

IN THE MATTER of the Resource Management Act 1991
AND

IN THE MATTER of appeals under clause 14 of the First
Schedule to the Act

BETWEEN NAVILLUSO HOLDINGS LIMITED,
TUMU TIMBERS LIMITED,
CARRFIELDS INVESTMENTS LIMITED
and MIKE WALMSLEY LIMITED

(ENV-2017-WLG-000046)

CARR GROUP INVESTMENTS
LIMITED

(ENV-2015-WLG-000080)

MIKE WALMSLEY LIMITED

(ENV-2015-WLG-000086)

JOHN ALAN ROIL

(ENV-2015-WLG-000091)

NAVILLUSO HOLDINGS LIMITED

(ENV-2015-WLG-000093)

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 1 November 2017.



[2] The following persons gave notice of an intention to become a party to the appeals under s 274 of the Act:

- (a) ENV-2017-WLG-046 - Hawkes Bay Regional Council, Hawkes Bay Fruitgrowers Inc;
- (b) ENV-2015-WLG-080 – Hawkes Bay Fruitgrowers Inc, Horticulture New Zealand;
- (c) ENV-2015-WLG-086 – Hawkes Bay Fruitgrowers Inc, Horticulture New Zealand, Hawkes Bay Regional Council;
- (d) ENV-2015-WLG-091 – Hawkes Bay Regional Council, Hawkes Bay Fruitgrowers Inc, Horticulture New Zealand;
- (e) ENV-2015-WLG-093 - Hawkes Bay Fruitgrowers Inc, Horticulture New Zealand;

[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:

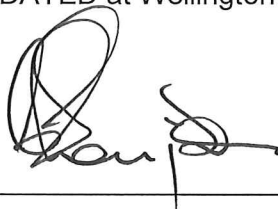
- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular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

Order

[4] The Court orders, by consent, that Variation 2 to the Proposed Hastings District Plan is amended as outlined in Appendix A, with additions shown in underline and deletions shown in strike-through.

[5] This order disposes of Appeal ENV-2017-WLG-046. Appeals ENV-2015-WLG-80, 86, 91 and 93 are confirmed as being withdrawn. There is no order as to costs.

DATED at Wellington this 24th day of January 2018



C J Thompson
Environment Judge



APPENDIX A – CHANGES TO VARIATION 2 - IRONGATE

Changes to Section 14.1 Industrial

1. Amend the Explanation to Policy IZP14 as follows:

POLICY IZP14

Provide for the establishment of dry industrial activities on larger sites in the Irongate Industrial Area.

Explanation

The infrastructure for the Irongate Industrial Area has been designed to support dry industrial activities such as timber processing activities and transportation depots. No provision has been made for trade waste or reticulated stormwater disposal. A minimum site size has been set at 1 hectare as this is the density of development that service infrastructure and roading has been designed to accommodate. Some flexibility in lot size may be able to be accommodated provided a 1 hectare average site size density is retained. The limited access nature of Maraekakaho Road and the lack of profile on Irongate Road means that this area is not appropriate for activities seeking smaller sites with a high profile and access to passing traffic.

For certain sites, a minimum site size of 5000m² has been identified as appropriate, provided they are serviced by a single access point to Maraekakaho Road. because a reduced minimum lot size has been recognised as appropriate for these sites because existing buildings and infrastructure investment and/or their lot shape characteristics makes a 1 hectare average inefficient.

2. Amend Rule GI5 as follows (internal footnote omitted, but unchanged):

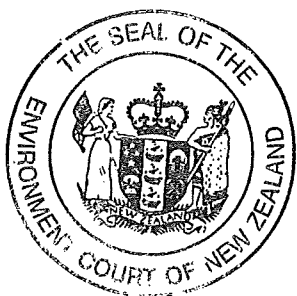
Rule	Land Use Activities	Activity Status
GI5	<p>The sale or hire of:</p> <ul style="list-style-type: none"> • Machinery, equipment and supplies used for industrial, agricultural, horticultural, building or landscaping purposes; • ☐ Buildings <p>This rule only applies to those Omahu Road sites identified within the area identified in Appendix 36; and those sites in the Irongate Industrial Area identified in Appendix 36A</p>	

3. Amend Performance Standard 14.1.6A.3 – Setbacks as follows:

Front Yards

No part of any building shall be located within the following yards:

Areas	Front Yard
Irongate Area	
All instances ^{Note 1; Note 2}	10 metres



...

Note 2:

Sites fronting Irongate Road East are exempt from the front yard requirement.

4. Amend Performance Standard 14.1.6A.4 – Landscaping as follows:

(a) The full length of each front boundary (excluding vehicle entrances) shall be landscaped for minimum width identified below:

Areas	Minimum Width
Irongate Area	
Boundaries adjacent to State Highway 50A	Nil
All other instances	<u>2.5 metres-Refer to 14.1.6A.4(b) below</u>

...

b) Landscaping within the Irongate Area shall consist of an even mixture of ground cover, shrubs and specimen trees complying with 14.1.6.4A(b)(i) and to (ii) below.

(i) A minimum of 25% of the length of frontage of all sites shall be landscaped.

(ii) Any landscaping strip shall have a minimum width of 3.0m.

~~(ii) At least one tree selected from the list below shall be provided for every 8m of road frontage (excluding vehicle entrances). These trees shall be located within the required landscaping area and shall be spaced at 8m intervals.~~

(iii) Trees planted shall be from the list below:

- Erect Oak (Quercus robur Fastigiata) (12m x 2.5m)
- Oriental Plane (Platanus orientalis 'Autumn Glory') (10m x 5m)
- London Plane Tree (Platanus acerifolia) (15m x 6m)

(iv) The ground cover and shrub plantings shall contain a mix of no less than four and no more than six species. These shall not exceed 1.8m in height.

5. Amend Performance Standard 14.1.6A.5 – Screening as follows:

...

2) Irongate Area

...

(b) Irongate Area - Boundaries adjacent to State Highway 50A

(i) A shelterbelt shall be established along the full length of each boundary.



- (ii) The shelterbelt shall consist of one of the following tree species:
 - Poplar varieties
 - Pittosporum varieties
 - Beech – *Fagus sylvatica*
 - Salix varieties
- (iii) The individual trees shall be at least 2m in height at the time of planting.
- (iv) The shelterbelt shall be planted ~~no closer than 5m and~~ no further than 10m from the boundary.
- (v) The shelterbelt shall be maintained so that:
 - the branches do not extend over the boundary; and
 - where the shelterbelt is planted on the boundary, or closer than 5m from the boundary, its height does not exceed 9m;
 - where the shelterbelt is planted between 5m and 10m from the boundary, its height does not exceed the distance the shelterbelt is from the boundary plus 4 metres;
 (e.g. at a distance of 5 metres from the boundary, the height limit is 9 metres; at a distance of 9 metres from the boundary, the height limit is 13 metres).
- (vi) That the shelterbelt must be capable of being fully maintained from within the site it is located. In the case of shelterbelts planted closer than 5m from the boundary, a maintenance strip of 3 metres must be provided within the site.
- (vii) No new shelterbelt shall be required to be provided on a boundary where there is an existing legally established shelterbelt parallel to and within 10m of that boundary.

Changes to Section 26.1 – Transport and Parking

6. Amend 26.1.6A – Access, as follows:

(3) Vehicle Access to Property Zoned General Industrial (Irongate Area)

Except where the Engineering Code of Practice Driver Sightline Requirements are greater:

- (a) The minimum separation distance between vehicle accesses shall be:
 - ~~Maraekakaho Road – 100m~~
 - ~~Any other road – 15m.~~
- (b) No vehicle access located on Maraekakaho Road shall be located closer than 100m to an intersection.
- (c) No vehicle access located on a Local Road or District Collector Road

Note: Maraekakaho Road is a Limited Access Road which has certain restrictions on the number and location of access. In addition to compliance with these performance standards, landowners will also require the approval of the council in accordance with the Local Government Act 1974 in relation to any proposed new or amended access to the Limited Access Road.



Changes to Section 30.1 – Subdivision and Land Development

7. Amend Table 30.1.6A – Minimum Site Sizes and Dimensions, as follows:

SMA/ZONE		MINIMUM NET SITE AREA
7.	INDUSTRIAL	
A
B	General Industrial Irongate Area	<u>5000m² with a minimum average site size of 1 hectare</u>
C	...	
D	...	
E	<p><u>The following sites within the General Industrial Irongate Area:</u></p> <ul style="list-style-type: none"> • <u>Lot 2 DP 12192 Blk XV Heretaunga SD</u> • <u>Lot 1 DP 24887</u> • <u>Lot 2 DP 4144</u> • <u>Lot 2 DP19426 Int in R/W</u> • <u>Section 8 SO 438108.</u> 	<u>5000m²</u>

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

30.1.7E – PROPERTY ACCESS

1. ...
2. Access to property in General Industrial Irongate Area except where the Engineering Code of Practice driver sightline requirements are greater:
 - (a) The minimum separation distance between vehicle accesses shall be:
 - ~~Maraekakaho Road – 100m~~
 - ~~Any other road – 15m.~~
 - (b) No vehicle access located on Maraekakaho Road shall be located closer than 100m to an intersection.
 - (c) No vehicle access located on a Local Road or District Collector Road

All other vehicle crossings shall be located in accordance with the dimensions shown in ~~the~~ Appendix 73.

Note: Maraekakaho Road is a Limited Access Road which has certain restrictions on the number and location of access. In addition to compliance with these performance standards, landowners will also require the approval of the council in accordance with the Local Government Act 1974 in relation to any proposed new or amended access to the Limited Access Road.

...

30.1.7Q GENERAL INDUSTRIAL IRONGATE AREA



...

(f) All new sites created from the following parent lots shall be served by a single vehicular access to Maraekakaho Road per parent lot:

- Lot 2 DP 12192 Blk XV Heretaunga SD
- Lot 1 DP 24887
- Lot 2 DP 4144
- Lot 2 DP19426 Int in R/W
- Section 8 SO 438108.

9. Amend 30.1.8 – Assessment Criteria – Controlled, Restricted Discretionary and Discretionary activities, as follows:

30.1.8.1 GENERAL ASSESSMENT CRITERIA

...

3. **Property Access** – Council will have regard to the following:

...

(viii) In the case of subdivision not complying with Performance standard 30.1.7Q(f):

- Whether approval has been provided for any additional access under the Local Government Act 1974;
- Whether the number of vehicle accesses will have an adverse effect on the safe and/or efficient operation of the road network, pedestrian safety and convenience and/or capacity for on-street parking.

Changes to Appendices

10. Delete Appendix 36A.

