

STATEMENT TO HEARING COMMISSION

Re: Application of Regina Properties Limited, 1–3 Dawson Street New Plymouth
1 – 3 DAWSON STREET, NEW PLYMOUTH NPDC REF: LUC21/47890

Our representatives are: Bill Jackson Architect
Sarah Ongley Barrister

We are the owners and occupants of **1B / 120 St Aubyn Street, New Plymouth** which is one of the nearby properties that will be adversely affected should the above proposal be permitted to proceed.

The strongest reasons we purchased our property was firstly due to the limitless sun and light and the warmth this creates and of course, to the locality. Accordingly we would like to share with you, some of the concerns we have about Regina Properties application:

We are both effectively now retired and are classified as senior citizens. We spend endless hours in our home and find this proposed development such a stressful situation to be now facing.

While the existing structure already exceeds height restriction of 10 metres, the proposed extension significantly infringes these height provisions even further.

The applicant purports to justify its proposed breach by comparing the proposed scale with the Richmond Estate apartment block, however Richmond Estate was mostly developed in the 1960's, before the Resource Management Act 1991 (the Act) came into force and before the coastal walkway was developed.

The Richmond Estate apartment block construction and development was therefore, entirely considered under completely different legislation and was never assessed or considered in terms of the purpose and principles and other relevant provisions of the Act or in terms of the purpose and adverse effects on amenity and landscape values, Open Space Areas, View shafts, the character of the areas, the natural character of the coastal environment and the environment generally. Accordingly, no weight should be given to the applicant's comparison with and purported justification for the proposal because of Richmond Estate. The application must be assessed on its merits in accordance with the relevant provisions of the Act.

If however the consent authority is of a mind to take Richmond Estate into account when addressing the application (which it is submitted it should not), it must be noted that Richmond Estate is set well back from the coastal walkway whereas the proposed building extension would be absolutely dominating, overpowering and intimidating in terms of its proximity to residential properties and the walkway. It will result in significant adverse effects on neighbouring homes, to the coastal walkway, to people using it and the environment generally; and the impact of amenity values and the landscape character of the environment.

From a personal perspective, this proposed extension will definitely cut our reflected light, cut our late afternoon sun, will cause considerable shading in our living areas and bedroom space and seriously affect our outdoor living enjoyment which is predominantly late afternoon and early evening.

We purchased our apartment because of the above factors as it's well documented that exposure to natural light is vital to human physical and mental health and well-being. Getting out in the daylight can have a positive impact on sleep, mood and mental performance. Natural light also helps our bodies produce Vitamin D making us happier. This vital resource is the key to our physical and psychological wellbeing.
(see <https://www.healthdesign.org> and www.ncbi.nlm.nih.gov)

When we discovered how imperative sun and natural light is to living a healthy lifestyle, we knew we had this covered when purchasing our apartment and we do not want it taken from us. Even when the weather is bad the level of light outdoors is 100 times higher than it is inside.

Our apartment is sun filled from approximately 11.00am onwards each day until within 10 minutes (approximately) of the setting sun. It is of course, light filled and we currently experience very little shading or shadowing (if any). As the day progresses, it shines to an even deeper degree through our living areas and master bedroom and through the back area of our home which warms the balance of the property.

Our windows are a massive source of daylight, sunlight and views, and in our opinion, are related to our much improved mood and health. These factors are all extremely important and are another reason we spend so much time sitting in a sunny spot either inside our home or on our sundeck.

The extent of compromise on our part is not only impractical; it should not even be being requested especially as we would lose 1 ½ - 2 hours of light / sun should this proceed. The Regina Properties building already exceeds the height restrictions yet this factor appears to be being wiped aside.

So many relatively new structures in the central city area either chose to stay within the existing height restrictions and/or have been made to do so when concerns were submitted about their original proposals.

The proposal is contrary to and inconsistent with the purpose, principles and provisions of the Act; the proposal is contrary to and inconsistent with the provisions of the New Zealand Coastal Policy Statement 2010 and the New Zealand Coastal Policy Statement 2008; the proposal is contrary to and inconsistent with the provisions of the Regional Policy Statement for Taranaki 1994, the proposal Regional Policy Statement of Taranaki September 2006 and the Regional Coastal Plan for Taranaki; the proposal is contrary to and inconsistent with the provisions of the New Plymouth District Plan.

Yes, there is mixed zoning however this would be a residential addition to the existing structure. Plus the zoning didn't allow the Ocean View apartments or the dentist building on the city side of Regina Properties (also zoned Bus.) to exceed the height and now sadly, those properties plus my immediate neighbours to my west and below our apartment will be even more affected than we would be should this proceed.

As has been covered by the Applicants Planner and in the Council Planners report the application must be assessed on its merits in accordance with the requirements of the current District Plan and the relevant provisions of the Act.

This issue hanging over us is extremely stressful and all consuming. The majority of us intend living here until our last days and we don't want the lifestyle we embrace and love to change in any way.

Many thanks for taking the time to consider our point of view.

Yours sincerely

Bill & Judy Hurlstone

What does the Resource Management Act 1991 do?

The purpose of the Resource Management Act is **to promote the sustainable management of natural and physical resources**. (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

What are the main principles of the Resource Management Act 1991?

Creating an Environmental Protection Authority. Improving plan development and plan change processes. Improving resource consent processes. Streamlining decision making.

What are the three main principles of the Resource Management Act?

There are three sets of principles: **Matters of national importance** - which decision makers must 'recognise and provide for'; **Other matters** - which decision makers must 'have particular regard to';

What is replacing the RMA?

Covering land use and environmental regulation, **the NBA** is the primary replacement for the RMA which the Government has promised to repeal and replace. An exposure draft of a Bill is one that is put out for stakeholder and public feedback before it is introduced to the House. 29/06/2021

Building Act 2004

14B Responsibilities of owner

An owner is responsible for—

(a) obtaining any necessary consents, approvals, and certificates:

(b) ensuring that building work carried out by the owner **complies with the building consent** or, if there is no building consent, **with the building code**:

(c) ensuring compliance with any notices to fix.

Section 14B: inserted, on 13 March 2012, by [section 10](#) of the Building Amendment Act 2012 (2012 No 23)

14D Responsibilities of designer

(1) In subsection (2), *designer* means a person who prepares plans and specifications for building work or who gives advice on the compliance of building work with the [building code](#).

(2) A designer is responsible for ensuring that the plans and specifications or the advice in question are sufficient to result in the building work complying with the building code, if the building work were properly completed in accordance with those plans and specifications or that advice.

Section 14D: inserted, on 13 March 2012, by [section 10](#) of the Building Amendment Act 2012 (2012 No 23).

14F Responsibilities of building consent authority

A building consent authority is responsible for—

(a) checking, in accordance with the requirements of this Act for each type of building consent, to ensure that—

(i) an application for a building consent complies with the building code:

(ii) building work has been carried out in accordance with the building consent for that work:

(b) issuing building consents and certificates in accordance with the requirements of this Act.

Section 14F: inserted, on 13 March 2012, by [section 10](#) of the Building Amendment Act 2012 (2012 No 23).

Bill & Judy Hurlstone, Unit 1B, Richmond Estate, 120 St Aubyn Street, New Plymouth

13 May 2021 4.44p m

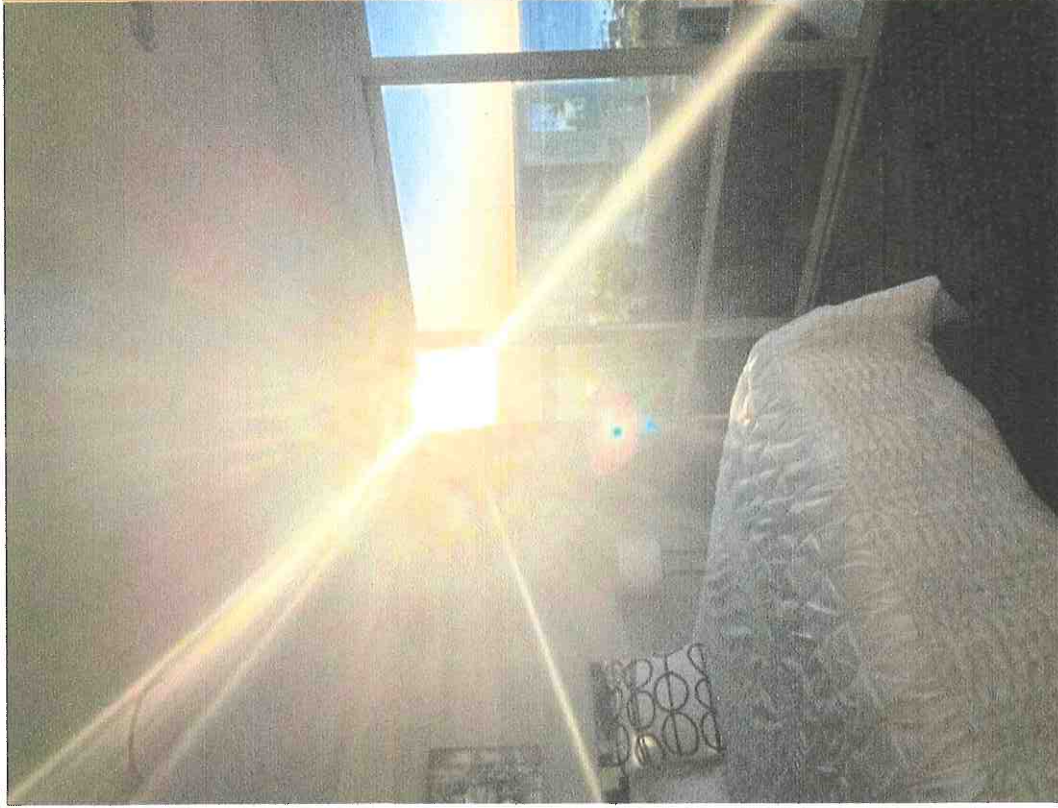


23 September 5.24pm



Bill & Judy Hurlstone, Unit 1B, Richmond Estate, 120 St Aubyn Street, New Plymouth

13 May 2021 – 4.44pm



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