

Thursday, 13 April 2023

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

**Hastings District Council**

**Commissioner Hearing Meeting**

*Kaupapataka*

# Agenda

**Applicant's pre-circulated evidence  
for Notified Resource Consent Application For Proposed Medium  
Density Residential Living in the Hastings Central Commercial Zone -  
206 Queen Street West, Hastings (RMA20220352)**

*Te Rā Hui:*  
Meeting date: **Thursday, 13 April 2023**

*Te Wā:*  
Time: **9.00am**

*Te Wāhi:*  
Venue: **Council Chamber  
Ground Floor  
Civic Administration Building  
Lyndon Road East  
Hastings**

*Te Hoapā:*  
Contact: **Democracy and Governance Services  
P: 06 871 5000 | E: [democracy@hdc.govt.nz](mailto:democracy@hdc.govt.nz)**

*Te Āpiha Matua:*  
Responsible  
Officer: **Group Manager: Planning & Regulatory Services - John  
O'Shaughnessy**

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**TE KAUNIHERA Ā-ROHE O HERETAUNGA**

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Thursday, 13 April 2023

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*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

## Hastings District Council: Commissioner Hearing Meeting

### *Kaupapataka*

# Agenda

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*Te Komihana Whakahoahoa:*  
Hearing Commissioner:

*Heamana*

**Chair:** Commissioner **Kitt Littlejohn**

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*Apiha Matua:*  
Officer Responsible:

Group Manager: Planning & Regulatory Services – John  
O'Shaughnessy

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*Mahere Maarama:*  
Reporting Planner:

Reporting Consultant Planner (Consents) - Jacqui Manning

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*Te Rōpū Manapori me te  
Kāwanatanga:*  
Democracy & Governance  
Services:

Christine Hilton (Extn 5633)

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## Te Rārangī Take

# Order of Business

- 1.0 Apologies & Leave of Absence – Ngā Whakapāhatanga me te Wehenga ā-Hui**  
 At the close of the agenda no requests for leave of absence had been received.

- 2.0 Applicant's pre-circulated evidence for Notified Resource Consent**  
**Application For Proposed Medium Density Residential Living in the Hastings Central Commercial Zone - 206 Queen Street West, Hastings (RMA20220352)**

### **DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS ONE DOCUMENT**

**Document 1**      The covering administrative report      **Pg 1**

#### **Attachments:**

1	Attachment 1 - Megan Gaffaney - overview (applicant evidence)	RMA20220352#0032	Pg 3
2	Attachment 2 - Brent Scott - design (applicant evidence )	RMA20220352#0033	Pg 11
3	Attachment 3 - Jon Devine - structural (applicant evidence)	RMA20220352#0034	Pg 17
4	Attachment 4 - Ann Galloway - Heritage (applicant evidence)	RMA20220352#0035	Pg 23
5	Attachment 5 - Sam Green - civil engineering (applicant evidence)	RMA20220352#0036	Pg 31
6	Attachment 6 - Janeen Kydd-Smith - Planning (applicant evidence)	RMA20220352#0037	Pg 39

**The Application and Submissions can be viewed on the Council website.**

Thursday, 13 April 2023

Item 2

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

**Hastings District Council: Commissioner Hearing**

*Te Rārangi Take*

# Report to Commissioner Hearing

**Nā:**  
**From:** Christine Hilton, Democracy and Governance Advisor

**Te Take:**  
**Subject:** Applicant's pre-circulated evidence for Notified Resource Consent Application For Proposed Medium Density Residential Living in the Hastings Central Commercial Zone - 206 Queen Street West, Hastings (RMA20220352)

## 1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to have a means to attach the Applicant's pre-circulated evidence for the above hearing and to put it onto the website prior to the hearing.

## 2.0 Recommendations - *Ngā Tūtohunga*

That the Applicant's pre-circulated evidence for Notified Resource Consent Application For Proposed Medium Density Residential Living in the Hastings Central Commercial Zone - 206 Queen Street West, Hastings (RMA20220352) be put onto the website prior to the hearing on 13 April 2023 so it can be viewed by the submitters and members of the public.

### Attachments:

<a href="#">1</a>	Megan Gaffaney - overview (applicant evidence)	RMA20220352#0032
<a href="#">2</a>	Brent Scott - design (applicant evidence)	RMA20220352#0033
<a href="#">3</a>	Jon Devine - structural (applicant evidence)	RMA20220352#0034
<a href="#">4</a>	Ann Galloway - Heritage (applicant evidence)	RMA20220352#0035



<a href="#">↓</a> 5	Sam Green - civil engineering (applicant evidence)	RMA20220352#0036
<a href="#">↓</a> 6	Janeen Kydd-Smith - Planning (applicant evidence)	RMA20220352#0037

Before an Independent Commissioner of the Hastings District Council

In the matter of the Resource Management Act 1991 (the Act)

And

In the matter of An application by Hastings District Council for land use consent for demolition of a heritage building and redevelopment at 206 Queen Street West and 223 Heretaunga Street West.

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**Statement of Evidence of Megan Gaffaney on behalf of the Applicant  
Project Overview**

Dated 28 March 2023

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**Introduction**

1. My full name is Megan Leslie Gaffaney. I am Team Leader Environmental Policy at Hastings District Council (**Council**).
2. I hold a Bachelor of Resource and Environmental Planning from Massey University. I have been working as a Planner for Hastings District Council for 16 years, and have been a full member of New Zealand Planning Institute (MNZPI) for 20 years. Overall I have 25 years' experience as a Planner.
3. I have considerable experience in city planning, including having led the Havelock North Village Centre plan change and undertaken a Plan Change to enable inner city living in Hastings Central Commercial Zone. I co-developed the Hastings Residential Intensification Design Guide 2020 for infill, comprehensive and mixed use development, and day-to-day work involves guiding developers in their residential intensification & CBD projects.
4. Since 2017 I have been working in a project management capacity for Hastings CBD laneway projects, with completion of a laneway to Council public carpark in the 300 Block west.

5. Over the past 3 years I have been the Council's project lead for this 206 Queen Street West redevelopment (**Proposal**).
6. I am providing evidence as a proponent of the Proposal to enliven the western side of Hastings CBD through the redevelopment of the site at 206 Queen Street West and 223 Heretaunga Street West, including for residential apartments, public open space areas and a pedestrian laneway and public parking (**Proposal**). I prepared the Chronology and the CPTED report, peer reviewed by Urban Perspectives Ltd submitted as part of the application.
7. In preparing this statement of evidence I have read the section 42A report prepared by Jacqui Manning, the reporting officer for the consent authority, the submissions and all other documentation relevant to this resource consent application.
8. I am very familiar with the application site and environs.
9. My evidence addresses the following matters:
  - (a) Reasons for the Proposal;
  - (b) The design process;
  - (c) Response to the Reporting Officer's Report;
  - (d) Issues raised by, and responses to, Submissions; and
  - (e) Conclusion

#### **Reasons for the project**

10. Hastings District Council has adopted a collective vision for the Hastings CBD under the Hastings City Centre Strategy, available here:  
<https://www.hastingsdc.govt.nz/assets/Document-Library/Strategies/Hastings-City-Centre-Strategy/hastings-city-centre-strategy.pdf>
11. The focus of the Strategy is on creating a strong, vibrant, compact and resilient City Centre with a strong sense of place, affirming Hastings City Centre as a 'City Centre of Choice'. The Strategy represents a 20-year approach to move

the Hastings City Centre forward. It recognises the City Centre's key strengths and aligns them with future opportunities.

12. This Proposal is one such opportunity that provides several of the desired outcomes for the City within the one development, including:<sup>1</sup>
  - (a) creating a public open space and through-block people connections to improve accessibility, particularly to connect a public parking area with city shops;
  - (b) providing a suitably located and appropriately sized public parking facilities; and
  - (c) an opportunity for quality inner city living
13. It is anticipated that the Proposal will be a catalyst for other inner city living developments in this city block with the proposed open space providing amenity for future inner city residential living and the wider community.
14. The introduction of City Centre residential activity will bring a number of benefits including returns to retailers and businesses (due to the higher density of people in close proximity), improved vibrancy, reduced transport pressures and congestion, and will provide housing choice, while reducing the pressure to develop Hastings productive land for housing.

#### **The design process**

15. This project commenced with the Council purchasing 223 Heretaunga St West and 206 Queen Street West with the intention of creating a laneway through 223 Heretaunga St West and providing public car parking at 206 Queen Street West.
16. The fact that the building at 206 Queen Street West is of recognised heritage value was a priority consideration throughout the entire design process with

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<sup>1</sup> For more information see:  
<https://www.hastingsdc.govt.nz/hastings/projects/200-west-block/>.

many design options (in the order of thirty layouts) considered, from full retention through to full demolition.

17. A second key consideration was the type of land use to complement the proposed laneway and parking that would add vibrancy to the City Centre. Other design considerations included telling the story / whakapapa of the site & area, community safety, amenity, sustainability, financial viability, Te Aranga design principles in landscaping and design and commercial demands.
18. Consulting on the options with key stakeholders and Council itself at key milestones during the evolution of the design was crucial to design refinements and arriving at the final concept. This process took approximately 2 years until Council approved the general concept and land use mix in December 2020.
19. Overall, the Proposal has been subject to a comprehensive and iterative design process that has been robustly considered by the design team itself and key stakeholders to arrive at the Proposal for consideration.

#### **Consultation**

20. To ensure that the community had input to this Proposal and ample opportunity to view and provide feedback, we established a pop up shop at 223 Heretaunga Street West for 3 weeks whereby passers-by could pop in, view the Proposal and talk to Council officers about it. Several meetings were also held in the shop wherein they could hear directly about the Proposal.



*Figure 1- The Shop 223 Heretaunga St West*

21. Extensive consultation was undertaken because Council considered it essential to create a development that will directly benefit the Hastings community. Over the 3 week period that the shop was open, approximately 800 people viewed the proposal, as evidenced by the digital foot count attached to the shop entrance.

**Comment on Officer's Report and Conditions**

22. I have reviewed and considered the s42A report and consider it to be a balanced analysis of the Proposal.
23. I have reviewed the recommended consent conditions (should consent be granted) appended to the s42A Report. While I consider the general approach of requiring management plans to be important, some of the requirements appear are overly-detailed, repetitive and could be streamlined. I support the additions and amendments to the conditions proposed by Janeen Kydd-Smith in her evidence.
24. **Comment on Submissions / Design of open space / provision of shade**
25. The majority of the submissions received are in support of the Proposal, and state they are looking forward to this City block having new uses that will uplift this side of the City. The importance of green space in the City centre is another theme that runs through the submissions. These submissions in support align with the community opinions contained in the Hastings City Centre Strategy.
26. I note that Council has had careful regard to all submissions received and they are addressed in the evidence for the Applicant.
27. A theme of the submissions that I address is the importance of green space, trees and natural shade in the City. As cities warm, natural landscaping and opportunities for trees provide a means of reprieve from the heat. The aim of the open space is to create an 'urban sanctuary' in a city block that is currently dominated by paving and built structures, with little, or no soft landscaping. At a conceptual level, the green space will have two pedestrian routes through it, with raised gardens containing native planting to provide shade, colour, biodiversity, habitat, shelter and amenity. These will cool the space, and reduce the 'urban heat island' effect. The following images provide an ideas board to guide future detailed design of the open space.

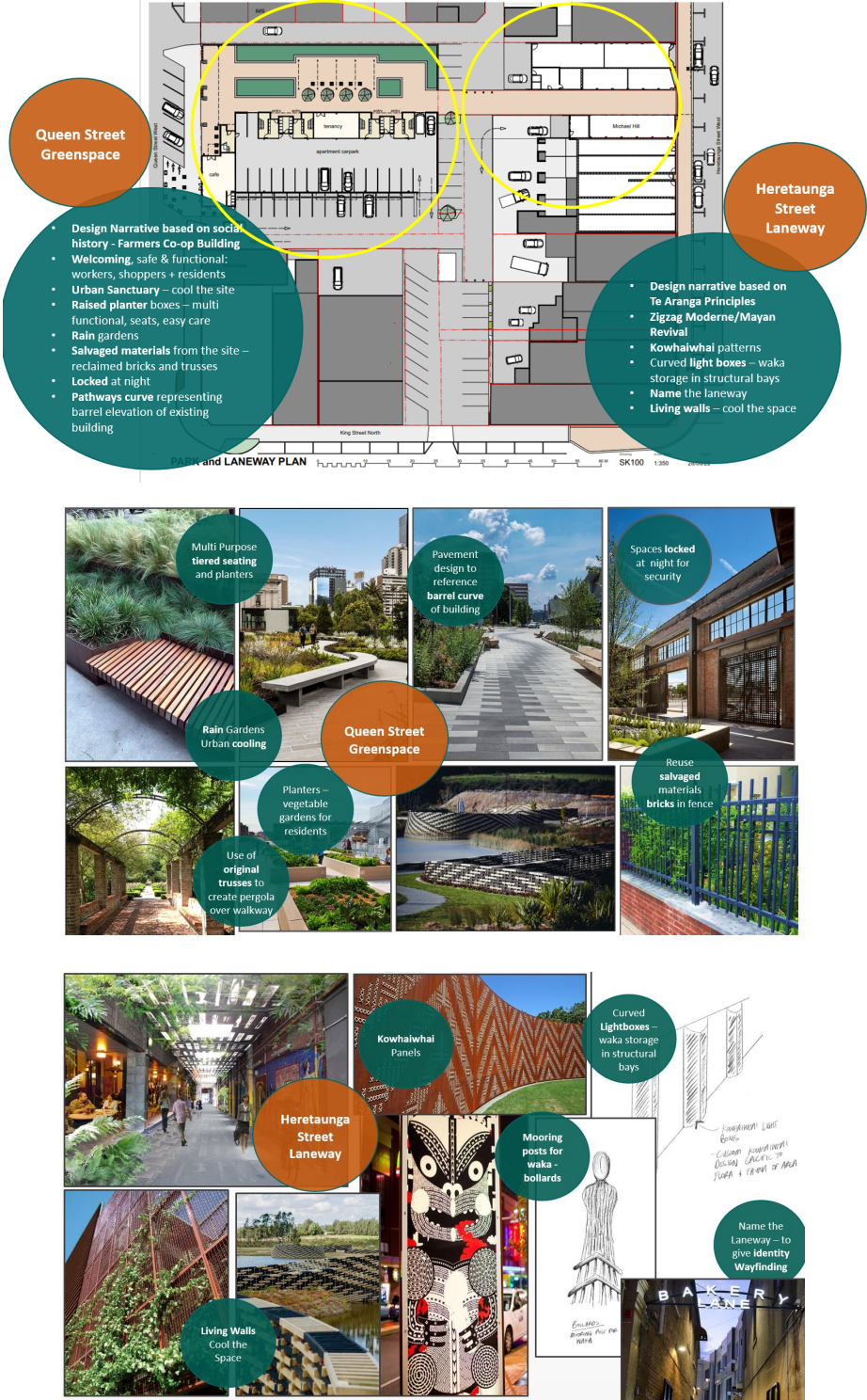


Figure 2 - Green space ideas board

28. A detailed design for the greenspace and laneway will be developed by the Council following community consultation to be followed by a Council decision to adopt the final design. The key themes to underpin the open space design are the pre-1827 Natural Environment; Hawke's Bay Farmer's Co-operative Association Limited Garage and Art Deco Zig-Zag Moderne. This narrative-based approach is a Te Aranga design approach to provide meaning, whakapapa and sense of place.
29. This consultation process will be managed by the Council's Parks Assets team. A consultative approach to park design is taken with all new public open spaces as part of Councils best practice reserves management.
30. I note that the version of proposed conditions provided with Ms Kydd-Smith's evidence add a requirement that the Public Park / Greenspace Plan address (in addition to a range of other matters):
- (g) Consideration of the provision of 'hard' and 'soft' landscaping (e.g. permeable / impermeable surfaces).
  - (h) Consideration of the provision of shaded areas.
31. These additions are intended to ensure the issues raised by Walter Brestedt (26), Bernadette Krassoi (24), Josephine Kelly (30), Helen Jeffreys, Clare Flentge (15), Shannon Tait (21) and James Paul Keenan will be considered at the relevant time. As noted above, there will also be a further opportunity to comment as part of the Council's consultation.
32. I note that none of the submissions, including those from Heritage New Zealand, oppose the loss of the heritage building. The limited references in the submissions related to heritage focus on the poor condition of the building, that it had been vacant for many years and was contributing to 'urban decay'. The site currently provides little amenity or functionality, nor is it safe or welcoming. Submitters looked forward to the redevelopment to enliven and uplift this Block.



33. Historic Places Hawke's Bay and Heritage New Zealand both understand that while, in an ideal situation, retention of heritage is preferable, the condition of the Hawke's Bay Farmer's Co-operative Association Limited Garage building is very poor and while options for retention have been extensively explored, it is not feasible for structural, financial and commercial re-use reasons.
34. Historic Places Hawke's Bay told us which heritage features they considered to be important and needed to be carried through in the Proposal, and this has occurred in the design process. Also through the design of the proposed open space, retention of the façades, re-use of key heritage elements and form will achieve new opportunities for this Block, recognise and celebrate the character, history and culture of this area.
35. I consider the strong endorsement of this Proposal by the community to be an indication that the Proposal is the right mix of land uses and meets community aspirations.

#### **Conclusion**

36. As a proponent of this Proposal, I am confident that this will be a successful addition to the City and achieve the City vision to create a strong, vibrant, compact and resilient City Centre.



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**Megan Gaffaney**  
27 March 2023

Before an Independent Commissioner of the Hastings District Council

In the matter of                      the Resource Management Act 1991 (the Act)

And

In the matter of                      An application by Hastings District Council for land use consent for demolition of a heritage building and redevelopment at 206 Queen Street West and 223 Heretaunga Street West.

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**Statement of Evidence of Brent Scott on behalf of the Applicant  
Architectural design**

Dated    28 March 2023

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**Introduction**

1.    My full name is Brent Graham Scott. I am Director at Citrus Studio Architecture, Napier.
2.    I have the following qualifications and experience relevant to my evidence:
  - (a)    Bachelor of Building Science, Bachelor of Architecture (Hons), ANZIA, Registered Architect 2504
  - (b)    Practising for 28 years as an architect and Director of Citrus Studio Architecture for 7 years
3.    I have been engaged by the Hastings District Council (**Applicant**) to provide architectural advice in relation to the application for land use consent to demolish a heritage building, and to redevelop the site at 206 Queen Street West and 223 Heretaunga Street West, including for medium density residential apartments, open space areas and a pedestrian laneway (**Proposal**). I prepared the Drawings in Appendix D of the application.
4.    In preparing this statement of evidence I have read the application and appendices, the section 42A report prepared by Jacqui Manning, the reporting

officer for the consent authority, and the submissions which are relevant to my area of expertise .

5.     I am familiar with the application site and environs.

**Code of Conduct**

6.     I confirm that I have read the Expert Witnesses Code of Conduct contained in the Environment Court of New Zealand Practice Note 2023. My evidence has been prepared in compliance with that Code in the same way as I would if giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.


**Scope / Summary of Evidence**

7.     My evidence addresses the architectural aspects of the Proposal and responds to the submissions relating to the layout and orientation of rooms within the proposed apartments.
8.     My evidence addresses the following matters:
- (a)     Architectural design
  - (b)     Response to the Reporting Officer's Report;
  - (c)     Issues Raised by Submissions; and
  - (d)     Conclusion.
9.     By way of summary, [1 – 2 para summary of your evidence]

**Architectural Design**

**Land Use**


10.    The key project objectives as set by the Applicant were to explore alternatives to use the 206 Queen Street West (**QSW**) site and its 1926 Hawke's Bay Farmers Co-Operative Garage building (**HBFG**) to improve vitality of this area of the city by:
- Providing residential apartments;

- An open public park;
  - Public carparking; and
  - A mid-block laneway connection between Heretaunga Street West (HSW) and QSW
11. The initial concept design work was to prepare alternative layouts for assessment by the project team to show various ways that the site and the existing building could be used to meet these project objectives. Early in this process it was understood that to allow for an open public park to be created part of the existing building would need to be removed. Many options were explored ranging from full retention of the building, converting it into ground floor carparking with maisonettes above, to retention of the QSW façade only, with a multi-storey apartment building behind.
12. Ultimately the full retention of the existing eastern barrel vault  form relied on the success of it being able to be converted into residential apartments. The only sensible way to use the existing building for apartments would be to have party walls between apartments on the line of the steel roof trusses. This together with structural strengthening required would effectively remove the original heritage value of the structure. Eventually this proved not to be feasible on both structural and financial grounds as outlined in the application report and the evidence of Spencer Holmes.
13. The earlier site layout options placed both the open park and the public carparking to the west of the site and new apartments on the eastern side. This resulted in a dog-leg in the new laneway connection. With the decision being made to remove the EBV form, but retain the QSW façade, this then importantly allowed the laneway to be straight, offering a much safer and direct pedestrian route. In doing so this generated the 'Flip Option' (refer the project Chronology) with the public park proposed on the site of the EBV and a new residential apartment building on the site of the western barrel vault form.

#### **Streetscape and Heritage Integration**

14. The QSW block is anchored at the corner by the IMS building with the proposed new apartment building taken up to the street boundary with a ground floor commercial tenancy and 2 floors of apartments over. The apartment form is designed to be smaller in scale than the IMS building but sharing some of its

finishes and window opening patterns. Set back from the Queen St frontage the remainder of the apartment building forms an edge to an 'urban heritage park' and is faced in brick referencing the more industrial feel of the HBFG building and its original rear brick gable wall.

15. The retained façade of the EBV form is showcased between the IMS and apartment building facades and provides a gateway to the park behind. The heritage elements of the EBV and central barrel vault  trusses are introduced into the park to reinforce the building heritage and to tell the story of the site.
16. With the public car parking element to the project being placed on the western side of the apartment building, along with the widened service lane, the park to the eastern side becomes a pedestrian only zone. The new laneway link from HSW continues through in a straight line on the apartment side of the park with the pedestrian access to the apartment coming directly off this route, terminating at QSW. This location for the apartment 'front doors' and the upper apartment living spaces and balconies, overlooking the park, foster a 'guardianship' role of the apartment inhabitants over the park.


#### **Apartment Building**

17. The apartment building becomes a new-build development with the ground floor largely covered parking for the apartments with the addition of ground floor commercial tenancy to the QSW face. This carpark entry is from the western service lane side and secure access to the stair lobbies to the upper two levels of apartments is from this carpark. Pedestrian access is also available on the laneway route.
18. The apartments are full width of the building, allowing light and views to both front and rear with each apartment having a covered balcony on both sides. The building is broken down to a social scale with typically each stair providing access to 2 apartments at first floor and 2 on the second floor. The stair at the Queen Street end of the building accesses 1 apartment at first floor and one at second floor.

**Comment on Officer's Report and Conditions**

19. I have reviewed and considered the s42A report and the recommended conditions of consent. There is nothing on which I wish to comment. For completeness, I understand that Ms Kydd-Smith has recommended a varied set of conditions. I similarly have no comment on those.

**Comment on Submissions**

20. One submission, by Michael Bate (Submitter 25) raises issues with the apartment layout and orientation and seeks that these essentially be reversed.
21. The layout of the apartments is the result of balancing the following competing design aims:
- providing a direct straight route between HSW and QSW for the pedestrian laneway to satisfy CPTED principles;
  - providing the apartments a pleasant view, especially from the main living space and covered terrace; and
  - orienting the apartment spaces to maximise access to sunlight.
22. The pedestrian access to the apartments is on the south-east side of the apartment building, with entry to the apartment stair lobbies off the laneway and facing the park. If these entries were placed on the north-west side of the building, that would result in mixing service lane traffic and pedestrian access, which would necessitate the apartment building moving to the south-east and would result in creating a dog-leg in the pedestrian laneway (as I have referred to above).
23. Between each entry stair there is only enough width to allow for one room overlooking the park. The living space to each apartment is placed on this side, providing a pleasant open view and reinforcing CPTED aims for park security. The sunnier north-west face looks directly into the side and rear service yard of adjacent buildings. In this instance CPTED concerns and quality of views has been given priority, resulting in the proposed layout of the apartments.
24.  satisfied that the existing orientation is appropriate and will give attractive views and convenient access.

**Conclusion**

25.    This project provides a diversity of public and private use, including importantly the introduction of inner city living to support the future vitality and sustainability of the city. Although there is loss of some heritage elements, with the proposal to demolish the existing building, the remaining heritage elements of the facade and roof structure are celebrated in new ways and settings and integrated into the public life of the city.



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**Brent Scott**  
**28 March 2023**

Before an Independent Commissioner of the Hastings District Council

In the matter of                      the Resource Management Act 1991 (the Act)

And

In the matter of                      An application by Hastings District Council for land use consent for demolition of a heritage building and redevelopment at 206 Queen Street West and 223 Heretaunga Street West.

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**Statement of Evidence of Jonathan Walker Devine on behalf of the Applicant  
Structural Engineering**

Dated 27 March 2023

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**Introduction**

1. My full name is Jonathan Walker Devine. I am a Director of Spencer Holmes Limited.
2. I have the following qualifications and experience relevant to my evidence:
  - (a) Bachelor of Engineering with First Class Honours and a Master of Engineering from the University of Canterbury.
  - (b) I have been working as a structural and civil engineer in Wellington for 27 years, and have been a Member of the Institution of Professional Engineers New Zealand (now named Engineering New Zealand), for 22 years. I am a Chartered Professional Engineer (CPEng) with Structural and Civil engineering as my practice areas.
  - (c) I am a member of Structural Engineering Society New Zealand (SESOC), New Zealand Society for Earthquake Engineering (NZSEE), New Zealand Timber Design Society (TDS), and the New Zealand Geotechnical Society.
  - (d) I have considerable experience in seismic engineering and have been an advisor to the Seismic Resilience team of the Wellington City Council,



undertaking and reviewing seismic assessments on buildings since 2004 for that Council, and providing strategic advice on their seismic engineering policy from 2008 until 2017.

(e) Since the Canterbury earthquakes in 2010 and 2011 and until the present time I have been the Structural Engineer for the Ministry of Social Development, providing seismic engineering guidance and formulating policy with the Ministry's property team.

(f) I was engaged by the Canterbury Earthquakes Royal Commission to provide independent structural advice to the Commission on 25 buildings, and also authored a review of Masonry Standards in New Zealand.

3. I have been engaged by the Hastings District Council (**Applicant**) to provide structural engineering advice in relation to the application for land use consent to demolish a heritage building, and to redevelop the site at 206 Queen Street West and 223 Heretaunga Street West, including for medium density residential apartments, open space areas and a pedestrian laneway (**Proposal**).

4. I have inspected the building and prepared conceptual strengthening schemes for retaining the façade of the building.

5. In preparing this statement of evidence I have read the section 42A report prepared by Jacqui Manning, the reporting officer for the consent authority; the Draft Conditions, and the submissions which are relevant to my area of expertise.

6. I am familiar with the application site and environs, having inspected the site and building on the 11<sup>th</sup> November 2020 and the 13<sup>th</sup> May 2022.

#### **Code of Conduct**

7. I confirm that I have read the Expert Witnesses Code of Conduct contained in the Environment Court of New Zealand Practice Note 2023. My evidence has been prepared in compliance with that Code in the same way as I would if giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider

material facts known to me that might alter or detract from the opinions I express.

#### **Scope / Summary of Evidence**

8. My evidence addresses the structural engineering aspects of the Proposal, providing context to the planning evidence in terms of its discussion of the consideration given to alternatives to demolition of the heritage building.
9. My evidence addresses the following matters:
  - (a) My report on the building from November 2020;
  - (b) The concept strengthening scheme to the facade of the building that was developed in June 2022;
  - (c) Response to the Reporting Officer's Report and Draft Conditions;
  - (d) Issues Raised by Submissions; and
  - (e) Conclusion.

#### **Report on Building November 2020**

10. In November 2020, Spencer Holmes Limited was instructed by the Hastings District Council to undertake an inspection of the building at 206 Queen Street West, and provide a peer review of the draft report by Strata Group Consulting Engineers Limited dated 20<sup>th</sup> November 2020.
11. On behalf of Spencer Holmes Limited, I reported on the 22<sup>nd</sup> November 2020, and summarised as follows;
12. The building is a single level industrial building from approx. 1920s, constructed of un-reinforced masonry (URM) construction with some reinforced concrete columns and beams within the walls. The front façade is two levels, as there was a mezzanine at this end of the building which has been removed. The concrete framing of the mezzanine provides some framed support to this front facade. The other three exterior walls are of cantilever construction. There is no cross bracing to the roof to provide any kind of diaphragm to distribute load through the building to support the walls out of plane.

13. The roof framing has an unusual "bow" type truss using railway irons as the curved top chord, and steel rod to form the bottom tension chord, and some diagonals. There are three bays of this roof truss which creates a barrel vaulted roof, with the outside two being substantial spans and the middle span being significantly smaller. Whilst this truss style is unusual, it is not unique, with numerous examples of it throughout New Zealand from around that time.
14. The condition of the building is very poor. The roof and internal gutters appear to be leaking, and the ground floor slab does not appear to be waterproofed. The URM walls show the mortar is eroded in areas, and there are a number of significant cracks to the side and rear walls.
15. The building would be considered to be an earthquake prone building, in that the seismic strength of the building would be significantly less than 34%NBS (new building standard).
16. In my opinion, based on the inspections I have undertaken, strengthening and re-use of this building would be very expensive, and would require a very high level of structural intervention in the building, to the extent where the heritage values of the building would be significantly compromised.
17. The level of strengthening required would be to a level of 70%NBS minimum for insurance, public safety, protection of heritage, and commercial viability for prospective tenants. The building work required to strengthen the building to this level would include; the URM walls to be strengthened with either regular steel framing or an internal concrete overlay, internal reinforced concrete shear walls and foundations, and a substantial roof bracing that would require the existing steel "bow" type truss to be effectively superseded.
18. In my opinion, the level of structural intervention to the building to strengthen and retain the building would compromise the heritage values of the building. The external facades of the building would remain, but the internal space would be significantly altered. The internal space would need to be reduced from a large open area to be compartmentalised with internal structural walls, and the inside face of the external walls would either need to be lined with a concrete overlay or have significant amounts of structural steel added to them. The "bow" type trusses would not be able to be distinguished from the amount of

structural steel that would need to be added at the bottom chord level of the trusses in order to create a structural diaphragm to that level.

#### **Concept Strengthening Scheme June 2022**

19. We assessed the existing façade for the building and developed three options for the strengthening of the façade. These were detailed and issued to the HDC in June 2022 and provides strengthening to the façade to a level of 70%NBS.
20. As the site is subject to liquefaction, the provision of larger foundations reduces the risk to the building from liquefaction and provides a more robust foundation, and this enables the façade to be retained and provides significantly better seismic resilience for this important heritage feature.

#### **Comment on Officer's Report, Conditions and Submissions**

21. I have reviewed and considered the s42A report. Where my opinion has differed from that of the reporting officer, this has been outlined in my evidence above.
22. I have reviewed the recommended consent conditions (should consent be granted) appended to the s42A Report. I provide the following comments to the conditions:
  - (a) Condition 7 requires the final design for the strengthening of the façade to be certified by a heritage architect. This is an acceptable condition.
  - (b) Condition 11 and 12 provide conditions on the geometry of the canopy and façade retention of the building at 223 Heretaunga Street West. These are acceptable conditions.
23. There are no submissions which raise issues within my area of expertise, other than to note that the two submissions from Heritage New Zealand that recognise the limitations on the ability to save structurally compromised buildings and support retention of the façade. Based on work undertaken described above, I confirm my view that the state of the building is such that it is severely compromised and could not be strengthened without significant cost and works that would compromise the heritage features of the building. I am confident that the strengthened façade as proposed will be seismically resilient to retain this important heritage feature of the building.

**Conclusion**

24. In November 2020 I reported on the building at 206 Queen Street West and concluded;
- (a) the condition of the building is very poor,
  - (b) the building would be considered to be earthquake prone, and
  - (c) strengthening and re-use of the building would be very expensive and require a very high level of structural intervention to the extent where the heritage values of the building would be significantly compromised.
25. In June 2022 Spencer Holmes Limited assessed the existing façade for the building and developed three options for the strengthening of the façade which provides strengthening to the façade to a level of 70%NBS.
26. As the site is subject to liquefaction, the provision of larger foundations reduces the risk to the building from liquefaction and provides a more robust foundation, and this enables the façade to be retained and provides significantly better seismic resilience for this important heritage feature.



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**Jonathan Walker Devine**  
**27 March 2023**

Before an Independent Commissioner of the Hastings District Council

In the matter of the Resource Management Act 1991 (the Act)

And

In the matter of An application by Hastings District Council for land use consent for demolition of a heritage building and redevelopment at 206 Queen Street West and 223 Heretaunga Street West.

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**Statement of Evidence of Ann Galloway on behalf of the Applicant  
HERITAGE MATTERS**

Dated 28 March 2023

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**Introduction**

1. My full name is Ann Margaret Jean Galloway. I am Principal Architect at Ann Galloway Architect Ltd of Napier.
2. I have the following qualifications and experience relevant to my evidence:
  - (a) Master of Architecture (by thesis, Heriot Watt University, Edinburgh), Bachelor of Architecture (Hons) (VUW), Bachelor of Building Science (VUW). Fellow of NZ Institute of Architects. Registered architect with experience in heritage matters.
  - (b) A member of the Art Deco Trust Heritage Working Group, 10 years as Heritage representative on the Art Deco Trust board and author of the Napier Signage Guidelines, Hastings CBD Architectural Heritage Design Guide and Hastings Signage Guidelines.
3. I have been engaged by the Hastings District Council (**Applicant**) to provide advice in relation to the application for land use consent to demolish a heritage building, and to redevelop the site at 206 Queen Street West and 223 Heretaunga Street West, including for medium density residential apartments, open space areas, carparking and a pedestrian laneway (**Proposal**). I prepared the Heritage Impact Assessment report [**Attachment 12**] submitted as part of the application.

4. In preparing this statement of evidence I have read the section 42A report prepared by Jacqui Manning, the reporting officer for the consent authority, the 'peer review' by Ian Bowman and the submissions which are relevant to my area of expertise.
5. I am familiar with the application site and environs. I have visited the site, on 03.02.2021, 28.06.2022, 04.07.2022, 22.07.2022 (site analysis, context, photographs) and 27.07.2022 (Laneway veranda options).

#### **Code of Conduct**

6. I confirm that I have read the Expert Witnesses Code of Conduct contained in the Environment Court of New Zealand Practice Note 2023. My evidence has been prepared in compliance with that Code in the same way as I would if giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

#### **Scope / Summary of Evidence**

7. My evidence addresses the Heritage aspects of the Proposal and acknowledges the relevant submissions. I rely on my full report, and provide only a summary here. While I have read the s 42A report, there are no matters arising on which I need to comment.
8. My evidence addresses the following matters:
  - (a) Outline of the Proposal;
  - (b) The heritage setting, status and attributes of the buildings;
  - (c) Heritage Impact Assessment;
  - (d) Issues Raised by Submissions; and
  - (e) Conclusion.

#### **Proposal**

9. The proposal is to retain the 1925 heritage façade, including the original first floor fenestration, of the former Hawkes Bay Farmers' Co-operative Garage building at 206 Queen Street West, demolish the remainder of the listed

heritage building (including removal of the 1934 addition) and repurpose some of the barrel trusses. It is proposed to construct medium density housing on the site occupied by the 1934 addition to the former Hawkes Bay Farmers' Garage building. The area of the present East vault is to be developed as a public park.

10. The laneway proposal retains the façade of the building at 223 Heretaunga Street West (including the original clerestory glazing but not the more-recent shopfront) as well as the structural frame, forming a physical and visual link to the open space created on the 206 Queen Street West site.
11. The proposal involves substantial demolition of two heritage buildings. It is proposed to retain the facades (but without incorporating them as 'false fronts' to the new construction) as well as some structural elements.
12. The purpose of the proposed development is to:
  - (a) connect Heretaunga and Queen Streets with the introduction of a new mid-block pedestrian route;
  - (b) create a public open space along the route; and
  - (c) provide a first example in the CBD of inner-city medium density apartment living.
13. Existing vehicular service access routes are retained and new public carparking spaces are provided.
14. I am aware that prior to my involvement, the Applicant investigated numerous options to avoid demolition, however there were significant challenges to retaining or repurposing the heritage building, including:
  - (a) The geotechnical investigation identified high liquefaction risk;
  - (b) The existing foundations were inadequate
  - (c) Peer-reviewed engineering reports identified serious structural inadequacies in the building at 206 Queen St, including:
    - (i) seismic stability (EQ prone building);
    - (ii) bracing;
    - (iii) foundations; and
    - (iv) high to very high liquefaction risk.



- (d) Substantial structural interventions would be required (to achieve 67% NBS), which would compromise the internal volume and spatial qualities. The evidence of Jon Devine addresses this matter in more detail.

- 15. I am also aware that the Applicant undertook consultation during the design stage with Heritage New Zealand Pouhere Taonga (HNZPT) and Historic Places Hawkes Bay (HPHB). I note that both have expressed support for the proposal. Feedback provided was taken into account and influenced the design outcome.

#### **Heritage setting, status and attributes**

- 16. The site is located within the Central Character Precinct of Hastings CBD, between Queen Street and Heretaunga Street in the centre of the 200 block west, one of Hastings' primary retail blocks on the western side of the central railway line. There are a number of heritage-listed buildings in close proximity.
- 17. The two buildings have different heritage status and attributes as follows.

#### ***206 Queen Street***

- 18. 206 Queen St (Former HB Farmers Co-op garage) has considerable heritage value (architectural, social, technological, historic), as recognised by Category II Heritage New Zealand Listing (number 1095) and listing as a Category II Heritage Item (HB46) in the Hastings District Plan. Its ICOMOS grading is Medium.
- 19. Its heritage attributes can be described as follows:
  - (a) The former Hawkes Bay Farmers' Co-operative Garage building at 206 Queen Street West was purpose-built to service the growing motor trade and is probably the oldest surviving motor garage in Hastings.
  - (b) In terms of social and historical values:
    - (i) it is associated with the importance of the Hawke's Bay Farmers' Co-Operative Association and its relationship with the farming community, in particular its co-operative members;
    - (ii) It is an early example of a motor garage and petrol sales from bowsters/pumps; and
    - (iii) Its more recent retail history, which has brought many other people into the building.
  - (c) In terms of architectural and technological values:
    - (i) It was constructed in 1925;

- (ii) It has an Edwardian Commercial style, with curved street parapet, and asymmetric street frontage;
  - (iii) reinforced concrete frame and unreinforced brick (URM) infill panels;
  - (iv) double-barrel steel trussed roof structure;
  - (v) minor damage in the 1931 earthquake (repaired);
  - (vi) a second large barrel vaulted bay was added to the west in October 1934; and
  - (vii) various alterations (interior and exterior), particularly to the shopfronts.
- (d) In terms of townscape heritage values:
- (i) It contributes significantly to the heritage value of the streetscape through its form, materiality and scale; and
  - (ii) Is subsidiary to the adjacent former Hawke's Bay Farmers' Building, in terms of scale, bulk and form, quality of design and construction methodology.

***233 Heretaunga Street***

20. 233 Heretaunga St: accorded limited heritage value. It is recognised as part of a group of buildings in the Hastings Central Character Precinct (Heritage Inventory item 64), but has no heritage listing in either the Hastings District Plan or with HNZPT. Applying the ICOMOS grading, the heritage value is Low.
21. Its heritage attributes can be described as follows:
- (a) The building is one of a group of single storey commercial buildings at 213-223 Heretaunga Street West.
  - (b) It was constructed circa 1926;
  - (c) There is a brick warehouse extension to rear constructed in 1928;
  - (d) It was 'reconditioned' after the 1931 earthquake;
  - (e) It is constructed of reinforced concrete frame with corbelled beams with a full concrete ceiling with malthoid roof membrane; and
  - (f) Is of a simple Art Deco style with muted decorative elements (fluting; Mayan & zig-zag motifs).
  - (g) As part of a group of buildings with consistent parapet and veranda height, design style and age of (re)construction, this building reinforces the heritage values of the streetscape, although the current shopfront is not original.

### **Heritage Impact Assessment**

22. The purpose of the Heritage Impact Assessment (**HIA**) is to assist Council to evaluate the impact of the Proposal in relation to the heritage attributes of the buildings in question, and the effects of the Proposal on the character and amenity of the Central Character Precinct. It is not the purpose of the assessment to reassess the heritage status or consider the viability of the case for demolition.
23. The impact of the Proposal has been assessed in terms of the relevant criteria contained in:
- (a) Relevant Hastings District Plan policies and objectives identified by the Reporting Officer;
  - (b) Hastings District Plan Chapter 7 (Hastings Commercial Environment), Section 7.3M (construction of new buildings) and Section 7.3N external additions and alterations (including demolition);
  - (c) Hastings District Plan Chapter 18 (Heritage), Section 18.1.6A;
  - (d) Heritage New Zealand Pouhere Taonga information sheets (14: Partial Demolition and 17: Assessing Impacts on Historic Areas); and
  - (e) International Council on Monuments and Sites (ICOMOS) guidelines.
24. Applying the ICOMOS assessment matrices:
- (a) The former Hawke's Bay Farmers' Co-operative Garage at 206 Queen Street West has Medium heritage value. The magnitude of impact is moderate (setting) to major (building elements). The significance of effect is moderate to large.
  - (b) 223 Heretaunga Street has Low heritage value. The magnitude of impact is minor (setting) to moderate (building elements). The significance of effect is slight-moderate.
25. With respect to the District Plan policies and objectives, the proposal is:
- (a) Not consistent with protection of significant heritage items; but
  - (b) Consistent/partially consistent with other heritage-related policies and objectives, in particular protecting/enhancing the urban form and streetscape.
26. With respect to the assessment criteria of Chapter 7 (7.3M and 7.3N) of the District Plan:

- (a) The architectural style of the new building is contemporary but respects the character of adjacent heritage buildings through building height, bulk, scale, articulation, size and disposition of openings, creating a consistent urban setting for the heritage façade;
  - (b) The new building is physically and spatially differentiated from the retained façade;
  - (c) A steel 'ghost' frame represents the original form of the building;
  - (d) Construction materials and detailing, including the proposed colour scheme, are consistent with the heritage character;
  - (e) The impact of demolition on the streetscape is minor, as the heritage facades are retained; and
  - (f) Mitigating factors include the reduction of earthquake risk (which would risk losing the facades as well as the buildings themselves, and endangering lives and property), development of an urban park/laneway access/inner city living; inclusion of interpretative material relating to the cultural, architectural and social history of the site (not currently publicly available at the site).
27. With respect to the heritage assessment criteria (Table 18.1.6A) of the District Plan:
- (a) Effects of demolition on the heritage value of the buildings are more than minor; however:
  - (b) Retention of the façade maintains the integrity of the streetscape as a whole; and
  - (c) Adaptive reuse and/or seismic strengthening (EQP building) have been considered and deemed to be impracticable due to the extent and cost.

#### **Submissions**

- 28. No submissions were received opposing the proposal on heritage grounds.
- 29. HPHB: supports in full, based on retention of significant heritage elements.
- 30. HNZPT (Dean Raymond) is neutral, but supports the proposal as a whole due to the diligent consideration of options and engagement with community. NZHPT also supports the conditions and recommendations contained in the HIA report.

#### **Conclusion**

- 31. Preservation of a heritage façade while demolishing the original building is not generally considered a preferred heritage outcome and the effects are clearly

more than minor. However, the assessment finds that on balance the positive effects of the proposal -including preservation of a rare Edwardian Commercial façade; preservation of existing heritage streetscape character; mitigation of seismic risk; new design which maintains historic scale, bulk and articulation; relationship of the new building to the heritage context; enhanced connectivity; creation of new inner-city living and urban public outdoor spaces-including provision of interpretive material are considered to outweigh the negative impact of the loss of heritage fabric.

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Ann M J Galloway  
28 March 2023

**Before an Independent Commissioner of the Hastings District Council**

In the matter of                      the Resource Management Act 1991 (the Act)

And

In the matter of                      An application by Hastings District Council for land use consent for demolition of a heritage building and redevelopment at 206 Queen Street West and 223 Heretaunga Street West.

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**Statement of Evidence of Samuel George Green on behalf of the Applicant  
3 Waters and Traffic Servicing**

Dated 28 March 2023

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**Introduction**

1. My full name is Samuel George Green. I am Senior Civil Design Engineer at CivilTEC New Zealand Limited, Hastings, Hawke's Bay.
2. I have the following qualifications and experience relevant to my evidence:
  - (a) Qualifications - NZDE(Civil), BEngTech(Civil)
  - (b) Professional Membership – Member of Engineering New Zealand (MEngNZ),
  - (c) Experience - 12 years broad civil engineering experience in a range of local authority and private consultancy roles.
3. I have been engaged by the Hastings District Council (**Applicant**) to provide civil engineering advice in relation to the application for land use consent to demolish a heritage building, and to redevelop the site at 206 Queen Street West and 223 Heretaunga Street West, including for medium density residential apartments, open space areas, car parking and a pedestrian laneway (**Proposal**). I oversaw the preparation of the 206 Queen Street West Servicing Report

(J22172-6) and the 206 Queen Street West, Hastings Residential & Commercial Development Parking Assessment submitted as part of the application.

4. In preparing this statement of evidence I have read the section 42A report prepared by Jacqui Manning, the reporting officer for the consent authority, including the recommended conditions. I have read the submissions received on the application, with a particular focus on those raising issues around carparking (noting that these were in support of the application).
5. I am familiar with the application site and environs, having undertaken multiple site visits from 2020 to 2022.

#### **Code of Conduct**

6. I confirm that I have read the Expert Witnesses Code of Conduct contained in the Environment Court of New Zealand Practice Note 2023. My evidence has been prepared in compliance with that Code in the same way as I would if giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

#### **Scope / Summary of Evidence**

7. My evidence addresses the 3 Waters Servicing and Traffic Servicing aspects of the Proposal, and the recommended conditions, with a brief comment on relevant submissions.

#### **3 Waters Servicing**

##### ***Stormwater***

8. The redevelopment of the site will include the establishment of newly landscaped areas, resulting in a reduction of impervious coverage and stormwater runoff compared to the existing situation. However, the runoff coefficients will exceed Hastings District Plan requirements and attenuation will be required. It is proposed to attenuate stormwater runoff from the apartment building roof and discharge to the DN750 main in King Street North via a new DN225 main.

9. The areas adjacent to the building will discharge to Queen Street West and stormwater runoff from sealed surfaces in the carpark west of the building will be discharged to King Street North.
10. The concept design aims to satisfy General Performance Standard 7.3.5L of the Hastings District Plan, which gives the allowable peak stormwater runoff coefficient for development within the Central Commercial Zone as 0.8 during the 1 in 5-year (20% AEP) and the 1 in 50-year (2% AEP) event. It is also proposed to limit discharge from the site during 1 in 100-year (1% AEP) event to the runoff rate associated with a 2% AEP rainfall intensity and 0.8 runoff coefficient.
11. Storage of 15m<sup>3</sup> in above-ground tanks and 1.2m<sup>3</sup> of ground storage for the attenuation of hardstand runoff (draining to King Street North) will be required to limit the overall site runoff to the District Plan stormwater limits.
12. Design Concepts investigated the use of surfacing materials with greater permeability than typical surfacing material, particularly for the car parking areas during the design process. The purpose of this was to ease pressure on the adjacent stormwater network. However, this design option was unable to be progressed following the results of RDCL's Geotechnical Investigation, dated 9 September 2020. The soil profile consisted of very soft clay subgrade as detailed in the Geotechnical Investigation Report. This type of soil condition removed the option to filter the stormwater runoff 'to ground' due to the existing subgrades poor filtering qualities.

#### ***Wastewater***

13. The calculated average daily dry weather flow (ADWF) for the development is 0.163L/s, and the estimated peak wet weather flow (PWWF) is 0.85L/s which is less than the 1.0L/s in any 2 hour period during any 24 hour period which is a Controlled Wastewater criteria detailed in Schedule B, Chapter 7 Hastings District Council Consolidated Bylaw 2021.
14. A connection is proposed into the DN150 sewer main in the western part of the site which drains in a northerly direction and discharges into a DN450 trunk sewer in Nelson Street North, 230m north of the site. HDC's GIS system shows that the portion of the DN150 main in the site was installed in 1915 so



consideration should be given to replacing the main after the site has been cleared and before the new building is constructed, given access will be unimpeded and reinstatement costs will be relatively low. The site survey and scheme plan overlay show that the existing sewer main is 1.2m from the proposed building outline. This is within the easement width that would usually be required by Council, and it is therefore proposed that this pipeline be replaced on an alignment further away from the building removing the risk of damaging the 1915 sewer main when installing the proposed connection.

#### ***Water Supply***

15. The estimated average daily demand for the development is 21,430 litres per day, and the peak-hour flow rate is 3.27 litres per second. A DN50 meter and DN63 connection from the DN100 main in Queen Street West is proposed. It would also be possible to connect to mains in King Street North and Market Street North.

#### ***Firefighting Water Supply***

16. It has not yet been determined whether the building will be fitted with a fire sprinkler system. Specialised advice from fire engineers is expected to be sought regarding fire-fighting system requirements during detailed design stage to ensure compliance with the Building Code.
17. The water supply system can provide fire flows up to 54 litres per second at high residual pressure (700kPa) through the proposed DN150 main from Market Street or the alternative DN150 main along the Queen Street West site frontage. This corresponds with a fire water classification 3 (FW3) which provides for fire cells up to 599m<sup>2</sup> in multistorey un-sprinklered apartment blocks (Table 1 SNZ PAS 4509). If fire sprinklers are installed, the required fire-fighting water flow rate will be 25 litres per second from hydrants plus the flow rate the fire sprinkler system requires to operate.
18. It will therefore be possible to design a system to satisfy fire-fighting water requirements. On-site storage may be required, subject to fire cell size and floor areas and the final fire water classification of the building, which shall be determined by the fire engineer.

19. The Officer's Report recommends a condition as follows, at Condition 45(c):<sup>1</sup>

A water supply connection, system and access for firefighting purpose in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008. The new connection is to include a RPZ back flow preventer.

20. I am satisfied that this condition is appropriate and can be complied with.

#### **Traffic Servicing**

##### ***Parking Assessment***

21. On-site parking is not a requirement of the Hastings District Plan. Nevertheless, car parking for both the residential apartments and for public car parking provision forms part of the Proposal. Therefore understanding likely parking demand and how this will be managed is considered important.
22. The development provides 17 private spaces for apartment residents and a further 18 public car parking spaces. In total, the Proposal will provide 35 parking spaces.
23. Two alternative parking demand methods in the parking assessment indicate a residential parking demand of between 24 – 32 parking spaces, with the most likely being 29 based on car ownership. There is also expected to be demand for 6 parks for the commercial spaces resulting in a required 30 – 38 parks with the most likely being 35 total based on car ownership statistic figures. On the limited occasion when this supply may be exceeded, there is available overspill parking available within Queen Street West, directly fronting the site.

##### ***Vehicle Access***

24. At the access location, the footpath runs hard up against the building line, and inter-visibility can be restricted between exiting vehicles and users on the footway. To improve visibility between users, a localised build-out has been outlined within the accessway against the building line. This effectively pulls vehicles away from the building line improving sight lines meeting Hastings District Plan (Appendix 63) accessway sightline requirements.

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<sup>1</sup> Note there are 2 condition 45(c)'s, so this is technically 45(d).

25. Internal vehicle tracking has been undertaken using a 12.5 m Single Unit Truck in accordance with the Hastings District Plan. This is the largest service vehicle that would be expected to enter the site.

**Comment on Officer's Report and Conditions**

26. I have reviewed and considered the s42A report, and the brief memorandum prepared by Kelly Nikora (3 Waters Senior Engineer).<sup>2</sup> Those documents do not raise any issues with servicing, however there are multiple conditions recommended.
27. I have liaised with Ms Kydd-Smith in reviewing the draft conditions and have had input into the revised set which is provided with her evidence. Key points I wish to make in relation to the proposed conditions are:
- (a) Condition 54 (previously conditions 48,49,50&51) – The 206 Queen Street West Servicing Report (J22172-6) covers off all of the original conditions detailed, therefore an overarching condition for the detailed design to be accordance with the report is appropriate.
  - (b) Condition 56 (previously condition 53a&b) – Removal of wastewater analysis and/or modelling to report demonstrating there is sufficient capacity. Hastings District Council have not provided any reason to believe the main that we propose to connect into has capacity issues therefore it is deemed to be an appropriate point of connection that does not require capacity analysis and this proposed condition should be removed.

**Comment on Submissions**

***Submission 8 – Carparking***

28. Submission 8 by Laura Jones is in support of the proposal but asks that consideration be given to adding more carparks.
29. The development provides 17 private spaces for residents and a further 18 public car parking spaces. In total, the site proposes to offer 35 parking spaces which meets the likely demand total of parks detailed in the parking summary

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<sup>2</sup> Attachment 20 to s 42A Report.

above. Feasibility discussions did take place with Unison in relation to removing the power substation but this would not be able to be completed within project budgets. I am satisfied that parking demand will be met by the Proposal.

***Submissions 23, 24, 26 & 30 – Permeable areas***

30. Submitters 23, Tom Ringrose, 24, Bernadette Krassoi, 26, Walter Breustedt and 30, Josephine Kelly generally seek reduced paved surface areas and increased permeable surfacing.
31. As detailed in the stormwater summary, design surfacing concepts with greater permeability, particularly in the car park areas were investigated during the design process to ease pressure on the adjacent stormwater network. However, the more permeable car park surfacing was unable to be progressed following the completion of RDCL's Geotechnical Investigation dated 9 September 2020. The very soft clay subgrade detailed in the Geotechnical Investigation Report removed the option to filter the stormwater runoff 'to ground' due to the existing subgrades poor filtering qualities.

***Submission 27 - Management of soil contamination.***

32. Submission 27 by Bianca Burns from Hawkes Bay Regional Council raises issues with management of contaminated soils.
33. As per EAM's detailed site investigation, I would recommend a Contaminated Site Management Plan/Remediation Action Plan be required to be prepared for site works, to ensure the safety of all site workers. This will include the following: Health and safety protocols, Excavation protocol, Dust suppression, Unexpected discovery of contamination protocols, Contaminated soil management procedures and options for remediation.
34. This is reflected in Ms Kydd-Smith's recommended conditions 29 & 30.

***Submission by Fire and Emergency New Zealand - Firefighting water supply***

35. As discussed above, preliminary investigations indicates that design of a system to satisfy fire-fighting water requirements is achievable. Specialised advice from fire engineers is expected to be sought regarding fire-fighting system

requirements during detailed design stage to ensure compliance with the Building Code.

36. As noted above, I am satisfied that the recommended condition addressing this matter will be able to be complied with.

**Conclusion**

37. In my opinion, there are no servicing or transportation issues which would prevent the grant of consent. The conditions addressing those matters as set out in the evidence of Ms Kydd-Smith are appropriate and achievable.

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Samuel George Green  
28 March 2023

**Before an Independent Commissioner of the Hastings District Council**

In the matter of                      the Resource Management Act 1991 (the Act)

And

In the matter of                      An application by Hastings District Council for land use consent for demolition of a heritage building and redevelopment at 206 Queen Street West and 223 Heretaunga Street West.

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**Statement of Evidence of Janeen Anne Kydd-Smith on behalf of the Applicant  
Planning**

Dated 27 March 2023

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**Introduction**

1. My full name is Janeen Anne Kydd-Smith. I am a Principal Planner and Director of Sage Planning (HB) Limited, based in Napier.
2. I have the following qualifications and experience relevant to my evidence:
  - (a) Bachelor of Arts (Geography) and a Master of Regional and Resource Planning from the University of Otago.
  - (b) Accredited Commissioner (with Chair Endorsement) through the Ministry for the Environment 'Making Good Decisions' Programme.
  - (c) I have been a practicing planner for over 30 years. Prior to establishing Sage Planning, I was Director of Kydd-Smith Environmental Planning Limited. My work experience includes the role of Senior Planning Consultant with Environmental Management Services Limited in Napier, Planning Manager for MWH in Hastings (now Stantec), and I was employed by Hastings District Council for nearly 10 years – including the role of Development Manager (1998 – 2001), where I was responsible for the consents planning team as well as the environmental health and building consents teams).

- (d) My experience as an Environmental Planner includes resource consent preparation, resource consent processing and decision making on resource consents under delegated authority, and as an Independent Commissioner. I also have experience in district plan preparation and general policy work. I have also prepared and presented evidence to council and Environment Court hearings for councils and other clients.
3. I have been engaged by the Hastings District Council (**Applicant**) to provide planning advice and planning evidence in relation to the application for land use consent to demolish a heritage building, and to redevelop the site at 206 Queen Street West and 223 Heretaunga Street West, including for medium density residential apartments, open space areas, carparking and a pedestrian laneway (**Proposal**). I prepared the resource consent application and assessment of environmental effects reports submitted as part of the application for the 18 and 20 apartments proposals.
4. In preparing this statement of evidence I have read the section 42A report prepared by Jacqui Manning, the reporting officer for the consent authority; the submissions and all other documentation relevant to this resource consent application.
5. I am familiar with the application site and environs, having visited the site on 2 February 2021.

#### **Code of Conduct**

6. I confirm that I have read the Expert Witnesses Code of Conduct contained in the Environment Court of New Zealand Practice Note 2023. My evidence has been prepared in compliance with that Code in the same way as I would if giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

#### **Scope / Summary of Evidence**

7. A full description of the Proposal and an assessment of its effects on the environment and against the relevant statutory provisions is included in the AEE

and s 92 responses which have been provided with the s42A Report. I do not repeat that information here, but rely on it in full.

8. My evidence is therefore limited to a response to the Reporting Officer's Report – particularly the Draft Recommended Conditions.

**Comment on Officer's Report and Conditions**

9. I have read the s42A Report and concur with that report in respect of the following:
- (a) Description of the site and existing environment;
  - (b) Details of the proposal;
  - (c) The relevant provisions of the District Plan and consent requirements, including under the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS);
  - (d) The statutory considerations;
  - (e) The overview/summary of submissions received;
  - (f) Ms Manning's assessment of the objectives and policies and effects of the proposal in relation to the key issues she has identified, being: 'Demolition of Listed Heritage Building'; 'Earthworks, Contamination, Demolition and Construction'; 'Built Form, Character (including Heritage) & Amenity'; 'Transportation' and 'Servicing';
  - (g) Other s104(1)(c) matters;
  - (h) Gateway test;
  - (i) Higher order statutory direction; and
  - (j) The assessment of consistency of the proposal with Part 2 of the RMA; and
  - (k) Closing comments.
10. I note that Ms Manning concurs with my assessment, that the proposal falls to be assessed as a Non-Complying Activity<sup>1</sup> I agree with Ms Manning's conclusion that while the Proposal will have adverse effects on the environment, it is not contrary to the objectives and policies of the District Plan, and therefore passes the threshold for grant of consent.

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<sup>1</sup> Paragraph 4.3, page 14 of the s42A Report.



11. I also agree with Ms Manning's conclusion that the Proposal should be granted consent, on the basis it is broadly consistent with the Plan's objectives and policies and will result in positive effects on the environment, with other adverse effects either acceptable in the circumstances or able to be avoided, remedied or mitigated through conditions of consent.
12. In terms of the conditions, I have reviewed the recommended consent conditions (should consent be granted) that are appended to the s42A Report. While I generally concur with the conditions, I consider that it would be appropriate to make some amendments, as set out below. I note that the majority of the conditions I recommended for inclusion have been adopted in the officer's recommended set.
13. I note that while the Applicant had requested the opportunity to view and discuss the draft conditions prior to the s 42A Report, unfortunately that was not able to occur. As such, and with only 5 working days to review the conditions and prepare evidence, there has been no opportunity to discuss them with Ms Manning. I anticipate that many of these changes will be able to be agreed prior to the hearing or the Applicant's concerns otherwise addressed through amendments. It is anticipated that a version of the conditions with agreed and outstanding conditions will be tabled at the commencement of the hearing.

*Condition 1:*

14. I consider that Condition 1 should be amended to specify the relevant plans and documents (including their relevant Council file references) that the demolition, development and associated car parking, lighting, servicing, and earthworks must be 'in general accordance with'. I understand that this is the general expectation of the Environment Court as best practice, and it would also be consistent with the conditions Council generally imposes on resource consents that it grants. It provides greater clarity and avoids uncertainty as to which documents should be referenced when applying the condition at a later date.

*Condition 3:*

15. Recommended Condition 3 requires the consent holder to give the Manager at least five working days' notice of the intention to commence each "stage" of

the work authorised by the consent, the completion of each stage of works, and the intended first occupancy of the apartment building (including commercial tenancies) on the site. An advice note indicates the “stages” are demolition, earthworks and construction works.

16. There are no formal “stages” proposed as part of the application. I consider that there appears to be no particular benefit or reason for the consent holder to have to notify the Manager of the commencement of every part of the development. I therefore consider that the condition should be deleted and replaced with a standard condition used by the Council in other consents it has granted, which requires that the consent holder notify the Council’s Monitoring Inspector at least two working days prior to demolition and/or earthworks activities commencing on the site.

*Condition 4:*

17. Recommended Condition 4 requires the consent holder to hold a pre-start meeting prior to commencement of earthworks and/or construction activities. I consider that this condition should be deleted, as all relevant matters identified for discussion within the condition will have already been addressed within the relevant management plans required to be prepared under the consent conditions.

*Condition 13:*

18. Recommended Condition 13 requires the consent holder to submit an Acoustic Design Report to the Manager prior to commencement of any site works. I consider that the wording of the condition should be amended so that the Acoustic Design Report must be submitted prior to commencement of ‘the construction of the main building on the site’, and ‘detailing how the residential units will be designed and constructed to comply with the noise limits specified in General Performance Standard and Term 25.1.7C of the Hastings District Plan for noise sensitive activities in the Central Commercial Zone’. I consider this amendment is appropriate, as it is only the apartment building that must comply with the Standard, not all site works.

*Conditions 15 and 16:*

19. Recommended Condition 15 requires the lots comprising the site to be amalgamated or otherwise legally held together and Condition 16 requires submission of documentation supporting compliance with Condition 15. I do not support these conditions and I consider that they should be deleted. While there is provision in s 220 RMA for conditions to be imposed requiring land to be amalgamated or held together on subdivision consents, my understanding is there is no such ability for land use consents. My understanding is that the Building Act is the appropriate mechanism to rely on in this situation, where a building is constructed over existing property boundaries (for instance, s 75 Building Act 2004).
20. There are also existing easements on the accessway lot on the northern boundary of the site that allow access for other properties over the site. Amalgamation will not be required to provide for that continued access.

*Condition 17:*

21. Recommended Condition 17 restricts all demolition, earthworks and external construction works to between the hours of 7.30am and 5.00pm Monday to Friday (inclusive). It also requires that none of these works be carried out on Saturdays, Sundays and public holidays, or between the 20 December and 10 January in any year. I consider that this condition is inappropriate, as there is no apparent environmental effects basis for it.
22. I note that there is already a requirement for the consented activities to comply with the Construction Noise standard (under Recommended Condition 18) and this is considered sufficient to deal with potential noise effects. The development site is located within a commercial zone where there are no residential activities located in close proximity, so I do not consider the limitation on construction hours is required to mitigate effects on noise sensitive receivers. Indeed, carrying out construction outside of working hours where possible is likely to result in fewer adverse effects on surrounding businesses and workers.

*Condition 19:*

23. Recommended Condition 19 requires the consent holder to suppress dust and particulate matter at all times during earthworks and construction works to ensure that no airborne or deposited dust and particulate matter is deposited beyond the site boundaries.
24. I consider that it would be more appropriate to replace the recommended condition with three conditions (Conditions 19-21) relating to sediment and dust control, to require that:
  - (a) there be no off-site deposit of sediment or detritus from the area of the works and no deposit of sediment or detritus resulting from demolition and earthworks in any watercourse, stormwater drain or public road;
  - (b) the consent holder submits a Sediment and Dust Control Plan (SDCP) by an appropriately qualified person to the Manager, for certification, prior to the commencement of any work on the site; and
  - (c) the consent holder installs sediment and dust controls in accordance with the certified SDCP prior to the commencement of the works and that these controls be maintained throughout the period of the works to the satisfaction of the Manager.
25. I consider that these amendments would make the conditions more consistent with the types of conditions the Council has imposed on other consents, including the Hansen Trust Company Limited consent I refer to above. I consider the above formulation provides more clarity around what is required to be avoided and how that is to be achieved.

*Conditions 20 and 21:*

26. Recommended Condition 20 requires the consent holder to submit a Demolition Management Plan (DMP) to the Manager no less than 20 working days prior to the commencement of any on-site demolition works. I consider that the last sentence of the condition should be deleted, as it is unnecessary, because Condition 21 sets out (in more detail) what the DMP must address.
27. I have recommended a number of changes to Recommended Condition 21 for clarification, and to remove matters that will be addressed under the SDCP, the Contaminated Site Management Plan / Remedial Action Plan (CSMP/RAP) and the noise conditions (Conditions 18 and 19).

28. I also consider that Condition 21(m), which requires the DMP to include protocols to be adopted for the discovery of any unrecorded archaeological site, should be deleted as it is unnecessary. It is proposed that an approved Archaeological Authority from Heritage New Zealand Pouhere Taonga will be obtained under the Heritage New Zealand Pouhere Taonga Act 2014 prior to commencement of any site works. This is already referred to under the Advice Notes at the end of the recommended consent conditions.

29. I have also recommended the inclusion of three new conditions (Conditions 23-26) to require the consent holder to submit a Site Remedial Plan for post-demolition, for all works to be completed in accordance with the Council's Engineering Code of Practice, and be undertaken by a contractor who is pre-approved to undertake works within the public road reserve.

*Conditions 22 and 23:*

30. Recommended Condition 22 requires the consent holder to submit a CSMP / RAP no less than 20 working days prior to the removal of the concrete floor of the HB Farmers' Garage, removal of the tank(s) and/or the commencement of any earthworks on the site. Recommended Condition 23 specifies what the CSMP / RAP must address (at a minimum).

31. I consider that clause a. of the condition is unnecessary and should be deleted. I also consider that Condition 23 should be amended to delete a number of matters that are already required to be dealt with under the SDCP and the DMP, delete references to staging of works, and to clarify.

*Conditions 24-27:*

32. I consider that these conditions should be amended to include reference to the SDCP that I have recommended be required (as referred to above).

*Conditions 40 and 36:*

33. I consider that the wording of Conditions 40 and 46 should be amended for clarification.

*Condition 39:*

34. Recommended Condition 39 requires the consent holder to submit a sediment control plan. I consider that this condition should be deleted, as this matter is already covered under new Condition 20, which requires the consent holder to submit a SDCP.

*Conditions 46 and 47:*

35. I recommend that minor amendments be made to these conditions for clarification.

*Condition 43:*

36. Recommended Condition 43 requires that all public drains located on private property be protected by easement in gross in favour of Council 'and the dimensions of the assessment shall be detailed on the plan'. It is unclear what 'plan' the condition is referring to, and the reference appears to be unnecessary. I therefore consider that the words 'and the dimensions of the assessment shall be detailed on the plan' should be deleted.

*Condition 47:*

37. Recommended Condition 47 requires that there be no obstruction of access to public footpaths/berms, private properties, public services/utilities or public reserves resulting from the construction and/or earthworks activities. As it is likely that the consent holder's contractor will require the footpath to be closed during works, I consider that the condition should be amended by adding the words 'unless otherwise approved as part of the Traffic Management Plan / traffic management measures required under Conditions 58 and/or 59'.

*Conditions 48 - 51:*

38. Recommended Conditions 48 to 51 relate to stormwater management and specify what stormwater reticulation for the development shall include. The Infir Servicing Report submitted with the application already sets out the matters specified under the condition. As such, I consider that the condition should be amended so that it requires the stormwater discharge from the site for the development to not exceed the pre-development level, and that this

must be achieved by the provision of off-line stormwater attenuation tanks and attenuation in the carparking / vehicle manoeuvring area, and by directing all additional drainage to King Street North, in accordance with the "206 Queen Street West Servicing Report" (prepared by Infir and referenced J22172-6, dated 16 December 2022). This wording is consistent with the stormwater management condition requested by the Applicant.

*Condition 53 a) and 53 b):*

39. Recommended Condition 53 a) and b) requires that the wastewater reticulation design includes detailed wastewater analysis and/or modelling report demonstrating there is sufficient capacity, and detailed alternative design of localised network upgrades should wastewater analysis and/or modelling demonstrate localised network upgrades are required. As this work has already been completed by the Applicant, as set out in the Infir Servicing Report, I consider that these clauses of Condition 53 should be deleted.

*Condition 54 a):*

40. Recommended Condition 54 a) requires access and parking to include construction detail, specification and maintenance programme for any permeable paving proposed. As no permeable paving is proposed for the development, due to soil contamination issues on the site, and the poor filtering qualities of the soils<sup>2</sup>, I consider that this clause should be deleted.

*Condition 57 a):*

41. Recommended Condition 57 a) refers to accesses and manoeuvring areas with permeable paving. As I have advised above, no permeable paving will be provided on the site due to soil contamination issues. I therefore consider that the clause should be deleted.

*Condition 58 a):*

42. Recommended Condition 58 a) requires detailed design of the interface between the access way and the footpath at the Queen Street West crossing. A design for the Queen Street West crossing was set out in the Urban Connection

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<sup>2</sup> Refer to paragraph 30 of Sam Green's Civil Engineering evidence for the Applicant.

Parking Assessment report (dated November 2022). I therefore consider that the condition should be amended to require detailed design for the vehicle crossing to be in accordance with Section 8 'Vehicle Access' of the Urban Connection report.

*Condition 61:*

43. Recommended Condition 61 requires that a Public/Greenspace Plan be prepared. I consider that clause b) of the condition should be amended to refer to the need for the Plan to give 'Consideration of the expression of the pre-1867 natural environment through use of stormwater gardens and capturing water for an urban wetland environment', as the final design for the greenspace will be subject to consultation with tangata whenua and the community, and it is not yet certain if this approach will be taken.
44. I also consider that two new clauses should be added to Condition 61 (i.e. new clauses g and h) in response to matters raised in submissions, to require consideration to be given in the Plan to the provision of 'hard' and 'soft' landscaping and shaded areas.

*Condition 66:*

45. Recommended Condition 66 requires landscaping to be maintained by the consent holder for the life of the consent, and for any dead, diseased or damaged landscaping to be replaced. I consider that this condition should be deleted as it is already covered under Condition 65.

*Various Conditions:*

46. As a consequence of the amendments that I have recommended be made to conditions above, I recommend that the numbering of the conditions generally be amended as appropriate.
47. My recommended amendments to the conditions are shown as tracked changes in **Attachment 1** to my evidence.

**Conclusion**

48. I generally concur with the s42A Report's assessment of the application and submissions and its recommendation to grant consent pursuant to section 104B



of the RMA, subject to the imposition of appropriate conditions under s108 of the RMA.

49. As set out in my evidence above, I have recommended that amendments be made to the Reporting Officer's recommended conditions.

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Janeen Kydd-Smith  
27 March 2023

ATTACHMENT 1

Amendments to s42A Reporting Officer’s Recommended Conditions

## DRAFT CONDITIONS – RMA20220352

### Interpretation

Wherever used in the conditions below, the following terms shall have the prescribed meaning:

**CCTV** mean closed circuit television

**Council** means the Hastings District Council

**CSMP** means a Site-wide Contaminated Site Management Plan

**DMP** means Demolition Management Plan

**DSI** means Detailed Site Investigation

**ECOP** means **Council's** Engineering Code of Practice 2020

**Hastings District Plan** means the Partially Operative Hastings District Plan (March 2020)

**HB Farmers' Garage** means Hawke's Bay Farmers' Cooperative Garage building

**LMP** means Landscape Management Plan

**Main building** means the residential and commercial mixed-use building located on the Queen Street West frontage of the **site**

**Manager** means the Environmental Consents Manager, Planning and Regulatory Services, of **Council** or their nominee

**NES-CS** means the *Resource Management (National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011*

**RMA** means the Resource Management Act 1991

**RAP** means Remedial Action Plan

**SDCP** means [Sediment and Dust Control Plan](#)

The **Site** means the land subject to this resource consent at 206 and 218 Queen Street West and 223 Heretaunga Street West, Hastings [legally described as Lot 1 DP 13663, Lot 1 DP 5310, Lot 1 DP 22385, Lot 2 DP 22385, Lot 3 DP 22385, and Lot 3 DP 16426]

**SQEP** means Suitably Qualified Environmental Practitioner

### General

1. The demolition, development and associated landscaping, car parking, lighting, servicing, and earthworks shall be in general accordance with the proposal, plans and information submitted in the application documentation<sup>1</sup> and formal responses to further information requests<sup>2</sup>, unless otherwise altered by the conditions of this consent.

<sup>1</sup> HDC Ref: RMA20220352 – As amended by revised 20-unit development lodged with **Council** by Sage Planning HB Limited, dated 6 February 2023

<sup>2</sup> Pursuant to s92 (**RMA**)

Item 2 Applicant's pre-circulated evidence for Notified Resource Consent Application For Proposed Medium Density Residential Living in the Hastings Central Commercial Zone - 206 Queen Street West, Hastings (RMA20220352)

Janeen Kydd-Smith - Planning (applicant evidence)

Attachment 6

Draft Recommended Conditions

Attachment 21

**Notes:**

- Where there is any apparent conflict between the revised application referred to by condition 1 and the following conditions of consent, the following consent conditions shall prevail.
- The consent holder should note that this resource consent does not override any registered interest on the Record of Titles for the **site**.

2. The consent holder shall ensure that a copy of this consent and all documents and plans referred to in this consent are kept on **site** at all times while work is being undertaken, and:

- a. Provided to all parties undertaking works authorised by this consent; and
- b. Presented to any **Council** officer on request.

**Notes:**

- The retention on site via electronic means is deemed to satisfy the condition.

3. The Monitoring Inspector shall be notified at least two (2) working days prior to demolition and/or earthworks activities commencing on the **site**. Please contact the Monitoring Inspector at email [rmonitoring@hdc.govt.nz](mailto:rmonitoring@hdc.govt.nz). The consent holder shall give the **Manager** at least five working days notice of:

- ~~a. the intention to commence each stage of works authorised by this consent;~~
- ~~b. the completion of each stage of works authorised by this consent; and~~
- ~~c. the intended first occupancy (commercial and/or residential) of the building on the site.~~

**Notes:**

- ~~• Failure to notify **Council** as stated in the above condition may result in enforcement action.~~
- ~~• In respect of this condition, the reference to "stage of works" on the **site** is reference to demolition, earthworks (i.e. filling), and construction works (building and services).~~

4. Prior to the commencement of the earthworks and / or construction activities, the consent holder shall hold a pre-start meeting that:

- ~~a. is located on the **site**;~~
- ~~b. is scheduled not less than 5 days before the anticipated commencement of earthworks and / or construction as notified by Condition 3(a);~~
- ~~c. includes **Council** officer[s] Development Engineer, Transportation Engineer, Parks Officer, RC Monitoring and Compliance; and~~
- ~~d. includes representation from the contractors who will undertake the works and any suitably qualified professionals if required by other conditions of this consent.~~

**Notes:**

- ~~• To arrange the pre-start meeting please contact the Monitoring Inspector on phone (06) 871 5000 or email [rmonitoring@hdc.govt.nz](mailto:rmonitoring@hdc.govt.nz) and Development Engineer on email [developmentengineer@hdc.govt.nz](mailto:developmentengineer@hdc.govt.nz).~~
- ~~• The conditions of consent should be discussed at this meeting.~~
- ~~• All information required by **Council** and listed in that condition should be provided 5 days prior to the meeting.~~

Draft Conditions – RMA20220352

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#### Heritage Item

##### Photographic Record

5. Prior to the commencement of any **site** works, a photographic record of the **HB Farmers Garage** at 206 Queen Street West shall be prepared and submitted to the **Manager**.
  - a. The record shall particularly include the building's steel barrel vault trusses, curved roof form, exposed concrete structural frame, brick infill panels, fuel inlet valves, evidence of the former service pits (visible in the existing floor slab), evidence of the former mezzanine floor (as indicated by plans and column remnants), roof ventilators and the expressed beam and column structure.
6. Prior to the commencement of any **site** works, a photographic record of the building at 223 Heretaunga Street West, shall be prepared and submitted to the **Manager**.

##### Façade Strengthening - HB Farmers' Garage

7. Prior to commencement of any **site** works, the consent holder shall prepare and submit to the **Manager**, details of the final design for the strengthening of the façade which shall be certified by a suitably qualified and experienced heritage architect as achieving/ including the following:
  - a. seismic strengthening elements located to correspond with the existing structural frame and members at parapet level follow the curved form of the parapet;
  - b. the secondary frame shall reflect the original 1925 façade, such that horizontal elements align with the parapet and mid-floor structural frames; and
  - c. details of member dimensions, junctions and connections, and the design of the screen elements are provided.

#### Overall Site Development

##### All Roof Surfaces

8. All roof surfaces shall be constructed from inert materials or painted with non-metal-based paint and maintained in good order.

##### Paint Colours

9. The exterior of the two retained building façades and any painted surfaces of the exterior of the **main building**, shall be finished in colours in accordance with the following:
  - a. Exterior walls shall be painted in any colour from the British Standard Colour Range BS5252 A, B, or C31, C33, or C35 categories.
  - b. Trims (including window frames, doors, balustrades, or any architectural detailing or plaster decoration on the exterior façades) shall be painted in any colour from the British Standard Colour Range BS5252 A, B, C, or D categories.

##### Note:

- The British Standard BS5252 Colour Range colour chart is available from any paint supplier.

- Further guidance for colour scheme planning is provided within the Hastings CBD Architectural Design Guide.

#### **Main Building Exterior Design**

10. Prior to commencement of any **site** works, the consent holder shall prepare and submit to the **Manager** a final design for the exterior of the **main building** to the **site**, which shall be certified by a suitably qualified and experienced heritage architect as achieving/ including the following:
  - a. the style of the **main building** is contemporary but respects the character of adjacent heritage buildings regarding size, disposition of openings, bulk, scale and articulation, building materials, depth of window reveals, and width of columns;
  - b. plastered walls of the **main building** have a simple cornice in keeping with detailing of adjacent heritage buildings (i.e. not simply a metal cap flashing);
  - c. brick elements are unpainted; and
  - d. the **main building** is differentiated from the retained façade of the **HB Farmers Garage** by a 6-metre-wide setback.

#### **223 Heretaunga Street Façade**

11. The new glazed canopy and frame associated with the retained façade of the building at 223 Heretaunga Street West shall be within the existing veranda fascia.
12. All structural works to support retention of the existing façade of the building at 223 Heretaunga Street West shall be constructed so that no part of the structure protrudes above the existing façade or beyond the existing recession plane of the existing building.

#### **Building Acoustic Insulation Design**

13. Prior to commencement of ~~the construction of the main building on the~~ **site works**, an Acoustic Design Report prepared by a suitably qualified and experienced acoustic engineer shall be provided to the **Manager** ~~addressing detailing compliance post construction in relation to the design of~~ **how** the residential units ~~will be designed and constructed to comply~~ with the noise limits specified in ~~the~~ General Performance Standard and Term 25.1.7C of the **Hastings District Plan** for noise sensitive activities in the Central Commercial Zone.
  - a. The Acoustic Design Report's author shall provide to the **Manager** a certificate confirming that the means given within the Acoustic Design Report will be adequate to ensure compliance with the acoustic design requirements specified in the Standard and Term.

#### **Note:**

- To achieve compliance while at the same time ensuring adequate ventilation, noise sensitive rooms with doors and windows or other openings ~~opening~~ to the outdoors may need to utilise other methods to meet the ventilation requirements of the Building Act and relevant codes thereunder.

**The Site**

14. Prior to the commencement of construction of the **main building** on the **site**, the consent holder shall provide to the **Manager** the documentation confirming that the access lane and external car parking to the northern boundary of the **site** (and **main building**) having been vested in **Council** as a 'Service Lane'.

**Note:**

- The vesting of the 'Service Lane' should not result in any parcel of land not having legal and physical access to road.

15. Lot 1 DP 13663, Lot 1 DP 5310, Lot 1 DP 22385, Lot 2 DP 22385, Lot 3 DP 22385, and Lot 3 DP 16426 shall be amalgamated, or otherwise legally held together, in order that all the specified parcels cannot be partitioned off without the prior approval of **Council**, except as to provide for condition 14.
16. At any time prior to the date given in the first notice required under condition 3(a) for demolition works, the consent holder shall provide to the **Manager** the documentation meeting condition 15.

**Demolition, Earthworks, and Construction (including NES-CS)**

**Hour and Days of Work**

17. All demolition, earthwork, and external construction works authorised by this consent shall only occur between the hours of 7.30am and 5.00pm Monday to Friday (inclusive).
- a. No works shall be carried out on Saturdays, Sundays, public holidays or between 20 December and 10 January in any year.

**Noise**

18. At all times all noise from demolition, maintenance, earthworks, and construction work shall comply with and be measured and assessed in accordance with NZS 6803:1999 *Acoustics – Construction Noise*.

**Sediment and Dust Control**

19. There shall be no off-site deposit of sediment or detritus from the area of the works and no deposit of sediment or detritus resulting from demolition and earthworks in any watercourse, stormwater drain or public road.
- 19-20. The consent holder shall at all times during earthworks and construction works suppress dust and particulate matter to ensure no airborne or deposited dust and particulate matter is deposited beyond the site boundaries. The consent holder shall submit a **SDCP** by an appropriately qualified person to the **Manager** for certification prior to the commencement of any work on the **site**. The plan shall detail how sediment, dust and erosion controls will be carried out at the **site** in accordance with current engineering best practice. A statement shall be included with the plan stating the author's qualifications and experience in this area.

**Note:**

- The RC Monitoring and Compliance Officer of the **Council** will determine any non-compliance with this condition on the basis that in their opinion the dust or particulate matter is noxious, offensive or objectionable.

21. The consent holder shall install sediment and dust controls in accordance with the certified **SDCP** required by Condition 21 above prior to the commencement of the works and that these controls shall be maintained throughout the period of the works to the satisfaction of the **Manager**.

### Demolition

~~2022.~~ No less than 20 working days prior to the commencement of any **site** demolition works, the consent holder shall ~~provide~~ submit a **DMP** to the **Manager** for certification. ~~The purpose of the DMP is to ensure demolition effects including noise, dust and sediment control, human health, vehicle traffic and vibration are effectively managed.~~

~~2423.~~ The **DMP** shall be prepared by a suitably qualified expert(s) and ~~address~~ detail the following (at the minimum):

- ~~a.~~ the suitably qualified engineer retained to supervise the protection, support and strengthening of the facades during demolition;
- ~~b.~~ description of the works, laydown areas, anticipated equipment, and processes how the works will be carried out, including timing and staging, and how the demolished material will be removed from the site;
- ~~bc.~~ measures to ensure those parts of the heritage building(s) to be retained are protected and that conditions 5 to 7 have been met;
- ~~ed.~~ demolition hours of operation and anticipated ~~duration~~ timeframe for completion of demolition works;
- ~~de.~~ methodology for the timing and staging of existing building demolition and associated site works; how the general public safety will be maintained at the site, including the location and use of any demolition/health and safety signage;
- ~~ef.~~ how traffic will be managed in accordance with current engineering best practice, including: measures to manage demolition vehicle traffic and parking;
- ~~fi.~~ measures to manage demolition vehicle traffic and parking; and
- ~~ii.~~ details of on-site access, turning and manoeuvring for heavy vehicles (if any);
- ~~g.~~ identification of all possible receptors identified within the **DSI** associated with demolition works, the potential health risks, and the measures to address those risks;
- ~~h.~~ the location and content of any demolition/health and safety signage proposed;
- ~~ig.~~ erosion and sediment control measures including (but not limited to) details of any measures to control mud and detritus from vehicles from entering the surrounding road network and adjoining land;
  - ~~i.~~ measures to prevent fugitive dust and windblown sediment beyond the site boundary to satisfy condition 10;
  - ~~ii.~~ measures / procedures to manage sediment content in construction stormwater;
  - ~~iii.~~ details of any measures to control mud and detritus from vehicles onto the surrounding road network or adjoining land;
- ~~j.~~ measures adopted to satisfy condition 17;
- ~~k.~~ maintenance of local drainage paths from adjoining properties;
- ~~l.~~ demolition noise control measures, including (but not limited to):
  - ~~i.~~ measures adopted to satisfy condition 18;
  - ~~ii.~~ identification of any sensitive activities where noise criteria or limits apply;
  - ~~iii.~~ mitigation options to be used, and possible alternatives;
  - ~~iv.~~ any protocols to be adopted by demolition equipment operators;
- ~~m.~~ protocols to be adopted for the discovery of any unrecorded archaeological site;
- ~~nh.~~ contact details for **site** manager;
- ~~oi.~~ measures for communicating with neighbouring landowners and occupants about proposed works prior to works commencing; and
- ~~pi.~~ complaints procedures and register; and
- ~~q.~~ procedures for the monitoring, audit, and review of the DMP.

A statement shall be included with the DMP stating the author's qualifications and experience in this area.



**Notes:**

- The demolition and strengthening work will require a building consent prior to commencement of work.
- The **DMP** does not address the uplifting and removal of the concrete floor or fuel tank(s) as these require further investigation upon removal of the surrounding building structure and could require management.
- The **Manager** will either certify, or refuse to certify, the **DMP** within 20 working days of receipt.
- Should the Manager refuse to certify the **DMP**, then the Manager will provide a letter outlining why certification is refused based on the parameters contained in this condition.
- Provided that the information requirements are addressed by the **DMP**, certification will not be withheld.
- The **Manager** may seek advice from a Certified Environmental Practitioner in respect of the information required by condition 21(g).

24. No less than 20 working days prior to the commencement of any site demolition works, the consent holder shall submit for certification by the Manager, a Site Remedial Plan for post-demolition which shall include, but is not limited to, measures ensuring that the site is left in a tidy and safe state in the interim between demolition and redevelopment of the site.

25. All works shall be completed in accordance with the **ECOP**.

26. All works within the public road reserve shall be undertaken by a contractor who is pre-approved to do so by the Council.

**Contaminated Site Management Plan and Remedial Action Plans (NES-CS)**

2227. No less than 20 working days prior to the commencement of the removal of the concrete floor of the **HB Farmers' Garage**, removal of the tank(s) and/or the commencement of any earthworks on the site the consent holder shall provide to the Manager a **CSMP / RAP** prepared by a Suitably Qualified and Experienced Practitioner (SQEP) under the NES-CS to the Manager for certification.

a. The CSMP / RAP shall address the construction phase on the site. The objective of the CSMP / RAP is to ensure, the protection of the health of any worker, and that ground level demolition, fuel tank removal, excavations, remediation or removal of soil, and construction activities, including dust and sediment control, are undertaken in accordance with this consent and best practice, and effects are effectively managed.

b. The CSMP / RAP shall be prepared by a suitably qualified expert(s).

2328. The **CSMP / RAP** required under Condition 29 above shall address the following (at the minimum):

- a. description of the works, laydown areas, anticipated equipment, and processes for earthworks and construction;
- b. hours of operation and anticipated duration of works;
- c. methodology for the timing and staging of site works and new building construction, in particular earthwork and construction phases;
- d. excavation protocols and excavation erosion and sediment control measures including (but not limited to);
  - i. measures to prevent fugitive dust and windblown sediment within and beyond the site boundary;
  - ii. measures to manage sediment (including silted water) and contaminant content in construction stormwater;
  - iii. details of any measures to control mud and detritus from vehicles onto the surrounding road network or adjoining land;

Draft Recommended Conditions

Attachment 21

- ~~eg. the remedial objectives, tank(s) removal protocols, and health and safety protocols, including identification of all possible receptors associated with the uplifting and removal of the concrete floor and fuel tank(s), the potential health risks, and the measures to address those risks;~~
- ~~b. excavation protocols;~~
- ~~c. dust suppression and sediment control;~~
- ~~df. unexpected discovery of contamination protocols;~~
- ~~ge. contaminated soil management procedures and options for remediation, including off-site disposal of contaminated soil under controlled conditions to an authorised facility or landfill for disposal in accordance with the requirements of the disposal site and the relevant authority; and~~
- ~~hf. contact details for the suitably qualified and experienced land contamination expert appointed to oversee and manage the earthworks;~~
- ~~i. measures to manage construction vehicle traffic and parking.~~
- ~~j. details of on-site access, turning and manoeuvring for heavy vehicles during earthwork and construction phases;~~
- ~~k. the location and content of any construction signage proposed;~~
- ~~l. measures adopted to satisfy conditions 17 and 19;~~
- ~~m. maintenance of local drainage paths from adjoining properties;~~
- ~~n. construction noise control measures, including (but not limited to):~~
- ~~i. measures adopted to satisfy condition 18;~~
- ~~ii. identification of any sensitive activities where noise criteria or limits apply;~~
- ~~iii. mitigation options to be used, and possible alternatives;~~
- ~~iv. any protocols to be adopted by construction equipment operators;~~
- ~~o. procedures for the management of vibration effects, including (where relevant) measures to operate within the limits set out in German Standard DIN 4150-1999-02 Structural Vibration—Effects of Vibration on Structures;~~
- ~~p. contact details for site manager; and~~
- ~~q. measures for communicating with neighbouring landowners and occupants about proposed works prior to works commencing;~~
- ~~r. complaints procedures and register; and~~
- ~~s. procedures for the monitoring, audit, and review of the CSMP /~~

**RAP. Notes:**

- The **Manager** will seek advice from a Certified Environmental Practitioner in respect of the technical **NES-CS** matters.
- The **Manager** will either certify, or refuse to certify, the **CSMP / RAP** within 20 working days of receipt.
- Should the **Manager** refuse to certify the **CSMP / RAP**, then the **Manager** will provide a letter outlining why certification is refused based on the parameters contained in this condition.
- Provided that the information requirements are addressed by the **CSMP / RAP**, certification will not be withheld.

**2429.** Should the **Manager** refuse to certify the **SDCP, DMP** or **CSMP / RAP**, the consent holder shall submit a revised **SDCP, DMP** and/or **CSMP / RAP** to the **Manager** for certification.

- The certification process shall follow the same procedure and requirements as outlined in conditions **20-21, 24** and **24-25**, or **22-29** and **23-30** as relevant.
- No demolition work shall commence on the **site** prior to the **DMP** being certified.
- No earthworks, **removal of the concrete floor and fuel tank(s) removal**, or construction work shall commence prior to the **CSMP / RAP** being certified.

**2530.** Prior to any demolition, soil disturbance, and/or earthworks activities, the consent holder shall ensure that all environmental controls and sediment / erosion measures outlined in the **SDCP, DMP** and **CSMP / RAP** are in place.

- These measures shall be maintained throughout the duration of the demolition, earthworks and construction work phases at the **site**.

Item 2 Applicant's pre-circulated evidence for Notified Resource Consent Application For Proposed Medium Density Residential Living in the Hastings Central Commercial Zone - 206 Queen Street West, Hastings (RMA20220352)

Janeen Kydd-Smith - Planning (applicant evidence)

Attachment 6

Draft Recommended Conditions

Attachment 21

~~2631.~~ All demolition, earthworks, disturbance works associated with the remediation or removal of contaminated soils, fuel tank(s) removal, and construction work on the **site** shall be carried out in accordance with the certified ~~SDCP, DMP~~ and **CSMP / RAP** for the works.

~~2732.~~ The ~~SDCP, DMP~~ and **CSMP / RAP** may be amended at any time by the consent holder.

- a. Any amendments to the ~~SDCP, DMP~~ or **CSMP / RAP** shall be submitted by the consent holder to the **Manager** for certification.
- b. If the amended ~~SDCP, DMP~~ or **CSMP / RAP** ~~are is~~ certified, then ~~it they~~ becomes the certified plan for the purposes of conditions ~~21, 24, 25, 29~~ and ~~2630~~.
- c. Any amendments to the ~~SDCP, DMP~~ or **CSMP / RAP** shall be:
  - ~~i. for the purposes of improving the measures outlined in the DMP or CSMP / RAP for achieving the DMP or CSMP / RAP purpose (see conditions 20 and 22); and~~
  - ~~ii. i.~~ consistent with the conditions of this resource consent; and
  - ~~iii. ii.~~ prepared by a suitably qualified expert(s).

**Note:**

- Any amendment to the ~~SDCP, DMP~~ and/or **CSMP / RAP** cannot be implemented until certification is received.

~~2833.~~ Any excavated soil, identified by the **CSMP / RAP**, as requiring off-site disposal, is to be removed under controlled conditions to an authorised facility or landfill for disposal in accordance with the requirements of the disposal site and the relevant authority.

~~2934.~~ Within two (2) months of the completion of the site remediation earthworks, the consent holder shall submit a Validation Report to the **Manager**.

~~3035.~~ The ~~V~~validation ~~R~~report required by condition ~~2936~~ shall:

- a. Be prepared in general accordance with the Contaminated Site Management Guidelines No.1 Guidelines for Reporting on Contaminated Sites in New Zealand, Ministry for the Environment, 2011.
- b. Include, but not be limited to:
  - i. A summary of the works undertaken;
  - . Reports of any complaints and breaches of the procedures set out in the **CSMP / RAP**, or with the conditions of this consent;
  - i. A summary of any testing undertaken, tabulated analytical results, and interpretation of the results in the context of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES-CS**);
  - ii. Volumes of soil and copies of the disposal dockets for the material removed from the site;
  - iii. A figure showing the areas where contaminated soil (i.e. above guideline values specified in the **CSMP / RAP**) are left on site; and

- vi. Results of testing of any imported fill material to ensure compliance with the definition of 'cleanfill', as per 'A Guide to the Management of Cleanfills', Ministry for the Environment (2002).

3436. If work on **site** is abandoned, the consent holder shall take adequate preventative and remedial measures to control sediment discharge and shall thereafter maintain those measures for so long as is necessary to prevent sediment discharge from the **site**.

## Engineering

### Pre-Site Works

3237. Prior to any **site** works commencing,

- the roles and responsibilities for design and development for the duration of the demolition, earthworks, and construction phases of the development; and
- the details of the Chartered Engineer who will act as the consent holder's representative for the duration of the development,

shall be provided to the **Manager**.

3338. Notwithstanding any Building Consents required, Prior to any site works commencing, other than building demolition, the consent holder shall submit copies of the documentation, detailed engineering design, plans, drawings, plans and specifications for all proposed engineering works prepared by a suitably qualified and experienced CPEng Civil Engineer for certification by the **Manager** to satisfy conditions 3239, 36-43 to 3945, 4349, and 45-51 to 5760 and 59.

- All design and works shall be in accordance with **Council's ECOP**.
- No works shall commence until the plans-engineering design drawings, plans and specifications are certified by **Council's** Development Engineer.
- All works shall be carried out in strict accordance with the certified engineering drawings, plans and informationspecifications.

### Notes:

- Engineering drawings shall contain sufficient detail to clearly illustrate the proposal to enable assessment of compliance with **Council's ECOP**.
- The information will not be deemed complete unless accompanied by Form 4, as contained within Appendix 62 of the **Hastings District Plan**, signed by a CPEng Civil Engineer certifying that the road, accesses/parking area, stormwater system and overland flow path, wastewater and water systems have been designed in accordance with **Council's ECOP**.
- One hard copy and one electronic version (PDF) of complete engineering plans (including engineering reports, calculations and specifications) shall be submitted to **Council's** Development Engineer.
- All drawings submitted shall clearly mark all drains/connections, OFP, road and services as being either public or private.
- The engineering plans and documents are to be submitted to the developmentengineer@hdc.govt.nz email address and shall include in the subject line RMA20220352 number, property address and what is related for (i.e. EPA approval for ....)

- The engineering plans submitted for approval shall be accompanied by a technical memo specified what is for the application, which condition of RC is related to, supporting documents, roles and responsibilities.

#### Post Site Works

[3439](#). Prior to occupation of the **main building** and starting the related activities the consent holder shall provide to the **Manager**:

- As built drawings (height datum and benchmark specified) and details, including WASABI, **CCTV** for 3 Waters public/private including (detention tanks / depression and any stormwater pre-treatment), road (including any modification), parking, overland flow path, and earthworks.
  - The as built and WASABI shall notate and specify clear public/private assets.
- A "Construction review" producer statement issued by the contractor(s) for the services constructed related to the development.
- CCTV** inspection records (DVD), in accordance with **Council's CCTV** technical specification, for all public/private wastewater mains and all storm water mains and sump leads.
- All Road Assessment and Maintenance Management (RAMM) as-built plans and data for the new road/access works and modification
  - This shall be inclusive of kerb lines, cesspits, footpaths, intersection control devices, pavement marking, and if any street lighting, street furniture, street names, speed signage, directional signs, audible/visual signs, landscaping, etc.
- A report from an appropriately qualified and registered electrician certifying that the lights have complied with the relevant safety standards and that they are connected to the network and are operational.

[3540](#). An Engineering Completion Certificate certifying that all works have been constructed in accordance with the certified Engineering Plans shall be provided to the **Manager** within 2 (two) months of the first of either:

- the completion of the engineering works; and / or
- prior to the occupation of the **main building** and starting the activity.

#### Earthworks

[3641](#). Prior to the commencement of earthworks on the site, the consent holder shall submit to the **Manager**, a Final design, detailing the earthworks to be carried out, overland flow paths and proposed finished ground levels.

[3742](#). The earthworks design ~~plan~~ required under Condition 43 above shall not include any changes in the existing ground level of the external boundaries of the **site** and shall be produced by a suitably qualified and experienced professional for earthworks.

[3843](#). No filling shall take place that will obstruct the overland flow path from higher ground.

~~39. The consent holder shall submit a sediment control plan by an appropriately qualified person:~~

~~a) The plan shall detail how sediment and erosion controls will be carried out at the site in accordance with current engineering best practice.~~

~~b) A statement shall be included with the plan stating the author's qualifications and experience in this area.~~

**Note:**

~~• This condition may be satisfied by the certified DMP and CSMP.~~

~~4044.~~ Earthworks shall be undertaken in a manner which ensures that the land within the **site**, and on adjoining properties, remains stable at all times and the integrity of ~~the~~ any existing public drains will not be adversely affected.

~~4445.~~ There shall be no obstruction of access to public footpaths/berms, private properties, public services/utilities, or public reserves resulting from the construction and/or earthworks activities, unless otherwise approved as part of the Traffic Management Plan / traffic management measures required under Conditions 58 and/or 59. All materials and equipment shall be stored within the **site's** boundaries.

~~4246. The consent holder shall confirm in writing to the Manager that o~~Only 'clean fill' shall be imported onsite (i.e. no rubbish, no stumps, no concrete, bricks any no other substance containing; combustible, putrescible, degradable or leachable components, hazardous substances, products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, medical and veterinary waste, asbestos or radioactive substances or liquid waste).

**Note:** Imported 'clean fill' will also need to comply with the relevant standards in the **NES-CS**.

**Public Drains**

~~4347.~~ All public drains located on private property shall be protected by an easement in gross in favour of **Council** ~~and the dimensions of the easement shall be detailed on the plan.~~

~~4448.~~ Prior to the occupation of the **main building** and starting the activity the consent holder shall provide to the **Manager** documentation of legally satisfying creation of the easements required by condition ~~4349.~~

**Servicing**

~~4549.~~ The development must be supplied with connections to the following drainage service infrastructure in accordance with the Engineering Servicing Report ref# J22172-6 by Infir dated 16 December 2022 [HDC Ref: XXX]:

- a) A public sewer connection located on King Street;
- b) A public storm water connection located on King Street;
- c) A water supply connection to the water main for potable and the new connection is to include a manifold fitted with suitable commercial water meter; and

de) A water supply connection, system and access for firefighting purpose in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008. The new connection is to include a RPZ back flow preventer.

**Notes:**

- Firefighting capacity – There is adequate capacity in the existing network to meet only the FW2 requirements stated from the Fire Hydrants.
- A service connection approval will be required, and need to be obtained from **Council**, for any new connection to the public infrastructure system, prior to application for a building consent or connection to any public network.
- The connection application form including lodgement and fees can be found at the following **Council** website: For New service connection application guidance refer to: <https://www.hastingsdc.govt.nz/index.php/services/water/water-service-connections/>

4650. All works on the existing public three waters networks must be carried out by a **Council** approved contractor.

4751. The development must be supplied with an underground connection to power.

**Stormwater Management**

4852. ~~The stormwater reticulation-discharge from the site for the development shall not increase-exceed the pre-development level. This shall include be achieved by the provision of off-line stormwater attenuation tanks and attenuation in the carparking / vehicle manoeuvring area, and directing all additional drainage to King Street North, and in accordance with the "206 Queen Street West Servicing Report" (prepared by Infrir and referenced J22172-6, dated 16 December 2022). ;[HDC Ref: XXXX]~~

- a) ~~Detailed stormwater report and calculation;~~
- b) ~~Quality control treatment if required;~~
  - ~~**Note:** An Approved Stormwater Controlled Discharge Consent may be required~~
- c) ~~Detail design of attenuation tank for the roof runoff mitigation which shall include in-line leaf and debris diverters;~~
- d) ~~Detention / attenuation tank specification and maintenance program;~~
- e) ~~Detail design of attenuation tank / depression for the impermeable mitigation;~~
- f) ~~Any existing stormwater connections/kerb which will be reused;~~
- g) ~~All the existing stormwater connections / kerb which will be abandoned and capped off; and~~
- h) ~~Overland flow paths.~~

49. ~~The stormwater discharge from the development shall not exceed the pre-development level.~~

50. ~~The main building shall have the stormwater roof runoff discharged via an attenuation tank of a minimum of 15m<sup>3</sup> (15000 litre) prior discharging into public stormwater system.~~

51. ~~The impermeable area on this development shall have the stormwater runoff discharge via an attenuation tank / depression of a min 1.2m<sup>3</sup> (1200 litre) prior discharging into public stormwater system.~~

**Water supply**

5253. Water Reticulation design shall include:

- a) Connections shall be fitted with an RPZ testable back flow preventer and include manifold fitted with suitable commercial water meter located outside the boundary;
- b) Any existing water connections which will be reused; and
- c) Any existing water connections which will be abandoned and capped off;

**Wastewater**

5354. Wastewater reticulation design shall include:

- ~~a) Detailed wastewater analysis and/or modelling report demonstrating there is sufficient capacity;~~
- ~~b) Detailed alternative design of localised network upgrades should wastewater analysis and/or modelling demonstrate localised network upgrades are required;~~
- ~~c)a) Construction methodology which includes full detail of the installation of the new diversion of wastewater 150 mm pipe and earthwork/construction within zone of influence to existing and new wastewater public pipes;~~
- ~~d)b) Detail of building/construction within zone of influence of existing and proposed wastewater public pipes;~~
- ~~e)c) Contingency plan;~~

- **Note:** The details of that contingency plan will need to be agreed prior to earthwork and construction.

~~f)d) Preconstruction CCTV and condition report of the existing public wastewater pipe located within the site; and~~

~~g)e) Any existing wastewater connections which will be reused shall be demonstrate that are fit for purpose and in good condition.~~

**Notes:**

- If any agreement with Council's Asset Manager related to the design and/or construction of the Council wastewater pipe or any required remediation or replacement of the existing 150mm diameter wastewater public pipe located within the site will be in place at the time of Engineering design plan application a copy of the agreement and full detail design, calculation and related documents shall be provided with the Engineering design application.

**Vehicle Crossing, Parking, Loading, and Manoeuvring**

5455. Access and parking shall include:

- ~~a) Construction detail, specification, and maintenance program for any permeable paving proposed;~~
- ~~b)a) All parking spaces, access and manoeuvring areas shall be of a sufficient size and layout to accommodate a 'passenger vehicle' as defined in the "Austroads Design Vehicles and Turning Path Templates Guide" AP-G34-13, Austroads, 2013 – (refer to Appendix 72 of the Hastings District Plan for the dimensions of this vehicle);~~



- c) Parking areas, together with access and turning space, shall be designed to ensure that vehicles negotiate the parking area at a safe speed and are not required to reverse either onto or off a street; and
- d) There shall be illumination of access drives and internal pedestrian areas within the carparks to allow for safe use of the parking areas during the hours of darkness to users. Such illumination shall be shaded and directed away from adjoining roads and shall be less than 8 lux spill measured at a height of 1.5m above the ground at the boundary of the site.

5556. Vehicle crossing(s) design shall include:

- a) Detailed design of the interface between the access way and the footpath at the Queen Street West crossing ~~and may include visual and/or audible alarms, traffic calming measures, signage and differential pavement treatments shall be in accordance with Section 8 'Vehicular Access' of the '206 Queen Street West, Hastings Residential & Commercial Development Parking Assessment', prepared by Urban Connection, dated November 2022 (HDC Ref. XXX).~~
  - **Note:** The design will require approval by **Council's** Transportation Manager.
- b) A copy of the approved Corridor Access Request, complete with Traffic Management Plan.

5657. Street and access design shall include:

- a) Street lighting and other structures/facilities on the roads/accesses to be vested in **Council** (including traffic calming devices, tree pits, pot planting, if any stormwater devices and safety measurements, marking and street signs, etc.).
- b) Detail of any visual signs and traffic management measures be provided to reduce vehicle speeds when exiting the site. Any design at the driveway / footpath interface should be such that pedestrians clearly have priority.
- c) Design and details of any fences / retaining walls and other structures.

5758. Prior to occupation of the **main building** and starting the related activities the:

- a) ~~accesses and manoeuvring areas with permeable paving shall be constructed in accordance with Auckland Council Guideline Document GD2017/001, C2 Pervious Pavements and approved plans; and thereafter maintained to ensure the free flow of stormwater through the paving to the satisfaction of the Manager.~~
- b)a) access / car park area for the development shall be constructed with stormwater control, in compliance with **Council's** **ECOP**.
- c)b) existing vehicle crossing on Queen Street West shall be provided for access to the site. The vehicle crossing shall be structurally constructed in accordance with **Council's** **ECOP** – detail C19 and the layout approved under vehicle crossing application.
  - **Note:** The layout will be required to be approved prior to commencement of construction under a vehicle crossing application to **Council**.

5859. Any redundant vehicle crossing shall be reinstated at term in accordance with **Council's** **ECOP**.

**Notes:**

- For vehicle crossing guidance refer to: <https://www.hastingsdc.govt.nz/services/roads-and-streets/vehicle-crossings/>
- That all work within the road reserve shall be undertaken by a contractor being pre-approved by **Council** to work within the public road reserve.
- The distance between the vehicle crossing and a storm water connection to the kerb and channel with the kerb outlet being positioned to a minimum of 1.0 m clear of any vehicle crossing.
- The distance between the vehicle crossing and a power pole/power box/streetlight being positioned to a minimum of 1metre clear of any vehicle crossing.

5960. All damage to the footpath, kerb or any other roading assets resulting from the re-development of the **site** shall be repaired.

**Notes:**

- The reinstatement works will be at the consent holder's expense.
- All works within the boundaries of the legal road will need to be undertaken by a contractor being pre-approved by **Council** to work within the road reserve.
- All works within the boundaries of the legal road will require an inspection by an officer of the Asset Management Division of **Council** prior to backfilling or covering over, including the formation prior to pouring of concrete.

**Public Park & Greenspace Landscaping, Fencing and Paving**

6061. Prior to the construction of the public park/greenspace area and associated walls/fencing and paving, the consent hold shall submit to the Manager for certification a detailed design for the construction of the Public Park/Greenspace Plan.

6462. The Public Park/Greenspace Plan shall be prepared by a suitably qualified expert(s) and address the following (at the minimum):

- a. Landscape planting, including the species types, numbers, sizes and locations of planting;
- b. ~~Consideration of the E~~expression of the pre-1867 natural environment through use of stormwater gardens and capturing water for an urban wetland environment;
- c. Walls and fencing around the perimeter of the park/greenspace;
- d. Final installation details for re-use of steel roof trusses from the **HB Farmers' Garage**, including dimensions of new members (e.g. posts and beams), and detail of junctions and connections;
- e. ~~Pavement pattern (which shall be representative of the traditional pre-1867 footpaths through the wetlands that originally existed in the area of the site);~~
- f.e. Type and location of interpretative material that will be incorporated into the design of the park/greenspace to inform the public of the architectural and social history of the site, including the history of the **HB Farmers' Garage** and the design rationale for the 'ghost' frame used to strengthen the retained façade of the building; and
- f. Type and location of lighting to be provided within the park/greenspace.

g. [Consideration of the provision of 'hard' and 'soft' landscaping \(e.g. permeable / impermeable surfaces\).](#)

g.h. [Consideration of the provision of shaded areas.](#)

**Notes:**

- The **Manager** will either certify, or refuse to certify, the Public Park/Greenspace Plan within 20 working days of receipt.
- Should the **Manager** refuse to certify the Public Park/Greenspace Plan, then the **Manager** will provide a letter outlining why certification is refused based on the parameters contained in this condition.
- Provided that the information requirements are addressed by the Public Park/Greenspace Plan, certification will not be withheld.

~~6263.~~ The **site** shall be constructed and landscaped in accordance with the certified Public Park/Greenspace Plan.

~~6364.~~ Within 20 working days of the establishment of the landscaping, the consent holder shall submit a completion certificate demonstrating compliance with this condition to the **Manager**.

- a. The completion certificate shall be prepared and signed by a suitably qualified expert.

~~6465.~~ The consent holder shall ensure that all landscaping within the park/greenspace is maintained (including, but not limited to weeding, mowing, pruning, and watering) on a regular and as-needed basis so as to ensure the successful implementation of the certified Public Park/Greenspace Plan.

~~6566.~~ Any plant specimens that are removed, die or become damaged, or are defective within 5 years of implementation of the approved Public Park/Greenspace Plan shall be replaced with specimens of a similar size and species as originally proposed to ensure successful implementation of the landscaped areas.

~~66.~~ The landscaping shall be maintained by the consent holder for the life of this consent.

~~Any dead, diseased or damaged landscaping shall be replaced within the next planting season with vegetation of the same or similar species as shown on the certified LMP.~~

~~6767.~~ The Public Park/Greenspace Plan may be amended at any time by the consent holder.

- a. Any amendments shall be submitted by the consent holder to the **Manager** for certification.
- b. If the amended Public Park/Greenspace Plan is certified, then it becomes the certified plan for the purposes of conditions ~~6265~~ to ~~6668~~.
- c. Any amendments to the Public Park/Greenspace Plan shall be:
  - i. consistent with the conditions of this resource consent; and
  - ii. prepared by a suitably qualified expert or experts.

**Monitoring and Review**

~~6868.~~ The consent holder shall pay **Council** engineering and compliance fees for plan approvals, **site** inspections and consent compliance monitoring, plus any further

monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

**Notes:**

- A monitoring deposit of \$200 (including GST) will be payable to cover the reasonable costs of monitoring compliance with the conditions of the consent in accordance with **Council's** schedule of charges.
- Refer to **Council's** current schedule of Building and Planning fees for guidance on the current rate chargeable.
- In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring consent exceeding the deposit, the costs to **Council** of any additional monitoring will be recovered from the consent holder in accordance with **Council's** advertised schedule of fees.

6969. The conditions of this consent may be reviewed by Council pursuant to Section 128 of the Resource Management Act 1991 by the giving of notice pursuant to Section 129 of the Resource Management Act 1991 (with the reasonable costs of the review process being borne by the consent holder) on the anniversary of commencement of consent.

a. The purpose of the review may be for any of the following purposes:

- To respond to any adverse effect on the environment which may or may potentially arise from the exercise of this consent and which was not apparent at the time of the grant of this consent. The effects include (but are not limited to) those that may arise in relation to noise and traffic effects;
- To require the consent holder to adopt the best practicable option to mitigate any adverse effect on the environment; and
- To ensure that the conditions are effective and appropriate in managing the effects of the activities authorised by this consent

**Advice notes**

- Please note that a resource consent is not a consent to build and does not constitute building consent approval. A building consent must be issued prior to any building work being undertaken. A separate application is required for a building consent if any earth-retaining structure is intended as part of this work and the wall is higher than 1.5 metres or is subject to surcharging.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- All costs arising from any of the above conditions shall be borne by the consent holder, pursuant to Section 36 of the **RMA**.
- Under Section 125 of the **RMA**, this resource consent will lapse in five years, unless it is given effect to within that time.
- The consent holder is responsible for ensuring all works meet, or the necessary resource consents are obtained from Hawke's Bay Regional Council in respect of, the Hawke's Bay Regional Resource Management Plan.
- 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 in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval.*

- Works within the legal road will require a Corridor Access Request (CAR)
- As advised by the consent holder, an approved Archaeological Authority from Heritage New Zealand Pouhere Taonga will be required under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) to modify or destroy archaeological sites prior to the commencement of site works.