

IN THE MATTER of the Resource Management Act 1991  
AND  
IN THE MATTER of appeals under clause 14 of  
Schedule 1 to the Act  
BETWEEN M BATES  
(ENV-2015-WLG-000056)  
BETWEEN I & S HALL  
(ENV-2015-WLG-000057)  
Appellants  
AND HASTINGS DISTRICT COUNCIL  
Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge C J Thompson sitting alone pursuant to section 279 of the Act.

IN CHAMBERS

## CONSENT ORDER

### *Introduction*

[1] The Court has read and considered the appeals and the parties' draft consent order received February 2017.

[2] The s 274 parties to the appeals are listed at **Appendix A** to this Order. All have signed the consent memorandum setting out the relief sought.

[3] The Court is making this order under s 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for the present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.



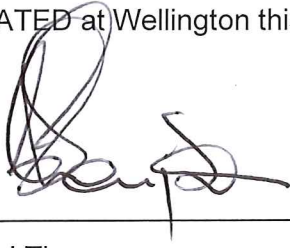
*Order*

[4] The Court orders, by consent, that the Proposed Hastings District Plan is amended as set out in **Appendix B** to this Order.

[5] The appeals are otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 28 day of April 2017



C J Thompson  
Environment Judge



## **Appendix A – Parties to Appeals**

Sarah Hall  
James Hall  
Martin Bates  
Rodney Heaps  
Ross Hardy  
Hannes Bauer  
Beate Kinzenbach  
Clifton Bay Limited  
Jeff Bowden  
Gary Conroy  
Pauline Conroy  
F Ebbett  
Charlotte Fisher  
Robert Fisher  
Susan Franklin  
Andy Gifford  
Angus Gordon  
Robert Hunter  
Timm Kinzenbach  
Vivien Kinzenbach  
Kristin Mikkelsen  
Brian Ronke  
Megan Rose  
Camilla Samper  
Alan Shaw  
B Shortridge  
Jennifer Southern  
Rosemary Stanley  
Robert Stephens  
Valerie Stephens  
Tina Symmans  
Lea Tiedemann  
David Willis  
Bruce Wills  
Karyn Wills  
Sieglinde Ziegler

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## Appendix B – Changes to Hastings District Plan required by Consent Order

### Section 11.2 – Haumoana – Te Awanga Residential Zone

#### 1. Amend Policy HTRP4 as follows:

*Identify land intended to be developed for residential purposes within the 10 year life of the District Plan by including a Haumoana – Te Awanga Deferred Residential Zone in accordance with the potential coastal settlement growth nodes identified in the Heretaunga Plains Urban Development Strategy.*

##### Explanation

...

A 'Te Awanga Lifestyle Overlay' is also included within the Haumoana – Te Awanga Residential Zone, identifying land south of the existing Te Awanga settlement, bound by Clifton Road and Charlton Road that is appropriate for large lot a form of residential development that maintains the open character of the area from Clifton Road. This zoning is however immediate rather than deferred. The development of the land covered by the Te Awanga Lifestyle Overlay will require the implementation of the Concept and Landscape Plan identified in Appendix 25A in order to ensure that the open characteristics are achieved. Components of the Concept and Landscape Plan important to maintaining open character include the building platform setbacks, retention of rural road frontage, post and wire fencing, and low planted landscaping on the road frontage.

#### 2. Amend Policy HTRP6 as follows:

*Provide for non-residential activities which are compatible in scale, intensity and character within the Haumoana – Te Awanga Residential Zone.*

##### Explanation

A wide range of non-residential activities have a similar scale, intensity and character to residential activities and may therefore be compatible with the residential neighbourhood. Many activities such as arts and craft galleries and workshops already exist within the two residential areas of Haumoana and Te Awanga and contribute to the unique character of the settlements. These activities also function as visitor attractions and home occupations, improving equity of access to employment and reducing travel requirements. Homestays, home based offices and kindergartens/kohanga reo also fall within this mix and help to achieve a more sustainable urban form.

Some non-residential activities however are not provided for within the Te Awanga Lifestyle Overlay (as identified in Appendix 25A) so as to provide more certainty that the open character outcomes sought upon the establishment of this new residential area are achieved.



3. Amend Rule Table 11.2.4.1A as follows:

RULE TABLE 11.2.4.1 A. HAUMOANA – TE AWANGA RESIDENTIAL ZONE		
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
HTR1	Residential Activities	P
HTR2	Supplementary Residential Buildings <u>(except for Lots 1-6 as shown in Appendix 25A 'Te Awanga Lifestyle Overlay Concept &amp; Landscape Plan')</u>	P
HTR3	Home Occupations	P
HTR4	Visitor Accommodation <u>(except for Lots 1-6 as shown in Appendix 25A 'Te Awanga Lifestyle Overlay Concept &amp; Landscape Plan')</u>	P
HTR5	Land Based Primary Production	P
HTR6	Temporary Events <u>(except for within the Te Awanga Lifestyle Overlay as shown in Appendix 25A)</u>	P
HTR7	Recreation Activity that occurs on reserves vested under the Reserves Act 1977.	P
HTR8	Any building ancillary to a Recreation Activity on reserves vested under the Reserves Act 1977 with a maximum gross floor area of 50m <sup>2</sup>	P
HTR9	Existing Recreation Activity including extensions and alterations not exceeding 15% of the gross floor area, and / or not exceeding 15% of site, as at 12/09/2015	P
HTR10	Relocated Buildings	C
HTR11	Education Facilities <u>(except for within the Te Awanga Lifestyle Overlay as shown in Appendix 25A)</u>	RD
HTR12	Any building ancillary to a Recreation Activity on reserves vested under the Reserves Act 1977 with a gross floor area greater than 50m <sup>2</sup>	RDNN
HTR13	The alteration of existing Recreation Activity exceeding 15% of the gross floor area, and / or exceeding 15% of the site, as at 12/09/2015	RD
HTR14	Camping Grounds <u>(except for Lots 1-6 of the Te Awanga Lifestyle Overlay Concept &amp; Landscape Plan as shown in Appendix 25A)</u>	RD





<b>HTR15</b>	Places of Assembly <u>(except for within the Te Awanga Lifestyle Overlay as shown in Appendix 25A)</u>	RD
<b>HTR16</b>	Early Childhood Centres accommodating up to 40 children <u>(except for within the Te Awanga Lifestyle Overlay as shown in Appendix 25A)</u>	RD
<b>HTR17</b>	Non Residential Care Facilities including Day Care Centres for the Elderly and Persons with Disabilities <u>(except for within the Te Awanga Lifestyle Overlay as shown in Appendix 25A)</u>	RD
<b>HTR18</b>	Homes for the Aged <u>(except for within the Te Awanga Lifestyle Overlay as shown in Appendix 25A)</u>	RD
<b>HTR19</b>	Emergency Service Facilities	RD
<b>HTR20</b>	Any Permitted or Controlled Activity not meeting one or more of the General Performance Standards and Terms in Section 11.2.5 or the relevant Specific Performance Standards and Terms 11.2.6.	RD
<b>HTR21</b>	Health Care Services (excluding Homes for the Aged).	D
<b>HTR22</b>	Any Restricted Discretionary Activity not meeting one or more of the General Performance Standards and Terms in Section 11.2.5 or the relevant Specific Performance Standards and Terms 11.2.6	D
<b>HTR23</b>	Any activity which is not provided for as a Permitted, Controlled, Restricted Discretionary, or Discretionary Activity.	NC

Deleted:

4. Amend 11.2.5 – General Performance Standards and Terms, as follows:

#### 11.2.5A Density

...

#### 2) Te Awanga Lifestyle Overlay Area

The following density limits shall apply:

- (a) One residential building per 4,000m<sup>2</sup> net site area site on Lots 1-6 as shown in Appendix 25A Te Awanga Lifestyle Overlay Concept & Landscape Plan;
- Or;**
- (b) One residential building and one visitor accommodation activity per 4,000m<sup>2</sup> net site area on Lot 7 as shown in Appendix 25A Te Awanga Lifestyle Overlay Concept & Landscape Plan.

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...



### 11.2.5C Traffic, Sightlines, Access and Parking

Activities shall comply with the provisions of Section 26.1 of the District Plan on Transport and Parking.

There shall only be one access from Clifton Road to the Te Awanga Lifestyle Overlay area in accordance with the Development Concept Plan shown in Appendix 25A (an additional access may be provided from Charlton Road).

### 11.2.5E MAXIMUM BUILDING HEIGHT

The maximum height of all buildings or structures shall be 8m, (other than those used for emergency service facilities).

For buildings within the Te Awanga Lifestyle Area, height shall be measured from existing ground level as at [insert date of consent order]. Refer to Rule 30.1.7S.

Note: The definition of "Ground Level" which includes an exception for earthworks approved by any subdivision or land use consent does not apply for the purposes of the Te Awanga Lifestyle Area.

#### Outcome

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*The general amenity of the Zone will be maintained by preventing tall obtrusive structures or buildings, and access to daylight on adjoining properties will be protected.*

Amenity and views from sites overlooking the Te Awanga Lifestyle Overlay Concept & Landscape Plan area will be maintained by managing the height of buildings on Lots 1 to 7 of the Concept Plan Area.

### 11.2.5G BUILDINGS IN RELATION TO YARDS

#### (a) Front Yard

5 metres

#### (b) Side and Rear Yards

Buildings shall be located a minimum of 1 metre from any side or rear boundary.

Except (a) & (b) do not apply in Te Awanga Lifestyle Overlay Area (Appendix 25A) and the following building setbacks shall apply:

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#### (c) Front Yard Lot 7



~~7.5~~ 15 metres

- (d) All other boundaries Lot 7

5 metres

(d(i)) Lots 1 – 6

Northern & southern side boundaries: 5 metres

Eastern boundary (closest to Clifton Road): 15 metres

Western (rear) boundary: 25 metres

...

#### **11.2.5I SITE COVERAGE**

Site Coverage includes the building coverage (buildings to the roof eaves) and shall comply with the following:

- (i) **Building Coverage**

Maximum building coverage 35% of net site area.

Except in Te Awanga Lifestyle Overlay Area (Appendix 25A) the following shall apply:

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- (ii) **Building Coverage and Hardstanding**

Maximum building coverage (~~including hardstand and sealed areas~~) shall be 25% ~~or 1,000m<sup>2</sup> which ever is the lesser of net site area.~~





*Note: A landscape plan will be required to be submitted with any Resource Consent application to reduce this standard.*

...

#### **11.2.5K FENCES**

...

([next available letter]) Fences – Te Awanga Lifestyle Overlay Area (Appendix 25A)

Fencing on the Clifton Road frontage shall consist of a standard 7 or 8 wire post and batten fence.

Fencing within the identified building envelope as shown in Appendix 25A shall be set back a minimum distance of 55 metres from the front boundary

5. Amend 11.2.6 – Specific Performance Standards and Terms, as follows:

#### **11.2.6C VISITOR ACCOMMODATION**

- (i) The building(s) shall provide visitor accommodation for no more than 5 persons in addition to the person(s) residing on the site.
- (ii) The site shall be landscaped to a minimum depth of 2 metres from road boundaries and the site shall be landscaped for 25 percent of its area.
- (iii) Any outdoor storage associated with the visitor accommodation must be fully screened from view of any adjacent sites and public areas.

In addition to the above standards any visitor accommodation buildings located within the Te Awanga Lifestyle Overlay area may only be located on Lot 7 within the building platform identified in Appendix 25A 'Te Awanga Lifestyle Overlay Concept & Landscape Plan'.



**Section 30.1 – Subdivision & Land Development**

6. Amend Rule Table 30.1.5 – Subdivision and Land Use as follows:

RULE TABLE 30.1.5 – SUBDIVISION AND LAND USE		
RULE	ACTIVITY	ACTIVITY STATUS
...	...	...
<b>SLD16</b>	<b>Te Awanga Lifestyle Overlay Area</b> Subdivisions to create sites in the Te Awanga Lifestyle Overlay area (as identified in Planning Maps <b>and Appendix 25A</b> ) which comply with all relevant Subdivision Site and General Performance Standards and Terms specified in 30.1.6 and 30.1.7.	RDNN

7. Amend Table 30.1.6A as follows:

SMA/ZONE		MINIMUM NET SITE AREA
...		...
<b>6.</b>	<b>HAUMOANA – TE AWANGA</b>	
	1) Haumoana-Te Awanga Residential	1000m2
	2) Suburban Commercial	1000m2
	3) Deferred Residential	12 hectares
	4) Te Awanga Lifestyle Overlay area as identified in Planning Maps	<del>4000m2</del> <b>2,000m2</b> <u>but limited to no more than 7 residential lots in total in accordance with Appendix 25A 'Te Awanga Lifestyle Overlay Concept &amp; Landscape Plan'.</u>

8. Amend 30.1.7 – General Site Performance Standards and Terms, as follows:

**30.1.7S HAUMOANA – TE AWANGA RESIDENTIAL ZONE**

**EAST ROAD – HAUMOANA**

- The subdivision of land within the East Road Urban Development Area shall be substantially in accordance with the Structure Plan in Appendix 15; in particular:



2. Each site shall be connected to Council's reticulated water network when this network becomes available.
3. Where subdivision occurs in advance of the Council's reticulated water becoming available:
  - (a) A suitable legal mechanism shall be implemented to ensure that this occurs.
  - (b) The subdivider shall demonstrate that a satisfactory water supply is available to service each site in advance of Council's reticulated system being available.
4. Each site shall provide suitable onsite wastewater and storm-water servicing.
5. An overall site stormwater design shall be designed in accordance with the East Road Structure Plan.
6. Roading and Transport connections shall be designed in accordance with the East Road Structure Plan.
7. Landscaping shall be designed in accordance with the East Road Structure Plan.
8. Where any portion of the East Road Urban Development Area is subdivided or developed for any activity other than a Permitted activity, the relevant Assessment Criteria in Section 30.1.8, and the outcomes and performance standards included in the Structure Plan in Appendix 15 shall apply.

#### **TE AWANGA LIFESTYLE OVERLAY AREA**

1. The subdivision of land within the Te Awanga Lifestyle Overlay shall be undertaken in accordance with the Concept Plan in Appendix 25A; in particular:
  - (i) No more than 7 lots shall be created for residential purposes;
  - (ii) The new lots shall be located substantially in accordance with the layout shown on the Landscape/Concept Plan including the location of the roadway to the rear of Lots 1-6;
  - (iii) Only one vehicle entrance shall be provided to Clifton Road in general accordance with the location shown in the Concept Plan;
  - (iv) Development shall be restricted to the building platforms identified in the Concept Plan via conditions subject to consent notice;
  - (v) The stormwater disposal shall be comprehensively designed for the subdivision and shall accommodate overland flow from the adjacent properties and shall be stormwater neutral;





- (vi) There shall be no further subdivision to create any additional lots beyond those shown in the Concept Plan, this shall be secured by conditions subject to consent notice;
- (vii) The land identified in Appendix 25A 'Te Awanga Lifestyle Overlay Concept & Landscape Plan' as Areas A – H shall be common use areas secured by easement in favour of Lots 1 – 6.
- (viii) The development shall occur in substantial accordance with the landscape details shown in the Landscape/Concept Plan. This shall be secured by conditions subject to consent notice to ensure that future plantings proceed.
- (xiv) A land survey shall be undertaken to establish existing RL levels within the identified building envelopes (refer Appendix 25A, Figure 2 'Te Awanga Lifestyle Overlay Concept & Landscape Plan) prior to any earthworks occurring. This shall be secured by condition/s of subdivision consent.
- (xv) The maximum height of all buildings shall be 8 metres measured from existing ground level as at 28 April 2017. This shall be secured by conditions subject to consent notice.

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Outcome

The efficient and effective development of the Te Awanga Lifestyle Overlay Area will occur in a manner that avoids and mitigates adverse effects on neighbours.

Subdivision will occur in a manner that is sympathetic to the coastal and peri urban landscape of the area.

9. Amend 30.1.8.2 Specific Assessment Criteria, as follows:



19. Subdivision within Te Awanga Lifestyle Overlay area

- 1) The design of the overall development will ensure that there are no adverse visual or landscape effects taking into account the existing coastal character of the area and gateway location of the Overlay area in relation to Te Awanga urban area. Specific consideration will be given to the following:
  - a) The location of building platforms so that subsequent development is sympathetic to local character and to surrounding visual and landscape patterns. Development in accordance with the Concept Plan (Appendix 25A) will achieve this.
  - b) The location and design of accesses to the sites to minimise visual impact on the locality and provide safe access. Development in accordance with the Concept Plan (Appendix 25A) will achieve this.
  - c) ~~A landscaping plan for the overall development that takes into account the existing coastal character of the area and gateway location to Te Awanga so that the subdivision and subsequent development will integrate with the character of the locality. The landscape plan is to be produced by a professional landscape architect. The consistency of building platforms, allotment and access layout and design and landscape planting and design with Appendix 25A 'Te Awanga Lifestyle Overlay Concept & Landscape Plan'.~~
- 2) The mitigation of potential surface flooding and ponding issues by:
  - the establishment of a minimum floor height for future residential dwellings; and
  - the location of building platforms and design of stormwater drainage to accommodate the overland flow from adjoining properties (including care in the design of Lot 6 so as not to impede the overland flow from Lot 1 DP 11389).





Note: Prior to subdivision, a survey is required of the Te Awanga Lifestyle Overlay Area to establish the original ground level.

***Further Changes***

10. Add new Appendix 25A, as per **Appendix C**.
11. Amend the Planning Maps to identify the Te Awanga Lifestyle Overlay area in the location identified in **Appendix D**.



**Appendix C – Appendix 25A to be added to Plan**



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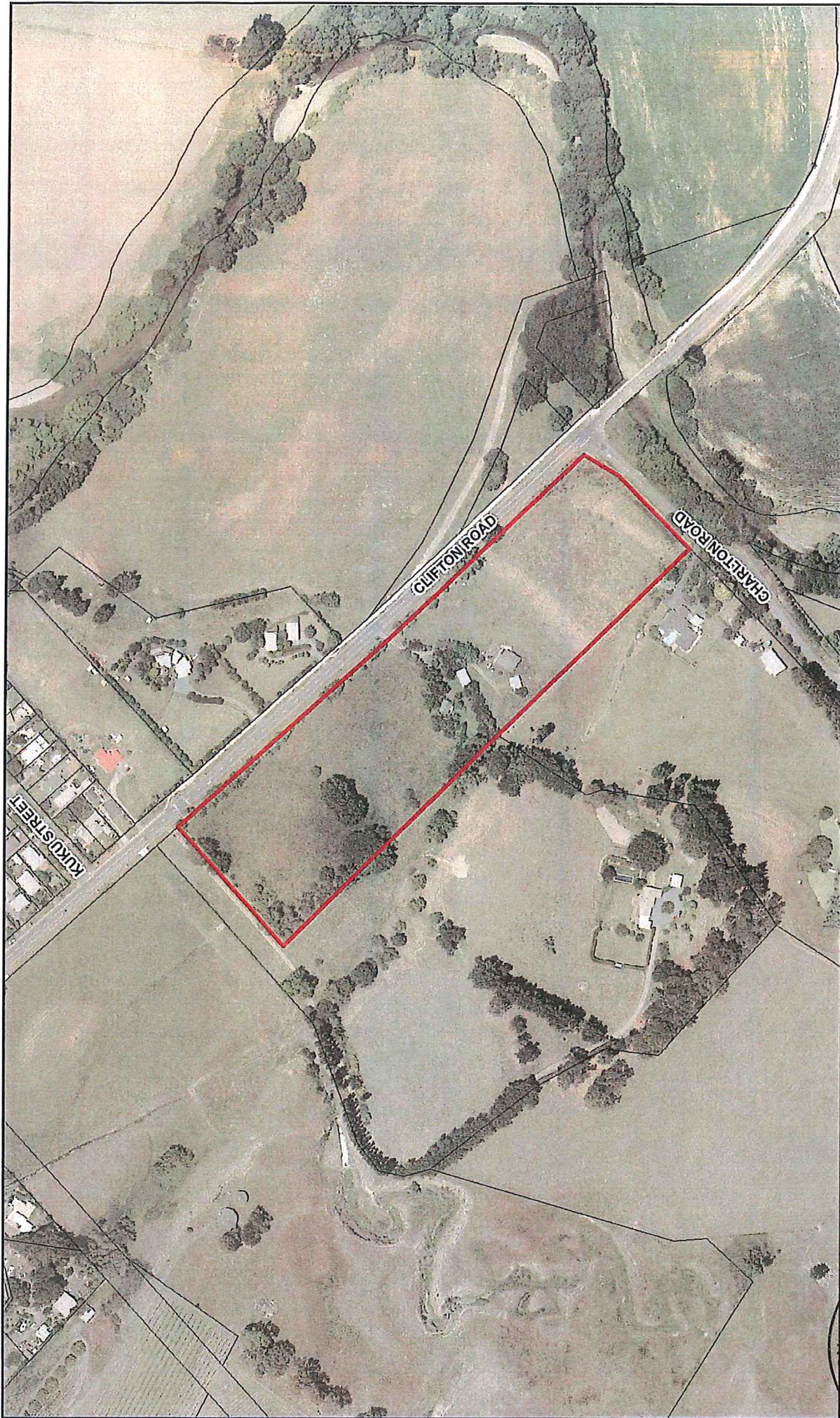




**Appendix D – Te Awanga Lifestyle Overlay Area to be added to  
Planning Maps**







DATA SOURCE: Cadastral information derived from the Land Information New Zealand's Core Record System (CRS).  
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DISCLAIMER: The Hastings District Council cannot guarantee that the data shown on this map is 100% accurate.

**Te Awanga Lifestyle Overlay subject to Concept & Landscape Plan**  
**in Appendix 25A – 380 Clifton Road – Lot 1 DP21776 BLK V CLIVE SD**

Date: Friday, 13 January 2017

Projection: NZTM  
 Datum: D\_NZGD\_2000

Scale 1:3,500

Original Size: A4

