

BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER of the Resource Management Act 1991  
AND of an appeal under cl 14 of the First  
Schedule to the Act  
BETWEEN K COOPER  
(ENV-2017-WLG-000044)  
Appellant  
AND HASTINGS DISTRICT COUNCIL  
Respondent

Environment Judge B P Dwyer sitting alone pursuant to s 279 of the Act

In Chambers at Wellington

---

AMENDED CONSENT ORDER

---

[A] Under s 279(1)(b) of the Act, the Environment Court, by consent, orders that the Proposed Hastings District Plan, Variation 3, be amended as follows (deletions shown in strikethrough, additions shown underlined):

(a) Amending Section 30.1 – Subdivision and Land Development, Performance Standard 30.1.7U(a) as follows:

The subdivision shall be in general accordance with the Howard Street Structure Plan in appendix 80, Figure 4 2 and shall not obstruct or interfere with any infrastructure links, stormwater detention area or public reserves.

(b) Amending Appendix 80 – Howard Street Urban Development Area Structure Plan, Performance Standard HSSP-S2(i) as follows:

A stormwater detention area shall be provided for alongside the Awahou Drain on the South Eastern boundary of the Development, in general



accordance with Appendix 80, Figure 2. The stormwater detention area will be designed to cater for a 1 in 50 year flooding event. The detention area will be approximately ~~4.2~~ 1.3 hectares in size. No building development is permitted to occur within the detention area.

- (c) Substituting the diagram headed "Appendix 80 – Figure 2 – HOWARD STREET Structure Plan" with that attached as Appendix A to this consent order;

[B] The appeal is otherwise dismissed.

[C] Under s 285 of the Act, there is no order as to costs.

[D] This consent order replaces the consent order issued by the Court on 30 January 2019. The consent order issued on 30 January 2019 is cancelled.

## REASONS

### **Introduction**

[1] The Court has read the notice of appeal and the memorandum of the parties dated 30 November 2018. The Court has also read and considered the memorandum of the Appellant and Respondent dated 8 February 2019.

### **Other relevant matters**

[2] Hawkes Bay Regional Council gave notice of an intention to become a party under s 274 to the appeal and has signed the memorandum setting out the relief sought.

### **Orders**

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

- (a) all parties to the proceedings have executed the memorandum requesting this order;



- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.<sup>1</sup>

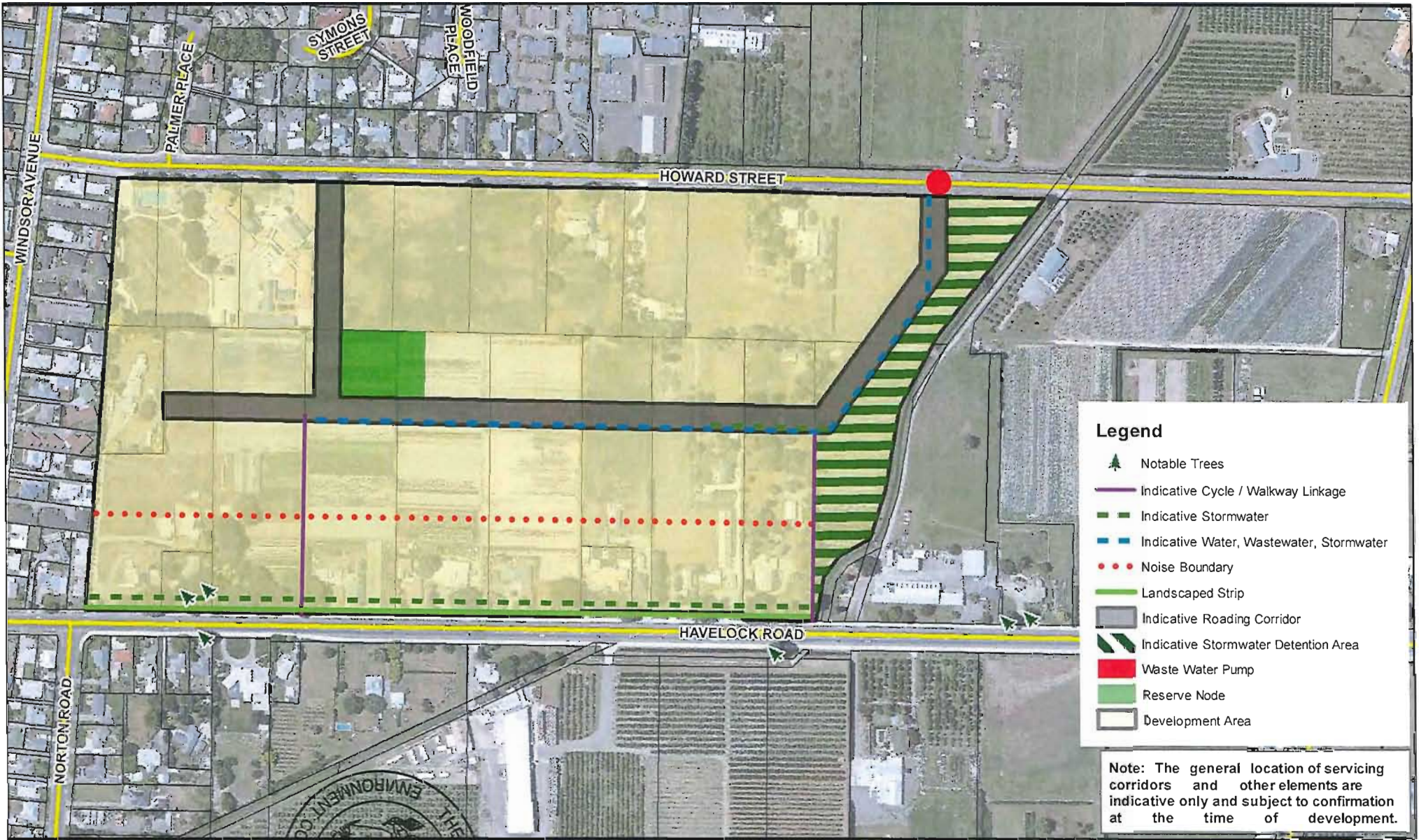
DATED at Wellington this 13<sup>th</sup> day of March 2019

  
B P Dwyer  
Environment Judge



<sup>1</sup> In making this order, the Court refers to the Respondent's undertaking as set out at paragraph 17 of the memorandum dated 30 November 2018 requesting this order filed by the parties and records its understanding that the Appellant signed that memorandum in reliance on the Respondent's undertaking in that regard.

# Appendix A



## Howard Street Structure Plan

Scale 1:4,000

Date: Thursday, 23 August 2018



Original Size: A4

Map Produced using ArcMap

DATA SOURCE: Cadastral information derived from the Land Information New Zealand's Core Record System (CRS).  
CROWN COPYRIGHT RESERVED

COPYRIGHT: Copyright in this drawing is owned by the Hastings District Council. Any unauthorised copying or adaptation of the whole or a substantial part of the work in two or three dimensions is an infringement of copyright.

DISCLAIMER: The Hastings District Council cannot guarantee that the data shown on this map is 100% accurate.