



# RESOURCE CONSENT HEARING WITH INDEPENDENT COMMISSIONER

## Open Agenda

**RM230061 - 68 Franklin Road, Napier**

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Meeting Date: Friday 13 December 2024

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Time: 9.00am

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Venue: Large Exhibition Hall  
War Memorial Centre  
Marine Parade  
Napier

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Members **Independent Chair** - Rob Van Voorthuysen  
**Independent Commissioner** - Richard Blakey  
**Elected Member Commissioner** - Deputy Mayor Brosnan

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Officer Responsible Team Leader Resource Consents (Nick McCool)

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Administrator Governance Advisor Governance Team and Regulatory Administration

## WHAT HAPPENS AT A HEARING

### Cross Examination

No cross examination by the applicant or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the applicant or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

### The Hearing Procedure

The usual hearing procedure is:

- The chairperson will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- The applicant will be called upon to present their case. They may be represented by legal counsel or consultants and call witnesses in support of the application. The hearing panel may ask questions of the speakers.
- Submitters (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
  - o Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
  - o Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated.
- Council Officers will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- The applicant or their representative then has the right to summarise the application and reply to matters raised. Hearing panel members may further question the applicant. The applicants reply may be provided in writing after the hearing has adjourned.
- The chairperson will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.
- Decisions are usually available within 15 working days of the hearing closing.

### Please note

- that the hearing will be audio video recorded for administrative purposes.
- catering is not provided at the hearing.

# ORDER OF BUSINESS

## Apologies

## Agenda items

- 1 RM230061 - 68 Franklin Road, Napier - Section 42A Report.....4

# AGENDA ITEMS

## 1. RM230061 - 68 FRANKLIN ROAD, NAPIER - SECTION 42A REPORT

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	1813745
<i>Reporting Officer/s &amp; Unit:</i>	Nick McCool, Team Leader Resource Consents

### 1.1 Purpose of Report

This is a covering report relating to a resource consent application made by Jack Brownlie Investments Limited to undertake a residential development located at 68 Franklin Road, Bay View (RM230061).

The reporting Consultant Planner's (Alison Francis) Section 42A report is attached to this covering report and contains the details regarding this application.

### Officer's Recommendation

That the Hearings Commissioners:

Make a decision following the hearing of an application for resource consent under the Resource Management Act 1991

### 1.2 Attachments

Att No.	Title	Page No.
	Section 42A Report (Doc Id 1813958)	7
1	Attachment 1 - Application documents and drawings NOT ATTACHED - Can be viewed on the website (Under separate cover 1)	-
2	Attachment 2 - Technical Ecological Review - Final (Doc Id 1813850)	75
2	Attachment 2 - Specialist Review of Site Contamination - T + T (Doc Id 1814018)	79
2	Attachment 2 - Specialist Review of Coastal Hazard of EcoNomos - T+T (Doc Id 1814017)	87
2	Attachment 2 - Wayfinder Landscape Assessment (Doc Id 1814019)	91
2	Attachment 2 - Ecological Specialist Report - Tonkin and Taylor (Doc Id 1814020)	98
3	Attachment 3 -Notification Report (Doc Id 1813956)	102
4	Attachment 4 - Map of Submitters (Doc Id 1813852)	133

5	Attachment 5 - D Pilkington #1 (Doc Id 1813978) <b>(Under separate cover 1)</b> S Stothart (Doc Id 1813979) D Aranui (Doc Id 1813980) N Smith (Doc Id 1813981) B Lawson (Doc Id 1813982) M Arnold Doc Id 1813983) R Hollyman Doc Id 1813984) D Longdon Doc Id 1813985) R Ball (Doc Id 1813986) Rosie Longdon Doc Id 1813987) T Ackroyd (Doc Id 1813988) J Phillips (Doc Id 1813989) T Coleman (Doc Id 1813990) B Daniel (Doc Id 1813991) S Harvey (Doc Id 1813992) P Greening (Doc Id 1813993) A Greenhalgh (Doc Id 1813994) J St Clair (Doc Id 1813995) Kiwirail (Doc Id 1813996) V Maunsell (Doc Id 1813997) W Munro (Doc Id 1813998) L Buxton (Doc Id 1813999) A Busby (Doc Id 1814000) A Petersen (Doc Id 1814001) D Donoghue (Doc Id 1814002) P Musson (Doc Id 1814003) Patricia Wilson (Doc Id 1814004)	
6	Attachment 6 - Submission Summary Table (Doc Id 1813848)	137
7	Attachment 7 - Draft Conditions to be circulated at a later date	148
8	Attachment 8 - Avifauna Management Plan (Doc Id 1813872)	149
8	Attachment 8 - RMS230061 Update Engineering Drawings (Doc Id 1813874) <b>(Under separate cover 2)</b>	

# Report on an application for resource consent under the Resource Management Act 1991 (RMA)



## Non-complying activity

**To:** Independent Hearing Commissioners  
**From:** Alison Francis, Consultant Planner  
**Hearing date:** 13 December 2024

### Note:

- This is not the decision on the application.
- This report sets out the advice and recommendation of the reporting planner.
- This report has yet to be considered by the independent hearing commissioners delegated by Napier City Council to decide this resource consent application.
- The decision will be made by the independent hearing commissioners only after they have considered the application and heard from the applicant, submitters and council officers.

## 1. Application description

**Application number:** RMS230061  
**Applicant:** Jack Brownlie Investments Limited  
**Site address:** 68 Franklin Road, Bay View, Napier  
**Lodgement date:** 21 August 2023  
**Notification date:** 31 July 2024  
**Submission period ended:** 28 August 2024  
**Number of submissions received:** 2 in support  
 1 neutral  
 24 in opposition

## 2. Locality Plan



Source: Napier City Council GIS

## 3. Application documents

The list of application documents and drawings is set out in **attachment 1** of this report.

## 4. Adequacy of information

The information submitted by the applicant is sufficiently comprehensive to enable the consideration of the following matters on an informed basis:

- The nature and scope of the proposed activity that the applicant is seeking resource consent for.
- The extent and scale of the actual and potential effects on the environment.
- Those persons and / or customary rights holders who may be adversely affected.
- The requirements of the relevant legislation.

The processing of this application has proceeded as follows:

- 21/08/2023: Application was lodged
- 08/09/2023: Day 14: Applicant was advised that we would be seeking peer reviews for some of the reports under s92(2). Pursuant to s88C(3)&(4), the clock is on hold until the authority receives the report.
- 20/11/2023: First s92 went out to the applicant.
- 06/12/2023: Second s92 went out.
- 14/05/2024: All information now received from applicant as CIA was sent through.
- 07/06/2024: Final peer review received, application off hold.

## 5. Qualifications and/or experience

I hold a Bachelor and Master of Planning from the University of Auckland, which I obtained in 2004 and 2006 respectively.

I have 20 years of planning and resource management experience. My experience has included working as a Senior Planner for Councils, a Team Leader and Consent Manager and most recently a Planning Consultant.

I am a Full member of the New Zealand Planning Institute.

## 6. Report and assessment methodology

The application is appropriately detailed and comprehensive and include a number of expert assessments. Accordingly, no undue repetition of descriptions or assessments from the application is made in this report.

I have made a separate and independent assessment of the proposal, with the review of technical aspects by independent experts engaged by the council, as needed.

Where there is agreement on any descriptions or assessments in the application material, this is identified in this report.

Where professional opinions differ, or extra assessment and / or consideration is needed for any reason, the relevant points of difference of approach, assessment, or conclusions are detailed. Also – the implications for any professional difference in findings in the overall recommendation is provided.

The assessment in this report also relies on reviews and advice from the following specialists:

- Mr S Bradshaw, Manager Infrastructure Development - Napier City Council.
- Ms M McBain, Landscape Designer - Wayfinder
- Mr J Markham, Ecologist - Tonkin and Taylor
- Mr J Clarke, Coastal Hazard Specialist - Tonkin and Taylor
- Ms S Newall, Contaminated Land Specialist - HAIL Environmental

These assessments are included in **attachment 2** of this report.



**This report is prepared by:**

Alison Francis, Consultant Planner, Resource Consents

Signed:



Date:

Date: 21 November 2024

**Reviewed and approved for release by:**

Nick McCool, Team Leader Resource Consents

Signed:



Date:

Date: 21 November 2024

## 7. Executive summary

Jack Brownlie Investments Limited has applied to the council for resource consent to:

Undertake a three-stage subdivision of Lot 2 DP 22640 into 59 Lots. The applicant summaries the application as such:

- The residential allotments range in size from 800m<sup>2</sup> to 1,398m<sup>2</sup>.
- The subdivision introduces a cul-de-sac road that steps back from the coastal edge in a similar manner to Le Quesne Road to the North (Lot 63). The road is proposed to be vested with Napier City Council. The majority of lots have frontage to this new road, except for the four southernmost lots which have access from an access lot (Lot 64).
- One open space lot is proposed (Lot 60), this runs along the coastal side of the properties between the edge of Lots 19-48 and the beach.
- Two pedestrian entrance strips are provided from the road to the open space lot (between Lots 31 and 32 and Lots 45 and 46).
- A coastal hazard zone runs across Lots 19-48 providing restrictions to building development. A restrictive covenant is proposed to buildings in this area (in accordance with the District Plan rules).
- A 7m coastal landscaped buffer is proposed along the coastal edge. This is to be planted with regenerative native species and a restrictive covenant is proposed.
- A 4m building setback and 1.8m acoustic fence is proposed for lots along the railway corridor. This prevents dwellings locating within the setback and is to be secured by consent notice on the title.
- Land along the coastal frontage for pedestrian and cycle access is provided and is to be vested with the Napier City Council as public reserve (Lot 60).





















































































































































































































































































































Placeholder for Attachment 38

ITEM 1/24 RM230061 - 68 Franklin Road, Napier - Section 42A Report

Attachment 7 - Draft Conditions to be circulated at a later date





















































