



# *Hastings District Council*

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## OPEN MINUTES

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### HEARINGS COMMITTEE

Meeting Date: **Commencing on Thursday,  
21 February 2013**

**(Council Initiated Plan Change 57 and associated Notice of  
Requirement hearing)**



## HASTINGS DISTRICT COUNCIL

**MINUTES OF A MEETING OF THE HEARINGS COMMITTEE  
HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION  
BUILDING, LYNDON ROAD EAST, HASTINGS  
COMMENCING ON THURSDAY, 21 FEBRUARY 2013 AT 10.05AM  
AND CONTINUING ON FRIDAY, 22 FEBRUARY 2013**

***[THEN RECONVENED IN PUBLIC EXCLUDED SESSION  
ON MONDAY, 25 FEBRUARY; TUESDAY, 12 MARCH; THURSDAY, 28 MARCH;  
TUESDAY, 9 APRIL AND THURSDAY, 18 APRIL 2013]***

**THEN RECONVENED IN OPEN SESSION  
ON MONDAY, 27 MAY 2013,  
(FOLLOWING A RESOLUTION TO CONTINUE IN OPEN SESSION)**

***[THEN FURTHER RECONVENED IN PUBLIC EXCLUDED SESSION  
LATER ON MONDAY, 27 MAY; WEDNESDAY, 5 JUNE 2013  
AND ALSO ON THURSDAY, 6 JUNE 2013]***

**(THE “FINAL” RECOMMENDATIONS FROM THIS COUNCIL INITIATED PLAN  
CHANGE WILL BE FORWARDED TO COUNCIL FOR CONSIDERATION)**

- PRESENT:** Chair: Councillor Lester  
Councillors Twigg and Watkins.
- IN ATTENDANCE:** Environmental Policy Manager (Mr P McKay)  
Environmental Planner Policy (Mr C Scott)  
Senior Strategic Planner (Mrs T Gray)  
Committee Secretary (Mrs C Hilton)
- ALSO PRESENT:** ***“Submitters”***  
Mr R Barley – on behalf of J Barley, L Curd and S Greer  
and also addressing some issues affecting submitters  
JP and GJ Flynn; R Sherratt; NP and ME Vesty.  
Mr C Pask – appearing as a witness for J Barley and  
others.  
Mrs M Vesty  
Mr J and Mrs G Flynn  
Mrs R Sherratt  
Ms D Vesty, Executive Officer, Hawke’s Bay Fruitgrowers’  
Association and also speaking on behalf of the  
Raupare Enhancement Society Inc  
Ms R Vincent – Hastings District Landmarks Trust  
Mr M Holder, Consult Plus – representing Golden Oak  
Partnership (G & S Cornes); JP and GJ Flynn  
Mr B Nicol, Consult Plus – representing NP & ME Vesty  
Partnership Ltd and Mr J Agnew  
Members of the public and some other submitters who did  
not wish to speak, were present as observers.

### 1. APOLOGIES

Councillor Lester/Councillor Watkins

That an apology for absence from Councillor Poulain be accepted.

**CARRIED**

It was noted that the following submitters were unable to attend the hearing: - Mrs J Barley; Mr S Greer; Mr L Manley; Cambridge Street Limited and Mr F Haywood (Raupare Enhancement Society).

The following submitters had now indicated they did not wish to speak at the hearing: - NZ Transport Agency (NZTA) – Mr Postings; Mr D Renouf and NZ Frost Fans Ltd.

## 2. COUNCIL INITIATED PLAN CHANGE 57 AND ASSOCIATED NOTICE OF REQUIREMENT HEARING:

**Plan Change 57 seeks to establish a new industrial area on the northern side of Omaha Road, Hastings. The entire 36ha would initially be rezoned Deferred Industrial 2 (Omahu North). The deferred status would then be able to be lifted by Council in two stages when the infrastructure required to service the respective areas has been implemented.**

**The resultant Industrial 2 (Omahu North) zone is to have the same performance standards as the general Industrial 2 zone (which occupies the land on the opposite side of Omaha Road), except that:**

- **Industrial, agricultural, horticultural, building and landscape related commercial service activities are to be permitted;**
- **Roof stormwater is to be disposed of to the ground on-site (appropriate roof surfaces will be specified by plan standards to enable this). All other stormwater is to be disposed of via a reticulated Council system; and**
- **Any new activity established must be consistent with the proposed structure plan.**

*(Planning report and background information previously circulated) (Written evidence circulated at meeting)*

The following colour A1 and A2 sized sheets were displayed at the meeting:

- Proposed Omaha North Industrial Zone (Stage 1) – *(A1 size)*.
- Proposed Omaha North Industrial Zone (Stage 2) – *(A1 size)*.
- Proposed Designations (Stage 1) – *(A1 size)*.
- Proposed Designations (Stage 2) – *(A1 size)*.
- Land Requirement Plan Henderson/Omahu Road Intersection (MWH) – *(A2 size)*.
- Aerial photograph of Henderson/Omahu Road Intersection showing red hatching overlay relating to above Land Requirement Plan – *(A2 size)*.

The Chair, Councillor Lester, and the members of the Hearings Committee introduced themselves and the Council Officers present. The Chair made his opening comments and outlined the process to be followed at the hearing, together with addressing housekeeping issues. The planning report had the same status as any other evidence being considered at this hearing. The Committee had been on an initial site visit that morning, prior to the hearing. A further site visit was planned to be undertaken later in the hearing, after the evidence had been heard.

Once the respective evidence had been presented, the Committee would consider that information, undertaking its deliberations in Public Excluded [Confidential] Session. The Committee's recommendations, for both the Plan Change and the Notice of Requirement, would then be forwarded for consideration by Council in due course, in compliance with the relevant provisions of the Resource Management Act.

**The Senior Strategic Planner, Mrs T Gray** gave a power point presentation as an overview of the proposed plan change. The main points she highlighted included the fact that Hastings District Council had obtained a discharge

consent from the Hawke's Bay Regional Council to divert stormwater from the proposed zone and to discharge it to land and water from the proposed swales and the three infiltration basins.

In response to questions from the Committee, Council officers advised that vehicles would not be able to drive over the proposed swales. A solution would need to be engineered and there were some options to consider.

**Mr R Barley** gave an extensive power point presentation, on behalf of **J Barley, L Curd and S Greer** noting the "uniqueness" of their properties, addressing their concerns and seeking a "common sense approach" regarding the proposed plan change and notice of requirement - including the swale; infrastructure upgrade; stormwater discharge; and the Omahu/Henderson Road roundabout. Mr Barley also addressed associated concerns from submitters **JP and GJ Flynn, R Sherratt, NP and ME Vesty and the Pask and Donnelly properties**. These landowners opposed the alignment of the proposed swale. In general they supported the roundabout, with some concerns. Mr C Pask was appearing as a witness, for J Barley and others. (*Hard copies of the Barley presentation were circulated later in the day*).

Using the document-cam Mr Barley displayed and addressed Pages 65 to 77 (*Designation Plans 1 to 13*) in Agenda Document 4, particularly noting the gardens, established trees and buildings affected by the proposed infrastructure services. Referring to Page 79, Document 4 and the displayed A1 sheets, he then addressed issues regarding the proposed roundabout.

Further main points raised in Mr Barley's presentation, or addressed in response to questions from the Committee, included:

- The width of the proposed swale – including access for maintenance.
- Council officers had walked over the properties in question and had discussed the relevant issues with the landowners.
- Concerns about the danger of having water lying in the unfenced swale.
- Zone 1 was addressed in relation to alternatives for a stormwater solution.
- Zone 1 was better suited to an infiltration system, than Zones 2 & 3.
- The extent of the Barley frontage land that could be lost to the roundabout and the matter of access to the property.

**Mr C Pask** spoke as a **witness for J Barley and others** regarding the effectiveness of the infiltration system on his Omahu Road site. The main points raised or addressed in response to questions from the Committee included:

- He was speaking on behalf of five property owners in Zone 1 only.
- He felt underground filtration should be used, rather than a swale.
- He addressed *Designation Plan 1*, on Page 65 in Agenda Document 4.
- An alternative for the swale should be considered in Zone 1.

The Chairman advised that during the initial site visit, held that morning, the Committee had visited some of these particular properties.

**Mr J Flynn** did not have anything to add to Mr Barley's comments.

**Mrs R Sherratt** supported Mr Barley's comments. Her main concern was the safety of children in regard to the swale - fencing of the swale and concerns about the potential danger of having water sitting in it.

**Mrs M Vesty** agreed with Mr Barley's comments.

**Ms D Vesty** circulated and read evidence on behalf of the **HB Fruitgrowers' Association**. No questions were asked by the Committee, but Officers were requested to comment later in the hearing on the issues raised in the evidence (Issues 5, 10 and 11).

**Ms D Vesty** then circulated and read evidence on behalf of the **Raupare Enhancement Society Inc**, as representatives from the Society were unable to be present. She advised that the HB Today newspaper article referred to in the evidence could be provided after the lunch break, if required. No questions were asked by the Committee, but Officers were requested to comment later in the hearing about bunding issues.

**Mr B Nicol, Consult Plus** circulated and read his Submissions on behalf of **NP & ME Vesty Partnership Ltd**, interpolating as appropriate. The main points raised in relation to his Submissions, or addressed in response to questions from the Committee, included clarification of the following parts of these Submissions:

- Paragraph 21 - this request would stand regardless of any changes that may be made to the swale.
- Paragraph 17 – Page 66, Document 4 was displayed via the doc-cam showing how the apple tree rows were laid out and the area of trees that couldn't be used productively.
- Paragraphs 10 and 11.

**Mr M Holder, Consult Plus** then spoke to the two pages at the back of the circulated Vesty evidence which had not been read out – regarding matters in the original submission not raised in reporting planner's agenda report. Mr Holder read and addressed these points, displaying the colour A4 page attached to the evidence, via the doc-cam (as per Page 31, Document 1). Officers were requested by the Chair to comment on these additional points later in the hearing.

Mr Holder felt that there was no consistency regarding the zone that was formed and how the notification of the proposed plan change and associated notice of requirement had been undertaken. In response to a question from the Chair, Mr Holder said he did not believe his clients had been disadvantaged by the way this notification had been undertaken, but other parties may have been affected – as some parties had only received the notice of requirement documents and not the plan change documents.

The Chair advised that the Committee would ask the Council Officers to comment on this matter at an appropriate time later in the hearing.

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The hearing adjourned for lunch at 11.55am  
and resumed at 12.50pm.

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**Mr B Nicol** circulated and read his Submissions on behalf of **J Agnew**, interpolating as appropriate. Via the doc-cam, he indicated the location of his client's land and referred to Page 77, Document 4 (Designation 13). The main points raised in relation to his Submissions, or addressed in response to questions from the Committee, included:

- Mr Agnew currently has a resource consent application lodged with HDC (Paragraph 8).
- Water and sewage.
- Wastewater and disposal on-site.
- Stormwater dealt with on-site through on-site soakage.
- Deferring until Stage 2, would mean infrastructure would be in place for the other services.

**Mr M Holder** made a verbal presentation regarding the submission from **JP and GJ Flynn** (Page 25, Document 3). The main points raised, or addressed in response to questions from the Committee, included:

- The reporting officer's comments – Page 30, Document 1.
- Any change to the swale would result in "orphaned" plains land that his clients would seek to be included as industrial land.

- Similar comments made earlier in regard to Vesty land would also apply in this case.

Mr Holder made a verbal presentation regarding the submission from **Golden Oak Partnership (G & S Cornes)** (Page 13, Document 3). The main points raised, or addressed in response to questions from the Committee, included:

- The reporting officer's comments – Page 26, Document 1.
- The location of his client's land was shown on the doc-cam (referring to Page 26, Document 1 and Page 16, Document 3).
- The suggested buffer strip.
- The effect on industrial access to Omahu Road due to land set aside by NZTA for a potential "fly-over" (Paragraph 27 on Page 27 of Document 1).
- The type of soil in the strip of land that was proposed to be extended.

**Ms R Vincent, representing the Hastings District Landmarks Trust** made a verbal presentation. The main points that she highlighted included:

- Omahu Road was very busy and had some traffic issues.
- The Trust was seeking that the road's numbering system be reviewed.
- The Trust hoped this gateway to Hastings would be attractive.

No questions were asked by the Committee.

The hearing was adjourned at 1.26pm

And would reconvene on Friday, 22 February 2013

At 10.00am

## HASTINGS DISTRICT COUNCIL

MINUTES OF A RECONVENED MEETING OF THE HEARINGS COMMITTEE  
HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION  
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AND ALSO ON THURSDAY, 6 JUNE 2013]*

(THE “FINAL” RECOMMENDATIONS FROM THIS COUNCIL INITIATED PLAN  
CHANGE WILL BE FORWARDED TO COUNCIL FOR CONSIDERATION)

**PRESENT:** Chair: Councillor Lester  
Councillors Twigg and Watkins.

**IN ATTENDANCE:** Environmental Policy Manager (Mr P McKay)  
Environmental Planner Policy (Mr C Scott)  
Senior Strategic Planner (Mrs T Gray)  
Water Services Manager (Mr B Chapman) – *for part of  
hearing session*  
Stormwater Manager (Mr M Kneebone) – *for part of  
hearing session*  
Traffic Engineer (Mr A Campion) – *part of hearing session*  
Committee Secretary (Mrs C Hilton)

**ALSO PRESENT:** **“Submitters”**  
Mr D Osborne  
Mr H Campbell  
Mr M Holder and Mr B Nicol, Consult Plus – representing  
D Osborne; H Campbell; D Osborne (Orchard Trustees  
Limited) and the Crasborn Group  
Mr S Currie  
Mr M Lawson, Legal Counsel – representing K & K  
Bayley, Bayley Family Trust, Rimu Hastings Limited,  
Totara Hastings Limited; JK & VK Currie & SH & DM  
Currie & Hustler Equipment Limited

Members of the public and some other submitters who did  
not wish to speak, were present as observers.

### 1. APOLOGIES

As per Day 1 of these minutes.



It was noted that submitters Mr K Bayley and Mr J Currie were unable to attend today's hearing session. Mr Lawson would present their respective submissions.

## 2. COUNCIL INITIATED PLAN CHANGE 57 AND ASSOCIATED NOTICE OF REQUIREMENT HEARING:

**Plan Change 57 seeks to establish a new industrial area on the northern side of Omahu Road, Hastings...(Continued)...**

*(Planning report, background information and some written evidence previously circulated) (Further written evidence circulated at meeting)*

Six colour A1 and A2 sheets were displayed at the meeting, as per Day 1.

The Chair reiterated that the Committee had been on an initial site visit prior to the hearing. A further site visit would be undertaken later in the hearing.

**Mr M Lawson** circulated and read his Synopsis of Submissions **on behalf of JR & VK Currie, SH & DM Currie & Hustler Equipment Limited**, interpolating as appropriate. Via the computer system, Mr Lawson noted the location of the land in question. The main points raised in relation to his Submissions, or addressed in response to questions from the Committee, included:

- Paragraphs 16 and 18.
- How could the section of land in question (Paragraphs 4 to 7) be best utilised? Could it be amalgamated with the block to the north? Council Officers would be asked to comment on these issues later in the hearing.

The Chair said that Council Officers would also be asked to make comments, later in the hearing, about the approach taken regarding notifying the plan change and the associated notice of requirement. The Chair advised that issues relating to the notification process had also been raised the previous day by Mr Holder.

**Mr M Lawson** circulated and read his Synopsis of Submissions **on behalf of K & K Bayley, the Bayley Family Trust, Rimu Hastings Limited and Totara Hastings Limited**, interpolating as appropriate. Via the computer system, Mr Lawson noted the location of the land in question. The main points raised in relation to his Submissions, or addressed in response to questions from the Committee, included:

- Paragraphs 4, 5 & 7 – the plan change should consider poorer soils for industrial use, taking a line 130m from Omahu Road.
- Stormwater flow, via gravity flow, back to Omahu Road.
- The indicated position of the infiltration areas.
- Paragraph 15 – how to address a site in one title with a split zoning?
- Paragraphs 16-21 and 24-27 were “taken as read” – these issues already addressed in Currie submission (they were relevant to both submissions).
- Currie submission addressed under Issue 6, but not Bayley submission.
- Paragraph 31 – “costings” were also raised under the Currie submission. Costs provided didn't relate to the engineering cost for the rezoned area.
- Paragraph 5 – the benefit of a map to clarify the area in the submission. Mr Lawson said Officers knew these details (discussions started 2003). It was part of Mr Wilton's analysis – differing soil types are readily seen on-site.
- Is drainage influenced by the aquifer or soil quality? What is the criteria?

**Mr M Holder and Mr B Nicol** addressed the submissions of **Mr D Osborne and Mr H Campbell**. These submitters had made a joint submission as well as individual submissions. Mr Holder made an extensive verbal presentation on behalf of these two submitters and responded to questions from the Committee. Messrs Osborne and Campbell also responded to questions from

the Committee and each made a verbal statement regarding their joint and respective individual submissions.

Via the doc-cam, Mr Holder displayed and addressed five plans and overlaid aerial photographs of the area (a set was given to each of the committee members). The plans comprised three A3 colour sheets; one A4 black and white sheet and one A4 colour sheet - highlighting the Campbell and Osborne properties in relation to the proposed plan change. The main points raised in relation to his clients' submissions, or addressed in response to questions from the Committee, included:

- Mr Holder referred to a 2003 site selection report and a 2007 report.
- He felt the line/extent of the zone appeared to be "creeping in".
- Soil profile – on-site the difference in soil quality and tree growth was clear.
- He read an excerpt from Attachment C, in Document 2 (sec 32 analysis)– and clarified points relating to consultation undertaken with Mr Osborne.
- He felt alternatives to what was proposed, including stormwater, should have been considered as options as part of the plan change.
- There's no analysis regarding larger lot sizes – 1,000m<sup>2</sup> may be too small?
- These matters and sec 32 issues were raised in submissions but not covered in the planning report.
- The infiltration basins – the submitters both wanted to be able to construct this themselves (at their financial cost) to permit better use of their respective sites and to use this water for irrigation of their land.

**Mr D Osborne** verbally addressed the Committee. He illustrated an example of the maize/corn yield from his land in an A4 colour computer print-out, circulated and addressed via the doc-cam. He circulated seven colour 6" x 4" photographs of his pear trees and showing problems on his land (the original photos were not retained, but copies were circulated to the Committee). He circulated and addressed a letter from Mr F Spencer, Logan Stone, to HDC dated 27 February 2004. The main points that were raised by Mr Osborne included:

- Since February 2004 he had made Council Officers aware of the problems with his site – the soil quality and disease in the soil (spread by water).
- The soil types in the area between the plan change line and Omaha Road.
- Mr Bloomer's report (Attachment L, Document 1) - he had not spoken to this submitter about the situation on the site nor been on their land. Mr Bloomer had overlooked the problem of water supply to this land.
- Staging of the plan change.
- The submitter wanted to use roof water and top up with artesian water. He had discussed this with the Hawke's Bay Regional Council ("HBRC") and said that Council had agreed "in principle".
- As part of the plan change - roof water would soak into ground and hardstand runoff would go to infiltration basins. These submitters confirmed that they wanted to be able to use that roof water, and if permitted to do so, then it would be "at no financial cost to the HDC".
- He noted Mr Spencer's current comments contradicted the views that he had stated in the earlier noted letter dated 27 February 2004.

Mr Osborne responded to questions from the Committee. The main points raised included:

- Mr Osborne explained how his land/neighbouring land could be irrigated even though the disease in his soil was spread by water. He didn't want a swale on his land – he wanted to use roof water piped into irrigation ponds.

**Mr H Campbell** verbally addressed the Committee. He circulated and addressed an A3 colour sheet showing an enlarged plan of the Campbell and Osborne properties (Page 51 in Document 3) and an A4 colour copy of a photo of apple trees growing on the land. Using the doc-cam, he highlighted the change in soil quality which he felt was clearly illustrated by the different tree heights in the photo. The main points raised by Mr Campbell, or that were addressed in response to questions from the Committee, included:

- Shifting the line of the proposed plan change to the rear of the property would remove the strip of unusable land and could include a storage pond.
- He had purchased the land in 2009 and had an easement for five years.
- He identified the location of their wells that were on Omahu Road.
- He sought a two million litre water storage pond – he could irrigate from that source. He had no water supply at present, apart from the easement.
- He had existing 10 inch bore. Outlined his proposal regarding piping water.
- He echoed Mr Osborne's points regarding discussing the use of roof water ("water harvesting") with HBRC – he said the HBRC agreed "in principle".
- He also reiterated that their proposal would be "at no cost to the HDC".
- Mr Bloomer hadn't visited the Campbell property when writing his report.
- The storage pond could be used to fight fires and continuously irrigate the land. The submitters would monitor the pond for contaminants themselves.
- The line where the soil quality changed was 20m (not 60m) from boundary.

The Chair asked Officers to comment, later in the hearing, on the following:

- Use of the suggested pond, as opposed to using a swale.
- If it would be practical for the submitters to monitor the pond's water quality.
- Discussions Officers had with the HBRC – subsequent to earlier consents.
- Did Officers know that Mr Bloomer had only "driven by" the site. What weight was given to this evidence as opposed to Mr Wilton's evidence?

Mr Holder felt that information about the deferment issue and the staging of the proposed zoning needed to be in the planning report. The Chair considered that this information had been clearly set out in the documents.

**Mr Holder** made a verbal presentation on behalf of **the Crasborn Group Ltd.**

Via the doc-cam, he displayed and addressed a colour A3 sheet and a colour A4 sheet – on both sheets the submitter's land was highlighted and overlaid on an aerial photograph of the area. The main points raised by Mr Holder, or that were addressed in response to questions from the Committee, included:

- Highlighting the main points in this submission – including relocation of proposed stormwater pond on their land to retain productive land.
- The same issues had arisen for Crasborn Group as per Osborne & Campbell – i.e. having water supply cut off by HBRC and being prepared to construct their own infiltration pond.

The Chair advised that the lunch break would be extended to enable Officers to prepare responses to issues raised by submitters and so they could comment on matters as requested by the Chair.

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The hearing adjourned for lunch at 11.57am  
and resumed at 1.30pm.

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Copies of the photos, maps and other evidence presented earlier by Messrs Osborne, Campbell and Holder were circulated to the Committee.

Council Officers – Messrs P McKay and C Scott and Mrs T Gray - then commented in response to issues raised by submitters and on matters as requested earlier by the Chair. Officers from Asset Management were in attendance for this part of the meeting – Messrs B Chapman, M Kneebone and A Campion – and they addressed issues that were raised, as appropriate.

**Mr P McKay, Environmental Policy Manager**, made some verbal overview comments and responded to issues that had been raised. He outlined the Plan Change process which HDC had undertaken, in some detail, reading out some of the letters that were referred to below:

- A letter, dated 16 April 2012, sent to landowners advised Council was applying for a resource consent from the HBRC and would then proceed with two parts to this process (Plan Change and Notice of Requirement).

- The Plan Change had been notified in September 2012. A letter, dated 14 September 2012, had advised landowners of the process.
- The two parts had been deliberately staggered – to assist submitters to distinguish between the two separate processes.
- The Plan Change had been notified first and submissions to both parts finished at a similar time, as a lead-in to this hearing.
- The Notice of Requirement letter, dated 12 October 2012, sent to those landowners subject to the designation had included an explanatory note.
- The note explained both parts were inter-related and that people could, and should, submit on both the Plan Change and Notice of Requirement.
- Four separate letters, regarding the Notice of Requirement, had been sent, as appropriate, to affected landowners to address each situation.
- Officers had phoned submitters to ensure they understood the process.
- The Plan Change and Notice of Requirement were notified after obtaining a resource consent for discharge, from HBRC - having industrial land over the unconfined aquifer was contentious and it's hard to obtain a consent.
- It would have been irresponsible to rezone the land without a resource consent in place.

Further main points that Mr McKay commented on included:

- The difficulty in accommodating individual situations with regard to the proposed swale “versus” what needed to be in place to allow the zoning.
- 10.7.5.1, on Page 30, Document 2 - regarding the uplifting of the deferment of the Industrial 2 Zone.
- While this did not give certainty of a specific date and time, it gave certainty in that a plan change was not needed to uplift that deferred zone.
- Policy IZP24 on Page 22, Document 2 clearly stated how HDC would meet its objectives.
- section 32 report, Page 52, Document 2 did not quantify financial costs. It satisfied section 32 of the RMA and was a generally used approach.
- Development contributions – under Local Government Act since 2002.
- Services/infrastructure costs – based on actual supply costs and “best estimates”.
- Officers had spent time trying to address issues raised in submissions.
- The comments made by Messrs Osborne/Campbell regarding zone width.
- In obtaining the resource consent from HBRC it was made clear that flexibility was needed, as HDC may wish to seek a variation.

**Mr C Scott, Environmental Planner Policy, the Reporting Planner**, made some verbal comments in regard to his planning report and the submissions made. A black and white A4 sheet was displayed and addressed, showing Figure “5” “Maximum swale cross-section” and Figure “6” “Typical basin detail (cross-section)” (*which were the same as Figures “8” and “9” on Pages 46 and 47, Document 4*). The main points raised by Mr Scott, included:

- The combined total of the rezoned areas requested by the submitters – being 16 to 18 hectares is approximately 50% of the original proposal.
- Rezoning additional land affects overall supply and demand of industrial land and causes additional costs – e.g. redesigning roading, services etc.
- In terms of infiltration areas being located in industrial areas, this was submitted due to costs of purchasing the land.
- As per report and earlier comments, land purchases will be considered under Public Works Act and negotiations could be considered accordingly.

#### Sherratt, Flynn, Barley Submission

- The issue of the swale was addressed - as per Figs 5 and 6 noted above.
- No additional land is needed to maintain the swale – serviced from inside.
- He stood by his original recommendation regarding relocation of swale, exact location could be negotiated at later date.
- Infiltration to ground water – Mrs Gray and Mr Kneebone to address.
- Roundabout – Mr Champion to address. If moved further towards Henderson Road - need to achieve sightlines and access and note costs.

Sherratt and Flynn Submissions

- Fencing around swales can be erected by landowners – the cost of this or of providing access over swales could be negotiated with council at time of purchase of land under Public Works Act.

HB Fruitgrowers Submission

- Proposed buffer should provide appropriate mitigation so shelterbelts should not be needed – additional land is taken up to maintain them.
- A no-complaints covenant should not be needed on industrial properties.
- The current proposal satisfactorily addresses standards for drinking water.
- Rating is based on use of the land, not the zoning.

Raupare Enhancement Society Submission

- Bunding of hazardous substances is via resource consent from HBRC.

Vesty Submission

- He stood by his original recommendation.
- Alignment of swale – this is proposed in order to create efficiencies by locating it directly across from infiltration basin on the Vesty land.
- The land should be rezoned as currently proposed – not see advantages to rezoning additional land other than ability to access it from Raupare Rd.

Agnew Submission

- The swale should not be altered from the plans as currently shown. If not required at later date, this part of designation can be removed.

Golden Oaks Submission

- He did not feel this submission should be accepted. To be part of plan change need to show access and servicing requirements can be met.
- A separate consent or plan change process would be more appropriate in this case, due to effect on neighbours if this land is rezoned industrial.

Hustler and Currie Submission

- He felt this submission should be accepted as only small amount of land is available for orchard use.
- There is still potential for shelterbelt at rear of site to be removed.
- Noted Mr Lawson's comments regarding consultation.
- section 32 matters – noted Mr McKay's comments and Issue 6 in report.

Barley et al Submission

- He clarified his report comments regarding having area clearly defined that was requested to be rezoned. Mr Lawson has not explained this.
- The change of soil types was not a straight line of 130m from Omaha Rd.
- The zone boundaries along site boundaries is a separate matter.

Bloomer Report

- Mr Bloomer had been asked to produce a desk top study, due to time constraints, not to study individual sites in depth.
- He did not consider that this contradicted Mr Wilton's report.
- Weight given to this report, but sites were not only considered on soils.

**Traffic Engineer, Mr A Campion**, addressed the displayed A2 sheet showing the Land Requirement Plan Henderson/Omahu Road intersection. The Chair outlined relevant issues that had been raised earlier in the hearing. The main points raised by Mr Campion in regard to those matters, or that were addressed in response to questions from the Committee, included:

- The roundabout design would have to comply with certain standards.
- The alignment and entry deflection – moving it into Henderson Rd would lose the required deflection and have to redesign Omaha Rd approaches.
- Visibility required was critical – swales had already been provided for on adjoining properties so there is provision to facilitate the roundabout.
- Were other property owners on that corner contributing to the roundabout – the cadastral boundary lines, chamfers already made, suggest that they are to provide for roundabout upgrades. Not found any formal land swap.
- This area up to Jarvis Road had been “future proofed” for this roundabout - footway upgrades and kerb reflect the deflection into roundabout.
- Minimum amount of land possible taken for a single lane roundabout.
- Safe access would be needed if an industrial site was to be established on part of Barley land, as well as access from that residential site itself.

Questions were then asked of **the Reporting Planner, Mr Scott**, in regard to his earlier comments. The main points that were raised in response to questions from the Committee included:

- In the last two years of council records, no complaints had been found made by industrial property owners regarding Plains Zone activities.
- Flynn land – he was not addressing rezoning of the land between where the swale was currently proposed and where it may be relocated.
- Further clarification of the line where the soil types change versus the line 130m from Omahu Road.

To assist with questions regarding the soils line, **the Senior Strategic Planner, Mrs Gray**, circulated a colour A3 aerial photograph of the area affected by the plan change, overlaid by areas relating to the Bayley submission. She was available to answer questions on details regarding the servicing rationale. This plan was “an interpretation” of the Bayley submission, taking consideration of the line 130m back from Omahu Road (but it did not show this line); the line of poorer soils; and it followed the cadastral boundaries. The submission had referred to 130m line OR the line of poorer soils OR the cadastral boundary. Mrs Gray had taken the maximum line in each case. The Bayley submission was then read out.

The Chair requested that, before the Committee began its deliberations, it be provided with a map showing the 130m line PLUS the line of poorer soils as defined (due to the difference in opinion of Bloomer and Wilton and what the landowners regard as good and poor soils).

It was noted that Officers had not found it easy to identify the area which the Bayley submission had referred to. Reference was made to Pts 4 and 5 in Mr Lawson’s Synopsis of Submissions made on behalf of the Bayley family. Mr Lawson had considered that any land purchased by Council should be at Industrial, rather than Plains Zone, rates. Reference was also made to 15.1.8.4(3)(a) on Page 10 of Document 2.

**Mr Scott** then commented regarding the Campbell and Osborne joint and individual submissions and request to rezone additional land. The main points he raised included:

- He stood by his recommendation that this request be rejected.
- The land could be appropriately/productively used with adjoining landowners.
- In terms of use of services (infiltration pond to spray over orchard).
- In terms of roof water to use over orchard land – best to apply for resource consent to do so, against that rule in the Plan. Further assessment needed regarding use of this water for irrigation purposes.
- Part of swale design is to provide for treatment of water off yard.
- Notice of Requirement didn’t preclude these issues being addressed at a later date.

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The hearing adjourned for afternoon tea at 2.50pm  
and resumed at 3.07pm.

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**Mrs Gray** circulated and addressed, as appropriate, the following further material, comprising:

- ❖ A copy of the assessment made by HBRC regarding HDC’s application for resource consent to divert and discharge stormwater from proposed industrial zone to a swale and infiltration ponds.
- ❖ A copy of the HBRC Resource Consent Discharge Permit granted to HDC, to divert and discharge stormwater in regard to Omahu North Industrial Area, dated 28 November 2012.
- ❖ Several pages setting out details of Alternatives Considered for stormwater discharge.

- ❖ A letter, 13 November 2012, to Mr D Osborne from HBRC regarding the capture and use of stormwater for irrigation and non-potable use.
- ❖ A colour A3 plan of the area in question showing HBRC drains servicing the area, land contours (highest to lowest); proposed infiltration basins and how the locations had been selected.
- ❖ A black and white A3 sheet showing a table from MWH setting out “Omahu Re-Zone Stormwater Disposal Options – Table 6.1”.

Mrs Gray addressed some points that had been raised earlier in the hearing. The main points raised by Mrs Gray included:

- She gave an overview of the approach taken to the selection of sites to be included in the proposed rezoning.
- This selection and the approach taken had included consideration of soils, site servicing, existing boundaries and existing land uses.
- Stormwater – alternatives had been assessed. Mrs Gray referred to Part 2.4 of the circulated papers addressing this aspect – including commenting on the Raupare Catchment. The preferred option was to use swales to drain water away from the zone.
- In 2008 it was apparent that discharge to the Southland Drain was not feasible so the seven options involved were reconsidered.
- The option applied for was considered the best for the zone as a whole.
- Sections 4.1 and 4.2 on Page 3, of HBRC’s assessment of HDC’s Resource Consent application were read out and highlighted.

**The Water Services Manager, Mr B Chapman, and the Stormwater Manager, Mr M Kneebone** addressed relevant issues that had been raised earlier in the hearing, as outlined by the Chair. These Officers also responded to questions from the Committee.

**Mr Chapman** explained there was a gap between the HBRC’s standards and those of HDC in regard to stormwater mitigation. HBRC looked at things in 10 year events, HDC looks at infrastructure in 1 in 5 year events. HBRC had not considered how adjoining land would be affected. HDC had raised issues regarding this and Mr Chapman expanded on this aspect. It was necessary to bring things together as a comprehensive solution that will improve stormwater over the whole area, rather than on a site by site basis.

**Mrs Gray** made some further comments and responded to questions raised by the Committee. The main points that were raised or addressed in response to questions included:

- Determination of the swale alignment.
- Discharge consent – how a Council system would be different to anywhere else – use of stormwater bylaws to control uses on the site. The key aspect regarding conditions that the consent is subject to.
- The types of details that would be assessed were also explained.
- It would be a separate proposal to provide specific provisions for Omahu Road North and Irongate Industrial area.
- Submitters had been informed about the use of stormwater bylaws as the mechanism to ensure compliance with the HBRC consent – this information was in the documentation circulated and a summary of the proposed amendments went out at the time of notification.
- Table 1 on Page 47 of Document 4 “*Land Areas for the Infiltration Areas*”. The fourth column was addressed – some flexibility/safeguard was needed regarding the area to be deducted (larger than the basin area itself) so it can be within the designated area based on the final survey.
- In response to a query – Mrs Gray checked the proposed size of the designation for Area 2 (this should be 0.6287 ha, rather than 0.6 ha). The shape of the land in this case meant it was not that much larger than the land required for the basin itself. She was asked to confirm the figures prior to the Committee’s deliberations.
- Regarding the earlier noted 13/11/12 letter to Mr Osborne, it was advised that discussions had been undertaken with the HBRC regarding the extent of changes that could be made to the proposal without having to apply for

a variation to the consent. Anything that changed how the stormwater was managed would be a variation and would require a new resource consent application to be assessed. The addition of a small area of land may be considered to be a minor variation.

**Mr Chapman** made some further comments and responded to a series of questions raised by the Committee. The A4 sheet showing Figure “5” “Maximum swale cross-section” and Figure “6” “Typical basin detail (cross-section)” was readdressed. The main points that were raised or addressed in response to questions included:

- The Agnew submission - regarding applying to HBRC for on-site treatment. The effect this may have on swale / plan change in that area.
- Osborne and Campbell submissions – increased area of land sought.
- He commented in some detail regarding the effect of these two submitters seeking storage pond to use irrigation, not wanting swale. There would be associated costs. Once pond is full - adds further complexity. How monitor water quality? Submitters said “will be at no cost to council”.
- How address remainder of overland stormwater flow component from hard surfaces and water other than runoff from roof? This is a significant component and need to treat and dispose of this via resource consent.
- Stormwater relies on interconnections – gravity fed overland swale system to service all properties involved. Basins for short term water storage.
- The use of topsoil and grass in conjunction with the basins act as a filter.
- Clarification as to whether the storage pond could be solely for roof water or could it include some of the swale water?
- The volume the swale could handle – 1 in 10 / 1 in 50 year events?
- How the swale position had been determined. Had the position of older trees been taken into account on some properties? Aim was to initially develop a concept to achieve resource consent application requirements then go into details of design once consent had been granted.
- The effects of including another 16.5 ha in plan change – more costs etc.
- Roading would be different. No analysis undertaken on effect on traffic or mitigation works needed if area was increased. Would need substantial additional infrastructure and Officers would seek advice from Mr Campion.

**Mr McKay and Mrs Gray** responded to further questions from the Committee. The displayed A1 and A2 plans/sheets were addressed as appropriate. The main points that were raised or addressed in response to questions included:

- Residential dwellings above industrial buildings – this raised concerns regarding reverse sensitivity and amenity effects.
- Land values – Mr F Spencer’s analysis if viable to rezone the land.
- Start point is Plains zone land value. End point was Industrial zone value.
- Initially a single square metre rate was proposed to be applied as per section 32 report. Mr Spencer altered his assessment to take into account other factors, but still same start and end value.
- Could more land be taken for this zone from behind the proposed area – at a later date. HPUDs identifies a narrow strip – this was a “one-off”.
- Submitters had been advised that swale width could be 5m to 6.5m.
- Maintenance work would be undertaken inside the swale.
- Outside scope of hearing to relocate swales to neighbour’s land? Can explore discussion with neighbour if willing.
- The Committee would go on second site visit to sites as appropriate.
- Was it appropriate for Council’s arborist to see trees affected by swale?

Officers confirmed that the information sought by the Committee would be provided, prior to its deliberations on Monday, 25 February 2013, as requested.

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Councillor Watkins/Councillor Twigg

**That the public be excluded from the deliberations in relation to the hearing of proposed Plan Change 57 (Omahu North) and the associated Notice of Requirement. The reason for passing this Resolution in relation to this matter and the specific grounds under Section 48(2)(a) of the Local Government Official Information and Meetings Act 1987 for the passing of this Resolution is as follows:**

**That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in:**

- a) Any proceedings before a local authority where:**
  - i) A right of appeal lies to any Court or Tribunal against the final decision of the local authority in those proceedings; or**
  - ii) The local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.**

**CARRIED**

The hearing was adjourned at 4.15pm

And would reconvene for deliberations, in Public Excluded Session,  
on Monday, 25 February 2013

## HASTINGS DISTRICT COUNCIL

**MINUTES OF A RECONVENED MEETING OF THE HEARINGS COMMITTEE  
HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION  
BUILDING, LYNDON ROAD EAST, HASTINGS  
COMMENCING ON THURSDAY, 21 FEBRUARY 2013  
AND CONTINUING ON FRIDAY, 22 FEBRUARY 2013 AT 10.00AM**

***[THEN RECONVENED IN PUBLIC EXCLUDED SESSION  
ON MONDAY, 25 FEBRUARY; TUESDAY, 12 MARCH; THURSDAY, 28 MARCH;  
TUESDAY, 9 APRIL AND THURSDAY, 18 APRIL 2013]***

**THEN RECONVENED IN OPEN SESSION  
ON MONDAY, 27 MAY 2013 AT 9.30AM,  
(FOLLOWING A RESOLUTION TO CONTINUE IN OPEN SESSION)**

***[THEN FURTHER RECONVENED IN PUBLIC EXCLUDED SESSION  
LATER ON MONDAY, 27 MAY; WEDNESDAY, 5 JUNE 2013  
AND ALSO ON THURSDAY, 6 JUNE 2013]***

**(THE “FINAL” RECOMMENDATIONS FROM THIS COUNCIL INITIATED PLAN  
CHANGE WILL BE FORWARDED TO COUNCIL FOR CONSIDERATION)**

- PRESENT:** Chair: Councillor Lester  
Councillors Twigg and Watkins.
- IN ATTENDANCE:** Environmental Policy Manager (Mr P McKay)  
Environmental Planner Policy (Mr C Scott)  
Senior Strategic Planner (Mrs T Gray)  
Committee Secretary (Mrs C Hilton)
- ALSO PRESENT:** **“Submitters”**  
Mr M Lawson, Legal Counsel – representing K & K  
Bayley, Bayley Family Trust, Rimu Hastings Limited,  
Totara Hastings Limited; JK & VK Currie & SH & DM  
Currie & Hustler Equipment Limited  
Mr J Currie, Hustler  
Mr M Holder Consult Plus – representing D Osborne;  
H Campbell; D Osborne (Orchard Trustees Limited);  
Golden Oak Partnership (G & S Cornes); JP and GJ  
Flynn; NP & ME Vesty Partnership Ltd and Mr J Agnew  
Mr D Osborne  
Mr H Campbell  
Mr J Flynn  
Mr and Mrs Vesty  
Ms L Blomfield, Legal Counsel – representing J Barley  
Mr R Barley
- Members of the public and some other submitters who did not wish to, or were not able to, speak at this session were present as observers.

### 1. APOLOGIES

There were no apologies.

## 2. COUNCIL INITIATED PLAN CHANGE 57 AND ASSOCIATED NOTICE OF REQUIREMENT HEARING:

**Plan Change 57 seeks to establish a new industrial area on the northern side of Omahu Road, Hastings...(Continued)...**

*(Planning report, background information and some written evidence previously circulated) (Further written evidence circulated prior to meeting and at reconvened meeting)*

Councillor Watkins/Councillor Twigg

**That the meeting now be reconvened in Open Session in order that the submitters directly affected by further information obtained by the Committee during its deliberations have the opportunity to address that further information, which had been circulated to them, regarding the inclusion of additional land in the Industrial Zoning or a suggested alternate stormwater corridor.**

**CARRIED**

The Chair made some opening comments. He noted that a covering letter and further information had been sent to those submitters who had sought either that additional land be included in the Industrial Zoning or that a more suitable stormwater corridor be found in relation to properties near Raupare Road. These were the only submitters who could speak at this reconvened hearing session.

The Chair made no apology for the length of time the deliberations had taken to date. He stated that a lot of work had gone into obtaining further information regarding issues raised by the submitters and that the Committee had given detailed consideration to that information.

**The Environmental Policy Manager, Mr P McKay**, gave an overview and addressed the information that had been circulated to certain submitters as noted above, prior to the hearing. He summarised this pre-circulated information and displayed and spoke to an A3 colour sheet showing stormwater catchments 1, 2 and 3.

The main points raised by Mr McKay, regarding the circulated material, included:

- The length of time taken to initially publicly notify the proposed rezoning had been due to constraints of stormwater disposal.
- The first bullet point on fourth page:
  - If additional land was included it would exceed the existing HBRC consent.
  - HBRC advised that the alternate engineering solution (as per last page of circulated material) could be considered consistent with the existing consent and be addressed as a variation, not a new consent.
  - This alternate solution was generally based on the land contour – the swales and infiltration basins were located to ensure sufficient falls.
- The third bullet point on fourth page:
  - Some landowners whose land had not been involved in the original notification would be affected – need new Notice of Requirement.
- The fourth bullet point on fourth page:
  - An additional 13ha would become unusable for productive activity.
- The last bullet point on fourth page:
  - The timing of Stage 1 would be increased by another three years.

The submitters involved with this part of the hearing then addressed the meeting in turn, with each indicating the location of their respective properties.

**Mr Lawson** made a verbal presentation, on behalf of the Currie Family and Hustler Equipment and the Bayley Family. Mr Lawson acknowledged the overview and explanation behind the approach taken by the Committee to reopen the hearing – noting this was an unusual step to take at this point in the proceedings.

The main points addressed by Mr Lawson included:

Currie Family and Hustler Equipment

- The Currie family had sought to relocate the swale to rear of their site (to avoid orphaned land) and to rezone the whole site as Industrial.
- The need to amend the HBRC consent was irrelevant and not a reason to disallow this submission.
- The submissions should not have been narrowed by obtaining the HBRC consent in advance of the plan change.
- The circulated material confirms the relocation of the swale is feasible.
- The swale as originally proposed compromised their land use.
- Hustler and Currie submitters want the whole site rezoned and supported relocating the swale.

Bayley submission

- This submitter's concerns were not addressed by this further information.
- This alternative would leave the submitter with a narrow strip of industrial land and 50-70m of poorer soils on their site – not best outcome and not promoting sustainable management.
- He suggested extending the zone to include all areas of poorer soils.
- This submitter would have two additional infiltration areas on their prime soils. Not a commonsense approach.
- There had been no design and no consultation about the infiltration areas.

Mr Lawson did not feel the Council should be totally bound by the Hastings Industrial Strategy – it was not a statutory document and not been through a public process. The Industrial Zone should not use productive soils.

At the Chair's request, Officers confirmed the two additional infiltration ponds proposed on the Bayley land were located to obtain the necessary falls, not taking soil type into account. Mr Lawson did not accept this approach – could put swale against Industrial boundary and use poorer soils.

**Mr Holder** made a verbal presentation, on behalf of Mr and Mrs Vesty, Mr and Mrs Flynn, Messrs Campbell and Osborne and Mr Agnew. The main points that Mr Holder addressed included:

- The plan attached to circulated further information was essentially the outcome each of the parties he represented had been seeking.
- He supported it in that context, but would object if this was only one option.
- **Osborne/Campbell** – he sought clarification about the approach taken - the use of swale, rather than piping as requested? This was confirmed and the reasons explained by Council Officers. Officers also commented on the matter of on-site detention sought by these submitters.
- **Vesty** – Officers explained approach taken regarding infiltration basin.

**Mr Flynn** made a verbal presentation. The main points that he addressed included:

- He was happy to work with Officers in regard to the swale to address his concerns about the route and how the use of his land may be affected.
- He did not wish to see the swale run through the Sherratt or Barley land.

**Mr Osborne** made a verbal presentation. The main points that he addressed included:

- He appreciated the opportunity for further input into the proposed zoning.
- He felt there should be some compromise with staging at their end of the zone. The momentum of development needed to be maintained.

- He would like to be part of informal discussion regarding “the way forward”. Mr Campbell had further ideas to discuss.

**Mr Campbell** made a verbal presentation. The main points that he addressed included:

- The potential volume of runoff water that could be involved.
- He was happy with the proposed location of the 1.3ha pond.
- He suggested a combined swale and pipe. Roof water could go into storage pond and the rest of water could go into swale as proposed.
- Use of wider swale with higher sides may assist with 50 year flood events.

**Ms Blomfield** read out her Submissions of Counsel for Mrs J Barley. A written copy of these Submissions was then circulated to the Committee members.

**Mr R Barley** made a verbal presentation. He noted that there had also been discussion on the proposed roundabout and there had not been any feedback on that issue. He understood that was not part of today’s hearing session.

Officers were then asked to respond to a comment made by Mr Lawson, regarding the legality of the Committee coming back to seek further input from the submitters, following part of the Committee’s deliberations.

**Mr McKay** advised that Council had sought legal advice on this matter – this advice had stated that in the interests of natural justice the information that had been obtained and considered should be circulated and affected submitters should have the opportunity to comment. The Chair added that this had been an effort to be fair to all parties

Mr Lawson believed that legal privilege had been waived by the Officer’s comments referring to the content of the legal opinion. He stated that he would like to view the legal opinion in question.

Mr McKay noted the difficulty in obtaining a comprehensive solution to allow the rezoning to go ahead in a practical way. He acknowledged the suggested solution would not suit all parties. Stormwater issues had to be addressed if the rezoning was to go ahead. The approach taken was to ensure the land could be services for stormwater - rather than the issue of stormwater versus the use of productive land.

Mr McKay also noted that the point made regarding on-site infiltration option – that was considered up front and not acceptable to HBRC for stormwater disposal from Industrial rezoning. So that is why this situation had arisen.

Mr McKay also responded to comments made regarding connection into the reticulated system. With a rezoning there is an expectation that people will connect into a reticulated system.

The Chair stated that the Committee had noted all points made at the hearing and will give consideration to all matters. He advised that the hearing would now be adjourned and the Committee would reconvene in Public Excluded [Confidential] Session and continue its deliberations.

Councillor Watkins/Councillor Twigg

**That the public be excluded from the continuing deliberations in relation to the hearing of proposed Plan Change 57 (Omahu North) and the associated Notice of Requirement. The reason for passing this Resolution in relation to this matter and the specific grounds under Section 48(2)(a) of the Local Government Official Information and Meetings Act 1987 for the passing of this Resolution is as follows:**

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- a) Any proceedings before a local authority where:**
  - i) A right of appeal lies to any Court or Tribunal against the final decision of the local authority in those proceedings; or**
  - ii) The local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.**

**CARRIED**

The hearing was adjourned at 10.25am

And would then reconvene for deliberations, in Public Excluded Session,

*(Note: The Plan Change recommendations were subsequently addressed and confirmed at a Council meeting on 27 June 2013 - the final plan change wording confirmed by Council at that meeting will be circulated with these minutes as a separate document: – TRIM reference STR-9-6-13-319 and attachment STR-9-6-13-318).*

*(Note: The Notice of Requirement recommendations were subsequently addressed and confirmed at a Council meeting on 27 June 2013 - the final wording confirmed by Council at that meeting will be circulated with these minutes as a separate document: – TRIM reference STR-9-6-13-321).*



