

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of an appeal under clause 14 of
Schedule 1 to the Act
BETWEEN TE AUTE HOLDINGS JV LIMITED
(ENV-2015-WLG-000084)
Appellant
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 appeal and the parties' draft consent order received 4 October 2017.

[2] Hawke's Bay Fruitgrowers Association Inc, Hawke's Bay Regional Council, C P Moore and Horticulture NZ gave notice of an intention to become parties under s274 and 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.



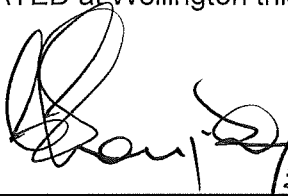
Order

[4] The Court orders, by consent, that the Proposed Hastings District Plan is amended as set out in **Annexure A** to this Order, with additions shown in underline and deletions shown in strike-through.

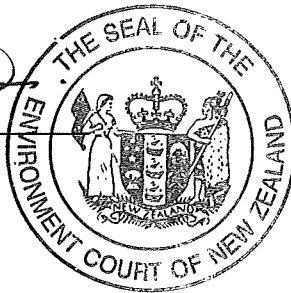
[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 14th day of November 2017



C J Thompson
Environment Judge



Annexure A – Changes to Hastings District Plan required by Consent Order

1. Amend Section 6.2.3 – Objectives and Policies by inserting the following new Policy and Explanation immediately after PPP11:

POLICY PPP12 Provide for a Retirement Village on Lot 2 DP 437278 as a Discretionary Activity in recognition of the unique characteristics of the site that would make it particularly suited to retirement living while taking into account the need to provide a strong artificial urban buffer to signal the limit to further urban sprawl to the south. .

Explanation

The site that is the subject of this policy is a small strip of land that immediately joins the residential boundary of Havelock North in Te Aute Road. The Heretaunga Plains Urban Development Strategy (HPUDS) 2017 has identified that the wider Middle Road area of Havelock North is not considered as a preferred area for future residential expansion due to a number of factors including that there are no features which would allow a strong urban boundary to be established, and being such a large area would reduce the incentive to intensify within the established area of Havelock North. HPUDS has recognised that retirement housing will be an increasingly important component of the residential market and that given its characteristics this small site that comprises a finger of the wider Middle Road option would make an attractive location for a retirement village development. This is a contained site bordered by Te Aute Road and the Karamu Stream although an artificial buffer would have to be provided to the south to signal the limit of urban development. The Discretionary Activity status is required to properly consider the adverse effects of the scale of a retirement village on the Plains environment. The assessment will also consider the need for additional land for retirement village at the time of the application.

2. Amend Section 6.2.4 Rules, by inserting a new line in the Rule Table immediately after Rule PP24:

Rule	Land Use Activities	Activity Status
PP25A	A retirement village on Lot 2 DP437278	D

3. Amend Section 6.2.6 – Specific Performance Standards and Terms, by adding the following new provisions at the end of the section:

6.2.6O Retirement Village on Lot 2 DP 437278

1. That a concept plan for the proposed development be provided that identifies the following features;

- The proposed access to the site from Te Aute Road
- The location of the service areas
- Internal traffic circulation
- Parking areas
- Any community areas and any commercial activities proposed
- The landscaping proposed on the Te Aute Road frontage
- The location of any on-site servicing for water, wastewater and stormwater disposal.
- the provision of a strong artificial buffer to signal the limit of further urban development to the south'

2. That a 30 metre wide buffer strip be provided from the boundary of any adjoining Plains Zone site. (Note the Karamu Stream and legal road could be incorporated into this buffer)

3. The maximum building coverage shall be 40% of the net site area.



4. Shelterbelt planting is required on the boundaries adjoining sites zoned Plains Production.

Outcome

Potential adverse or reverse sensitivity effects on adjoining and adjacent activities will be avoided remedied or mitigated



4. Amend Section 6.2.8 – Restricted Discretionary and Discretionary Activities, by adding the following new matters for discretion at the end of the section:

6.2.8Q RETIREMENT VILLAGE ON LOT 2 DP 437278

An assessment of the effects of the activity shall be made considering the following:

- (a) Benefits that the development may have in terms of meeting housing needs of the elderly in the Hastings District.
- (b) The method by which a strong artificial boundary to the south is to be created.
- (c) The impact of the scale, character and/or intensity of the proposal (including noise and hours of operation) and degree of compatibility of the use with surrounding activities.
- (d) The extent to which landscape planting is used to enhance the amenity of the site and integration of the proposal with the surrounding area, with particular consideration of the, visual screening of parking areas and adjoining sites and the view of the site from the road.
- (e) The potential for the activity to generate adverse impacts in terms of traffic safety, noise, odour, dust, glare or vibration and the extent to which mitigation options have been evaluated.
- (f) The potential for the activity to generate traffic, parking demand and/or visitor numbers.
- (g) The potential cumulative effects having regard to the presence of similar activities located in the vicinity or activities with similar effects.
- (h) Whether the activity can be adequately serviced.
- (i) The potential for the proposed activity to create reverse sensitivity effects.
- (i) The potential for the activity to generate adverse effects on the environment in terms of stormwater quality and quantity.

