



Hastings District Council

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OPEN MINUTES

HEARINGS COMMITTEE

Meeting Date: **Thursday, 14 June 2018 and
Reconvened in Public
Excluded Session later on
Thursday, 14 June and on
Monday, 25 June 2018**

**(Non-Notified Non-Complying Application for Subdivision in the
Plains Zone at 98 Thompson Road (J Haines) (RMA20180172))**

HASTINGS DISTRICT COUNCIL

**MINUTES OF A MEETING OF THE HEARINGS COMMITTEE
HELD IN THE LANDMARKS ROOM, GROUND FLOOR, CIVIC ADMINISTRATION
BUILDING, LYNDON ROAD EAST, HASTINGS
ON THURSDAY, 14 JUNE 2018 AT 1.00PM**

***[AND THEN CONTINUED IN PUBLIC EXCLUDED SESSION
LATER ON THURSDAY, 14 JUNE 2018 IN THE LANDMARKS ROOM
AND FURTHER CONTINUED IN PUBLIC EXCLUDED SESSION
ON MONDAY, 25 JUNE 2018 IN THE COUNCILLORS' LOUNGE, FIRST FLOOR]***

**AND FURTHER CONTINUED LATER ON MONDAY, 25 JUNE 2018
IN THE COUNCILLORS' LOUNGE, FIRST FLOOR
(FOLLOWING A RESOLUTION TO PROCEED IN OPEN SESSION)**

PRESENT: Chair: Councillor Lyons
Councillors Kerr and Hastings District Rural Community
Board Member: Mr P Kay

IN ATTENDANCE: Environmental Consents Manager (Mr M Arnold)
Senior Environmental Planner Consents (Mr M Parker-
Bevin)
Committee Secretary (Mrs C Hilton)

ALSO PRESENT: Mr J Haines (Applicant)
Mrs J Haines
Mr L Haines

Ms S Edmead, Development Nous (present as an
observer)

1. APOLOGIES

There were no apologies.

2. NON-NOTIFIED NON-COMPLYING APPLICATION FOR SUBDIVISION IN THE PLAINS ZONE AT 98 THOMPSON ROAD (J HAINES) (RMA20180172)

The Chair introduced the members of the Hearings Committee sitting on the Panel for this hearing, and the Council Officers present. The Chair made his opening comments and outlined the process that would be followed at the hearing, together with addressing "housekeeping" issues. It was explained that the planning report had the same status as any of the other evidence being considered at this hearing.

The Chair also advised that the Hearings Committee had been on a site visit earlier that day.

The Applicant, Mr J Haines, circulated and read his evidence (58884#0058) and responded to questions from the Committee. He explained that he had made this application in order to provide security and independence for his future, rather than for any financial gain.

Further main points that Mr J Haines and his father, Mr L Haines (the landowner), addressed in regard to the evidence, or in response to questions from the committee included:

- His parents had been very supportive and he was mindful of the cost to them in regard to the value of their property.
- Mr L Haines and his wife were aware that sooner or later they would likely not be able to maintain their whole property.
- The house built for Mr J and Mrs J Haines had to take into account wheelchair access. It had been built on flat land with architectural design in conjunction with input from ACC, occupational therapists and Mr J Haines – via an extensive process.
- Mr J Haines felt uncomfortable offering any restriction on the future use of the site as that would be at the expense of his parents.
- Mr L Haines explained how the orchard land gets water logged and soggy and unless a lot of earthworks and drainage work was undertaken it was not really suitable for building.
- The front part of the property was in garden and so was not currently productive.
- The effect of moving the lifestyle site boundary could affect the existing tennis court on the property.
- What dwellings or buildings could be erected on the site as of right, now or in the future if the property was to be sold.
- The effects on the property if the existing house needed to be increased in size.
- Comparison of the value of the house versus loss of orchard value.
- There was a huge difference between modifying a house and building a custom built home.
- As well as the house, there was associated decking and the use of flat topography – there were very few areas in Havelock Nth with land that was flat enough in terms of wheelchair use.

Further main points that were raised or addressed in response to questions from the committee included:

- Why this situation was unique – whether there were other properties where ACC had invested in new builds or modifications to existing homes in the Plains zone and on flat land.
- This was a secondary dwelling on the site and Mr J Haines had lived there for over 10 years.
- Mr J Haines intended to remain living at the house, which had been built to suit his level of disability.
- Whether ACC would fund the building of a new home or modifications to another house if Mr J Haines decided to, or had to, move.

Mr J Haines would make contact with the ACC and seek information regarding statistics or anecdotal evidence of any new builds (secondary dwellings) in the Hastings district specifically purposed for wheelchair access.

Mr Haines would also ask ACC whether it would provide assistance in regard to a new dwelling if the subdivision is granted and he needs to move in the future.

Once they had been received by the committee secretary, the email to ACC from Mr Haines, (58884#0066) dated 14 June 2018, and subsequent email response from ACC (58884#0067 and 58884#0068) dated 18 June 2018, would be forwarded to the committee for consideration (58884#0069), during its deliberations.

The hearing briefly adjourned to enable the reporting planner time to prepare for his response.

The reporting planner, Mr M Parker-Bevin briefly addressed issues that had been raised at the hearing. He had nothing to add in regard to the application and had not heard anything at the hearing to make him consider a change to his report recommendation.

Mr J Haines gave a brief Right-of-Reply. He thanked the committee for its consideration of his application and acknowledged that there would be a lot of matters to weigh up during its deliberations.

It was noted that the hearing would now be adjourned and the Committee would then start its deliberations. At this point the Committee went into Public Excluded Session to commence its deliberations.

Councillor Lyons/Councillor Kerr

That the public be excluded from the deliberations in relation to the hearing of the Non-Notified Non-Complying Application for Subdivision in the Plains Zone at 98 Thompson Road (J Haines) (RMA20180172)). 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 adjourned at 2.15pm
and would reconvene in Public Excluded Session
for the Committee to undertake its deliberations

**THE DECISION WAS RELEASED ON THURSDAY, 12 JULY 2018
(FOLLOWING A RESOLUTION ON 25 JUNE 2018 TO PROCEED IN OPEN
SESSION IN ORDER TO RELEASE THAT DECISION)**

**NON-NOTIFIED NON-COMPLYING APPLICATION FOR SUBDIVISION IN THE
PLAINS ZONE AT 98 THOMPSON ROAD (J HAINES)
(RMA20180172))....*Continued***

The Committee then confirmed its decision in Open Session so it could be publicly released. The Substantive Wording is set out below. The full decision wording, including narrative, is contained in a separate document as noted in italics below.

SUBSTANTIVE DECISION

Councillor Kerr / Councillor Lyons

That pursuant to Rule SLD25 (Subdivision) of the Proposed Hastings District Plan (As Amended by Decisions 15 September 2015) and Sections 104, 104B, 104D, 106, and 108 of the Resource Management Act 1991, consent is REFUSED to Jeremy Haines to:

Subdivide 98 Thompson Road, being the subdivision of LOT 11 DP 2141 (CFR HB58/65) comprising 2.8783 hectares into two lots comprising:

- **Lot 1 of 2500m² around an existing supplementary residential building.**
- **Lot 2 of 2.63 hectares containing an existing residential dwelling and associated accessory buildings.**

CARRIED

(Note: The full wording of the signed hearing decision, is attached as a separate document. The full decision is circulated with, and forms part of these minutes – the signed decision is saved under 58884#0086 in the Council's records system.

That full decision wording also includes the narrative which summarises details of the hearing process and the evidence that was presented to the Committee for its consideration, in regard to the application).

The meeting was formally closed
on 25 June 2018 at 1.00pm

Confirmed:

Chairman:

Date: