse housing needs and preferences of the City's residents to be met while ensuring that the adverse effects on the environment of residential land use, development and subdivision are avoided, remedied or mitigated.***

#### **Policies**

- 4.2.1 - *Enable the development of a range of housing types within the urban area and where appropriate, more intensive forms of housing such as papakainga housing and multi-unit development.*
- 4.2.3 - *Manage land uses and subdivision to ensure any adverse effects on outstanding natural features and significant landscapes are avoided, remedied or mitigated.*

#### **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.***



### **Policies**

To achieve this objective, the Council will,

#### **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.

### **Objective 4.5**

**To maintain and enhance those qualities and characteristics that contribute to the wellbeing of the City's residents and the amenity of the residential zones.**

### **Policies**

To achieve this objective, the Council will,

#### **4.5.3 - Control the location of buildings on front and corner sites to maintain a degree of consistency of setback from the road.**

#### **4.5.4 - Control building height and bulk to ensure it is compatible with the height and bulk of the surrounding residential area.**

#### **4.5.5 - Control buildings so they are designed and located in a manner to ensure that adequate levels of sunlight and daylight reach adjacent residential properties throughout the year.**

#### **4.5.6 - Ensure storage and parking areas are designed, located and/or screened in a way that maintains the on-site amenity and privacy of adjacent residential properties and visual amenity when viewed from the road.**

#### **4.5.7 - Control residential development so it is designed and located in a way that takes into account the type of development, likely occupants and provides:**

- a. sufficient outdoor space for the anticipated number of occupants of the dwelling;
- b. outdoor space which is of a useable shape for recreation;
- c. sunlight access to the outdoor space area; and
- d. privacy of outdoor space.

### **Objective 4.8**

**To ensure that all new noise sensitive activities and the addition of a habitable space to existing noise sensitive activities within noise control boundaries are appropriately mitigated against the effects of non-residential activities located outside of the residential environment.**

### **Policies**

To achieve this objective, the Council will,

#### **4.8.3 - Require acoustic insulation of new noise sensitive activities and the addition of a habitable space to existing noise sensitive activities where they are located within a noise control boundary such as those surrounding the Port, Airport and Hawke's Bay Expressway.**



- 4.8.4 - *Increase public understanding of the effects that occur on amenity levels in the residential environment as a result of non-residential activities such as the Port, Airport and Hawke's Bay Expressway being located outside of the residential environment.*

### **Heritage – Group 3A Heritage Items**

Chapter 56 relates to Heritage within Napier City, and seeks to group heritage features of the city by type or level of significance. Groups 1 – 3 are detailed in the order of importance.

All buildings within Character Areas (including the Hardinge Road Character Area) are identified as Group 3A heritage features, being those that "contribute as a group, or by a recognised style, to the character of Ahuriri".

Whilst it is specified that Council will encourage the protection of this character, importantly, it is also acknowledged that *individually, all buildings in the character areas may not warrant protection as heritage items, and they do not all share common features*. Where buildings are of a particular style/type that contribute to the character of the area, they are shown in Appendix 13A, however (importantly) no additional controls or protections are applicable even where dwellings are included within Appendix 13A, as the subject dwelling is.

Key resource management issues identified with regard to Heritage include:

- The possibility of the loss of identified heritage features through the development process;
- The possibility of the loss of special character in areas of the City, through the development process;
- The possibility of the loss of the heritage features which have significance for Māori and the potential lack of recognition of the relationship of Māori and their culture.

Of the Objectives and Policies that have been formulated to address these key issues, the following are considered relevant to the current application:

#### **Objective 56.2**

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

#### **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.*
- 56.2.3 – *Ensure that the adverse effects of land uses on heritage items listed in the Plan are avoided, remedied or mitigated.*
- 56.2.6 - *Ensure that, through the implementations of appropriate procedures within the Council's administration, all development and building proposals in the vicinity of waahi tapu and other sites of significance to Maori are notified to the tangata whenua.*
- 56.2.7 - *Ensure that, through the implementations of appropriate procedures within the Council's administration, all development and building proposals in the vicinity of*



an archaeological site are notified to Heritage New Zealand, in accordance with the Heritage New Zealand Pouhere Taonga Act 2014, in order to enable the implementation of the archaeological authority provisions of the Heritage New Zealand Pouhere Taonga Act 2014.

### **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).

### **Earthworks**

Turning to Earthworks, Objective 52A.3 seeks to enable earthworks within Napier City while ensuring that the life-supporting capacity of soils and eco-systems are safeguarded and adverse effects on outstanding natural features and significant landscapes, historic heritage values and human health and safety are avoided, remedied or mitigated. Here we note that the proposal will not give rise to any issues in relation to the life-supporting capacity of soils, and that the site is not an outstanding natural feature or located within a significant landscape.

Nevertheless, Policy 52A.3.1 requires the re-pasture, or revegetation of land where vegetation is cleared in association with earthworks, while Policy 52A.3.3 is to control earthworks to ensure that they will not adversely affect the natural and physical environment, and the amenity of the community, adjoining land uses, historic heritage values and culturally sensitive sites. Where the adverse effects on the environment will be minor however, Policy 52A.3.5 directs the Council to allow these. Lastly, Policy 52A.3.6 relates to historic and cultural heritage (including archaeology) and seeks to protect this from the effects of earthworks wherever practicable.

Objective 52A.4 goes on to minimise the hazard and environmental effects of earthworks. To achieve this, Policy 52A.4.1 controls the adverse effects of earthworks on the natural and physical environment, including the potential for an increased risk of hazard and the potential effects on adjoining property owners.

## **6. CONSULTATION**

In accordance with Schedule 4 of the RMA, an application for resource consent should:

1. Identify the persons affected by the proposal.
2. The consultation undertaken.
3. Any response to the views of any person consulted.

To avoid doubt, while the applicant is not obliged to undertake consultation, nor is there any



grounds for expecting the applicant to consult with any person, the applicant is obliged to report on who may be affected by the proposal.

In this instance, the applicant is aware of the likely need to apply for an Archaeological Authority with Heritage New Zealand, noting that given the era of the existing dwelling, there is a high probability of the presence of unidentified archaeology on the site. To this end, we anticipate inclusion of an advice note on the resource consent requiring that further liaison with Heritage New Zealand occurs post issue of the Resource Consent application.

Persons potentially affected by the proposal in terms of (1) is expanded upon in Section 8 of this report. To this end, we note that the adjacent neighbours at 70 Hardinge Road and 68 Hardinge Road have been identified as being affected by the proposal to a minor extent. The written approvals have been obtained from the owners of 70 Hardinge Road and are included as **Appendix 6** to the application material. The written approval to the application from the owner of 68 Hardinge Road has not been obtained.

To this end, in terms of (2), the following provides a summary of the consultation that has been undertaken with the owner of 68 Hardinge Road, Mr Kevin Riddell and his local representative, Mr Peter Christie – noting that Mr Riddell is currently located overseas:

Date	Action
03/05/2021 – 04/05/2021	Initial Phone Call from Rebecca Sutton to Kevin Riddell and follow up email to introduce proposal and discuss Record of Title limitation
14/06/2021	Meeting at Architects office arranged with Peter Christie – unfortunately did not eventuate due to mis-understanding related to location.
26/08/2021	Email from Rebecca to Kevin providing draft AEE, Architectural Plan Set, DP Compliance Analysis and the Written Approval Form
16/09/2021	Site Meeting with Janine and Sing Gheng (applicants); Gary Pidd and Caleb Heard (Studio26 Architects), Rebecca Sutton (Consultant Planner) and Mr Peter Christie to discuss particular matters raised by Mr Riddell as requiring further clarification.
17/09/2021	Rebecca issued Meeting Summary to Mr Riddell and all meeting attendees; detailing further information to be prepared and provided.
24/09/2021	Rebecca issued follow up email and updated plan set that included the requested changes/ further information: <ul style="list-style-type: none"> <li>- The western wall height is now annotated on the southern elevation (5.3 metres)</li> <li>- The existing ground level at the boundary adjacent to the south-west corner of the dwelling is now detailed on the site plan.</li> </ul>





	<ul style="list-style-type: none"> <li>- The excavation depth along the front boundary has been detailed on Section B, which demonstrates how the specified ground level is to be achieved.</li> <li>- The gate access to the western side boundary has been included on the site plan.</li> <li>- And the solar studies have now been completed. The key one is the summer solstice, and you will note that there is a net benefit in terms of morning sun admission to your deck resulting from the removal of the existing trees as part of the proposed development.</li> </ul>
4/10/2021	Rebecca issued follow up email regarding the additional information/ plans and whether either Mr Riddell or Mr Christie had any further comments or questions post receipt of information on 24/09.
7/10/2021	Phone call from Rebecca to Kevin to discuss application, however no further response has been received.

With reference to (3) above, no further views of Mr Riddell nor Mr Peter Christie have been forthcoming, with the particular matters discussed to date detailed in Section 8 of this report below.

No further consultation has been undertaken, nor is it deemed necessary.

## 7. ASSESSMENT OF ENVIRONMENTAL EFFECTS

As a Discretionary Activity, Council's ability to assess the adverse effects of a proposal remains un-restricted, however; Sections 12, 56.17 and 52A.21 of the District Plan include a range of assessment criteria relevant to the various reasons for consent as detailed in Section 5.2 above.

These assessment criteria are useful in guiding the overall assessment of the activity's effects with regard to the initial demolition of the existing dwelling – a Group 3A heritage item, construction earthworks, and the various bulk and location considerations associated with the proposed new dwelling that are detailed in the second column of the conditions table for the Hardinge Road residential zone.

The following assessment adopts these assessment criteria and is structured as follows:

- Section 7.1 Demolition of a Group 3A Heritage Item
- Section 7.2 Proposed New Dwelling and associated swimming pool
  - Section 7.2.1 Residential Environments, General Assessment Criteria and consideration of bulk and location matters
- Section 7.3 Construction Effects and Earthworks
- Section 7.4 Summary



## 7.1 DEMOLITION OF A GROUP 3A HERITAGE ITEM

It is stated in Rule 56.17 of the Plan that the Council will have regard to the relevant assessment criteria in assessing the proposal, which in this case are the general criteria contained in 56.17(1) as well as those contained in 56.17(4) which apply to the proposed demolition of a Group 3A heritage item. These include:

### 56.17(1) – General

- (a) Any unusual circumstances including, but not limited to, those listed below:
  - i) Inherent site considerations: including unusual size, shape, topography, substratum, vegetation or flood susceptibility;
  - ii) Particular site development characteristics: including the location of existing buildings or their internal layout, achievement of a better relationship between the site and the road, building renovation or restoration of demonstrable merit, the design and arrangement to facilitate access for the disabled or legal impediments;
  - iii) Unusual environmental circumstances: including adverse topography, unusual use or location of buildings on adjacent sites, improved amenity for neighbouring sites, the presence of effective on-site screening.

### 56.17(4) – Demolition of a Group 3A Heritage Item

- (a) Whether the proposal follows an appropriate conservation method,
- (b) Whether the proposal respects existing evidence of the heritage item and to what extent,
- (c) Whether the proposal conserves the historical setting of the place and to what degree,
- (d) Whether the proposal will assist in risk mitigation, that is, in the prevention of potential risk from any natural process or event,
- (e) Whether the contents of a place that contribute to its cultural heritage value are conserved,
- (f) Whether works of art and special fabric will be retained,
- (g) Whether invasive investigation can be justified,
- (h) Whether non-intervention is a desirable alternative,
- (i) Whether relocation is an option,
- (j) Whether adaptation is an option,
- (k) Compatibility and distinction where additions are concerned.

The purpose of the proposal is to provide for a healthier, more efficient and modern home that meets the living requirements of the site owners who would like to permanently reside at the site.

With specific reference to the above assessment criteria, we make the following comments:

#### 56.17(1) – General

- The site is of a regular shape, however given the modest size of the site, has a narrow road frontage (~10 metres). There is currently no provision for on-site vehicle parking or access, with pedestrian-only access facilitated by way of a small entrance gate.
- The existing dwelling occupies the majority of the width of the site, thus preventing access to the rear outdoor living space.



- The existing dwelling provides for a very small entrance veranda that is located within 2 metres of the front boundary of the site. This does not provide for any privacy for persons wishing to utilise the northern aspect of the site, from which persons on the site would experience the coastal views from the property.
- The internal layout of the existing dwelling does not and cannot be altered to provide appropriately for modern living requirements, noting the very modest footprint (~98m<sup>2</sup>).
- The proposed new dwelling provides for three separate, useable areas of outdoor open space - the first-floor deck providing northern aspect with expansive views, whilst the two areas at ground floor level including a private, north-facing courtyard. The main outdoor living space at ground floor level centres around the in-ground swimming pool to be located within the south-east corner of the site, and incorporates extensive decking that will be shielded from direct afternoon summer sun, providing a shaded retreat for the dwelling occupants. The landscape design overall has been designed to be low maintenance but provides a high degree of amenity for the occupants of the site.
- The use of a two-storied design provides for a more efficient internal layout, with on-site car-parking for two vehicles, whereas the extensive use of glazing to the north ensures that connection with the adjacent street environment is maintained.
- The proposed fencing solution around the exterior of the site is considered to improve privacy between the outdoor living spaces of this site and the adjacent sites.

#### 56.17(4) – General

- An assessment of the application against the relevant objectives and policies is undertaken in Section 9 of this report below, where it is found that the proposal is, overall, consistent with the policy framework.
- In terms of the matters detailed in (a) as a complete demolition, the building has been subjected to a Building condition report (refer **Appendix 3**) and this details the existing loss/lack of heritage features associated with the dwelling, both internally and externally. To this end, the complete demolition is not considered to result in a discernible loss of material or heritage values associated with the dwelling, and this report accurately documents the existing structures, features and condition of the existing building. This is the only aspect of an appropriate conservation method that could be applied to a complete demolition.
- Further, with respect to (a) (iii), the proposed site re-development has taken into account the needs of the site owners, for them to be able to permanently occupy and enjoy their own property. The existing condition of the building is not safe, warm or healthy; and the extent of works required to bring it to an acceptable modern standard includes, at a minimum:
  - re-piling,
  - re-cladding,
  - retrospective insulation;
  - new roofing
  - new joinery
- And these significant improvements do not take into account the existing, inefficient internal layout of the property, which disconnects the outdoor living area from internal communal spaces, and does not provide for adequate outdoor area with north-facing



aspect. Should additional re-configuration of internal spaces be undertaken, this would essentially result in a new house, albeit one that does not meet the needs of the owners of the property.

- In terms of (b) the 'heritage item' is the overall streetscape evident along Hardinge Road, inclusive of building scale and setback from the street frontage. In terms of the subject building itself, the submitted building report demonstrates that the existing external evidence of the heritage item is limited to the roof form of the dwelling, and in part the finishing details on the front façade such as the decorative finial and veranda fretwork. Here we note that removal of these features could occur at any time as a permitted activity pursuant to the provisions of Rule 56.11 (external alterations of a Group 3A heritage item).
- In terms of (c), the proposed new dwelling is considered to respect the streetscape character provided within the locale, through the construction of the new dwelling, which has the following attributes:
  - o *Retention of the existing 7.5 metre building height/ similar scale to other buildings within the immediately adjacent locale (65 Hardinge Road to the west and 71 and 72 Hardinge Road to the east), combined with an increased building setback these dwellings do not dominate the surrounding locale;*
  - o *The proposed gable roof form mimics the existing roof line of the villa bay-window feature; and*
  - o *Extensive areas of glazing (i.e. a lightening of the appearance to the street);*
  - o *Relocation of outdoor living area at first floor level, maintains connection with the adjacent streetscape whilst improving amenity for internal occupants.*
- The historical setting and place in terms of matters (c) of the Hardinge Road character area includes consistency of building scale, form and setback from the streetscape. The proposed removal of the existing dwelling will result in a change in building appearance, however not to an extent where the overall character or place would be discernibly altered beyond that which has already occurred within the character area.
- With reference to (d) it is considered that the proposed dwelling will assist in risk mitigation for the site, noting that the proposed new floor layout seeks to locate the main internal living areas along with the master bedroom at the first-floor level. However, overall, it is noted that the risk of the site and the overall development is at no greater risk than the wider locale of Ahuriri as a whole in terms of Tsunami event.
- In terms of Item (g) there is no invasive investigation proposed, other than the extent of earthworks that are required to prepare the site for the construction of the new dwelling and associated swimming pool; and in terms of (h) non-intervention is not desirable, given the existing condition of the dwelling essentially prevents it from being brought to a suitable healthy homes standard such that it could contribute to the permanent housing supply of the City.
- Relocation and adaption is not considered an appropriate option given the poor state of the building itself. The existing use of more modern materiality both internal and



external to the dwelling does not lend itself to addition or alteration, as these options represent a large investment whilst not achieving a suitable nor desirable outcome for the applicants.

On balance, it is considered that the design of the proposed new dwelling strongly respects the scale, form and setback extent of surrounding and nearby buildings (as demonstrated in Figure 3 above), and acts to conserve the historical setting of the area. The design achieves a high level of compatibility with the surrounding locale, whilst being unapologetically 'new'.

Overall, it can be considered that the proposal will not compromise the historical setting of the City or the Hardinge Road Character areas cultural heritage value. Effects on heritage values can therefore be considered less than minor, with the positive effects of the proposal certainly outweighing any adverse effects.

## 7.2 PROPOSED NEW DWELLING AND SWIMMING POOL

Chapter 12 (Section 12.2) provides the General Assessment Criteria pertaining to resource consent applications for restricted discretionary activities resulting from non-compliance with one or more conditions in the activity and/or condition table.

The assessment below concentrates on the design of the new development, including the dwelling and associated outdoor space and pool, investigating the actual and potential effects arising from the particular non-compliances with the Hardinge Road Residential Zone as detailed in Section 5.2 of this application.

The relevant aspects of Section 12.2, along with specific consideration of the matters of discretion detailed within the second column of the activity table for each area of non-compliance are considered below:

### 7.2.1 Section 12.2 General Assessment Criteria – Residential Environments

The following general assessment criteria included in Section 12.2 is detailed as:

- a. *Any unusual circumstances including, but not limited to, those listed below:*
  - i. *Inherent site considerations: including unusual size, shape, topography, substratum, vegetation or flood susceptibility;*
  - ii. *Particular site development characteristics: including the location of existing buildings or their internal layout, achievement of architectural harmony, compliance with engineering or bylaw standards, enhancement of private open space, achievement of a better relationship between the site and road, building renovation of demonstrable merit, the design and arrangement to facilitate access for the disabled, or legal impediments;*
  - iii. *Unusual environmental circumstances: including adverse topography, unusual use or location of buildings on adjacent sites, improved amenity for neighbouring sites, the presence of effective on-site screening.*
  - iv. *Proximity to the Rural Environment*



- v. *In the absence of adequate private open space, whether the maintenance and enhancement of public reserves or amenity treatment appropriate with the level of impact of the development is required.*

### Comments

The subject site is considered to have the following inherent considerations/characteristics that lend the site as appropriate to the type of development proposed. Specifically, these are considered to include:

- The subject site is 253m<sup>2</sup> in size. The relatively compact size is complemented by having a regular shape and flat topography.
- A site of 253m<sup>2</sup> requires careful design to both provide for a dwelling that meets the demands of modern occupancy, provides on-site carparking, well designed and useable open space within the site and is respectful to adjoining sites and street frontages.
- The character and nature of the existing streetscape and buildings is recognised. There is both value and constraints afforded to the site because of its location which need to be reconciled within the new design. Aside from the special characteristics of the streetscape which are discussed earlier in this report, there are particular site characteristics in relation to neighbouring properties that place constraints on a 'complying' design. A narrow width (frontage) and closely built neighbours requires a design that maximises the frontage, yet respectfully reduces overlooking through design of the side elevation; window placement and treatment.
- To that end, the proposal is considered to result in a greater degree of amenity for neighbouring sites than that which currently exists noting the extremely close proximity of the existing villa to the side boundaries of the site.
- The proposed re-development of the site is considered to be of demonstrable architectural merit, providing for a generous floor area within a very constrained site in terms of overall scale.
- The topography of the site is essentially level, therefore the proposed site preparation works will not be large in extent, with the proposed excavations limited to topsoil scrape and excavation for the proposed swimming pool.
- The particular site development characteristics include the location of the existing dwelling, close to the front boundary of the site and located across the full frontage, thus preventing appropriate alteration rather than demolition to facilitate a more useable outdoor area.
- Further, the internal layout of the existing dwelling does not lend itself to reconfiguration such that a greater standard of amenity or connection could be afforded to the valuable, north-facing aspect of the property.

### **Yards, Height in Relation to Boundary and Open Space**

Consideration of yards, height in relation to boundary and open space non-compliances are also considered to form an intrinsic aspect to the overall assessment of the design and external appearance of the proposal from the wider environment. Utilising the criteria provided within the second column to guide this assessment of effects generated from these areas of non-compliance, I make the following comments:



- The existing streetscape is characterised by a mixture of building heights, however the traditional villas are single storied and located close to the northern site boundaries, where as the two storey developments are generally setback from the frontage which produces the overall effect of a minimally invasive streetscape environment. The proposed new dwelling is considered to avoid road frontage domination, through the inclusion of the first-floor balcony with open roof structure.
- The proposed setback from the road of between 2.3 metres and 2.95 metres, along with a maximum height of 7.5 metres and the gabled roof form ensures that the proposed new dwelling will not appear dominant within the surrounding locale.
- The outlook and privacy of adjacent sites will be improved as a result of the proposed re-development of the site, with the exclusion of windows from the western façade of the dwelling and use of small, highly placed windows along the eastern elevation to provide for light admission but restriction of direct views between properties.
- The proposed dwelling will result in additional shading effects for the properties to the east and west of the site beyond that which currently exist, noting the change from single-storey design, to a two storied design that reaches the maximum 7.5 metre rolling height. However due to the modest height of the dwelling i.e. 7.5 metres, no shading effects beyond the adjacent properties to the east and west will occur.
- The proposal is considered to improve the overall amenity values of the neighbourhood, noting that whilst the contribution of the existing villa will be removed from the streetscape, the value it added in its current condition is considered to be very limited.
- The proposal is not considered to impact upon the availability of admission of daylight to adjacent properties, noting the existing configuration of buildings, additional shading will fall upon the existing roof form of this building.
- The proposed new boundary fencing is considered to result in maintenance of the privacy and amenity for occupants on the site and there will be no discernible change in terms of open space appearance of the neighbourhood beyond that which currently exists on the site.
- The location of the pool adjacent to the southern and eastern property boundaries is effectively mitigated in terms of privacy effects through the inclusion of the solid, 2-metre-high boundary fence that is to be established.

### 7.3 CONSTRUCTION EFFECTS AND EARTHWORKS

The construction effects of the development are limited to the proposed demolition of the existing dwelling, earthworks and the construction of the new dwelling, swimming pool and associated vehicle crossing.

Construction activities are a function of reality when developing urban environments. Nuisance effects still need to be managed however, and in this regard:

- A Construction Management Plan addressing construction traffic, sediment control and hours of operation will be provided to Council prior to the commencement of any works on site.





It is anticipated that the construction works will be limited to daytime/working hours, being 7.30am-6.00pm Monday-Saturday in accordance with the Temporary Noise Standards and construction activity will be undertaken in accordance with the New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".

The scale and quantity of earthworks that are to occur on the site are considered 'exempted' from requiring specific resource consent, pursuant to Rule 52A.8(b). Notwithstanding that these earthworks could be undertaken as a permitted activity, noting that they form an integral component of the overall re-development of the site it is considered that the effects generated from the earthworks contribute to the overall construction effects, are able to be appropriately mitigated through the inclusion of standard sediment and erosion control measures, including dust management as conditions of consent.

In conjunction with the relative temporary duration of such effects, these initiatives will ensure that overall, effects with regard to construction can be managed to be less than minor.

## 7.4 SUMMARY AND SECTION 104(1)(A) OVERVIEW

Overall, the effects of the proposal are considered to be less than minor for the following reasons:

- The demolition of the existing villa on site (rather than additions or alterations which are provided for as permitted activities) is not considered to compromise the existing character of the wider Hardinge Road character area, noting that the existing villa is in poor condition.
- Whilst the villa contributes to a row of three, existing villas; this clustering of buildings is not considered to result in such a high degree of character or overall streetscape appearance that it would warrant the forced retention of this dwelling, such that the owners of the site were not able to provide for their living requirements.
- The provision of on-site car-parking is considered to provide for an appropriate degree of servicing, noting that currently no on-site car-parking is afforded to the dwelling.
- The proposed new dwelling is of a sympathetic character and design, with distinct architectural acknowledgments of character features without defaulting to a faux heritage approach.

Section 104(1)(a) also includes consideration of positive effects of the proposal, which in this case include:

- The new dwelling provides an efficient and considered design response to a size constrained site, that provides for a maximum degree of onsite amenity without losing activation or connection with the street.
- The proposal represents an efficient use of a very valuable land resource, without compromising the existing character or streetscape of the surrounding locale.





Overall, the positive effects of the proposal are considered to outweigh the adverse effects on the environment, which are able to be appropriately mitigated through careful architectural consideration, and/or avoided through the imposition of consent conditions.

## 8. NOTIFICATION

There is no presumption in the RMA as to whether an application will be notified. To this effect, the consent authority has discretion in determining whether notification is necessary. It is primarily Sections 95A and 95B which govern this assessment.

### 8.1 SECTION 95A ASSESSMENT – WIDER ENVIRONMENTAL EFFECTS

Section 95A of the RMA considers the need for public notification and sets out four steps in a specific order to be considered in determining whether to publicly notify.

In terms of Step (1), public notification has not been requested, Section 95C pertaining to notification in the event that further information is not provided under Section 92 is not applicable, and the application is not being made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977. Therefore, mandatory public notification of the application is not required.

In terms of Step (2), none of the circumstances precluding notification are applicable, as the application is not a controlled activity, nor a boundary activity.

Moving to Step 3, notification is not required by a rule in a Plan and the adverse effects of the proposal on the wider environment (in terms of Section 95D) have been demonstrated in Section 7 of this report to be no more than minor.

In terms of Step 4, we do not consider that any 'special circumstances' are applicable to the application for the following reasons:

- The proposal represents a continuation of the existing residential use of the site, in a manner that will not compromise the existing streetscape character experienced along Hardinge Road.
- The construction phase of the proposal is able to be appropriately managed so as to ensure effects with regard to earthworks and noise are mitigated so as to result in less than minor effects.
- The design, finish, bulk and location of the proposed residential dwelling is entirely appropriate within the locale, particularly noting the proposed inclusion of sympathetic architectural features, including a gabled roof form and compliance with the permitted height controls.

Therefore, public notification is not required under any of the pathways in Section 95A.



## 8.2 SECTION 95B ASSESSMENT – EFFECTS ON THE LOCAL ENVIRONMENT AND PARTICULAR PARTIES

While public notification is not required, any effects of the proposal on the local environment and upon particular parties must still be considered. This is addressed through Section 95B of the RMA, which has four steps similar to Section 95A.

In terms of Step (1), being outside the coastal marine area we understand there are no affected protected customary rights or customary marine title groups in terms of Subclause (2).

In terms of subclause (3), and whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11, we are aware of the 'Ahuriri Hapū and the Trustees of the Mana Ahuriri Trust Deed of Settlement' which identifies much of Napier as an Area of Interest. However, this is yet to receive Royal Assent, and as such, the site is not (as yet) located within or adjacent to a Statutory Acknowledgment Area referred to in Schedule 11 in the context of S95B.

In terms of Step (2), none of the circumstances in Subsection (6) that would preclude limited notification apply. We therefore move to Step (3).

Step (3) requires the consent authority to determine, in accordance with Section 95E, whether there are any affected parties. Section 95E states that a person is not an affected person in relation to an application for a resource consent for an activity if the person has given (and not withdrawn) approval for the proposed activity. In this instance, written approval has been sought and obtained from the registered owners of the following property:

- 70 Hardinge Road

Therefore, effects on these parties have been disregarded.

With regard to all other parties, in accordance with Section 95E, a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). In this instance, the proposed new dwelling is located within the yard setback, and has a height in relation to boundary infringement generated over the length of the proposed façade relative to the adjacent property at 68 Hardinge Road; and as such effects on the owner of this property are considered to be minor (but not more than minor), for the following reasons:

- The streetscape character is a particular aspect of amenity that has been identified by the owners/occupiers of this property, noting that their dwelling is located within an existing series of three consecutive villas. Here it is noted that the subject dwelling is of a considerably deteriorated condition from that which is demonstrated by the villas at 67 and 68 Hardinge Road and that both of these sites have provision for on-site car-parking/vehicle access to be achieved. In this instance, the narrow street frontage and location of the villa effectively prevents the ability for on-site car-parking to be achieved, which is one of the key outcomes sought by the applicants.



- In terms of the contribution to the streetscape, and subsequent amenity experienced on this site, it is appropriate to consider what could change to the subject property without the need for resource consent to be obtained. To this end, it is noted that the existing low, picket fence is able to be substituted for a solid/close boarded fence to a height of 2 metres. This would essentially screen the entirety of the front façade of the dwelling (excepting the roof line) from any streetscape views, such that the contribution of the site would be removed; and as external alteration of Group 3A heritage items are provided for as permitted activities, the existing bay window, finial and verandah structure is able to be removed from the dwelling as a permitted activity, which are essentially the remaining 'character' components of the existing dwelling.
- To this end, it is considered that the amenity offered from the existing streetscape character that experienced by the owner of 68 Hardinge Road is somewhat 'borrowed' and cannot be relied on to remain in perpetuity.
- The design decision to not include any windows along the western façade of the new dwelling ensures that there will be no direct views afforded between the sites for any person within the proposed new dwelling, thus no privacy effects will be generated by the application.
- In terms of dominance effects, the roof apex of the proposed dwelling is to be constructed to the maximum height provided for under the District Plan, being 7.5 metres rolling height, as measured from the existing ground levels on the site. The height of the western wall closest to the boundary will not exceed 5.3 metres and as such cannot be considered to generate more than minor dominance effects for this adjacent owner.
- In terms of sunlight admission for this property, we note that the western façade of the proposed new dwelling will extend back to the same extent as the existing dwelling at 68 Hardinge Road does, and as such will result in a reduction in daylight admission to the 5x east-facing windows of this dwelling. However, during consultation we understand that during the renovations of this property, daylight admission was future-proofed with the inclusion of skylights within the eastern roof extent to ensure continued sunlight admission to the interior of this dwelling in the event that the subject site was re-developed. To this end, the proposal will not result in a discernible reduction in light admission within the internal spaces of this adjacent property.
- With regard to sunlight admission into the rear outdoor living space, the sun studies provided in Appendix 7 to this application demonstrate that overall, the proposal will result in a net benefit with regard to sunlight admission from the east, as the removal of the existing trees located along the southern extent of the site will provide for direct admission of morning sun.

Whilst appropriate consultation has occurred (as detailed above in Section 6 of this report), written approval has not been forthcoming. To this end, we anticipate limited notification of the application to this party.

With regard to all other parties deemed to be 'adjacent' to the subject site (other than those from which written approvals have been obtained and/or are identified as affected parties) are the owners/occupiers of land either abutting the subject site or located immediately across the road. These properties are identified as follows and are shown in **Figure 5** below:

- South – 154 and 156 Waghorne Street.



**Figure 5:** Adjacent Properties indicated by Blue Diamond



It is considered that the effects on these owners/occupiers resulting from the proposal will be less than minor for the following reasons:

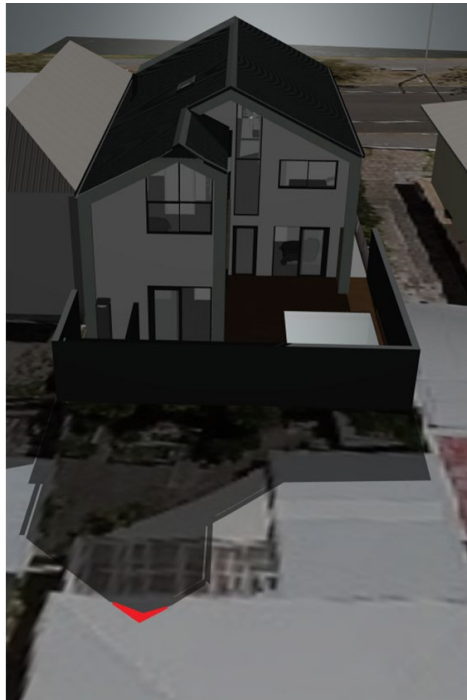
#### **154 and 156 Hardinge Road**

These two properties are located to the south-west and immediate south of the subject site respectively. Both are developed with existing residential dwellings and have their outdoor living areas located within the northern extents of their properties. With regards to effects on these owners/occupiers, the following comments are made:

- The proposed new dwelling is to be located a minimum of 3.28 metres from the common boundary with these properties, where a minimum setback of 1 metre is required. The proposed new dwelling will not exceed the permitted, maximum height of 7.5 metres; however it is acknowledged that the top of the roof apex will exceed the recession plane by a maximum of 0.5 metres. In terms of potential shading effects generated on these sites to the south, a shade study has been prepared for the winter equinox (22 June) at midday – as shown in **Figure 6**. This represents a 'worst-case' with regard to shading effects and the additional degree of effect related to the proposed infringement is shaded red (with the remaining shade detailed for the permitted building envelope). To this end, it is noted that the additional degree of shading on these owners/occupiers as a result of the proposed recession plane infringement will be indiscernible, given that the additional degree of shading applies to the roof area of the existing dwelling.
- The use of the outdoor living space associated with the new dwelling will not impact upon the use of the outdoor spaces for these sites, nor will it result in any decrease in privacy, noting that they are to be separated by a 2-metre-high solid fence.



**Figure 6 Equinox Shade Study (Midday)**



- The first-floor windows proposed along the southern façade of the dwelling will not generate any privacy effects, noting that they are for light admission, rather than direction of views for internal occupants
- Construction noise and activity will be of temporary duration and is anticipated to be mitigated through imposition of a condition of consent that limits hours and days of construction activities to protect residential amenities experienced from this property.

No further special circumstances are considered to apply in terms of Step 4.

## 9. RELEVANT OBJECTIVES AND POLICIES

In accordance with Section 104(1)(b) of the RMA, a consent authority must, subject to Part 2 of the RMA, have regard to the relevant provisions of any statutory plans and policy statements. This includes any relevant provisions of:

- i) National Environmental Standards (**NES**)
- ii) Other regulations
- iii) National Policy Statements
- iv) The New Zealand Coastal Policy Statement (**NZCPS**)
- v) Regional Policy Statements or proposed Regional Policy Statements (**RPS**)
- vi) A Plan or Proposed Plan.

Of these, the NPS on Urban Development is considered relevant, along with the City of Napier District Plan. Consideration of these matters follows.



## 9.1 NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT

The NPSUD came into effect on 20 August 2020. This NPS is considered relevant to the current application, insofar as it seeks to promote and encourage additional capacity for housing and business land needs within existing cities.

A particular focus is placed on the intensification of densities within central locations, to seek to maximise benefits of development that is located within close proximity to transport linkages and existing commercial resources.

It is noted that the proposed development is entirely consistent with the approach adopted within the NPSUD, as whilst it represents replacement of the existing dwelling, with a single, new dwelling; the capacity of this dwelling has been expanded and as such has a direct correlation with increasing capacity of the available accommodation within the dwelling. The careful design and consideration of the outdoor living spaces provides for a maximum degree of on-site amenity, whilst providing for compliant car-parking provision, along with safe and efficient access to the site, without compromising the overall streetscape character or amenity.

## 9.2 CITY OF NAPIER DISTRICT PLAN

The relevant objectives and associated policies of the City of Napier District Plan have been introduced in Section 5.2.2 above, with the specific provisions relating to Heritage and the Hardinge Road Residential zone being applicable. Regard has been given to these objectives and policies in undertaking the assessments in Section 7, noting that the relevant assessment criteria and matters of discretion have been prepared to support outcomes that are consistent with the objectives and policies. In summary, and to avoid unnecessary detail/repetition, the following comments are made with reference to the relevant objectives and associated policies:

- The proposal is considered to be entirely consistent with Objective 4.2, in that it enables a diversity of housing needs, whilst ensuring that the adverse effects on the environment of the residential land use are avoided.
- With reference to Objective 4.4, the proposal has been designed to be sympathetic to the surrounding character area streetscape, so as to contribute to the amenity and character of the Hardinge Road area.
- With specific reference to Policy 4.4.6, we note that the proposal is generally in accordance with the land use controls, and the proposed design of the dwelling recognises the smaller site size as well as the close proximity of the adjacent dwellings.
- The proposal is considered to maintain and enhance the scale and design of the building environment in a manner that contributes to the areas character.
- With reference to Objective 4.5, the proposal is considered to enhance the occupiers experience of the site, particularly with regard to provision of outdoor living areas with northerly aspect and the proposed bulk of the dwelling is generally consistent with other built forms within the immediate locale.
- The parking areas on the site have been designed and located such that they maintain the on-site amenity and privacy of adjacent properties.





- The site is located within the Port noise control boundary and as such, will be required to have acoustic insulation to ensure that reverse sensitivity effects are avoided.
- In terms of Objective 56.3, the removal of the villa is not considered to result in a deleterious effect on the Hardinge Road character area, in particular it is one of many existing examples of villa-style dwellings.
- The proposed dwelling is sympathetic with the elements that make the Hardinge Road character area special.
- Whilst the existing dwelling is included within Appendix 13A as a site identified within the Port Ahuriri Heritage Study, for the reasons identified within the submitted Building Condition Report, the original features of this dwelling are largely absent and as such, the dwelling itself cannot be considered to be of particular heritage value, other than its contribution to the streetscape. Here we note that there are two, far superior examples of early 1900 villas within the immediately surrounding environment.

Overall, the proposal is considered to be consistent with the Objectives and Policies of the District Plan as they relate to the Hardinge Road Residential Zone, and not contrary to the Objectives and Policies of Chapter 56 – Heritage.

## 10. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part Two of the Act sets out the purpose and principles of the Act across four sections, being:

- Section 5 – Purpose
- Section 6 – Matters of National Importance
- Section 7 – Other Matters
- Section 8 – Treaty of Waitangi

When considering an application for resource consent condition, it is necessary to have regard to any relevant provisions of a District Plan or Proposed District Plan, as well as any other matters considered relevant to determine the application, including Part 2 of the Act.

In this instance, we note that The Court of Appeal found in *RJ Davidson Family Trust v Marlborough District Council* that 'If a plan that has been competently prepared under the Act it may be that in many cases the consent authority will feel assured in taking the view that there is no need to refer to Part 2 because doing so would not add anything to the evaluative exercise'.

As the current application is to establish a new dwelling on a residentially zoned site, that has been designed to complement the existing streetscape character of Hardinge Road, we do not consider that there is any room for recourse to Part 2 that would otherwise influence the outcome beyond the relevant provisions detailed within the District Plan.

## 11. CONCLUSION

The proposal is to demolish the existing dwelling on the subject site and undertake site works



to allow for the construction of a new, two-storied dwelling and associated swimming pool.

In summary, the proposal will result in minor adverse effects on the wider environment, and as such does not require public notification, as no special circumstances are considered to apply.

In terms of affected parties, it is noted that the proposal will have minor effects on the adjacent site to the west, being 68 Hardinge Road, and to this end; we understand that the application will be notified to this party in accordance with the requirements of Section 95B. No other persons are considered to be affected by the proposal to a minor, or more than minor extent.

Overall, it is considered that the application is consistent with the relevant Objectives and Policies of the District Plan and the NPSUD and as such, is deserving of consent.



## **Appendix 1**

### **Record of Title**



## **Appendix 2**

### **Architectural Plans**



## **Appendix 3**

### **Existing Dwelling Review Report**



## **Appendix 4**

### **Hawkes Bay Hazards Portal Report**



## **Appendix 5**

### **District Plan Compliance Analysis**



## Appendix 6

### Written Approval of 70 Hardinge Road



## Appendix 7

### Sun Studies





## District Plan Compliance Analysis Table

### Chapter 8 – Hardinge Road Residential

Condition		Analysis
<b>8.15</b>	<b>Density</b> <ol style="list-style-type: none"> <li>There is no density requirement; subject to compliance with the other conditions for all land uses elsewhere in the Hardinge Road Residential Zone condition table.</li> <li>A "concept plan" must be submitted to the Council which shows how a single dwelling unit or multi-unit development is able to fully comply with the conditions for permitted activities if the density is greater than one unit per 150m<sup>2</sup> of net site area.</li> </ol>	<p><b>Noted</b></p> <p><b>N/A</b> The existing site comprises a total area of 253m<sup>2</sup></p>
<b>8.16</b>	<b>Yards</b> <ol style="list-style-type: none"> <li>The following yard conditions shall apply to all land uses: <ol style="list-style-type: none"> <li><b>Front Yards</b> <ol style="list-style-type: none"> <li>Any part of a building must not be erected closer than 1 metre to the road boundary, except that: <ul style="list-style-type: none"> <li>Eaves, fascias, gutters, down pipes, chimneys and flues may encroach on the front yard by a distance of up to 1 metre measured horizontally.</li> <li>Any part of a garage/carport must not be erected closer than 5m to the road boundary, so as to provide a vehicle standing bay. (Refer to Rule 61.16).</li> </ul> </li> </ol> </li> <li><b>Other Yards</b> <ol style="list-style-type: none"> <li>Any part of a building (including eaves and guttering) must not be erected closer than 1 metre to a side or rear site boundary. <ul style="list-style-type: none"> <li>Provided that where this is the only condition infringement and the written approval of the adjacent landowner(s) is provided at building consent stage, a resource consent application will not be necessary.</li> </ul> </li> </ol> </li> </ol> </li> </ol>	<p><b>Complies</b> The proposed front/north façade of the dwelling is to be located 2.95 metres from the front boundary of the site and the first-floor balcony is set-back 2.306 metres from the front boundary.</p> <p>The proposed ground floor garage is setback 7.066 metres from the front boundary, providing for a compliant standing bay.</p> <p><b>Western Boundary – Does not Comply</b> The proposed new dwelling is to be located 0.380m from the western site boundary.</p> <p><b>Eastern Boundary – Does not Comply</b> The proposed new dwelling is to be located 1 metre from the eastern boundary, however the first floor bay window extends 0.3 metres into the side yard and the cladding will encroach by 0.1 metre</p> <p>Pool nib wall will extend above original ground level within 1 metre of the boundary</p>

	<p>(ii)</p> <p>(iii) Any part of a building, fence or permanently fixed structure must not be erected closer than 6 metres from the top of the bank of any watercourse or open drain.</p>	<p><b>Southern Boundary – Does not Comply</b></p> <p>The proposed swimming pool exterior nib wall will extend above existing ground level and is located adjacent to the southern boundary of the site.</p> <p>The proposed decking is lower than 300mm above existing ground level.</p> <p><b>N/A</b> The subject site is not located within 6 metres from the top of the bank of any watercourse or open drain.</p>
<b>8.17</b>	<p><b>Height</b></p> <p>1. The following maximum height conditions shall apply to all land uses, other than aërials, lines and support structures:</p> <p>a) Any part of a building or structure must not exceed 7.5 metres in height, except that:</p> <p>(i) For that part of the zone greater than 25 metres from the Hardinge Road boundary, the height of any part of a building or structure must not exceed 11 metres.</p> <p>(ii) On a front site or corner site, any part of a building or structure may be erected up to the Streetscape Height determined in accordance with Appendix 8 of this Plan.</p> <p>b) Any part of a building or structure must not exceed the Airport Height Control Designation in Appendix 7, except where located in a Surface Penetration Area identified in Appendix 7(a) or 7(b), where the maximum height shall not exceed 10 metres.</p> <p>c) Where there is conflict between any of the height control lines or limits, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 5.17.1(c):</p> <p>(i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>(ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport</p>	<p><b>Complies</b> The proposed building is a front site, and has been designed to comply with the maximum 7.5 metre rolling height requirement.</p> <p><b>N/A</b></p> <p><b>Complies</b> The Airport Height Control relevant to the subject site is the Inner Horizontal Surface which is located at a height of RL 56.8 (45m above the aerodrome reference height of RL 11.8m).</p> <p><b>Noted</b> The zone height limit is the applicable limit in this instance.</p> <p><b>N/A</b></p>

	<p>Height Control Designation in Appendix 7.</p> <p>e) Height must be measured using the rolling height method.</p>	<p><b>Noted</b></p> <p>Rolling Height Method has been utilised</p>
<b>8.18</b>	<p><b>Height in Relation to Boundary</b></p> <p>1. The following height in relation to boundary conditions shall apply to all land uses:</p> <p>a) Any part of a building or structure, must not project beyond a building envelope constructed by drawing planes along all parts of all site boundaries. The planes must commence 3.0 metres above ground level at the site boundary and must be inclined to the horizontal at an angle of 45 degrees.</p> <p>b) Provided that:</p> <p>(i) In relation to multi-unit development, the building envelope must be constructed by drawing planes along all parts of all building site boundaries and must commence at the building site boundary.</p> <p>(ii) The height in relation to boundary control does not apply to the length of common wall between two or more attached buildings.</p> <p>(iii) Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of applying the height in relation to boundary control.</p> <p>(iv) No account must be taken of aerials, lines, support structures, solar heating devices, air conditioning units and similar structures housing electronic or mechanical equipment or chimneys, no more than 1 metre wide in any horizontal direction and less than 2.5 metres in height beyond the building envelope.</p>	<p><b>Does not Comply</b></p> <p><b>North</b></p> <p>Maximum vertical infringement of 1 metre at building apex</p> <p><b>West</b></p> <p>Maximum vertical infringement of 2 metres over full dwelling extent (18.92 metres)</p> <p><b>East</b></p> <p>Maximum vertical infringement of 1.5 metres over full dwelling extent (15.20 metres)</p> <p><b>South</b></p> <p>Maximum vertical infringement of 0.5 metres at building apex</p>
<b>8.19</b>	<p><b>Site Coverage</b></p> <p>1. The following site coverage conditions shall apply to all land uses:</p> <p>a) Site coverage (measured from gross building area) must not exceed 75% of the net site area.</p> <p>b) Provided that where there is no garage or carport on site, the gross building area must include a</p>	<p><b>Complies</b></p> <p>Permitted site coverage: 75% of 253m<sup>2</sup> = 189m<sup>2</sup></p> <p>Proposed site coverage: 148.44m<sup>2</sup> (dwelling)</p> <p><i>Note: definition of site coverage excludes uncovered swimming pools</i></p> <p><b>N/A</b> – internal garage provided at ground floor level</p>

	notional garage of 18.5m <sup>2</sup> for each dwelling unit on the site.	
<b>8.20</b>	<p><b>Landscaped Area</b></p> <p>1. The following landscaped area conditions shall apply to all land uses:</p> <p>a) All sites must have a landscaped area not less than 15% of the net site area.</p>	<p><b>Complies</b></p> <p>Minimum landscaped area required: 15% of 253m<sup>2</sup> = 37.95m<sup>2</sup></p> <p>Proposed Landscaped Area:</p> <p>9.31m<sup>2</sup> northern landscaped area.</p> <p>36m<sup>2</sup> decking*</p> <p><i>* the rear decking is to be open slatted, so as to allow for stormwater percolation to permeable ground below</i></p> <p>Landscaped area is defined as:</p> <p><i>means the part of the SITE provided for the planting of trees, shrubs, plants and grassed areas and may include earth mounding, rock and pebble gardens, ornamental pools and the establishment of elements such as walls, fences, and screens. <b>It does not include gross building area and sealed Area.</b> [emphasis added]</i></p>
<b>8.21</b>	<p><b>Open Space</b></p> <p>1. The following open space conditions shall apply to all residential activities:</p> <p>a) Each dwelling unit must have an amount of open space on the building site of not less than 40% of the gross floor area of all buildings on the site, except that a minimum of 40m<sup>2</sup> per dwelling unit is to be provided.</p> <p>b) Where there is no garage or carport proposed or existing on the site, the gross floor area must include a notional garage of 18.5m<sup>2</sup> for each dwelling unit on the site.</p> <p>c) The maximum amount of open space required to be provided on a building site is 100m<sup>2</sup> per dwelling unit.</p> <p>d) Provided that:</p> <p>(i) Open space may comprise of more than one area.</p> <p>(ii) Open space may take the form of a deck or terrace but must be unobstructed by buildings (other than cantilevered decks), parking spaces, or vehicle manoeuvring areas.</p> <p>(iii) Open space must be directly accessible from the dwelling unit to which it relates.</p>	<p><b>Does not Comply</b></p> <p>The gross floor area of the proposed new building is 237.6m<sup>2</sup> comprised of:</p> <p>Ground Floor GFA: 117.01m<sup>2</sup> First Floor GFA: 120.53m<sup>2</sup></p> <p>40% of 237.6m<sup>2</sup> = 95.04m<sup>2</sup> Proposed Open Space is 70.29m<sup>2</sup></p> <p>N/A – proposed dwelling design includes internal garage</p> <p>Noted</p>

	<p>(iv) The open space must:</p> <ul style="list-style-type: none"><li>• Include at least one area capable of containing a 4 metre diameter circle; and</li><li>• Have a minimum dimension of 2 metres measured at right angles to the perimeter of the area.</li></ul>											
8.22	<p><b>Noise</b></p> <p>1. The following noise conditions shall apply to all land uses (including noise from fixed plants such as air conditioning units and other similar devices), other than those exempted in Rule 57.9:</p> <p>a) The following noise limits must not be exceeded at any point beyond the site boundary, except where expressly provided for elsewhere in this Plan:</p> <table><tr><td>Control Hours</td><td>Noise Level</td></tr><tr><td>0700 to 1900 hours</td><td>50 dB LAeq (15 min)</td></tr><tr><td>1900 to 2200 hours</td><td>45 dB LAeq (15 min)</td></tr><tr><td>2200 to 0700 hours the following day</td><td>40 dB LAeq (15 min)</td></tr><tr><td>2200 to 0700 hours the following day</td><td>70 dB LAFmax</td></tr></table> <p>b) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</p> <p>2. The following acoustic insulation conditions shall apply to all new noise sensitive activities and the addition of a habitable space to an existing noise sensitive activity within the Port Noise Boundary (excluding the Port Inner Noise Boundary):</p> <p>a) All new habitable spaces within buildings used for the noise sensitive activity must be adequately insulated from noise arising from the land uses within the Port Industrial Zone.</p> <p>b) Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 45 dBA Ldn in all new habitable spaces. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order.</p> <p>c) In order to achieve this standard either:</p> <p>(i) An acoustic design report must be provided to the Council prior to any building consent being granted, or where no building consent is required, prior to the</p>	Control Hours	Noise Level	0700 to 1900 hours	50 dB LAeq (15 min)	1900 to 2200 hours	45 dB LAeq (15 min)	2200 to 0700 hours the following day	40 dB LAeq (15 min)	2200 to 0700 hours the following day	70 dB LAFmax	<p><b>Complies –</b></p> <p><b>Complies –</b> An acoustic design report shall be provided to Council as part of the building consent documentation, demonstrating that adequate sound insulation has been designed to ensure spatial average indoor design sound level of 45 dBA Ldn in all new habitable spaces.</p>
Control Hours	Noise Level											
0700 to 1900 hours	50 dB LAeq (15 min)											
1900 to 2200 hours	45 dB LAeq (15 min)											
2200 to 0700 hours the following day	40 dB LAeq (15 min)											
2200 to 0700 hours the following day	70 dB LAFmax											

	<p>commencement of the use. The acoustic design report must be prepared by a person qualified and experienced in acoustics. The report is to indicate the means by which the noise limits specified in this rule will be complied with and is to contain a certificate by its author that the means given therein will be adequate to ensure compliance with the noise limits specified in this rule; or</p> <p>(ii) Compliance with the requirements in the following table will be deemed to achieve the required insulation standard specified in this rule. A report must be provided to the Council prior to any building consent being granted demonstrating compliance with the requirements listed in the following table and will form part of the building consent application. The report must be prepared by the person responsible for undertaking the building work.</p> <table><tr><th>Building Element</th><th>Requirement</th></tr><tr><td>Wall</td><td>1. 20mm timber weather boards exterior cladding. Internal lining two layers of 10mm thick gypsum plasterboard. Minimum 75mm thick fibreglass or polyester or wool insulation in wall cavity. 2. Brick veneer. Internal lining 1 layer of 10mm thick gypsum plasterboard.</td></tr><tr><td>Window</td><td>1. Up to 20% of wall area 7mm laminated glazing (1mm interlayer). 2. Up to 50% of wall area 11mm laminated glazing (1mm interlayer).</td></tr><tr><td>Roof</td><td>1. Pitched roof greater than 20°: steel cladding of 0.5mm or greater or tiles. Ceiling lining of two layers of minimum 10mm thick gypsum plasterboard. Minimum 75mm thick fibreglass or polyester or wool insulation of 14kg/m<sup>3</sup> in ceiling cavity. 2. Skillion roof: steel cladding of 0.5mm or greater. Ceiling lining of two layers of minimum 13mm thick gypsum plasterboard. Minimum 75mm thick fibreglass or polyester or wool insulation of 14kg/m<sup>3</sup> in ceiling cavity.</td></tr><tr><td>Floor</td><td>1. On grade slab. 2. Two layers of 20mm thick particle board.</td></tr></table> <p>d) Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with the rule in (b) above.</p>	Building Element	Requirement	Wall	1. 20mm timber weather boards exterior cladding. Internal lining two layers of 10mm thick gypsum plasterboard. Minimum 75mm thick fibreglass or polyester or wool insulation in wall cavity. 2. Brick veneer. Internal lining 1 layer of 10mm thick gypsum plasterboard.	Window	1. Up to 20% of wall area 7mm laminated glazing (1mm interlayer). 2. Up to 50% of wall area 11mm laminated glazing (1mm interlayer).	Roof	1. Pitched roof greater than 20°: steel cladding of 0.5mm or greater or tiles. Ceiling lining of two layers of minimum 10mm thick gypsum plasterboard. Minimum 75mm thick fibreglass or polyester or wool insulation of 14kg/m <sup>3</sup> in ceiling cavity. 2. Skillion roof: steel cladding of 0.5mm or greater. Ceiling lining of two layers of minimum 13mm thick gypsum plasterboard. Minimum 75mm thick fibreglass or polyester or wool insulation of 14kg/m <sup>3</sup> in ceiling cavity.	Floor	1. On grade slab. 2. Two layers of 20mm thick particle board.	
Building Element	Requirement											
Wall	1. 20mm timber weather boards exterior cladding. Internal lining two layers of 10mm thick gypsum plasterboard. Minimum 75mm thick fibreglass or polyester or wool insulation in wall cavity. 2. Brick veneer. Internal lining 1 layer of 10mm thick gypsum plasterboard.											
Window	1. Up to 20% of wall area 7mm laminated glazing (1mm interlayer). 2. Up to 50% of wall area 11mm laminated glazing (1mm interlayer).											
Roof	1. Pitched roof greater than 20°: steel cladding of 0.5mm or greater or tiles. Ceiling lining of two layers of minimum 10mm thick gypsum plasterboard. Minimum 75mm thick fibreglass or polyester or wool insulation of 14kg/m <sup>3</sup> in ceiling cavity. 2. Skillion roof: steel cladding of 0.5mm or greater. Ceiling lining of two layers of minimum 13mm thick gypsum plasterboard. Minimum 75mm thick fibreglass or polyester or wool insulation of 14kg/m <sup>3</sup> in ceiling cavity.											
Floor	1. On grade slab. 2. Two layers of 20mm thick particle board.											
8.23	Light Spill	Complies – any external lighting proposed for the dwelling will be										

	<p>1. The following light spill conditions shall apply to all land uses other than for the purposes of illuminating a road:</p> <p>a) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space within a building located on any other site).</p> <p>b) The outdoor lighting must be so selected, located aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users or aircraft.</p>	designed and located so as to comply with this standard.
<b>8.24</b>	<p><b>Vibration</b></p> <p>1. The following vibration conditions shall apply to all land uses:</p> <p>a) Land uses must not generate any vibration that causes an unreasonable adverse effect on any adjacent land use.</p>	<b>Complies</b> – the proposed residential activity on the site will not generate any on-going vibration.
<b>8.25</b>	<p><b>Fencing</b></p> <p>1. The following fencing conditions shall apply to all land uses:</p> <p>a) Any fence erected within front, side and rear yards must not exceed 2 metres in height.</p>	<b>Complies</b>  Refer site plan for proposed fencing locations and heights (1.2 metres – 2 metres)
<b>8.26</b>	<p><b>Aerials, Lines and Support Structures</b></p> <p>1. The following conditions shall apply to all aerials, lines and support structures other than for the purposes of a network utility operation:</p> <p>a) Aerials, lines or support structures must not exceed 12 metres in height.</p> <p>b) Aerials, lines or support structures, and trees must not exceed the Airport Height Control Designation in Appendix 7, except where located in a Surface Penetration Area, where the maximum height shall not exceed 12 metres.</p> <p>c) Where there is conflict between any of the height control lines or limits, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 8.26.1 (c):</p> <p>(i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>(ii) Prior to a person requesting a Certificate of Compliance, a</p>	<b>N/A</b> – no aerials, lines or support structures proposed as part of the current application.



	<p>registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <ul style="list-style-type: none"> <li>e) Dish antenna must not exceed 1.2 metres in diameter.</li> <li>f) Where an aerial, line or support structure exceeds 7 metres in height above the point of its attachment or base support, it must also comply with the following conditions: <ul style="list-style-type: none"> <li>(i) The distance from the centre to the furthest element tip must not exceed 7.5 metres in a horizontal direction.</li> <li>(ii) There must be no more than one such structure on the site.</li> </ul> </li> <li>g) The aerial, line and/or support structure must comply with the conditions relating to yards and height in relation to boundary specified elsewhere in the Main Residential Zone condition table.</li> </ul>	
<b>8.27</b>	<p><b>Earthworks</b> The relevant provisions of Chapter 52A (Earthworks) of this Plan must be complied with.</p>	<b>Are exempted from RC – refer assessment below</b>
<b>8.28</b>	<p><b>Heritage</b> The relevant provisions of Chapter 56 (Heritage) of this Plan must be complied with.</p>	<b>The site is located within the Hardinge Road Character Area – please refer to separate Heritage Table</b>
<b>8.29</b>	<p><b>Signs</b> The relevant provisions of Chapter 58 (Signs) of this Plan must be complied with.</p>	N/A – Residential Activity
<b>8.30</b>	<p><b>Trees</b> The relevant provisions of Chapter 60 (Trees) of this Plan must be complied with.</p>	N/A – no protected trees nor street trees in vicinity of the subject site.
<b>8.31</b>	<p><b>Transport</b> The relevant provisions of Chapter 61 (Transport) of this Plan must be complied with.</p>	<b>Please refer to separate Transportation Table</b>
<b>8.32</b>	<p><b>Natural Hazards</b> The relevant provisions of Chapter 62 (Natural Hazards) of this Plan must be complied with.</p>	
<b>8.33</b>	<p><b>Activities on the Surface of Water</b> The relevant provisions of Chapter 62A (Activities on the Surface of Water) of this Plan must be complied with.</p>	N/A – no activities proposed on the surface of water.
<b>8.34</b>	<p><b>Hazardous Substances</b> The relevant provisions of Chapter 63 (Hazardous Substances) of this Plan must be complied with.</p>	N/A – no hazardous substance storage or use proposed.
<b>8.35</b>	<p><b>Contaminated Sites</b> The relevant provisions of Chapter 64 (Contaminated Sites) of this Plan must be complied with.</p>	N/A – proposal to replace existing dwelling with new dwelling, no history of HAIL activities therefore NESCS not a relevant consideration.
<b>8.36</b>	<p><b>Financial Contributions</b> The relevant provisions of Chapter 65 (Financial Contributions) of this Plan must be complied with.</p>	N/A – replacement of existing dwelling with new.

<b>8.37</b>	<b>Code of Practice for Subdivision and Land Development</b> The relevant provisions of Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) must be complied with.	N/A – no subdivision proposed
-------------	--	-------------------------------

## Chapter 52a Earthworks

*Proposed earthworks are exempted pursuant to Rule 52A.8(b) as the earthworks are to occur in conjunction with a building consent to be obtained for both the construction of the dwelling and associated swimming pool (noting that as the pool will exceed 25,000 litres is defined as a building).*

*The proposed earthworks are required to form the appropriate platform for the dwelling and swimming pool. The total earthworks will not exceed 150% of each of the building footprints - comprising 222m<sup>2</sup> for the dwelling and 27m<sup>2</sup> for the pool.*

## Chapter 56 - Heritage

*Site is within Hardinge Road Character Area (Group 3A Heritage Item).*

*Activity Table relevant to specify activity status (discretionary), no applicable conditions table.*

## Noise (Chapter 57)

Condition		Analysis
<b>57.13</b>	<b>Measurement and Assessment of Noise</b> Unless stated by a rule or standard elsewhere in this Plan, noise shall be measured in accordance with New Zealand Standard 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with New Zealand Standard 6802:2008 Acoustics - Environmental Noise.	<b>Complies</b> - noise will be measured in accordance with New Zealand Standard 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with New Zealand Standard 6802:2008 Acoustics - Environmental Noise.
<b>57.14</b>	<b>Construction Noise</b> The following construction noise conditions shall apply to all land uses: a) Any noise arising from construction, maintenance and demolition work in any zone: i) Must comply with New Zealand Standard NZS6803:1999 Acoustics: Construction Noise. b) Construction noise must be measured and assessed in accordance with New Zealand Standard NZS6803:1999 Acoustics: Construction Noise.	<b>Complies</b> - noise arising from construction work will be managed to comply with New Zealand Standard NZS6803:1999 Acoustics: Construction Noise  <b>Complies</b> - construction noise will be measured and assessed in accordance with New Zealand Standard NZS6803:1999 Acoustics: Construction Noise
<b>57.15</b>	<b>Helicopter Landing Areas</b>	<b>N/A</b>
<b>57.16</b>	<b>Watercraft Noise</b>	<b>N/A</b>
<b>57.17</b>	<b>Audible Bird Scaring Devices</b>	<b>N/A</b>
<b>57.18</b>	<b>Frost Protection Fans</b>	<b>N/A</b>
<b>57.19</b>	<b>Noise from New or Altered Roads</b>	<b>N/A</b>

## Transport (Chapter 61)

[illegible]

52



## HAWKE'S BAY NATURAL HAZARD PROPERTY REPORT

CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.

10/08/2021

**69 HARDINGE ROAD, NAPIER  
LOT 4 DDP 317**

**0986023600**

This report summarises the known hazards intersecting this property, based on research reports commissioned to assess regional risk – these are summarised below. The hazard assessment methodologies, information compilation and presentation techniques used for these assessments include certain qualifications and limitations on the use, noting:

- a) The hazard information provided is based on the best information available at the time of the studies and was supplied under specific contract arrangements including financial and time constraints.
- b) The hazard information may be liable to change or review if new information is made available.
- c) Councils and other organisations may hold more detailed hazard information than provided here. This Natural Hazard Property Report is not a substitute for a Land Information Memorandum (LIM).
- d) The precision and accuracy of the data varies, therefore it is important that you obtain expert advice to help to interpret the information.

The hazard maps in this report are based on the following referenced research reports. Online HBRC Natural Hazards Report Database contains a register of the hazard research reports and publications from either the Council or external organisations and this database may contain other pertinent information related to this area. Go to [www.hbrc.govt.nz](http://www.hbrc.govt.nz) and search #hazards:

The referenced reports are:

- (i) Earthquake Fault lines
  - Earthquake hazards in Hawke's Bay Initial assessment
  - Earthquake hazard analysis - Stage 1. Recurrence of large earthquakes determined from geological and seismological studies in the Hawke's Bay area
  - Active Fault Mapping and Fault Avoidance Zones for Central Hawkes Bay District: 2013 Update Active Fault Mapping and Fault Avoidance Zones for Hastings District and environs
  - Fault Avoidance Zone Mapping for Wairoa District, Napier City and surrounds
- (ii) Earthquake Liquefaction
  - Assessment of liquefaction risk in the Hawke's Bay: Volume 1: The liquefaction hazard model
  - Assessment of liquefaction risk in the Hawke's Bay: Appendices for Volume 1
- (iii) Earthquake Amplification
  - Hawke's Bay Regional Council earthquake hazard analysis program, Stage III : evaluation of ground shaking amplification potential Volume 1
  - Hawke's Bay Regional Council earthquake hazard analysis program, Stage III : evaluation of ground shaking amplification potential Volume 2: Appendices
- (iv) Tsunami Inundation Extents
  - Hawkes Bay Tsunami Inundation by Attenuation Rule
  - Review of Tsunami Hazard in New Zealand
- (v) Flooding Extents
  - Wairoa River Flood Hazard Study
  - TeNgaru Catchment Flood Hazard Study
  - Waipatiki Catchment Flood Hazard Analysis
  - Kopuawhara Opoutama Flood Hazard Analysis
- (vi) Coastal Hazard
  - Regional Coastal Environmental Plan
  - Clifton to Tangoio Coastal Hazards Strategy 2120 - Coastal Hazard Assessment
  - Clifton to Tangoio Coastal Hazards Strategy 2120 - Coastal Risk Assessment
  - Other Coastal Hazard Reports
  - Cliff Hazard Zone Delineation
- (vii) Landslide Risk



## HAWKE'S BAY NATURAL HAZARD PROPERTY REPORT

CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.

10/08/2021

- Roll out of Erosion Models for Regional Councils: Landcare Research Limited
- Earthquake-Induced Landslide Forecast and Hazard Assessment, Hawke's Bay Region.
- Earthquake-Induced Landslide Forecast and Hazard Assessment, Bluff Hill, Napier.

### (viii) Quaternary Geology

- Hawke's Bay Regional Council earthquake hazard analysis program, Stage III : evaluation of ground shaking amplification potential Volume 2: Appendices

### (ix) Wairoa River Bank Stability Zones

- Wairoa River Bank Stability Assessment

### Online Mapping Conditions of Use

1. Use of these maps is subject to these disclaimers and exclusions. By using these maps the user is signifying his or her agreement to be bound by these exclusions and disclaimers.
2. Hawke's Bay Regional Council's Hazard maps have been compiled on behalf of HB CDEM Group using the best information available to the council. The maps indicate the extent of the hazard from analysis of information only. They do not necessarily reflect the greatest extent of the hazard suffered in the past, or likely to be suffered in the future.
3. The hazard information provided does not imply any actual level of damage to any particular structure, utility service or other infrastructure.
4. These maps should not be relied upon as the sole basis for making any decision in relation to potential risk.
5. The hazard information provided is regional in scope and cannot be substituted for a site-specific investigation. A suitably qualified and experienced practitioner should be engaged if a site specific investigation is required.
6. Hawke's Bay Regional Council makes no representations, warranties or undertakings about any of the information in these maps and/or electronic files including, without limitation, their accuracy, completeness, quality or fitness for any particular purpose.
7. The Hawke's Bay Regional Council shall not be liable for any loss or damage arising out of, or in connection with, the use of the information contained in these maps and/or electronic files.
8. Hawke's Bay Regional Council reserves the right to change the content and/or presentation of any of the information contained in these maps at its sole discretion, including these notes and disclaimer.
9. These disclaimers and exclusions shall be governed by, and construed in accordance with, the laws of New Zealand. If any provision of these disclaimers and exclusions is unlawful, void or for any reason unenforceable, that provision shall be deemed severable and shall not affect the validity and enforceability of the remaining provisions.

	<p><b>Natural Hazards Report</b></p> <p>The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System (CRS).</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>	<p>10/08/2021</p>
---	--	-------------------

## Liquefaction

Low (cream) means there might be 'none to minor' liquefaction for 500 year earthquake shaking (typically larger than magnitude 6), medium (orange) means there might be 'minor' to moderate damage, and 'high' (brown) might be moderate to severe damage.

In Wairoa District, Central Hawke's Bay District and the wider Hastings District (outside the Heretaunga Plains) due to the limited data available to assess vulnerabilities, buffer zones have been added to liquefaction hazard areas. The width of this buffer zone is 500 m (+/- 250 m) and allows for the differences between the accuracy of lines on a geological map at a scale of 1:250 000 (+/- 250m) and the greater accuracy of property boundaries on cadastral maps to be reconciled. If a property is located wholly or partially within the buffer zone this indicates that there is uncertainty about the level of liquefaction hazard. Site specific assessments (ranging from visual inspection through to ground investigations) will be needed to determine the level of liquefaction hazard. If a buffer zone boundary line falls across a property it should initially be treated as being part of the higher hazard class when interpreting the map.

Liquefaction occurs when waterlogged sediments are agitated by an earthquake. As a result, the soil behaves like a liquid, has an inability to support weight and can flow down very gentle slopes. This condition is usually temporary, but buildings can sink and underground pipes may rise to the surface. When the shaking stops, groundwater is squeezed out of the ground causing flooding, leaving areas covered in mud.

Liquefaction effects have been reported in the Hawke's Bay region during four historical earthquakes since 1840 at Modified Mercalli (MM) shaking intensities between MM7 and MM10, including in 1931. Low-lying areas in the region, especially these near the coast, and reclaimed land are particularly susceptible.

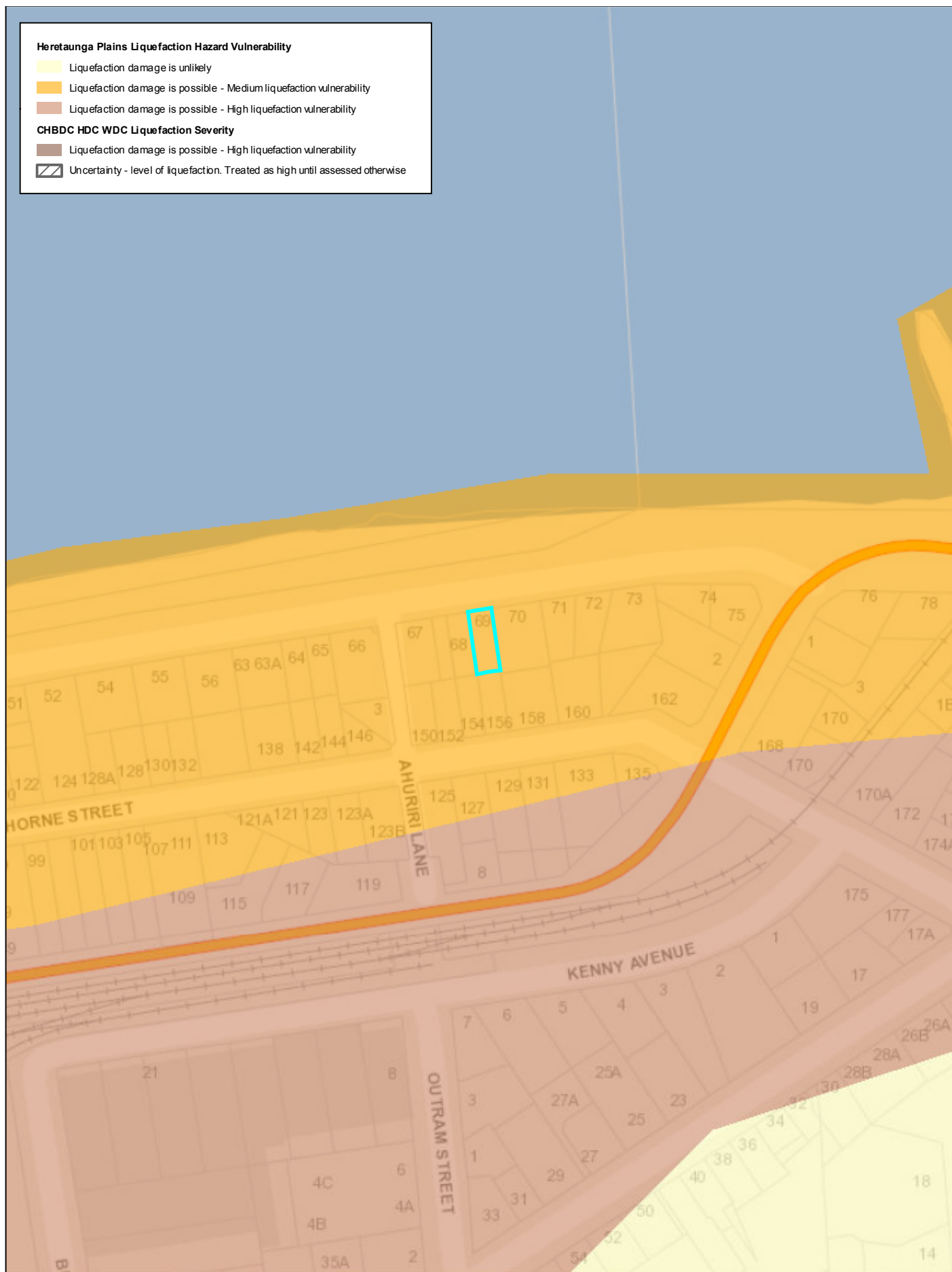
What can you do?

If building, it is recommended you reference the Ministry of Business, Innovation & Employment (MBIE) and the Ministry for the Environment document "Planning and engineering guidance for potentially liquefaction-prone land" and if necessary obtain expert advice from a qualified and experienced geotechnical engineer.

Important to note that having land included in a particular zone does not unequivocally mean that the land is "good", "medium" or "bad." The maps indicate what is a strong possibility across those areas. The best areas (cream) have a very low probability of having a liquefaction problem, but there may still be some localised places where the hazard exists. The only sure way of showing whether a specific site has low or high vulnerability is a site specific geotechnical investigation.

On a property already developed, there are options to mitigate the risk of liquefaction, but the easiest way to mitigate liquefaction risk is to ensure your insurance sum-insured is sufficient to rebuild with heavier duty foundations in the event of total loss (noting this could be fire or flood - not just earthquake).





### Liquefaction Hazard



**HAWKE'S BAY  
EMERGENCY MANAGEMENT  
GROUP**

The information displayed is schematic only and serves as a guide.  
It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed.  
Cadastral Information obtained from Land Information New Zealand (LINZ). Creative Commons Attribution 4.0 International License

**1:2,000**

Tuesday, August 10, 2021



	<p><b>Natural Hazards Report</b></p> <p>The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System (CRS).</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>	<p>10/08/2021</p>
---	--	-------------------

## Amplification

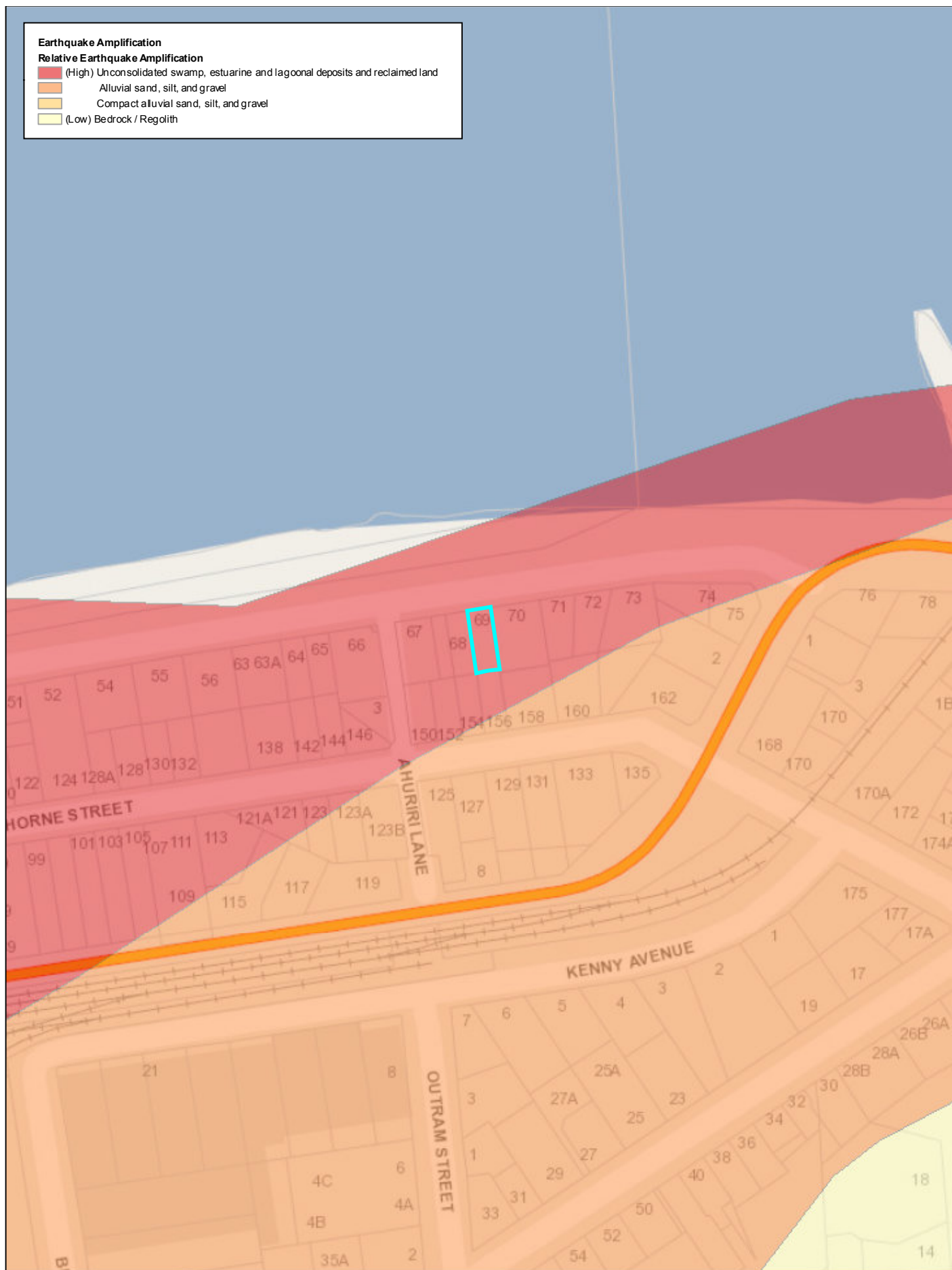
This amplification map shows areas susceptible to ground shaking in an earthquake. Most of the damage during an earthquake is caused by ground shaking. Seismic waves, travelling through the earth at different speeds and amplitudes because of a fault rupture, cause the ground to vibrate and shake in an earthquake. The intensity of ground shaking at any location is affected by the magnitude of the earthquake, proximity to the source of the earthquake, and the geological material underneath that location. Larger earthquakes generally produce greater shaking and shaking is usually more intense nearer the source of the earthquake.

Different frequencies of shaking also affect buildings differently - in general, low frequency motions affect taller buildings more, while high frequencies affect shorter buildings. The type of material underlying the site can have a great effect on the nature and intensity of the shaking. Sites underlain by hard, stiff material such as bedrock or old compacted sediments usually experience much less shaking than sites located on young, loosely consolidated sediment, which tends to amplify shaking.

What can you do?

Most people in Hawke's Bay will survive a large earthquake with some loss, but some people will be severely affected. If you are developing land in a susceptible area, it is recommended owners/developers obtain expert advice from a qualified and experienced geotechnical engineer before progressing plans.

On a property already developed, the easiest way to mitigate earthquake risk is to ensure your insurance sum-insured is sufficient to rebuild with heavier duty foundations in the event of total loss (noting this could be fire or flood - not just earthquake).



**HAWKE'S BAY  
EMERGENCY MANAGEMENT GROUP**

### Earthquake Amplification

The information displayed is schematic only and serves as a guide.  
It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed.  
Cadastral Information obtained from Land Information New Zealand (LINZ). Creative Commons Attribution 4.0 International License

**1:2,000**

Tuesday, August 10, 2021



	<p><b>Natural Hazards Report</b></p> <p>The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System (CRS).</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>	<p>10/08/2021</p>
---	--	-------------------

## Flooding

The map shows general details about flooding patterns and areas at risk. There are 3 coloured zones; Blue (flood risk areas), cream (low risk areas) and cross-hatch blue (areas not included in the flood study and which may or may not be susceptible to flooding).

The maps have been produced using computer models using verification with actual events where possible. Flood extents shown in the maps are not meant to show specific flooding details on each property.

Flood modelling is based on 100 year return period events (1% annual exceedance probability) for river flood risk areas, and 50 year return period events (2% annual exceedance probability) for floodplain flood risk areas.

The effects of climate change have not been included in this flood modelling.

These maps should not be relied upon as the sole basis for making any decision in relation to potential flood risk. Contact the Hawke's Bay Regional Council Engineering Department if further information is required with regards to a specific property.

Urban pipe networks and flooding on the street network in the urban areas have not been considered in the flood modelling. Urban areas show flood risk areas that are the result of the capacity of open drains being exceeded.

In some flood risk areas, houses and other structures may be elevated above the ground, and would be considered not floodable. These cases are not identified in this flood modelling.

### Flooding vs. Ponding

Major flooding happens when the capacity of a stream or drain is exceeded. Small scale, localised ponding may occur in areas where water cannot get to the stream through the normal paths of overland flow when the streams are not in flood. The flood hazard study does not consider this type of localised ponding in detail.

Learn more about our flood risks <https://www.hbemergency.govt.nz/hazards/storms-and-floods/>

### What can you do?

If you are thinking about buying a property which is subject to flooding:

1. Get a Land Information Memorandum (LIM) report from the city or district council.
2. Find out about the history of the area. Ask local people who have lived in the area for a long time about events in the past.
3. Check out your potential purchase during a storm.
4. Be aware a resource consent may be required for any new building or additions or extensions to existing buildings on the property.

If you already own a property at risk from flooding, then:

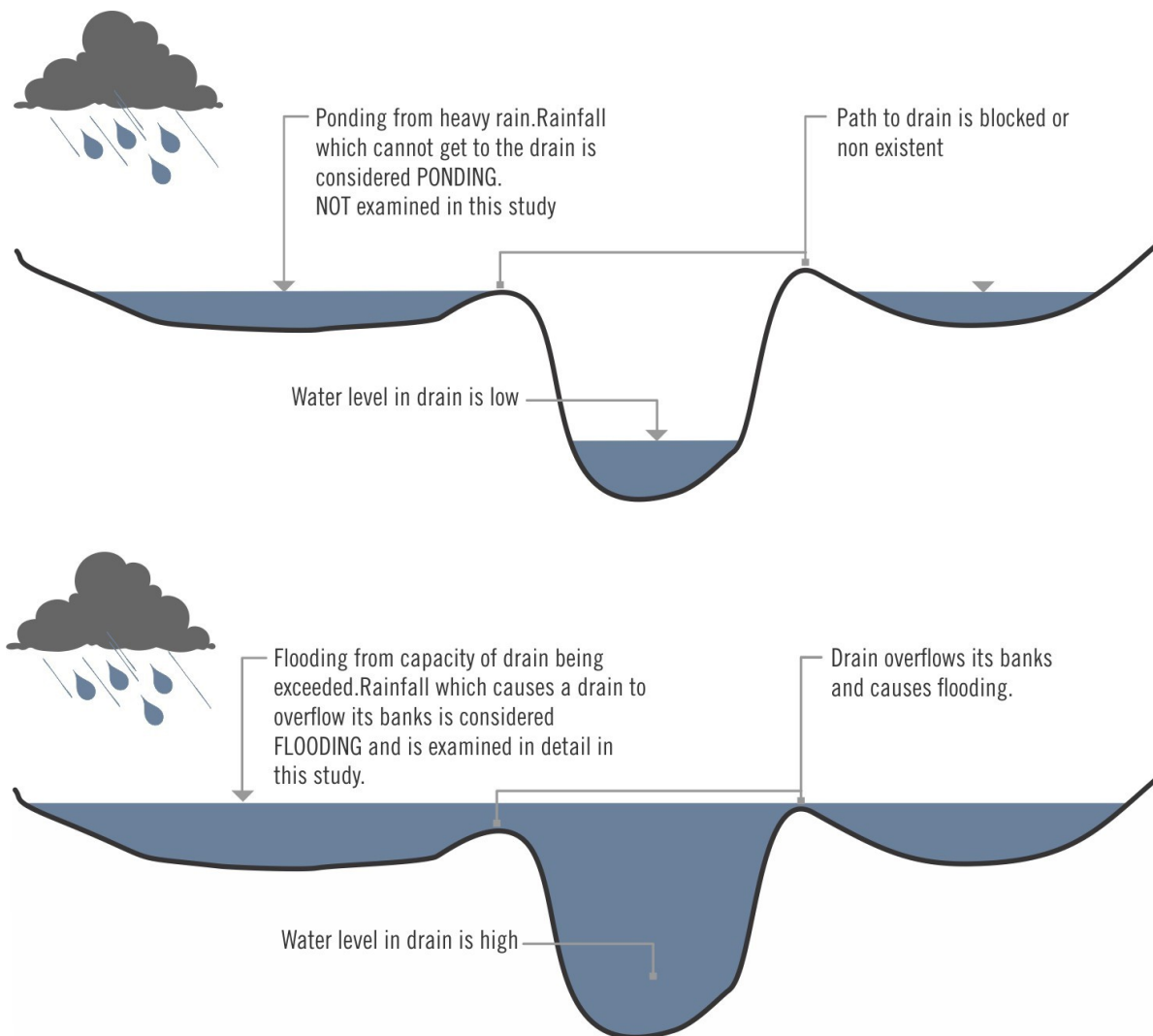
- a. Organise a household emergency plan and be prepared to evacuate quickly if necessary.
- b. Check the weather forecast regularly as severe weather watches and warning are issued by the MetService and are available via email alerts.
- c. If a flood is imminent, lift valuable household items and chemicals as high above the floor as possible. Consider using sandbags to protect your home.

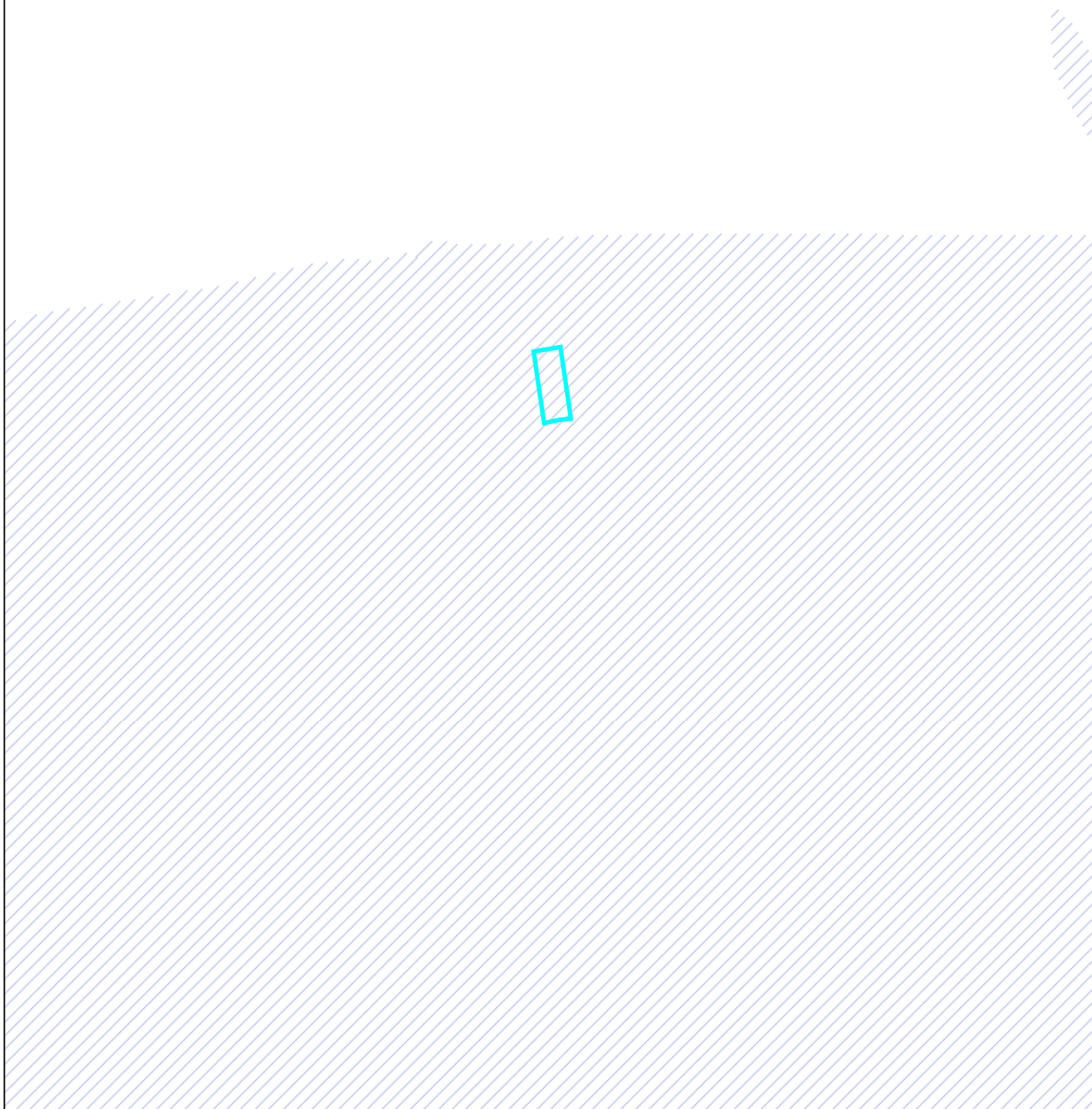
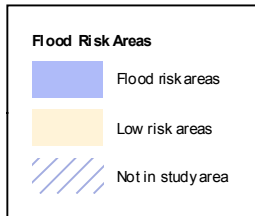
**Natural Hazards Report**

The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System (CRS).

CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.

10/08/2021





**HAWKE'S BAY  
EMERGENCY MANAGEMENT GROUP**

## Flooding

The information displayed is schematic only and serves as a guide.  
It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed.  
Cadastral Information obtained from Land Information New Zealand (LINZ). Creative Commons Attribution 4.0 International License

**1:2,000**

Tuesday, August 10, 2021





	<p><b>Natural Hazards Report</b></p> <p>The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System (CRS).</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>	<p>10/08/2021</p>
---	--	-------------------

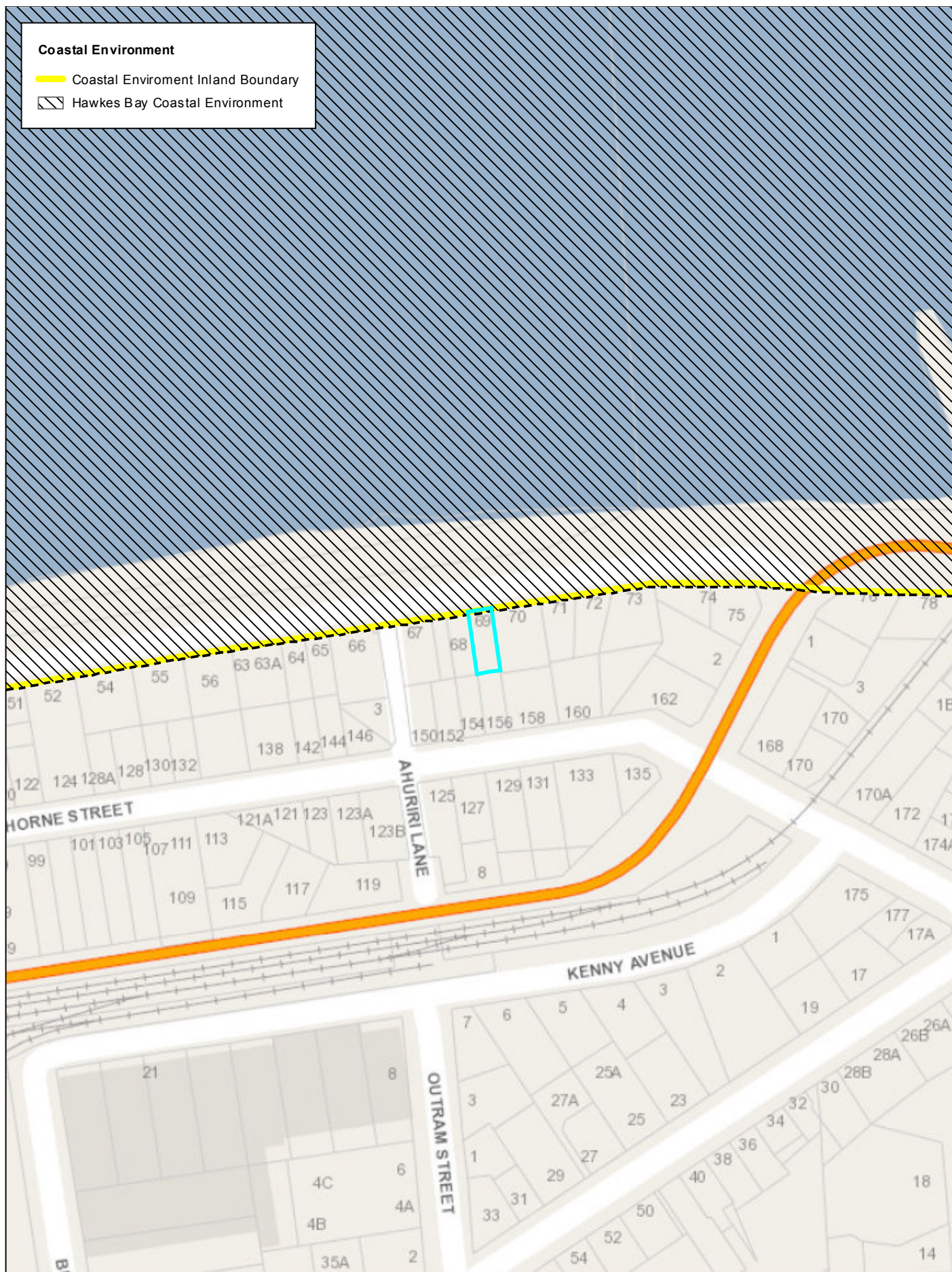
## Coastal Environment

The Coastal Environment means an environment in which the coast is a significant element or part, and includes:

- (a) The coastal marine area;
- (b) Any areas identified as being affected by, or potentially affected by, coastal flooding or coastal erosion;
- (c) Any of the following:
  - I. Tidal waters and the land above mean high water springs;
  - II. Dunes;
  - III. Beaches;
  - IV. Areas of coastal vegetation and coastal associated fauna;
  - V. Coastal cliffs
  - VI. Salt marshes;
  - VII. Coastal wetlands, including estuaries; and
  - VIII. Areas where activities occur or may occur which have a direct physical connection with, or impact on, the coast.

For the purposes of the Regional Coastal Environment Plan, the coastal environment comprises all of the coastal marine area of Hawke's Bay and the coastal margin.





**HAWKE'S BAY  
EMERGENCY MANAGEMENT GROUP**

### Coastal Environment

The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information obtained from Land Information New Zealand (LINZ). Creative Commons Attribution 4.0 International License

1:2,000

Tuesday, August 10, 2021



	<p><b>Natural Hazards Report</b></p> <p>The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System (CRS).</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>	<p>10/08/2021</p>
---	--	-------------------

## Coastal Hazards

Hawke's Bay Region has over 350km of open coast and estuary shoreline. This ranges from rocky shores and cliffs to dunes, sandy beaches and gravel beaches. Our shoreline does not stay in one place. It changes position in response to storms, large waves and high tides. Landward movement of the shoreline - coastal erosion - is usually in response to these natural processes. Such changes in shorelines are typically only a problem when property, infrastructure or other human assets have been built too close to the shore and become threatened.

Coastal hazards include tsunami, storm erosion and storm flooding. The present-day extent and likelihood of various coastal hazard risks are expected to increase as a result of climate change projections of increased storm intensities and a rise in sea level of around one metre in the next 100 years.

The Regional Coastal Environment Plan identifies Coastal Hazard Zones ('CHZs') to assist HBRC and communities make informed decisions about managing risks associated with coastal erosion and coastal flooding. The Regional Coastal Environment Plan contains three key objectives regarding coastal hazards:

- Risks posed by coastal hazards to people and property are avoided or mitigated.
- To avoid new and further inappropriate development in areas identified as being currently at risk of coastal erosion or inundation (i.e.: those areas within Coastal Hazard Zone 1).
- To avoid new and further inappropriate development in areas identified as being at risk of coastal erosion or inundation during the next 100 years (i.e.: those areas within Coastal Hazard Zone 2 or Coastal Hazard Zone 3), taking into account the risk associated with global sea level rise and the level of protection afforded by natural coastal features and lawfully established coastal protection structures.

Coastal hazard zones identified in the Regional Coastal Environment Plan are:

- Coastal Hazard Zone 1 (CHZ1) which represents land assessed as being subject to storm erosion, short-term fluctuations and dune instability and includes river mouth and stream mouth areas susceptible to both erosion and inundation due to additional hydraulic forcing of river or estuary systems. For the purposes of this Plan, it extends a distance of 200m seaward from its inland boundary.
- Coastal Hazard Zone 2 (CHZ2) which represents land assessed as being potentially at risk up to 2100 due to long term rates of coastal erosion and at some locations, may also include areas assessed as being potentially at risk of sea water inundation in a 1 in 50 year combined tide and storm surge event. It includes allowance for sea level rise, but does not include land within Coastal Hazard Zone 1 or Coastal Hazard Zone 3.
- Coastal Hazard Zone 3 (CHZ3) represents an area of land assessed as being potentially at risk of sea water inundation in a 1 in 50 year combined tide and storm surge event, and includes allowance for sea level rise, but does not include land within Coastal Hazard Zone 1 or Coastal Hazard Zone 2.
- Transition Hazard Zone represents an area of land assessed as being within CHZ1 or CHZ2 and also potentially at risk of cliff shore erosion processes.

Sea water inundation referred to in CHZs 1-3 do not relate to tsunami events. That is a separate risk assessment.

## REPORTS TO INFORM CHZs

The Regional Coastal Environmental Plan's CHZs have been based on a number of earlier technical assessments of coastal erosion and inundation. Many of those reports can be viewed on the HBRC's website: [www.hbrc.govt.nz](http://www.hbrc.govt.nz) (keyword #hbcoast) [Coastal Hazards](#)

### What can you do?

	<p><b>Natural Hazards Report</b></p> <p>The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System (CRS).</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>	<p>10/08/2021</p>
---	--	-------------------

If you are thinking about buying a house near the coast you can reduce the risk of purchasing a property that may be affected by coastal erosion or flooding by:

1. Getting a Land Information Memorandum (LIM) report from the city or district council.
2. Finding out about the history of the area. Ask local people who have lived in the area for a long time about how the shoreline has changed and how much erosion has happened in the past.
3. Checking out your potential purchase during a storm or when the tide is running high.
4. Thinking about how the location of the shoreline may change over the next few decades, based on past changes and possible future accelerated change due to sea level rise.
5. Assessing whether there is room to relocate the buildings on your property further landward on your section if erosion threatens it, and check the council's consent requirements for relocating.
6. Being aware that building seawalls to protect your property is rarely an effective long-term solution. It may be difficult to gain resource consent to build a new seawall because seawalls can worsen the erosion effects on your neighbours.
7. Being aware a resource consent may be required from the Regional Council for any new building or additions or extensions to existing buildings on the property.
8. Being aware that the coastal hazard zone is an assessment of areas at risk of erosion or flooding in the future based on data and knowledge currently available about sea level rise and climate change.
9. Being aware that the Clifton to Tangoio Coastal Hazards Strategy is currently reviewing coastal hazards risks along that stretch of coastline to ensure the most accurate and up to date data and science are being used and this Strategy may result in changes to the coastline and coastal planning responses.
10. Being aware that if the councils do implement actions such as beach re-nourishment or building a seawall, then owners of nearby properties are very likely to be charged for their fair share of the costs of those works and the ongoing maintenance.

If you already own a coastal property, then

Get some advice. Check the information reports on coastal hazard studies and management options. However, there are no magic solutions, and ultimately retreating back from the coast may be the only cost-effective option if erosion continues. The traditional 'solution' to such coastal erosion problems is to build a seawall to 'hold' or 'advance the line'. Such actions unfortunately are rarely the most effective option in the long-term, often being only effective for a few years, and can lead to a false sense of security and further development behind the seawall. Seawalls can also exacerbate erosion along adjacent sections of coast.

Plan a retreat. Determine whether there is scope to relocate the buildings on your property, either further landward on your section, or to another location. This should be a particular consideration when planning to re-develop, upgrade or extend the property. Despite the up-front costs, on severely eroding coasts, relocation can often be the most cost-effective and appropriate solution in the longer-term. Relocating your dwelling may require a permit from the city or district council.

Get some advice. Check with the regional council about possible resource consent requirements if you are thinking of doing building work or earthworks on your property within a coastal hazard zone. Also check with the city or district council about building permit requirements and possible limitations of subdividing properties.

Engage. Talk to the regional council or district / city council about the Clifton to Tangoio Coastal Hazards Strategy and engage in strategy development, particularly the design, timing and costs of preferred options for local action.

	<p><b>Natural Hazards Report</b></p> <p>The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System (CRS).</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>	<p>10/08/2021</p>
---	--	-------------------

## CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY 2120

A review of the existing hazards information for the most populated stretch of the Hawke's Bay coastline is currently underway through the Clifton to Tangoio Coastal Hazards Strategy 2120. As an initial outcome, this Strategy has produced updated hazards information using the latest sea level rise predictions and refined methodology.

The following hazards have been mapped:

- Coastal Erosion
  - Now shown as a series of probabilistic lines indicating the likelihood of coastal erosion occurring in present day, 2065 and 2120
- Coastal Inundation
  - Now shown as areas of permanent inundation (caused by sea level rise and tides) and extreme inundation (caused by extreme storm events, sea level rise and tides) in present day, 2065 and 2120
- Tsunami
  - A revision of the previous tsunami mapping carried out by Hawke's Bay Regional Council showing a 100 year, 200 year and 2000 year return period. This review has confirmed the existing mapping.

The technical report underpinning this mapping can be accessed via the source report link below

### [Clifton to Tangoio Coastal Hazards Strategy 2120 - Coastal Hazard Assessment](#)

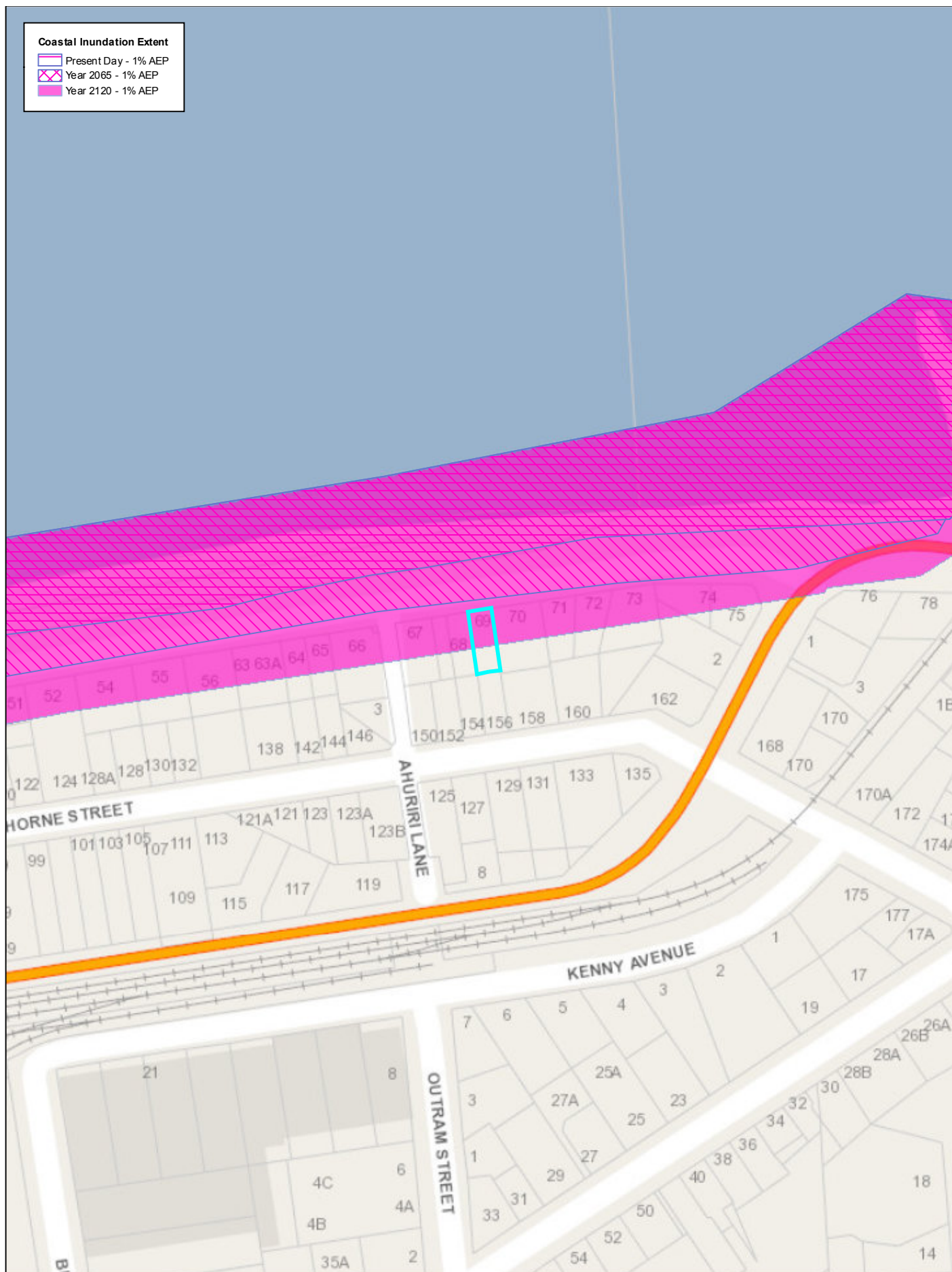
In considering this new information on coastal hazards, an assessment has been prepared to consider the overall risk that each hazard presents. This risk assessment has been calculated in terms of losses and likelihood. Risk has been calculated based on human, economic, social/ cultural and environmental losses for each hazard. The risk assessment report can be accessed via the Source report link below

### [Clifton to Tangoio Coastal Hazards Strategy 2120 - Coastal Risk Assessment](#)

This new information on hazards and risks will be utilised in subsequent stages of the Strategy to develop responses to coastal hazards between Clifton and Tangoio. This may involve physical responses to mitigate risks and a review of the current Regional Coastal Environment Plan and Napier District Plan Coastal Hazard Zones and the rules that apply to them. While no new rules or regulations are proposed at this stage, be aware that this hazards information must be reflected on Land Information Memorandums, as is the case with all hazards information held by Council.

For further information about the Clifton to Tangoio Coastal Hazards Strategy 2120, visit [www.hbcoast.co.nz](http://www.hbcoast.co.nz)





### Coastal Inundation Extent

(CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY 2120 )



**HAWKE'S BAY  
EMERGENCY MANAGEMENT**

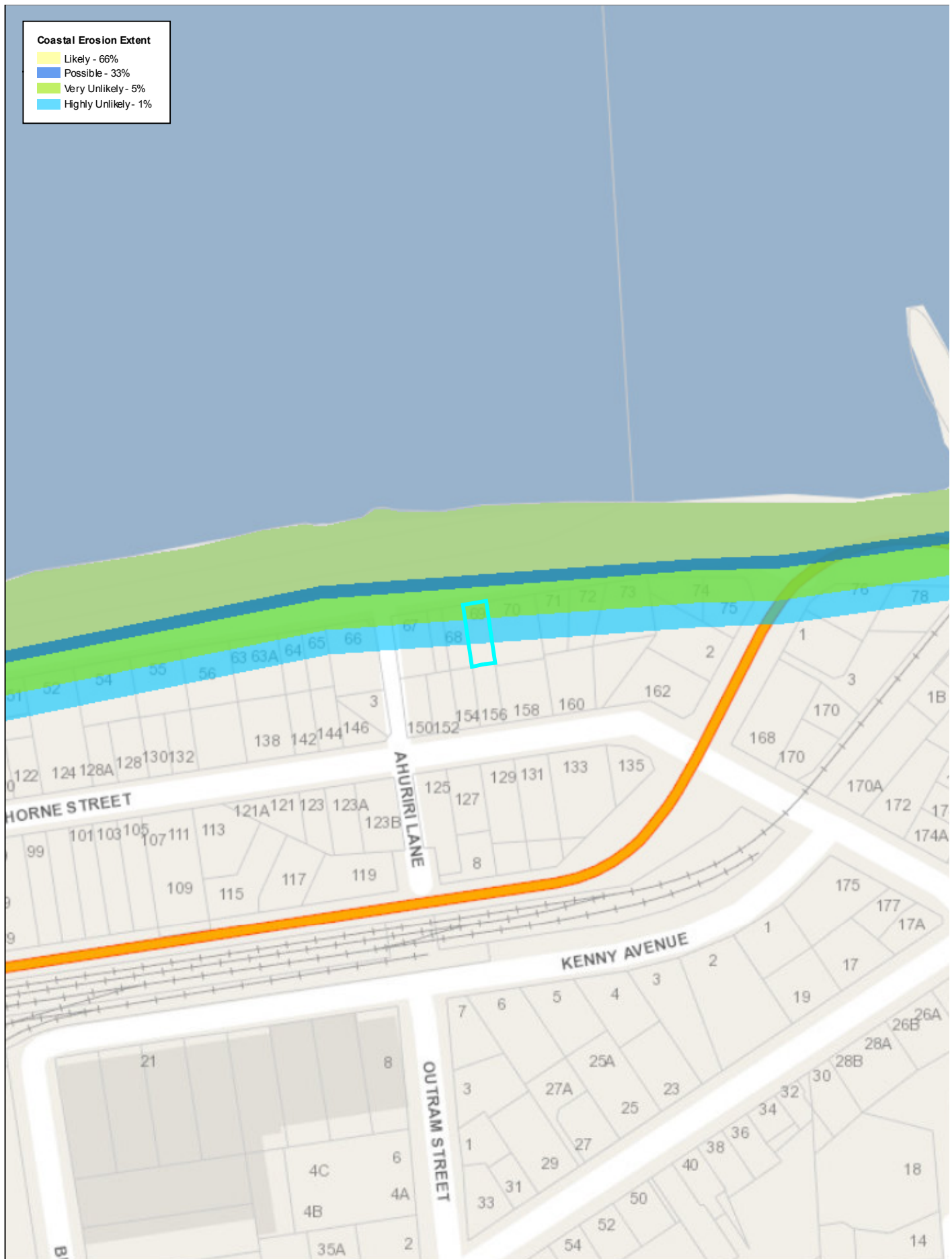
**GROUP**

The information displayed is schematic only and serves as a guide.  
It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed.  
Cadastral Information obtained from Land Information New Zealand (LINZ). Creative Commons Attribution 4.0 International License

**1:2,000**

Tuesday, August 10, 2021





### Coastal Erosion Extent - 2120

( CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY 2120 )



**HAWKE'S BAY  
EMERGENCY MANAGEMENT**

**GROUP**

The information displayed is schematic only and serves as a guide.  
It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed.  
Cadastral Information obtained from Land Information New Zealand (LINZ). Creative Commons Attribution 4.0 International License

**1:2,000**

Tuesday, August 10, 2021





**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Limited as to Parcels  
Search Copy**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **HBB4/251**  
**Land Registration District** **Hawkes Bay**  
**Date Issued** 15 March 1967

**Prior References**

HB17/202

---

**Estate** Fee Simple  
**Area** 253 square metres more or less  
**Legal Description** Lot 4 Deeds Plan 317  
**Registered Owners**  
Kwok Sing Cheng, Janine Cheng and Colin VanPraseuth

---

**Interests**

10647808.2 Mortgage to ANZ Bank New Zealand Limited - 21.12.2016 at 1:05 pm

**HBB4/251**

50  
125 4 125  
0-0-10

50



**From:** [Colin Hunt](#)  
**To:** [Rebecca Sutton](#)  
**Subject:** RE: 69 Hardinge Road - Limited as to Parcels  
**Date:** Monday, 5 July 2021 9:16:24 am  
**Attachments:** [image002.png](#)

---

Good morning Rebecca

Your understanding of the situation is correct

Cheers Colin

**Colin Hunt**

RESOURCE CONSENTS PLANNER

Napier City Council, Private Bag 6010, Napier 4142

t +64 6 833 9720 m +64 27605787 [www.napier.govt.nz](http://www.napier.govt.nz)



This communication, including any attachments, is confidential. If you are not the intended recipient, please delete it. Thank you.  
Refer to the Contract and Commercial Law Act 2017 Part 4 Electronic Transactions.  
Please consider the environment before printing this email.

---

**From:** Rebecca Sutton <[rebecca@strategy.co.nz](mailto:rebecca@strategy.co.nz)>

**Sent:** Friday, 2 July 2021 1:30 PM

**To:** Paul O'Shaughnessy <[Paulo@napier.govt.nz](mailto:Paulo@napier.govt.nz)>; Colin Hunt <[colinh@napier.govt.nz](mailto:colinh@napier.govt.nz)>

**Subject:** 69 Hardinge Road - Limited as to Parcels

Hi Paul and Colin

Thank you for taking the time to discuss the 'Limited as to Parcels' matter regarding the Record of Title for 69 Hardinge Road with me this morning.

Specifically we note that previous survey work has been undertaken for both the adjacent property at 68 Hardinge Road, and that survey data has been utilised to provide a site survey of the subject site. To this end, there is a high degree of certainty surrounding the location of the boundaries for both 68 and 69 Hardinge Road, however the formal process to have this limitation removed has not as yet begun.

As discussed, we are in the process of preparing a resource consent application for a new dwelling at 69 Hardinge Road, and noting that there are a number of infringements relevant to the proximity of the boundary (Yards, Height in Relation to Boundary etc) we are seeking confirmation that lodgement of the resource consent application with Council would be able to occur prior to commencement of, or completion of, the removal of the 'limited as to parcels' annotation through LINZ. Whilst in this instance there is a high degree of certainty surrounding the location of boundaries, we do acknowledge that progression of the resource consent in terms of quantifying degrees of infringement would be at the applicants risk.

If you could please confirm this is correct understanding of our conversation this morning, I would appreciate it.

Kind regards  
Rebecca

---

**REBECCA SUTTON** BA MRP(HONS) MNZPI  
SENIOR PLANNER |

MOBILE 021 217 8013  
PO BOX 239, NAPIER 4140  
[WWW.STRADEGY.CO.NZ](http://WWW.STRADEGY.CO.NZ)





Job Ref: 21034

25 November 2021

Christina Bunny  
Napier City Council  
Via email: [christinab@cheal.co.nz](mailto:christinab@cheal.co.nz)

Dear Christina

### **RM210183 S92 Response**

Thank you for your Section 92 further information request dated 1 November 2021. Please find a response to the matters raised below. Also, we attach the following additional document:

Attachment A: Updated Site Plan

- 1. Recent stormwater modelling after the November 2020 flood events show that the site has potential for flooding. Therefore, at building consent stage it is likely a minimum FFL of 150mm above the crown of the road will be imposed. Therefore, please advise if you wish to amend your plans. This may increase the height in relation to boundary infringement, or result in a height infringement that requires consideration at this point.***

***If this amends the proposal, or results in any increased or additional infringements, please amend assessment accordingly.***

***In addition, please note this could result in a change in the slope of the vehicle crossing and driveway that could impact on stormwater disposal or gradient. Please consider this in any response above and include in any of the amended plans.***

***Please note, should this result in increased infringements or new infringements, please provide updated written approval forms, ensuring the neighbour at 70 Hardinge Road has provided approval for the most recent proposal.***

To confirm the results of our meeting with NCC Graham Thorpe, Sahil Sharma, Pip Beachen, Cameron Drury and Gary Pidd on Thursday 18th November at 12:00.

- The lowest floor level of the new house is NOT required to be 150mm above centre line of Hardinge Road as agreed by Graham Thorpe at the meeting.
- The current floor level is to be as per NZBC E1/AS1 i.e 150mm above lowest point at rear of site. This is approx. 13.8m to NCC datum

Stradey Planning Limited



Outcomes Start Here  
[www.stradey.co.nz](http://www.stradey.co.nz)



- The November floods in 2020 got to 13.6m NCC datum and we understand were a 1 in 250 year event. The proposed floor level is 200 mm above that.
- The site will need a nib to contain a 1 in 10 year rain event, but allow worse events to follow natural flow lines over the top of the nib
- Hardinge road boundary will need a nib that is higher than CL of road. Driveway will need special treatment
- Garage and front of house will have a drainage channel across the front and down the side to a sump with a pump at the rear of the site.
- All site drainage will go to the sump to be pumped back to the front to a Bubble up that feeds into the Hardinge road kerb
- Roof downpipes to be a sealed system that will also feed separately into bubble up.

**2. The proposal has been reviewed by NCC Urban Design Lead who raised the height and shape at the front of the building and eastern corner, and that this may appear prominent, particularly along the streetscape when travelling from an eastern direction. In relation to the assessment criteria for height to boundary infringements along the streetscape, the following is required to understand the potential adverse effects on amenity values along the streetscape.**

It is noted that the façade of the dwelling is set back at least 2.45m from the road frontage (as it relates to the eastern side of the house), noting that the western portion is setback significantly further into the site being 6.56m from the front boundary with Hardinge Road. The building has been deliberately set back to mitigate impact on the street amenity and it is further setback than the adjacent dwelling at 68 Hardinge Road. Specifically noting that the District Plan allows for a minimum setback distance of 1.0m as it relates to this site, and a maximum height of 7m which the dwelling complies with.

- ***I note the visual impressions include landscaping, with a 6.72m<sup>2</sup> landscaping area in the front yard indicated on the site plan. To understand the potential adverse effects of the proposal, please provide details of the proposed landscaping along the northern and eastern boundaries and within the front yard, including species, heights and timing of planting.***

An updated site and landscaping plan is included at Attachment A. Additionally, please see photos of the proposed plant species below. It is proposed that planting will be implemented following the issue of the CCC in order to avoid plant damage from contractors during the building phase on such a small site.

The following condition of consent (or similar) is proposed to give effect to this:

---

That the landscaping detailed on *Sheet RC-1* of the plan set titled *Cheng House* prepared by Studio 26 Architects and dated 24 November 2021 is implemented within the first planting season following the issue of Code Compliance Certificate for the dwelling.

---



**Figure 1:** *Calamagrostis 'Karl Forester'* Grass



**Figure 2:** *Sedum Autumn Joy*







**Figure 3:** *Gaura So White*



**Figure 4:** *Lagerstroemia Crepe Myrtle*





- **Please also provide clarification of the fencing heights.**

**My current understanding is this is 1.2m high solid/closed board fencing along the front boundary and up the side boundary for a short distance, and then a height of 2m along the rear of the site. A height of 2m is referred to on page 27 of the assessment which appears to be assessing the streetscape and not the rear of the site where 2m high fencing is indicated. Please confirm the front fencing will be 1.2m in height.**

We can confirm that the proposed fencing to Hardinge Road and for the first 3.6m of the eastern boundary will be a maximum of 1.2m in height above existing ground level. The 2.0m high fence will be as illustrated on the attached plan.

We trust this is sufficient in responding to your queries raised. Feel free to get in touch if you wish to discuss any of the above further.

Your Sincerely,

A handwritten signature in blue ink, appearing to read 'Pip Beachen'.

**Pip Beachen BSc MUrb Plan(Prof) Grad.NZPI  
Intermediate Planner**

E: [pip@stradegy.co.nz](mailto:pip@stradegy.co.nz)

M: 027 572 6100



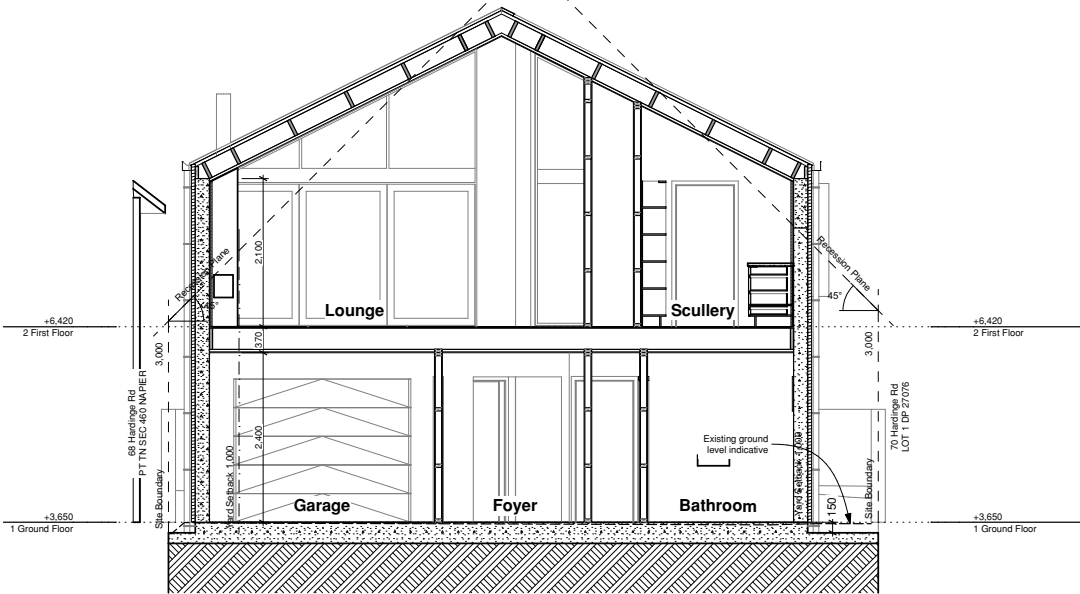




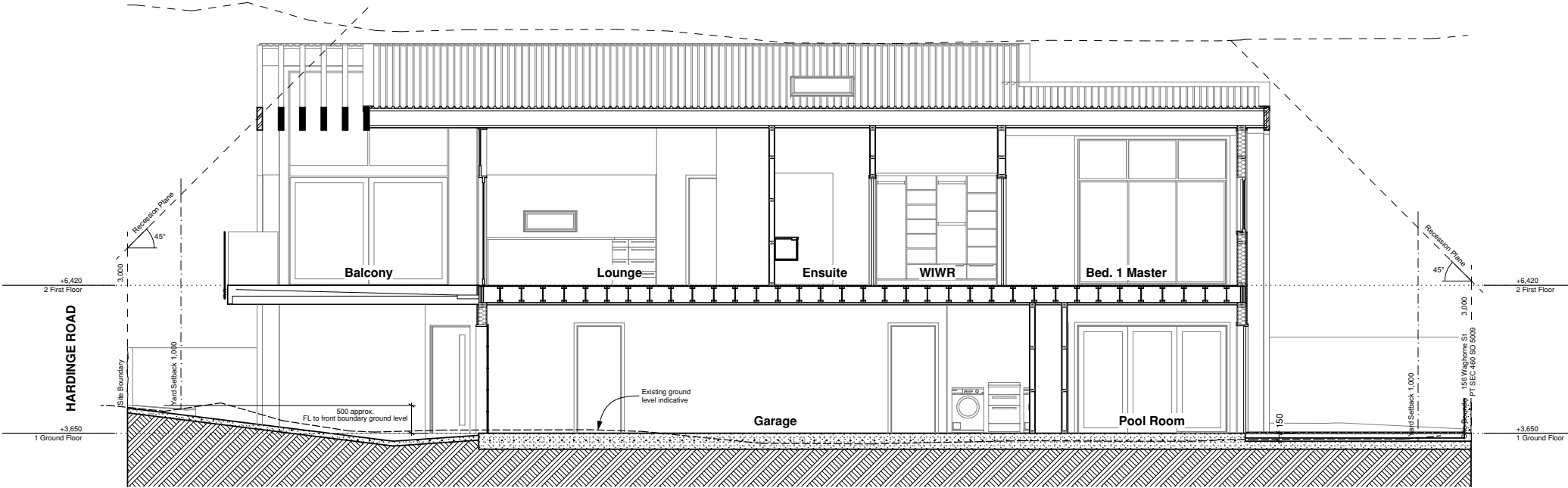




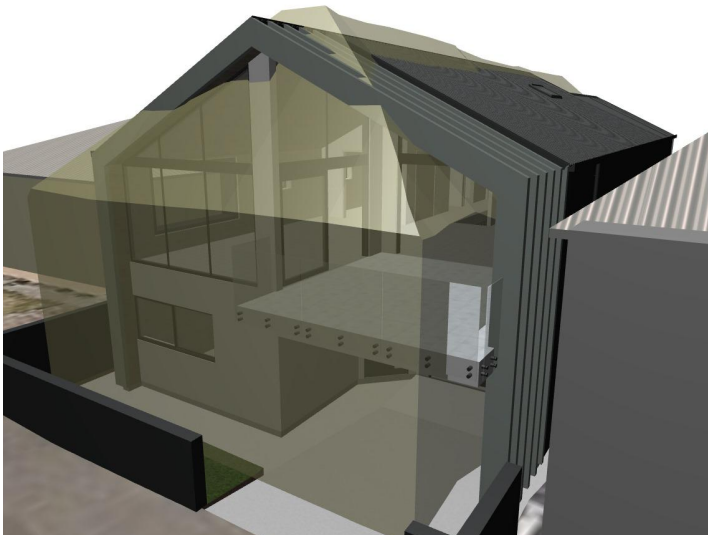
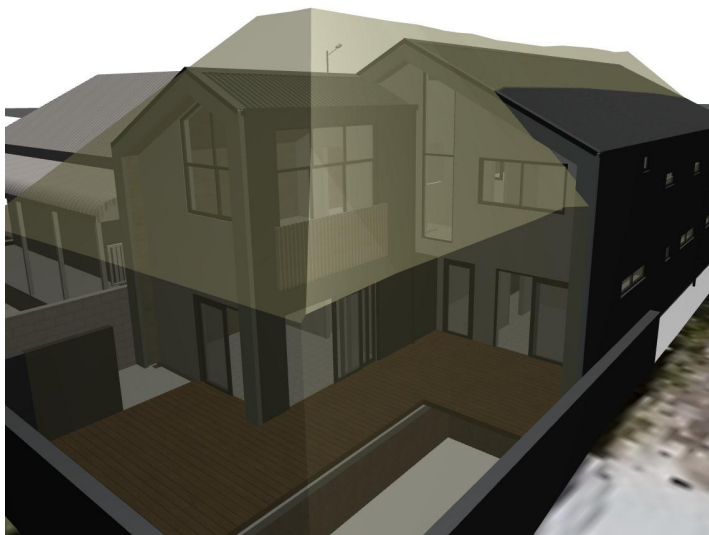
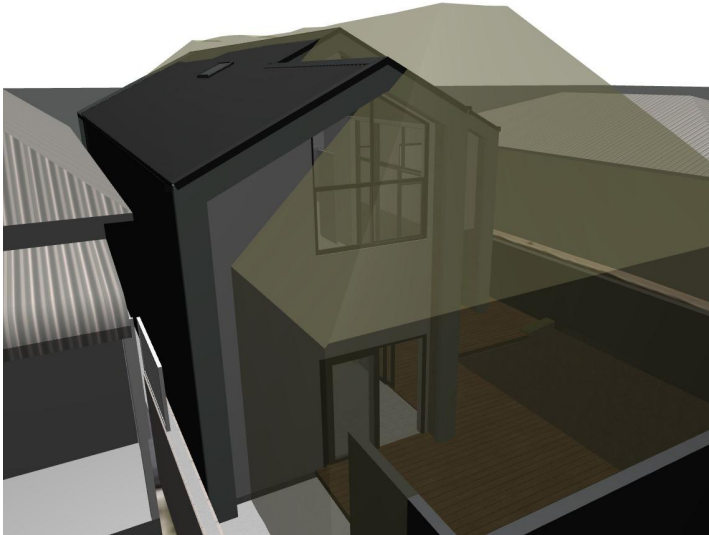




SECTION A  
Scale 1:50



SECTION B  
Scale 1:50



Copyright exists with Studio26 Architects Ltd

DO NOT SCALE.

IF IN DOUBT ASK.

NOTE: ALL DIMENSIONS MUST BE CHECKED AND CONFIRMED ON SITE.















**69 Hardinge road – Existing house review.**

Front Bay window was added on in 1997. No other records at NCC

**By photo numbers**

- 01 Front view of the house from Across Hardinge road



- 02 Decramastic tile roof circa 1970's  
Aluminium single glazed windows to front bay



- 03 Front deck radiata pine sitting hard down on its joists, likely rotten  
Single step entry non compliant



- 04 French doors circa 1960's, no flashings  
Weather boards not original likely old hardies containing asbestos



- 05 Close up of asbestos containing weatherboards, no flashings.



- 06 More asbestos containing weatherboards, no flashings.





- 07 Front third of house is sitting hard down on the ground on its floor joists. This is dropping as can be seen from 50mm block under chair to level it.



- 08 Lounge and dining room ceiling pinex ceiling tiles circa 1960



- 09 1960's arch



- 10 Check out fridge, floor in kitchen out of level.



- 11 Aluminium window to kitchen



- 12 Laundry outside, attached to asbestos containing weatherboards



- 13 Only wall with original weatherboards on the wall.



- 14 Rear kitchen wall. Asbestos containing WB



- 15 Decramastic tile roof with PVC guttering and aluminum windows. Only example of original double hung window on the left.



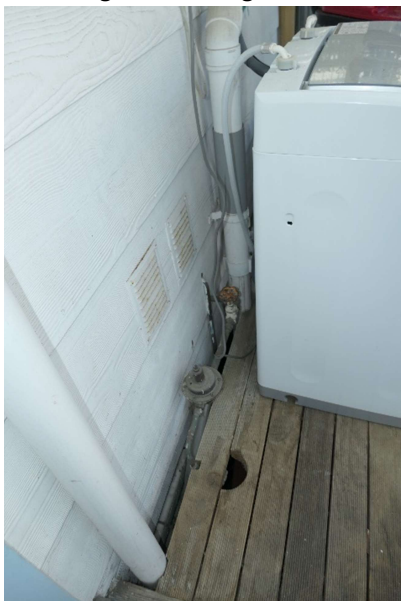
- 16 Asbestos WB, Aluminium window and 1960's style window



- 17 House has not been replied, no insulation.



- 18 Plumbing and drainage to rear of house.





- 19 Passage ceiling half of it, only one of two rooms with original ceilings.



- 20 Remainder of passage ceiling spray coated texture pattern circa 1970's



- 21 Bedroom ceiling pinex sheets



- 22 Front bedroom original ceiling. Scotia also not original



- 23 Aluminium window to front



- 24 Aluminium window, in asbestos WB



# Report for an application for resource consent under the Resource Management Act 1991



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*

Discretionary Activity Dwelling - Heritage, Side Yard, Height to Boundary and Open Space

## 1. Application description

Application number(s): RM210183  
 Applicant: Janine and Sing Gheng  
 Site address: 69 Hardinge Road, Ahuriri, Napier  
 Legal description: Lot 4 Deeds Plan 317 RT HBB4/251  
 Site area: 253m<sup>2</sup>

### Napier Operative District Plan

Zoning: Harding Road Residential  
 Overlays, controls, special features, designations, etc: Harding Road Character Area  
 Port Noise Boundary

## 2. Locality Plan



Source: Napier City Council IntraMaps

### 3. The proposal, site and locality description

#### Proposal

The applicant seeks land use consent to remove an existing dwelling located within the Hardinge Road Character overlay. The dwelling appears to be typically of the late 1800s/ early 1900s era, and is one of the few remaining cottages along Hardinge Road. A building condition report has been provided by Gary Pidd and forms part of the application which states the building has some modern modifications, both internally and externally, and would require substantial renovations for continued occupation of the dwelling. All buildings within the Hardinge Road Character overlay are listed as Group 3A Heritage Items under the Operative Napier District Plan.

The application acknowledges an Archaeological Authority through Heritage New Zealand is required before works commence, due to the site's likely occupation prior to 1900.

Following demolition, the applicant's proposal includes the construction of a new two-storey dwelling with a generous gross floor area of 237.54m<sup>2</sup>. The ground floor will equate 117.01m<sup>2</sup>, includes an internally accessed garage, laundry and storage areas, pool room and two bedrooms. The first floor equates 120.53m<sup>2</sup> and includes an open plan kitchen, lounge, and first floor deck access, with the master bedroom, ensuite, guest bathroom and fourth bedroom. Overall, proposed site coverage will equate 148m<sup>2</sup> or 58.7%.

The new dwelling allows for on-site garaging and parking on the ground floor. This will include the inclusion of a vehicle crossing along Hardinge Road.

A 2-metre deep, 18m<sup>2</sup> inground pool is proposed at the south-eastern boundary, with the nib wall extending above the existing ground level following excavation, within 1m of the rear/southern boundary of the site, over a maximum horizontal extent of 3 metres. The proposed swimming pool meets the definition of a building as it will exceed 25,000 litres in capacity, but is excluded from the site coverage calculation being an uncovered swimming pool, as per the definitions in Chapter 68 of the District Plan, therefore, in addition to the nib wall, the pool itself is considered to be a building within the side yard. The earthworks associated with the pool are exempt under Chapter 52A of the District Plan.

The external portion of the site re-development includes fencing and landscaping. Proposed landscaping is illustrated on the site plan (ref. RC-1 dated 24 November 2021), with additional planting details regarding the landscaping along the northern boundary adjacent to Hardinge Road. The 6.72m<sup>2</sup> landscaping shall include 3 *Laraestromeria (kimono)* trees, 5 *HS= Gaura white*, and 7 *Sedum Joy Pink*, with *Karl Forester Grass*.

The external boundaries will include 2-metre-high solid fencing around the rear of the site, with 1.2m high solid fencing along the northern front portion of the site as per the plans provided. The 1.2m high solid fence will extend up to 2.45m along the eastern boundary.

A total of 71m<sup>2</sup> open space is proposed, with 37.32m<sup>2</sup> of this located to the rear of the site adjacent to the proposed pool. The 4m diameter outdoor living space is orientated to the front of the dwelling and includes the 20m<sup>2</sup> balcony on the first floor.

The proposed dwelling and outdoor re-development will comply with the performance standards for land development within the Hardinge Road Residential zone, with the exception of side yards,

height in relation to boundary, and a resultant shortfall in a total open space provided for residential activities. The infringements are as follows:

Western Boundary:

- The building is located 0.380m from the western boundary, an infringement with standard 8.161(b) of 0.62m.
- The building is located with a maximum vertical infringement of 2m over full dwelling extent (18.92m).

Eastern Boundary:

- The building is located so the cladding is located 0.1m into the side yard, with the first-floor window located 0.7m from the eastern boundary, a maximum infringement of 0.3m.
- The building is located with a maximum vertical infringement of 1.5m over the full extent of the dwelling (15.20m).

Southern Boundary:

- The proposed pool is located adjacent to the southern boundary. The pool exceeds 25,000 cubic metres in capacity and thus is a structure located within the side yard.

Northern Boundary:

- The proposed building is located with a maximum vertical infringement of 1.5m at the building apex.

Open Space:

- The proposal results in a shortfall in open space provided of 24.75m<sup>2</sup>.

### Site and surrounding environment description

The subject site is located at 69 Hardinge Road, Napier, legally described as Lot 4 Deeds 317, being 252m<sup>2</sup> and held on Record of Title HBB4/251. The site fronts Hardinge Road with 9.3m road frontage. There is currently no vehicle crossing or on-site parking provided. Provision for water, stormwater and wastewater connections are along Hardinge Road.

The site contains an established dwelling noted as a Group 3A Heritage Item under the Napier District Plan.

Rebecca Sutton of Strategy Planning Limited has provided a description of the proposal and subject site on pages 2-6 of the Assessment of Environmental Effects (AEE) titled: Resource Consent Application for Land Use: New Dwelling at 69 Harding Road 21034AP1 dated 20 October 2021.

Having undertaken a site visit on 26 October 2021, I concur with that description of the proposal and the site and make the following comment.

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 200m to the east. The Northern Residential zone is located to the east along with land within the Hardinge Road and Battery Road Character overlays. Land zoned Mixed-Use zones 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. The site is located within an established residential area, afforded beach front views with more permissive development control standards than other residential zones of the Napier District. Council have identified in the District Plan that provision for intensive development should be maintained along Hardinge Road, to enable development to take advantage of the waterfront location, whilst recognising the historic character of the area.

## 4. Background

### Specialist Input

The proposal has been reviewed and assessed by the following specialist(s)/teams:

- NCC Development and Standards Team have reviewed the proposal and following discussions with the applicant, the proposed FFL has been accepted subject to engineering conditions.
- NCC Urban Design Lead Georgina King has provided comments regarding landscaping along Hardinge Road. In response to these comments, a landscaping plan has been provided as part of the application as part of the formal response under Section 92 of the RMA.
- Gary Pidd (Architect) has provided a building condition report as part of the application for the existing dwelling on the subject site as evidence the dwellings removal is appropriate.

## 5. Reasons for the application

### The operative plan provisions

In assessing an application for resource consent, the relevant provisions requiring consideration are those provisions of the NCCDP(OP) that are not subject to appeal and are operative (including treated as operative under s86F of the RMA);

- the relevant provisions of any relevant plan that remain operative as a consequence of the appeals against certain provisions of the NCCDP (OP); and
- the relevant provisions of a plan change to the NCCDP (OP) (including a private plan adopted by the Council) or a variation to a plan change to the NCCDP (OP) where the relevant provisions have legal effect.

The task of identifying the relevant provisions as described above requires individual analysis of the provisions of the NCCDP(OP) and the relevant appeals, within the context of the specific resource consent application.

In this instance:

- The proposal involves the removal of the existing dwelling to enable site redevelopment. Under Rule 56.17(c) of the NCCDP(OP), the removal of a Group 3A Heritage Item requires resource consent as a Discretionary Activity.
- The proposal involves the construction of a dwelling that does not comply with the provisions of the Hardinge Residential Zone. Under Rule 8.12 of the NCCPD (OP), the building requires resource consent as a Restricted Discretionary Activity.

The reasons for consent are bundled to be considered together as a **discretionary activity** overall.

## Resource consent is required for the following reasons:

### Land use consent (s9) RM210183

#### Napier Operative District Plan

#### District land use (operative plan provisions)

##### *Heritage- Chapter 56:*

- Rule 56.17(c) of the Heritage Chapter states the demolition, excluding partial demolition, or relocation of a Group 3A heritage item is a Discretionary Activity.

##### *Hardinge Road Residential Zone- Chapter 8:*

##### *Condition 8.16 (b)- Side Yard*

- The proposed new dwelling is to be located 0.380m from the western boundary, an infringement of 0.62m with condition 8.16 (b).
- The proposed new dwelling is to be located so the first-floor window facing east within the dining room extends 0.3m into the side yard, an infringement of 0.7m with condition 8.16 (b).
- The nib wall around the inground swimming pool is located adjacent to the southern boundary, an infringement of 1m with condition 8.16(b).
- The swimming pool exceeds 25,000 litres capacity and is therefore considered a building within the side yard adjacent to the western and southern boundaries.

##### *Condition 8.18- Height to Boundary*

- The proposed dwelling will be constructed where there is a maximum vertical infringement of 1.5 m at the building apex along the northern elevation, an infringement at the boundary shared with Hardinge Road.
- The proposed dwelling will be constructed where there is a maximum vertical infringement of 2m for a length of 18.92m along the western elevation, an infringement at the boundary shared with 68 Hardinge Road.
- The proposed dwelling will be constructed where there is a maximum vertical infringement of 1.5m for a length of 15.20m along the eastern elevation, an infringement at the boundary shared with 70 Hardinge Road.

##### *Condition 8.21 Open Space*

- The proposed dwelling has a GFA of 237.6m<sup>2</sup>, therefore, to comply with condition 8.21(a) a total of 95.04m<sup>2</sup> or 40% is required. The proposal provides a total of 70.29m<sup>2</sup> open space, an infringement with Condition 8.21(a) of 24.75m<sup>2</sup>.
- Hardinge Road Residential Zone – 8.12 *Any subdivision, use or development of land referred to in Rules 8.2 to 8.11 that does not comply with all of the relevant conditions in the Hardinge Road Residential Zone activity table and condition table, is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter.*



## National Environmental Standard Standards

Overall, there are eight National Environmental Standards (NES). Only the NESCS is considered to apply to this proposal.

### *National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health*

The proposal involves soil disturbance, which is considered an activity under the NES, when it takes place on a piece of land described under Regulation 5(7). The subject site has been used as a residential activity dating back to the 1930s.

As assessed as part of the application the removal of buildings that contain asbestos do not trigger a requirement under the NESCS should it not be of a degraded condition. The applicant has provided a PSI whereby it is considered unlikely a HAIL activity has occurred on the site.

Due to the evidence provided as part of the application, it is considered the site is unlikely to have contained a HAIL activity and is therefore not a piece of land under the NES.

## National Policy Statements

The National Policy Statement for Urban Development applies to this proposal. The NPS-UD came into effect on 20 August 2020. The direction of the NPS-UD is to enable more housing and commercial developments, in particularly in higher density areas.

An overarching view is that the proposal is considered neutral in terms of the NPS-UD. Although, there is increased bulk of building, there is no intensification of land use or residential occupation.

## 6. Status of the resource consents

Where a proposal:

- consists of more than one activity specified in the plan(s); and
- involves more than one type of resource consent or requires more than one resource consent; and
- the effects of the activities overlap;

the activities may be considered together.

Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.

In the instance, the effects of the proposed resource consents will overlap and thus they are considered together as a discretionary activity overall.

## 7. Public notification assessment (sections 95A, 95C-95D)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

### Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a));
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

### Step 2: if not required by step 1, public notification precluded in certain circumstances

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and
- the application does not exclusively involve one or more of the activities described in s95A(5)(b).

### Step 3: if not precluded by step 2, public notification required in certain circumstances

The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

The proposal is considered to be a discretionary activity. As a discretionary activity, Council must consider all actual or potential adverse effects of the activity.

### Adverse effects assessment (sections 95A(8)(b) and 95D)

The applicant's consultant has provided, in accordance with schedule 4 of the RMA, an assessment of adverse environmental effects in such detail as corresponds with the scale and significance of the effects that the activities may have on the environment. I generally concur with this assessment in that there are no wider adverse effects that require public notification.

The AEE provided by the applicant concludes that:

- *The proposal represents a continuation of the existing residential use of the site, in a manner that will not compromise the existing streetscape character experienced along Hardinge Road.*
- *The construction phase of the proposal is able to be appropriately managed so as to ensure effects with regard to earthworks and noise are mitigated so as to result in less than minor effects.*
- *The design, finish and location of the proposed residential dwelling is entirely appropriate within the locale, particularly noting the proposed inclusion of sympathetic architectural features, including a gabled roof form and compliance with the permitted height controls.*

## Effects that must be disregarded

### Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The council is to disregard any effects on the persons who own or occupy the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land (s95D(a)). The land adjacent to the subject site is listed in the following table:

**Table 1**

#### **Address**

70 Hardinge Road

68 Hardinge Road

154 Waghorne Street

156 Waghorne Street

### Any effect on a person who has given written approval to the application

The following persons have provided their written approval and any adverse effects on them have been disregarded:

**Table 2**

<b>Address</b>	<b>Legal description</b>	<b>Owner / occupier</b>
70 Hardinge Road	Lot 1 DP 27076	Heretaunga Trustees (2012) Limited Brian & Shirley Lucas
156 Waghorne Street	Part Section 460 SO 5009	Robert Dallas

## Effects that may be disregarded

### Permitted baseline

The permitted baseline refers to the effects of permitted activities on the subject site. The permitted baseline may be taken into account and Council has the discretion to disregard those effects where an activity is not fanciful. In this case the permitted baseline is not considered relevant and has not been applied. However, the permitted baseline has been used as a tool more generally to help provide context to the assessment, particularly regarding permitted bulk and location relating to the establishment of a new dwelling on the site.

## Assessment

### Receiving environment

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not

being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of this application must be assessed.

The site is located within the Hardinge Road Residential zone where residential activities are permitted subject to compliance with performance standards/conditions. 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 located within the Hardinge Road Character Overlay, and thus the existing dwelling is considered a Group 3A Heritage Item. Group 3A Heritage items are those 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 the Hardinge Road Character overlay.

There are no unimplemented resources consents that require consideration within the existing environment.

## Heritage Values

The Hardinge Road Character overlay comprises developed areas dating back to the 1850s with some of the earliest cottages, characteristically small in scale and simple in form (as described in The Port Heritage Study). The existing dwelling is characteristic of a 1930s-1950s workers cottage/bungalow with an exact construction date unknown. The dwelling is single storey and conservative in bulk, and sitting amongst a cluster of three dwellings/villas to the west, reflecting the same era and as a group of three dwellings collectively contribute to the character of Hardinge Road, and represent a piece of history, upholding an era when these dwellings were constructed.

Objective 56.2 and associated policies which seek to *identify, conserve and enhance heritage features to ensure that the heritage of the City be reflected in the future*. Additionally, Objective 56.3 and associated policies which seek to *maintain and enhance the areas of the City that have a recognised special character*. The plan states *'the heritage study identified these four areas as being of distinctive character. While individually all buildings 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 linkages to the past. Buildings which are considered to contribute to the essential character of the area are originally in the Port Heritage Study and these are now shown on the maps in Appendix 13A*. The subject building is

within this area identified by the Port Heritage Study as having a particular building style/type that contributes to the character overlay.

The dwelling itself or the collective of dwellings is not individually listed with Heritage New Zealand, however, forms part of the character of the Hardinge Road Character overlay. The removal of the existing dwelling will remove an inevitable contribution to heritage values associated with the character overlay that requires consideration.

It is acknowledged that many buildings have now been removed and replaced with modern townhouses, particularly along Hardinge Road, where only a few cottages remain, including the dwelling upon the subject site, with many heritage components of the area having been lost. There are a higher proportion of remnants of the Hardinge Road character overlay along Waghorne Street, being slightly setback from the waterfront location of Hardinge Road, where larger buildings have been constructed to maximise the oceanfront living of Ahuriri.

#### *Existing Building:*

Although not restricted to any matters due to the proposal's activity status as a discretionary activity, the assessment criteria in Chapter 56.17.4 of the Napier District Plan have been given particular regard when considering the potential adverse effects associated with the loss of heritage values and whether this will generate any wider potential adverse effects.

A building condition report was prepared by Pidd Architecture, confirming, should the building be retained significant works will be required to continue safe occupation. This includes re-piling, re-cladding, retrospective insulation, new roofing and new joinery, and will be required to enable the building to be liveable into the future. The building condition report and application state that *whilst the existing dwelling is included within Appendix 13A as a site identified within the Port Ahuriri Heritage Study, for the reasons identified within the submitted Building Condition Report, the original features of this dwelling are largely absent and as such, the dwelling itself cannot be considered to be of particular heritage value, other than its contribution to the streetscape. Here we note there are two, far superior examples of early 1900 villas within the immediate surrounding environment.* Therefore, the applicant considers that conservation, relocation or adaptation are not appropriate and therefore do not form part of the proposal.

It is considered 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, therefore having regard to assessment criteria 56.17.4 which relates to the removal of Group 3A heritage items, potential adverse effects on heritage values do not generate wider effects that are more than minor and therefore can be processed without public notification.

#### *New Building:*

There will be an inevitable change in streetscape and reduction in heritage values of the character overlay due to the establishment of a modern building in this location to replace the established cottage. The applicant states the architectural design has retained some key aspects of the Hardinge Road Residential zone and character overlay as part of the new development, such as the gable roof line, however on balance, it is considered the increase in scale and the overall design reflects the modern character rather than those features of the Hardinge Road Character overlay, where the plan determines this character to include smaller scale buildings, simple in form, low rise, with spaces between small buildings being comparatively small .

With regard to loss in heritage values due to the new architectural design, and as part of an assessment against the relevant objectives and policies, the application makes the following comments:

- *In terms of (c), the proposed new dwelling is considered to respect the streetscape character provided within the locale, through the construction of the new dwelling, which as the following attributes:*
  - o *Retention of the existing 7.5m building height/ similar scale to other buildings within the immediate adjacent locale (65 Hardinge Road to the west and 71 and 72 Hardinge Road to the east), combined with an increased building setback these dwellings do not dominate the surrounding locale;*
  - o *The proposed gable roof form mimics the existing roof line of the villa bay-window feature; and*
  - o *Extensive areas of glazing (i.e. a lightening of the appearance to the street);*
  - o *Relocation of outdoor living are at first floor level, maintains connection with the adjacent streetscape whilst improving amenity for internal occupants.*
- *The historical setting and place in terms of matters (c) of the Hardinge Road character area includes consistency of building scale, form and setback from the streetscape. The proposed removal of the existing dwelling will result in a change in building appearance, however not to an extent where the overall character or place would be discernibly altered beyond that which has already occurred within the character area.*

I concur with the above assessment regarding wider effects and agree potential adverse effects are localised.

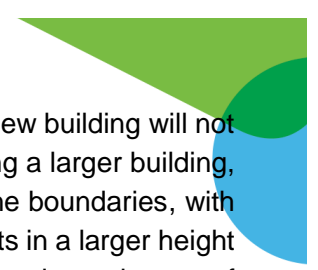
### Character and Amenity:

The key effects of the proposal on character and amenity include visual amenity on the streetscape and surrounding area, potential adverse effects on the character of the streetscape, shading effects, outlook and privacy effects, vehicle access effects, and loss in heritage values within the Hardinge Road character overlay and how this contributes to overall streetscape amenity.

As above, and in summary, the proposal is considered to be consistent with the character and amenity of the surrounding wider residential environment, and potential adverse effects on character and amenity will remain no more than minor.

- The established character further to the eastern and western directions of the subject site, is a combination of older style dwellings and modern architecturally designed buildings, with many infringing permitted yard and height recession plane requirements.
- The objectives and policies of the Napier District Plan (Residential) state *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 Wagborne Street area.*



- 
- The proposal involves a dwelling to replace the current building. The new building will not occupy the same building footprint as the current building overall, being a larger building, that will increase in height up to 7.5m high at the apex and 5.3m at the boundaries, with compliant site coverage of 148m<sup>2</sup> of 58.7%. The increased scale results in a larger height recession and side yard infringements contributing to the overall bulk and prominence of the site along the streetscape, particularly at the first-floor level. The combination of all these infringements exacerbated by the two-storey height of the building, combined as one proposal leads to the appearance of a building that will be notably bulkier, overall, not recognising the scale and historical styles of buildings in the area.
  - Despite the above comment, there are a range of modern buildings of increased scale located along Hardinge Road, with frontage towards the ocean including 65 Hardinge Road to the west and 71 and 72 Hardinge Road to the east. Therefore, it is considered the established character of the streetscape includes a range of smaller and historical cottages alongside modern architecturally designed two storey buildings. These larger and modern buildings are generally located on Hardinge Road, preserving the character of Waghorne Street.
  - Although the loss of heritage character is inevitable, the newly designed modern building will not generate adverse visual effects to a degree that public are adversely affected. Therefore, disregarding those adjacent landowners, it is not considered this increased bulk and dominance on streetscape character and overall amenity values will generate adverse wider effects that are more than minor.

#### *Temporary effects on amenity values:*

The proposal will result in short term potential adverse effects on character and amenity during earthworks and construction phase. These effects will be localised and not generate wider effects that require public notification.

#### *Shading Effects:*

The new building will project above the recession plane along all boundaries. The applicant has obtained written approval from 70 Hardinge Road, as such any adverse effects of the proposal on this adjacent landowner has been disregarded. There is a height recession plan infringement along Hardinge Road, which shall reach 1.5m in height. This results in potential roading effects at Hardinge Road that are considered to be less than minor. Shading effects along the other boundaries generate wider effects that remain less than minor, and I consider these to relate to the adjoining/adjacent environment and therefore will be considered further under S95E.

#### *Outlook and Privacy Effects*

Effects on outlook and privacy are considered to relate to the adjoining/adjacent environment and therefore will be considered further under S95E, there are no wider effects on outlook and privacy that require public notification.

#### *Summary*

The potential adverse effects on amenity values are considered to be localised and not generate wider effects that require public notification.



## Reverse Sensitivity

The site is located within the Port Noise Control boundary. The habitable building will be required to have acoustic insulation to adequately mitigate potential adverse reverse sensitivity effects.

## Objectives and Policies

Policy 4.4.6 relates to those buildings 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 road 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 areas 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.*

Having regard to the proposal's consistency with Objective 4.4 and associated policies I make the following assessment.

Future developments that are modern in architectural design can be considered compatible alongside the remaining historic buildings within the character overlay, particularly where fronting Hardinge Road, where scale and historic styles are considered throughout the site layout design. The modern design proposed does provide the bare minimum recognition of historical styles in the area. It is considered the proposal does not generate adverse effects, or departure from the plan that requires public notification.

## Adverse effects conclusions

Overall, it is considered that potential adverse effects on the wider environment remain no more than minor, and thus public notification is not required pursuant to 95A(8)(b) and 95D of the RMA.

## Step 4: Public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or

- circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary realm to suggest that public notification should occur.

### Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the activities, and the application is for activities other than those specified in s95A(5)(b).
- Under step 3, public notification is not required as the application is for activities that are not subject to a rule that specifically requires it, and it is considered that the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

It is therefore recommended that this application be processed without public notification.

## 8. Limited notification assessment (sections 95B, 95E-95G)

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

### Step 1: Certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activities (s95B(2)).

In addition, the council must determine whether the proposed activities are on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)). Within the Napier region the following statutory acknowledgements are relevant:

In this instance, the site is not located within or adjacent to a Statutory Acknowledgement Area referred to in Schedule 11.

### Step 2: If not required by step 1, limited notification precluded in certain circumstances

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)); and

- the application is not exclusively for a controlled activity, other than a subdivision, that requires consent under a district plan (s95B(6)(b)).

### Step 3: If not precluded by step 2, certain other affected persons must be notified

As this application is not for a boundary activity, there are no affected persons related to that type of activity (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded;
- the adverse effects on those persons who have provided their written approval must be disregarded; and

### Adversely affected persons assessment (sections 95B(8) and 95E)

#### *70 Hardinge Road:*

As above, the potential adverse effects on the landowner of 70 Hardinge Road are disregarded in this assessment as written approval to the proposal has been provided.

#### *68 Hardinge Road:*

Having regard to the potential adverse effects due to increased road frontage domination, character and streetscape amenity, and amenity values of the neighbourhood, the potential adverse on the landowner of 68 Hardinge Road are not considered to be less than minor for the following reasons:

- The proposed building will be located 0.380m from the western boundary, an infringement of 0.62m with condition 8.16 (b) for the entire length of 25.15m.
- The proposed dwelling will be constructed where there is a maximum vertical infringement of 2.0m for a length of 18.92m along the western elevation, an infringement at the boundary shared with 68 Hardinge Road.
- Potential adverse effects due to increased shading and the availability of sunlight to this adjacent property due to the abovementioned infringements to be minor. There is an established presence of a side yard infringement along this boundary, however the new building increases the scale of this, particularly regarding the first floor.
- The redevelopment of the site is considered to introduce a dwelling of an increased bulk and dominance that departs from the existing cottage and its historical scale and style. Although the existing dwelling includes modified aspects that are not original, and is of a degraded condition and therefore, requires removal, the change in character and streetscape generates potential adverse effects on this adjacent landowner that may be considered to be more than minor.

- During construction, there will be inevitable increased disruption, with some disturbance within the 1m side yard. Although such construction effects such as increased noise, vibration and dust are anticipated where residential sites are redeveloped, these effects will be within the side yard both during demolition and redevelopment. Therefore, resulting in temporary effects that are minor.
- Having regard to the potential adverse effects on privacy, potential adverse effects are considered to be minor. Although there are no windows located along the western façade reducing potential adverse effects on privacy, the first-floor deck is located within the side yard, where occupation of this outdoor space brings an increased level of activity towards this shared boundary. This balcony space will be somewhat mitigated by the deck being largely hidden by the wall along the western elevation, however, will protrude in front of this slightly.

Overall, potential adverse effects on the landowner of 68 Hardinge Road are not considered to be less than minor and are therefore this landowner is considered an affected party to the proposal.

### *156 Waghorne Street*

The pool and crib wall nib is located within 1m of the southern boundary adjacent to 156 Waghorne Street. The western side of the building will be located 3.780m for a length of 4.41m, and the eastern side of the building is located 8.29m from the southern boundary for a length of 4.33m. There is no height recession plane infringement along the southern boundary, with height recession plane infringements along the eastern and western boundaries that are visible to the landowner of 156 Waghorne Street.

The effect of the additional bulk within the side yard and height recession plane adjacent to 68 Hardinge Road, along with the visible height recession plane infringement along the eastern façade adjacent to 70 Hardinge Road, will increase the dominance of the building from the southern aspect, and increase the appearance of terraced form housing without a yard setback along the west, where a compliant building would be afforded more open space along the side yard and recession plane generally. There is a noticeable increased building dominance and thus potential adverse effects on the enjoyment and amenity of this adjoining site, compared with a building remaining within the permitted building envelope which would allow a break in the built form.

The subject site could be developed as a two-storey development within the permitted building envelope, with a large proportion of bulk centred within the property rather than the proposed. Such a proposal would likely appear more visually dominant than the proposal. However, the current proposal is to take place so that there is building bulk between 5m and 7m in height within the height recession plane along both the eastern and western aspects, and 5m height within the side yard along the western boundary, which is an area of the site not anticipated for development. The existing single-storey building is constructed without such infringements. The addition of the second storey with a south facing window also has a minor encroachment into the recession plane that may also impact on the privacy of this neighbour, particularly given its location within a part of the site that is not anticipated for development.

Evidence provided as part of the Equinox Shade Study (Midday) and provided as part of the application, illustrates the extent of shading. Having regard to the permitted building envelope,

and the height to boundary infringement not including the southern boundary, the potential adverse effects due to shading is considered to be less than minor as the recession plane infringement is not adjacent to this boundary.

The degree of effects in terms of loss of outlook and increased dominance adversely affecting amenity values, and loss of natural sunlight that would be afforded to the site should the building remain within the permitted building footprint, do not allow the encroachment to be assessed as having a less than minor effect on this adjoining landowner along the southern boundary.

Earthworks are proposed nearest the southern boundary for the construction. Earthworks within the side yard do not trigger any conditions/ performance standards due to being exempt under Section 52A.8 of the Plan. Cut located within the side yard for the construction of the 2m deep pool are proposed and will be considered as part of the building consent process.

There is a general increase in disturbance and associated temporary effects due to the construction of the pool within the side yard adjacent to the boundary, which has the potential to increase dust, noise and vibration. The proposal is a discretionary activity and thus not restricted to any matters. However, in making this assessment it is acknowledged the construction of the pool within the side yard would be considered a restricted discretionary activity, with the assessment criteria restricted to:

- *The existing streetscape and protection from road frontage domination.*
- *The outlook and privacy of adjacent and adjacent properties.*
- *The effects of shading of adjacent properties.*
- *The effects on amenity values of the neighbourhood.*
- *The effects on the maintenance and enhancement of watercourses and open drains.*

Having regard this criterion, it is considered the potential adverse effects during construction remain less than minor, with the potential adverse effects associated with the portion of the pool and wall above ground level, encroaching within the side yard, are considered to be less than minor.

As above, the potential adverse effects on the landowner of 156 Waghorne Road are disregarded as written approval to the proposal has been provided on 9 February 2022, therefore this landowner is not considered an affected party to the proposal.

#### *154 Waghorne Street*

The potential adverse effects on the landowner of 154 Waghorne Street remain less than minor. The height to boundary infringement and shading diagram illustrates the proposal will not adversely affect this landowner. The increased scale and dominance of this building, and potential adverse effects on streetscape amenity are somewhat separated from this landowner due to the separation afforded by the site, where they adjoining at the southwestern corner only.



### *Other Neighbours:*

No other person is considered to be adversely affected by the proposal because:

- The infringements with the development control standards are not adjacent to these boundaries.
- The increased road domination and bulk related to the proposed building will result in a visual change in appearance of the site, but one that will not detract from overall streetscape amenity that has an adverse effect on other neighbours that are minor or more than minor.
- The loss in heritage values remain less than minor on other landowners.

Therefore, in consideration of Section 95B, effects on 68 Hardinge Road cannot be considered as less than minor.

### **Step 4: further notification in special circumstances**

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrants it being notified to any other persons not already determined as eligible for limited notification (excluding persons assessed under section 95E as not being affected persons).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

### **Limited notification conclusion**

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for activities other than those specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the activities will not result in any adversely affected persons.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any other persons.

It is therefore recommended that this application be processed on a limited notification basis.

## 9. Notification recommendation

### Notification

For the above reasons under section 95A this application may be processed without public notification.

In addition, under section 95B, limited notification is required.

Accordingly, I recommend that this application is processed Limited Notified.



Christina Bunny  
Consultant Planner  
City Strategy

Date: 11 February 2022

## 10. Notification determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA this application shall be processed Limited Notified.



Christina Bunny  
Consultant Planner  
City Strategy

Date: 11 February 2022





23 February 2022

Kevin Riddell  
68 Hardinge Road  
Ahuriri  
Napier 4110

Dear Mr Kevin Riddell

**Limited Notification of Application for Resource Consent (RM210183):**

- Demolition and removal of existing dwelling.
- Construction of new dwelling that does not comply with all permitted performance standards within the Hardinge Road Residential zone.

The Napier City Council has received the following application for resource consent which is being limited notified.

**SITE ADDRESS:** 69 Hardinge Road, Ahuriri, Napier

**Consent Number** RM210183

For the demolition of existing dwelling noted as a Group 3A heritage item in the Napier District Plan. Group 3A heritage items are noted as being all buildings within the Hardinge Road Character overlay.

For the construction of new dwelling that does not comply with all the permitted performance standards within the Hardinge Road Residential zone. The new build results in the following infringements adjacent to the western boundary:

**Western Boundary:**

- The building is located 0.380m from the western boundary, an infringement with standard 8.161(b) of 0.62m. The building is located with a maximum vertical infringement of 2m over full dwelling extent (18.92m).

Other infringements include:

**Eastern Boundary:**

- The building is located so the cladding is located 0.1m into the side yard, with the first-floor window located 0.7m from the eastern boundary, a maximum infringement of 0.3m. The building is located with a maximum vertical infringement of 1.5m over the full extent of the dwelling (15.20m).

**Southern Boundary:**

- The proposed pool is located adjacent to the southern boundary. The pool exceeds 25,000 cubic metres in capacity and thus is a structure located within the side yard.

**Northern Boundary:**

- The proposed building is located with a maximum vertical infringement of 1.5m at the building apex.

**Open Space:**

- The proposal results in a shortfall in open space provided of 24.75m<sup>2</sup>.

As the property owner of 68 Hardinge Road, Ahuriri, Napier, you have been identified as an affected party, and therefore Council is serving you with notice of the application and providing you with the opportunity to make a submission.

Please find attached, the following documents:

Document Name	Explanation
RM210183 Submitted Application and Plans -Assessment of Environmental Effects - Existing Dwelling Review Report	Application for resource consent lodged with Napier City Council on the 20 October 2021.
RM210183 Response under Section 92 RMA -Response Dated 25 November 2021	Additional information submitted as part of the application.
Plans received dated 6 December 2021.	

If you wish to comment in any way on the proposal you need to make a submission. A submission on the application must be received by the Napier City Council on or before 4.45pm 23 March 2022.

Submissions can be sent via email to [planning@napier.govt.nz](mailto:planning@napier.govt.nz) or may be made in writing to Napier City Council, Private bag 6010, Napier 4140. A copy of the submission must also be sent to the applicant using the address (in bold) below.

Any submission must be dated and signed.

If you have any queries regarding any of the matters above please contact me on 027 778 8036 or via email [christinab@cheal.co.nz](mailto:christinab@cheal.co.nz).

**Address for service: C/- Pip Beachen, Stradegy Planning Limited, PO Box 239 Napier 4140 or [pip@stradegy.co.nz](mailto:pip@stradegy.co.nz)**

Yours faithfully



**Christina Bunny**  
Consultant Planner  
City Strategy

**SUBMISSION ON APPLICATION FOR RESOURCE CONSENT  
AS NOTIFIED BY NAPIER CITY COUNCIL**

**TO: Napier City Council**  
**FROM: Mr Kevin Riddell**

**This is a submission on an application made by Janine and Sing Gheng for a resource consent to demolish the existing residential dwelling on the site at 69 Hardinge Road, Ahuriri, Napier and to construct a new residential dwelling on that site (Application RM210183)**

The submitter is not a trade competitor for the purposes of s 308B of the Resource Management Act 1991.

**This submission relates to the entire application.**

**The submitter opposes the application on the following grounds:**

- (a) The development site is immediately adjacent (to the east of) the submitter's dwelling at 68 Hardinge Road, such that the submitter is directly affected by the proposal.
- (b) The two-storey new dwelling proposed is of an inappropriately excessive scale that is not only out of keeping with the heritage character of the three existing buildings comprising the immediate part of both the Ahuriri Advocacy Area (District Plan Appendix 13A) and Hardinge Road Character Area more generally, but would have significant adverse amenity and shading effects on the submitter's dwelling.
- (c) Specifically, the development proposes a gross departure from the height in relation to boundary control (two metres over the full dwelling extent) causing significant adverse shading effects on the submitter's property, well beyond the level anticipated by the District Plan.
- (d) The application contains a number of flawed statements and assumptions including that:
  - While having additional shading effects, the proposed new two-storey dwelling would not adversely affect admission of sunlight to the submitter's property (page 23 of the application), whereas the skylight referred to on page 27 would be directly affected by additional shading caused by the excessive breach of the height in relation to boundary control proposed.

- The existing streetscape character is “borrowed” by the submitter (page 27 of the application), when the development proposed would not just “borrow”, but permanently “seize” the current level of character, sunlight and daylight amenity enjoyed by the submitter’s property.
  - The proposal, including the complete demolition and removal of the single storey character villa on the application site, and its replacement with a two-storey building said to be “unapologetically new”, acts to “conserve” the historical setting of the area (page 21 of the application).
- (e) The proposed development is directly contrary to the objectives and policies of the District Plan including:
- Objective 4.5 – *“To maintain and enhance those qualities and characteristics that contribute to the wellbeing of the City’s residents and the amenity of the residential zones”.*
  - Policy 4.5.4 – *“Control building height and bulk to ensure it is compatible with the height and bulk of the surrounding residential area”.*
  - Policy 4.5.5 – *“Control buildings so they are designed and located in a manner to ensure that adequate levels of sunlight and daylight reach adjacent residential properties throughout the year”.*
  - Objective 56.2 – *“To identify, conserve and enhance heritage features to ensure that the heritage of the City be reflected in the future”.*
  - Policy 56.2.2 – *“Avoid the loss of heritage value associated with heritage resources listed in the plan”.*
- (f) The existing dwellings comprising the immediate part of the Ahuriri Advocacy Area have been set for protection under the District Plan precisely because they are of a particular type and style that contributes to the character of that area, with Group 3A identifying buildings that “contribute as a group” to the character of Ahuriri. Demolition of one of the buildings within the group and replacement with the incongruous new two-storey modern building would undermine the integrity of the group, and in turn Character Area and Overlay.
- (g) Complete demolition of the existing dwelling demonstrably fails the relevant assessment criteria for a Group 3A heritage item set under Rule 56.17.4.
- (h) As such and through offending the District Plan objectives, policies and other provisions, the development is contrary to the purpose and principles of the Resource Management Act 1991 including as expressed in s 5, 6(f) and 7(c) and (f) of the Act.

**The submitter seeks that the application be declined in total.**

**The submitter wishes to be heard in support of this submission** and if any others are making a similar submission would consider presenting a joint case with them.

Signed by:

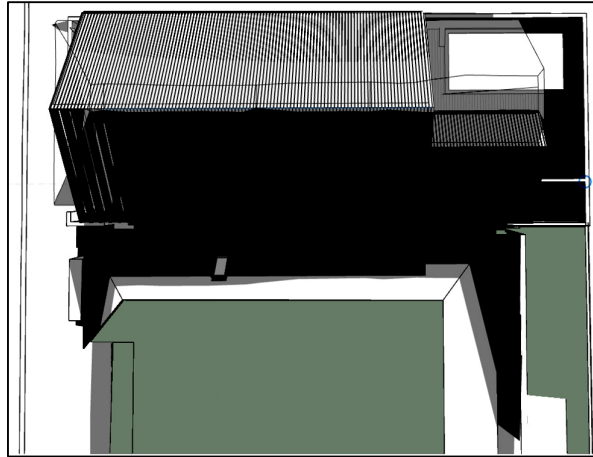
A handwritten signature in blue ink, consisting of a large, stylized 'M' followed by a horizontal line and a loop.

**Martin Williams**, on behalf of Kevin Riddell

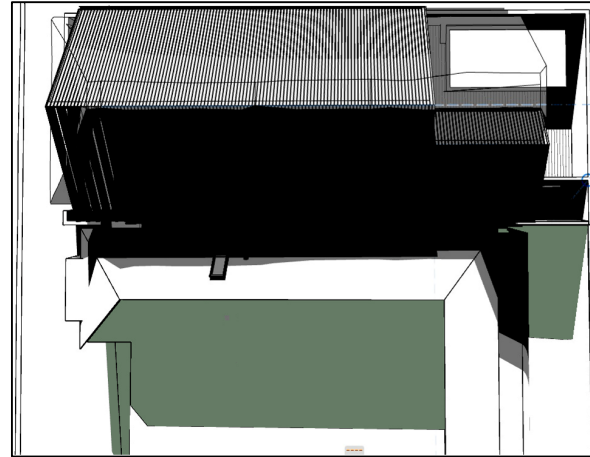
Date: 22 March 2022

**21 March and 21 September (equinox):**

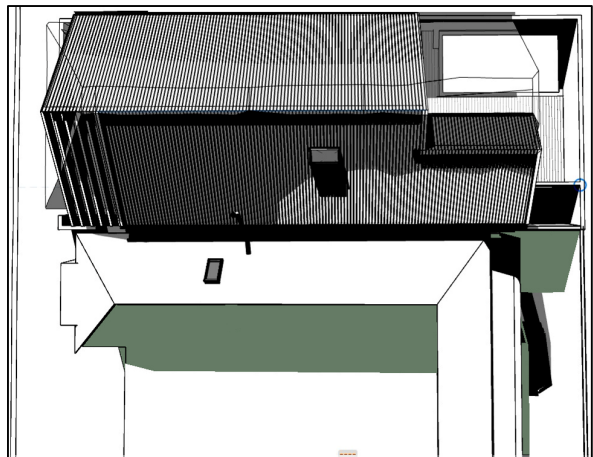
**7.30am**



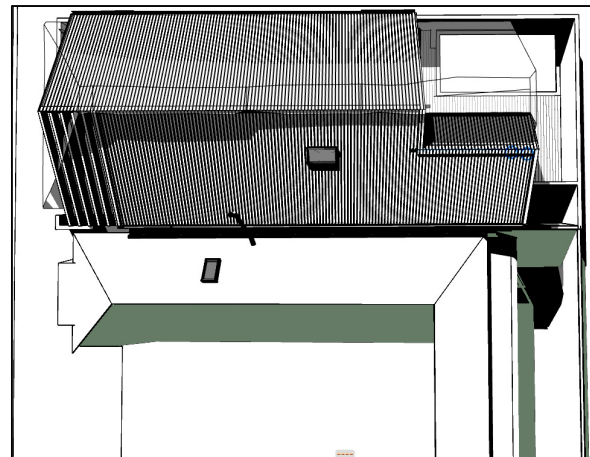
**8.00am**



**9.00am**



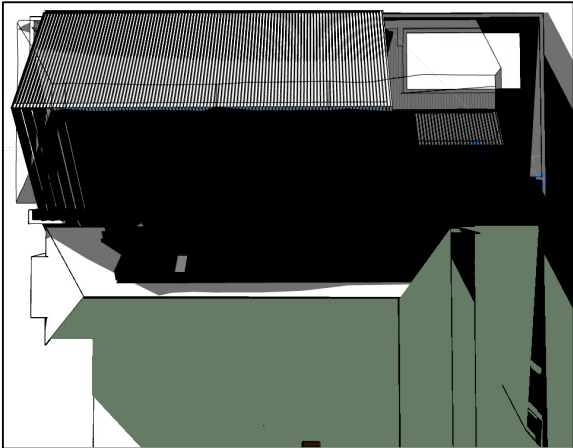
**10.00am**



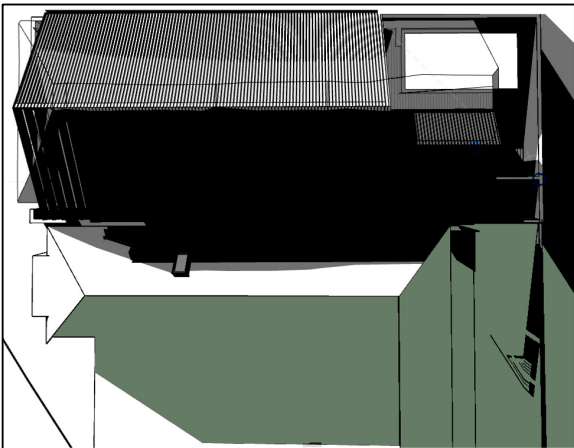


21 June:

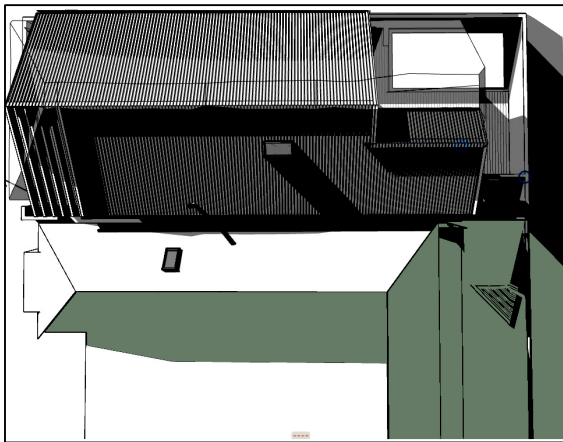
8.30am



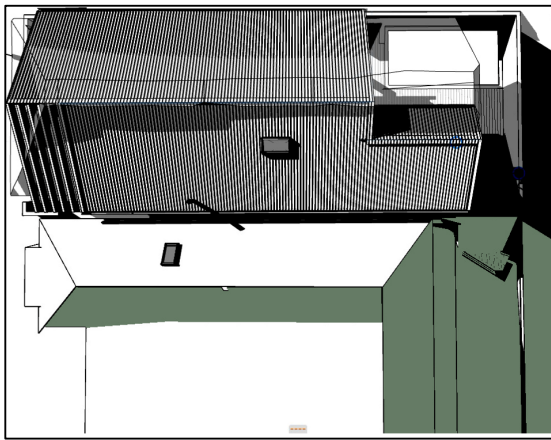
9.00am



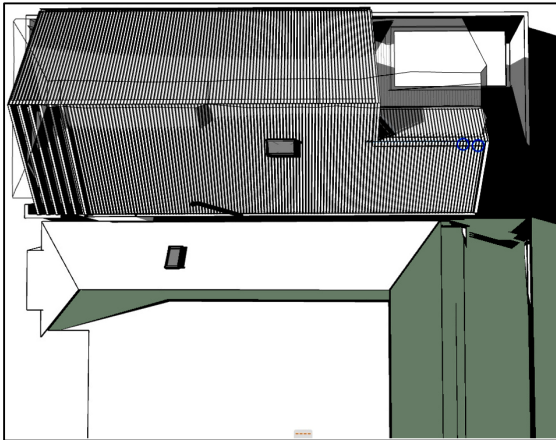
10.00am



11.00am



12.00pm

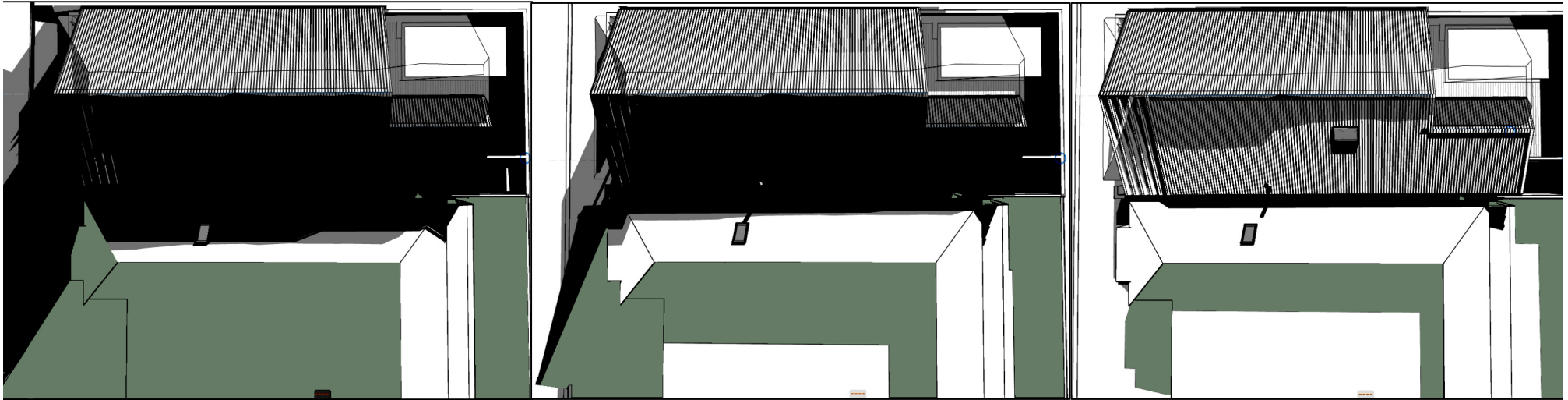


21 December:

6.00am

7.00am

8.00am





Job Ref: 21034  
13 May 2022

Christina Bunny  
Napier City Council  
Private Bag 6010  
NAPIER 4142

Dear Christina

**Further Information regarding the proposed development at 69 Hardinge Road, Napier (RM210183)**

Please see the following further analysis in response to the submission received by Martin Williams on behalf of the submitter at 68 Hardinge Road (Kevin Riddell) and dated 22 March 2022 which specifically relates to the following submission points made:

- b) *The two-storey new dwelling proposed is of an inappropriately excessive scale that is not only out of keeping with the heritage character of the three existing buildings comprising the immediate part of both the Ahuriri Advocacy Area (District Plan Appendix 13A) and Hardinge Road Character Area more generally, but would have significant adverse amenity and shading effects on the submitter's dwelling.*
- c) *Specifically, the development proposes a gross departure from the height in relation to boundary control (two metres over the full dwelling extent) causing significant adverse shading effects on the submitter's property, well beyond the level anticipated by the District Plan.*

We provide the following further assessment in response to these points as well as the following further attachments:

- Attachment 1 – Comparative Shading Studies
- Attachment 2 – Digital Shading Studies

**Assessment**

The following assessment will initially include a summary of the anticipated shading which will be generated by the proposed dwelling and traverse the effects of this. This will be followed by specific analysis of each of the shading scenarios provided.

In terms of potential adverse shading effects, the attached shading diagrams, which are also reproduced in pages 3 to 5 below, demonstrate that despite the comments made by Mr Williams above, any potential shading effects on the submitters site will in fact be less than the level anticipated by the permitted building envelope in the District Plan.





While the dwelling infringes the height in relation to boundary as described above, it is demonstrated that the majority of shading cast toward the adjacent site comes from the main ridgeline, and not from the portion of the roof infringing the height in relation to boundary plane. Further, modelling a permitted building envelope (which provides for a higher ridgeline) demonstrates that a permitted scenario would generate more shading than what is proposed.

This is evident as in nearly all scenarios of the shading diagrams below, the shading from the permitted building envelope (grey) exceeds that which is proposed (black). This is specifically evident over the skylight on the roof of the submitters property at all times of the year and at certain times during March within the rear yard and December within the front yard. This demonstrates that the proposed shading on the adjacent site is not "well beyond the level anticipated by the District Plan".

In all scenarios, due to the orientation of the sites (the boundary is at 11 degrees west of north) and the sun's trajectory, shading cast toward the submitters site is limited to the morning (with timing obviously fluctuating throughout the year). Further, when taking into consideration the existing shading experienced on the submitters site, much of the shading cast in the back yard of this site is from its own dwelling.

Shading cast from the infringed area specifically only covers the submitters site in a limited number of scenarios shown below. This can be isolated to the 7.00am and 8.00am scenarios on 21 December where it extends over the front yard and rear verandah roof respectively. Additionally, in the morning from approximately 9.00am during the March and September equinox which momentarily covers a portion of in the south eastern corner of the submitters site.

In terms of the June scenario, the proposed shading is indiscernible from what is existing as the dwelling at 68 Hardinge Road entirely shades its own site for the hours of the day which shading from the proposed dwelling occurs.

Noting this limited extent and duration of shading from the infringed portion of the building, effects are considered to be less than minor. Further, it can be determined that the shading effects from the roof area which infringes the height in relation to boundary plane contributes less shading than both the shading cast from the proposed ridgeline, and, that of a complying scheme. Therefore, as noted above, shading generated from the infringement cannot be determined to be well beyond the level anticipated by the District Plan.

This is demonstrated below:

- The shading diagrams below demonstrate the difference between the proposed dwelling and a dwelling within the permitted building envelope for the Hardinge Road Residential Zone in comparison to the shading which occurs from the existing dwelling on 68 Hardinge Road.

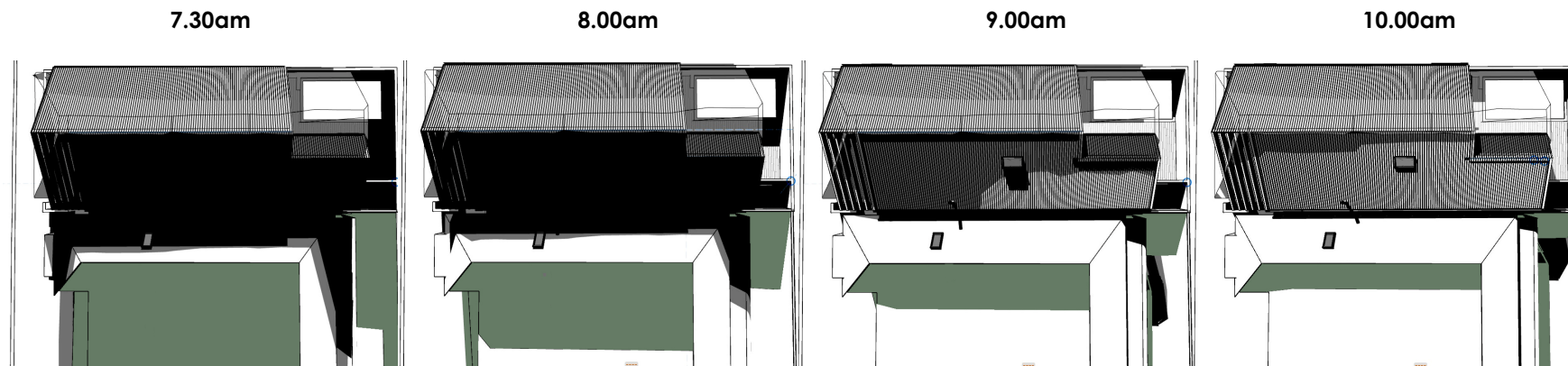
Key:

- Proposed dwelling – **black shading**
- Permitted building envelope – **grey shading**
- Shading from dwelling at 68 Hardinge – **green shading**

Reference will also be made to the digital shading studies attached.



### 21 March and 21 September (equinox):



### March and September Comments:

- During these scenarios, actual shading over the rear yard of Submitters property is largely dominated by the 2.75m high boundary wall constructed by the submitter (without resource consent) at each time shown (green shading in rear yard). Additionally, shading from a permitted building envelope has a greater coverage over the submitters site in nearly all scenarios.
- Shading over the front yard of the submitters property has cleared by around 7.30am.
- Shading within the rear yard from the proposed dwelling is limited to a small portion which cuts through the south eastern corner of the site from around 8.30am to 12.30am (more detailed shown in digital shading studies attached). The only time of the day when shading is from the infringed portion of the roof only is within the rear yard between 10.50am and 12.30pm covering around a 7m<sup>2</sup> portion of the south eastern corner of the site.
- In terms of shading over the roof and skylight of the submitters dwelling, it is clearly demonstrated that the shading from the permitted building envelope, which allows for a higher ridgeline, causes a greater effect than what is proposed. Additionally, this demonstrates that the main cause of shading is the compliant roof as opposed to the infringed area. Notwithstanding this, the actual shading proposed over the roof and skylight is shown to have passed by 8am in the morning.



**21 June:**

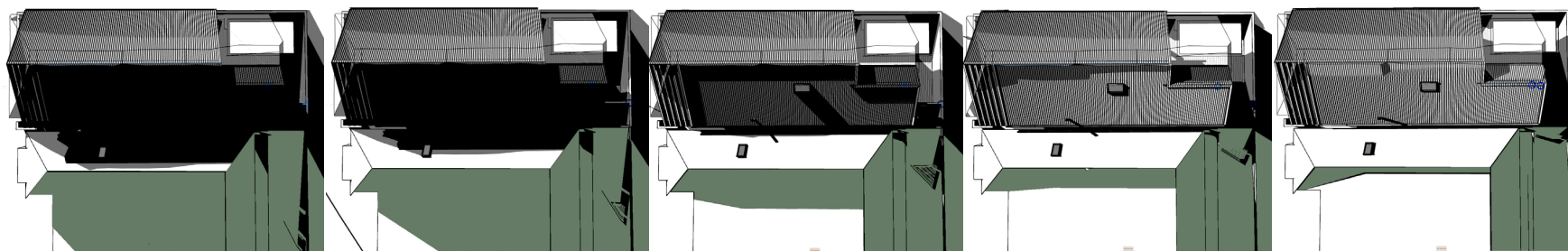
**8.30am**

**9.00am**

**10.00am**

**11.00am**

**12.00pm**



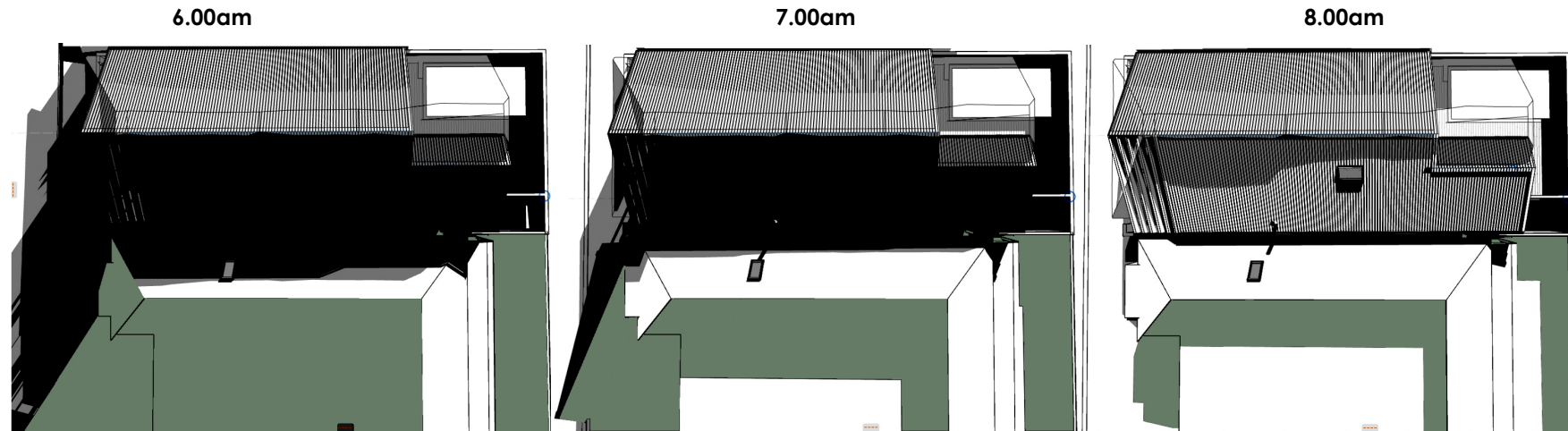
#### **June Comments:**

- June is obviously when the most shading is cast by all buildings noting the low angle of the sun in the sky.
- Notwithstanding the above, it is considered that the actual effects of the shading on the submitters property will be the least at this time of the year.
- As demonstrated above, shading from the existing dwelling on the submitters site fully covers the rear yard in all scenarios. As such, any potential shading from the proposed dwelling will be indiscernible to the existing situation.
- Additionally, due to the sun rising north of due east in the winter, there will be no shading experienced over the front yard of the submitters site.
- In terms of shading over the submitters roof, the comparison between the proposed and permitted demonstrates that the shading generated by the proposed dwelling (black shading) is within the permitted extent allowed by the zone (grey shading), and, shades the skylight less than the permitted scenario. Regardless, the shading has passed the skylight by 9.00am.





**21 December:**



**December Comments:**

- As demonstrated above, shading cast toward the submitters property is limited to the early hours of the day and is limited entirely to the front yard and roof of the site.
- Shading within the front yard has cleared by 8.15am (further detail sought from digital shading diagrams attached).
- Shading over the skylight has cleared by 6.30am.
- There is no shading over the rear yard.





The assessment above is also considered relevant to address the following submission point made by Mr Williams:

d) *The application contains a number of flawed statements and assumptions including that:*

*While having additional shading effects, the proposed new two-storey dwelling would not adversely affect admission of sunlight to the submitter's property (page 23 of the application), whereas the skylight referred to on page 27 would be directly affected by additional shading caused by the excessive breach of the height in relation to boundary control proposed.*

It has been demonstrated that shading over the skylight arises from the ridgeline of the roof (which complies) as opposed to the area of the roof that breaches the height in relation to boundary control. This is shown in the shading diagrams where it is demonstrated that the height in relation to boundary infringement will have no direct affect on the skylight at the submitters property.

Regardless, in the worst-case scenario (21 June), shading has passed the skylight by 9.15am.

Further, the shading generated will cause less of an effect than that permitted and is therefore anticipated by the Plan. Noting that internal or external alterations or redevelopment of a Group 3A heritage item are a permitted activity pursuant to Rule 56.11 of the District Plan, the level of shading proposed could in fact be established as of right through redeveloping the existing dwelling.

### Summary

Overall, taking the above into to consideration, the following can be determined:

- Shading generated by the proposed dwelling is generally less than what is permitted by the District Plan, and which can be established as a permitted activity pursuant to Rule 56.11.
- The shading that may occur beyond the permitted baseline is minimal, is not of a constant nature, and best described as momentary.
- Actual shading over the rear yard of Submitters property is largely dominated by the existing 2.75m high boundary wall constructed by the submitter and the sites own dwelling.
- The skylight is not affected by the shading cast from the roof area which breaches the height in relation to boundary plane.

On this basis, shading cast by the proposal cannot be considered as "well beyond the level anticipated by the District Plan". Rather the shading that may occur is of a minimal extent beyond the permitted baseline and momentary, such that the actual scale of effects can be considered to fall at the lower end of the spectrum - if not less than minor.

Your Sincerely

**Pip Beachen**

**Senior Planner**

E [pip@stradegy.co.nz](mailto:pip@stradegy.co.nz)

M 027 572 6100

## **Attachment 1**

### **Comparative Shading Studies**



## **Attachment 2**

### **Digital Shading Studies**



## Appendix F – Digital Shading Studies

Roof Shadows 21Dec - <https://youtu.be/bDvGJxFqws4>

Roof Shadows 21Jun - [https://youtu.be/dqg4WK\\_ASKM](https://youtu.be/dqg4WK_ASKM)

Roof Shadows Equinox - <https://youtu.be/ebAC76vIWY8>

Sun StudiesExisting Summer Solstice 22 Dec - <https://youtu.be/EPgNjuSwOM>

Sun StudiesExisting Winter Solstice 22 Jun - <https://youtu.be/VgSIEsiCesE>

Sun StudiesProposed Summer Solstice 22 Dec - <https://youtu.be/oTzsLOiPbUw>

Sun StudiesProposed Winter Solstice 22 Jun - <https://youtu.be/7KKQ8AQdQTl>

## Draft Condition Set



1. This consent shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number RM210083.

- Application Form and Assessment of Environmental Effects prepared by ..., dated Click or tap to enter a date..

Report title and reference	Author	Rev	Dated
XXXX	XXXX	XXXX	XXXX

Drawing title and reference	Author	Rev	Dated
XXXX	XXXX	XXXX	XXXX

Other additional information	Author	Rev	Dated
XXXX	XXXX	XXXX	XXXX

2. Under section 125 of the RMA, this consent lapses five years after the date is granted unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$166.00 (hourly rate) inclusive of GST, plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

### Vehicle Access:

4. The consent holder shall construct the new vehicle crossing as shown on the approved plan and in accordance with the Code.
5. Any damaged footpaths and berm are to be reinstated to standard kerb, channel, berm and footpath in accordance with the Code.

### Buildings:

6. The building shall be constructed in substantial compliance with the plans submitted and approved under RM210183. This is including, but not limited to the colours and materials of the exterior of the dwelling and façade.
7. The building shall have roofs that are constructed using inert roofing materials such as colourcote or coloursteel, or using a different material or roof treatment (e.g. painting with non-metal based paints) that will achieve an equivalent performance standards in terms of release of metal contaminants.

8. The floor levels detailed on the plans and finished roof height as per the plans approved under Condition (1) shall be confirmed by a Licenced Surveyor as being correct at time of Code of Compliance under the Building Act.

#### Landscaping/ Fencing:

9. Landscaping shall be in accordance with the plans provided as part of the application lodged and approved under Condition (1) - (RC-1 dated 24 November 2021).
10. Landscaping in accordance with the approved plans under condition (9) shall be planted within the first planting season following code of compliance, and shall remain and be maintained in perpetuity.

*For clarity, landscaping remaining in perpetuity means the maintenance of landscaping in accordance with the approved landscaping plan. The maintenance of landscaping means the replacement of any dangerous or dying matter, and the general preservation of the landscaping to a health standard.*


11. Fencing along Hardinge Road frontage shall be in accordance with plans provided and listed under Condition (1) of RM210183 – (RC-01 dated 24 November 2021), with fencing completed within 3 months after the issue of Code of Compliance certification.

#### Earthworks:

12. All earthworks shall meet the requirements of the 'Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region' (GD 005) for construction.
13. Sediment- Laden water should not leave the site.

#### **Advice notes**

1. *Reverse Sensitivity:*  
*An acoustic design report illustrating compliance with condition 8.22.2 will be required to be submitted and peer reviewed (by an external consultant engaged by Napier City Council, at the applicants expense) prior to any building consent being granted.*
2. *An archaeological authority may be required pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. This is required prior to any earthworks occurring on the site, including for the in ground swimming pool. It is the applicant's responsibility to liaise directly with Heritage New Zealand.*
3. *That the following procedures (Accidental Discovery Protocol) shall be followed in the event that Koiwi, archaeological features or Taonga are discovered or are suspected to have been unearthed during earthworks or construction phase of site development:*
  - a. *Earthworks should cease immediately in the vicinity of the discovery. It is important that any remains or artefacts are left undisturbed or in-situ once discovered. If it is unclear whether the find is Koiwi, archaeological features or Taonga, the consent holder shall consult a Heritage New Zealand Pouhere Taonga (HNZPT) archaeologist.*
  - b. *The site supervisor/consent holder/agent shall take steps immediately to secure the area so that Koiwi or Taonga remain untouched and site access is restricted.*

- 
- c. *The site supervisor/consent holder/agent shall ensure that consumption of food and/or drink and/or smoking in the immediate area of the discovery is restricted.*
  - d. *The site supervisor/consent holder/agent will notify the New Zealand Police (in the event of the discovery of Kōiwi/skeletal remains only), Heritage New Zealand and*
    - i. *Ngāti Parau - Chad Tareha [chadtareha24@gmail.com](mailto:chadtareha24@gmail.com) and/or*
    - ii. *Mana Ahuriri – Liz Munroe [liz.munroe@manaahuriritrust.comand/or](mailto:liz.munroe@manaahuriritrust.comand/or)*
    - iii. *Maungaharuru-Tangitū Trust – Lee Grace [lee@tangoio.maori.nz](mailto:lee@tangoio.maori.nz) and/or*
    - iv. *Te Taiwhenua o Te Whanganui a Orutu - Tania Eden [taniaeden@xtra.co.nz](mailto:taniaeden@xtra.co.nz)*
  - e. *Activities on the site will remain on-hold until the Police (in the case of Kōiwi), the Kaumatua (or other representative advised by the relevant Māori organisation) and Heritage New Zealand have given approval for works to recommence.*
  - f. *In the case of discovering Kōiwi, site access should be restricted to all parties until Police are satisfied the remains are not of forensic relevance.*
  - g. *The site supervisor/consent holder/agent shall ensure that Kaumatua (or other representative advised by the relevant Māori organisation) have the opportunity to undertake Karakia or other cultural ceremonies and activities at the site as may be considered appropriate.*
  - h. *The consent holder shall ensure that no information regarding discoveries of Māori origin is released to the media except as authorised by the relevant Māori organisation/s.*
4. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
  5. *For the purpose of compliance with the conditions of consent, “the council” refers to the council’s resource consents and compliance officers unless otherwise specified.*
  6. *For more information on the resource consent process with Napier City Council see the council’s website: <https://www.napier.govt.nz/> . General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: <https://www.mfe.govt.nz/rma> .*
  7. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*
  8. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*