

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 WAYNE BRADSHAW  
(ENV-2015-WLG-000077)  
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 19 October 2016 and the memorandum received 1 December 2016.

[2] No person gave notice of an intention to become a party under s274.

[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.



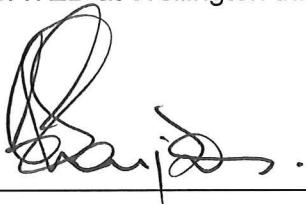
*Order*

[4] The Court orders, by consent, that the Proposed Hastings District Plan, Section 8.4 – Te Mata Special Character Zone, is amended as set out in **Appendix A**, 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 12<sup>th</sup> day of December 2016



C J Thompson  
Environment Judge



## Appendix A

- (a) Amend Section Rule Table 8.4.4.1 Te Mata Special Character Zone as follows:

Rule	Land Use Activities	Activity Status
<b>TM2A</b>	<u>Commercial activities within any heritage building</u>	<u>C</u>

- (b) Amend Section 8.4.6 Specific Performance Standards and Terms as follows:

### **8.4.6B RESIDENTIAL ACTIVITIES**

1. Residential Buildings
  - (a) One residential building shall be allowed per site provided that the site shall be a minimum area of 2500m<sup>2</sup>.

Where the site contains a heritage building being used for commercial activities, one residential building shall be allowed per site provided that the site shall be a minimum area of 5000m<sup>2</sup>.

- (b) One residential building shall be allowed per residential site on a residential farm park.

*Outcome*            The potential to utilise the land resource, in a manner that supports the life supporting capacity of the soil resource, will be facilitated by providing for residential accommodation.

### **8.4.6C SUPPLEMENTARY RESIDENTIAL BUILDINGS**

- (a) One Supplementary Residential Building shall be allowed per site, or per residential site on a residential farm park, except that no Supplementary Residential Building shall be allowed where the site contains a heritage building being used for commercial activities.

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### **8.4.6D COMMERCIAL ACTIVITIES**

The following activity threshold limits shall apply (Table 8.4.6D).

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These activities can be carried out singly or in combination. However there is a cumulative limit of 150m<sup>2</sup> per site for all activities other than those established under rule TM2A (refer Rule 8.4.6F site area threshold limits).

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#### **8.4.6F SITE AREA THRESHOLD LIMITS**

The activity thresholds for Rules 8.4.6C, 8.4.6D, 8.4.6E apply to an individual site.

The activities under these Rules can therefore be carried out singly on a site or in combination, until the cumulative limit of 150m<sup>2</sup> per site is reached except that any activity established under Rule TM2A is excluded from the cumulative limit.

- (c) Amend Section 8.4.7 Assessment Criteria – Controlled Activities as follows:

#### **8.4.7.3 COMMERCIAL ACTIVITIES WITHIN ANY HERITAGE BUILDING AND ANY NEW BUILDINGS OVER 50M<sup>2</sup> CONSTRUCTED WITHIN 50 METRES OF A HERITAGE BUILDING USED FOR COMMERCIAL ACTIVITIES**

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

- (a) Whether the commercial activity is compatible with the heritage building and whether it would maintain or enhance the heritage features and historic nature of the building;
- (b) The extent to which the scale, nature and effects of the commercial activity could detract from or compromise the wider amenity and unique character of the Te Mata Special Character Zone or the setting in which it is located. Additional landscaping may be appropriate to integrate the commercial activity into this environment.

#### Guidance:

Commercial activities can compromise the visual amenity of a setting in which a heritage item is located, particularly through large scale carparking and loading, storage and rubbish collection areas and through the use of inappropriate corporate colours and signage. It is

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important that the location and design of any carparking/loading/storage /rubbish area seeks to integrate with and be sympathetic to the heritage qualities of the building and its surrounding setting. Keeping these areas to an appropriate size and scale and ensuring that a landscape plan includes sufficiently mature trees and elements to integrate with and/or screen these areas from, the heritage building and its setting will be important. Fencing materials and design should take cues from any existing fencing on the site and the era and style of the heritage building. Colours used to repaint the building or for fencing or signage should be recessive in nature and relate to the surrounding landscape of the Te Mata Special Character Area. Corporate colours should be toned down and used sparingly and sympathetically.

Note: Any signage proposed will need to meet the standards and assessment criteria in Section 28.1;

- (c) The potential for the activity to create effects on the environment in relation to traffic, parking demand, noise or visitor numbers and the extent to which these can be mitigated;

Where New Buildings (including additions) over 50m<sup>2</sup> in area are located within 50 metres of a heritage item consideration will be given to the following:

- (d) Whether the new building or structure is of a size that would detract from the Heritage Item.
- (e) The location of the new building or structure in relation to the Heritage Item and whether the distance of separation from the Heritage Item would have a detrimental impact on the overall setting of the Heritage Item.
- (f) Whether the size of the site is large enough to accommodate a new structure such that the new structure will not have a detrimental impact on the Heritage Item in terms of closeness, size and the overall setting of the Item.
- (g) Whether the design of the new building or structure is compatible with the Heritage Item in terms of materials used and colour.

Guidance:

New buildings or structures can compromise the visual amenity of a setting in which Heritage Item(s) dominate. New structures should not attempt to 'copy' the heritage feature on the same site or

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within the setting, but should be distinct enough to recognise that it does not form part of the Heritage Item whilst being sympathetic to the design of the Heritage Item and the setting.

New buildings should be no higher than the existing Heritage Item and if possible should be located at the rear of the site, behind the heritage building. Where this is not possible, sufficient landscaping shall be provided to screen the new structure from view, such that the effect on the aesthetic appeal of the setting is not compromised and is softened.

The size of the new building should attempt to be of a similar scale to that of the heritage building (if the Heritage Item is a building) and should not dwarf the heritage feature.

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