

Thursday, 13 April 2023

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council
Commissioner Hearing Meeting

Kaupapataka

Hearing Decision – 206 Queen Street W

**NOTIFIED RESOURCE CONSENT APPLICATION FOR PROPOSED MEDIUM DENSITY
RESIDENTIAL LIVING IN THE HASTINGS CENTRAL COMMERCIAL ZONE - 206 QUEEN
STREET WEST, HASTINGS (RMA20220352)**

Te Rā Hui:
Meeting date: **Thursday, 13 April 2023**

Te Wā:
Time: **9.00am**

Te Wāhi:
Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Te Hoapā:
Contact: **Democracy and Governance Services
P: 06 871 5000 | E: democracy@hdc.govt.nz**

Te Āpiha Matua:
Responsible
Officer: **Group Manager: Planning & Regulatory Services - John
O'Shaughnessy**

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Thursday, 13 April 2023

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Commissioner Hearing Meeting

Kaupapataka

Agenda

Te Komihana Whakahoahoa:
Hearing Commissioner:

Heamana
Chair: Commissioner Kitt Littlejohn

Apiha Matua:
Officer Responsible:

Group Manager: Planning & Regulatory Services – John O’Shaughnessy

Mahere Maarama:
Reporting Planner:

Consultant Planner (Consents) - Jacqui Manning

*Te Rōpū Manapori me te
Kāwanatanga:*
Democracy & Governance
Services:

Christine Hilton (Extn 5633)

Te Rārangī Take

Order of Business

Notified Resource Consent Application for Proposed Medium Density Residential Living in the Hastings Central Commercial Zone - 206 Queen Street West, Hastings (RMA20220352)

HEARING DECISION DOCUMENT

Document 1 The covering administrative report **Pg 3**

Attachments:

- | | | | |
|---|---|------------------|------|
| 1 | Attachment 1 - RMA20220352 Signed Commissioner Hearing Decision - 206 Queen St West hearing held on 13 April 2023 | RMA20220352#0071 | Pg 4 |
|---|---|------------------|------|
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Thursday, 13 April 2023

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Commissioner Hearing

Te Rārangi Take

Report to Commissioner Hearing

Nā:
From: Christine Hilton, Democracy and Governance Advisor

Te Take:
Subject: Notified Resource Consent Application for Proposed Medium
Density Residential Living in the Hastings Central Commercial
Zone - 206 Queen Street West, Hastings (RMA20220352)

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to have a means to put the Commissioner Decision onto the website - from the hearing held on 13 April 2023 to address the Notified Resource Consent Application for Proposed Medium Density Residential Living in the Hastings Central Commercial Zone - 206 Queen Street West, Hastings (RMA20220352). This decision is being put onto the website, following completion of the hearing and release of the decision.

2.0 Recommendations - *Ngā Tūtohunga*

That the Commissioner Hearing from the hearing to address the Notified Resource Consent Application for Proposed Medium Density Residential Living in the Hastings Central Commercial Zone - 206 Queen Street West, Hastings (RMA20220352) held on 13 April 2023 be put onto the website so it can be viewed by the parties and members of the public.

Attachments:

- [1](#) RMA20220352 Signed Commissioner Hearing Decision - 206 Queen St West hearing held on 13 April 2023 RMA20220352#0071



DECISION FOLLOWING THE HEARING OF AN APPLICATION FOR RESOURCE CONSENT UNDER THE RESOURCE MANAGEMENT ACT 1991 (RMA)

Proposal

To demolish and redevelop part of the 200 Heretaunga Street West Block in the Hastings CBD by introducing a new mid-block pedestrian laneway from Heretaunga Street West through the centre of the block to a public park/greenspace and a medium density residential apartment building located on the Queen Street West side of the block, including all associated construction works.

The resource consent is **GRANTED** subject to conditions. The reasons are set out below.

Application Details

Application number:	RMA20220352
Applicant:	Hastings District Council
Site address:	206 and 218 Queen Street West and 223 Heretaunga Street West, Hastings
Legal Description:	Lot 1 DP 13663 (ROT HBF3/551) Lot 1 DP 5310 and Lot 1 DP 22385 (ROT HBP2/185) Lot 2 DP 22385 (ROT 584846) Lot 3 DP 22385 (ROT 1023932) Lot 3 DP 16426 (No ROT)
Site Area:	2,606m ²
Relevant district plan and zoning:	Hastings District Plan (Operative in Part, March 2020) – Hastings Central Commercial Zone.
Relevant district plan provisions:	Section 7.3 Hastings Commercial Environment Section 18.1 Heritage and Notable Trees Section 25.1 Transport and Parking <u>Entire site:</u> Central Retail Core Precinct Overlay Central Character Precinct Overlay <u>206 Queen Street West:</u> Historic Heritage Feature – HB46: Hawke’s Bay Farmers’ Co-operative Association Limited Garage – Category II <u>223 Heretaunga Street West:</u> Designated Retail Frontage
Application activity status:	Restricted Discretionary Activity (Rule CCR20) Non-Complying Activity (Rules CCR24 and H17).

Hearing Details

Hearing days:	13 April 2023
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Independent Commissioner:	Kitt Littlejohn
Appearances:	<p><u>Hastings District Council (as Applicant):</u> Megan Gaffaney – Team Leader, Project Overview Brent Scott – Architect (Architectural Design) Ann Galloway – Architect (Heritage) Sam Green – Civil Engineer Janeen Kydd-Smith – Planning Asher Davidson - Legal</p> <p><u>Submitters</u> Walter Breustedt Alan Passchier Fire & Emergency NZ (tabled advice as to position on application)</p> <p><u>Hastings District Council (Consent Authority):</u> Jacqui Manning, Consulting Reporting Planner Caleb Sutton, Environmental Consents Manager Kelly Nikora – 3 Waters Senior Engineer Christine Hilton – Hearings Adviser</p>
Commissioners’ site visit	13 April 2023
Hearing Closed:	20 April 2023

INTRODUCTION

1. This decision is made on behalf of the Hastings District Council by an Independent Hearing Commissioner¹ and has been prepared in accordance with ss 18A² and 113³ of the Resource Management Act 1991 (**RMA**). It sets out the findings and determinations made following the hearing of the application by Hastings District Council (as the Applicant) to demolish the existing building block at 206 and 218 Queen Street West and 223 Heretaunga Street West while retaining the façade of each building, and to redevelop the site into a medium density residential apartment building with a new mid-block pedestrian laneway from Heretaunga Street West through the centre of the block to a public park/greenspace (**Application**).⁴

Procedural matters

2. The application by Hastings District Council (**Council**) was publicly notified on 8 October 2022, with the submission period closing on 7 November 2022.⁵ A total of 37 submissions were received, with the majority in support of the Application in totality or in part, four were neutral

¹ Kitt Littlejohn, appointed and acting under delegated authority under ss 34 and 34A of the RMA.

² Section 18A requires persons exercising powers and performing functions under the RMA to take all practicable steps, inter alia, to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions or powers being performed or exercised.

³ Section 113 sets out the matters to be included in any decision on a resource consent application. Although not structured to follow the format of s 113, this decision has addressed and included all of the matters required by s 113.

⁴ A full description of the Application is set out in pages 4 – 9 of the Assessment of Environment Effects submitted by the applicant.

⁵ Section 3 of the s 42A Report.

with no indication of whether they seek that the Application be declined or granted, and one strongly opposed to the Application.

3. I was delegated the task of determining the Application on 22 November 2022 and oversaw the issuing of directions for the pre-exchange of reports and evidence, which were issued on 7 March 2023.
4. I conducted a visit to the proposed site and the surrounding area on 13 April 2023, accompanied by those in attendance at the hearing, including consultants engaged by Council for the Application and several other interested persons.

Materials considered and hearing process

5. Prior to the commencement of the hearing the following materials were provided to me and reviewed:
 - (a) A copy of Council's Application, including its supporting Assessment of Environmental Effects (**AEE**)⁶, prepared in accordance with Schedule 4 of the RMA;⁷
 - (b) Further information provided in response to requests from Council officers under s 92 of the RMA by Ms Janeen Kydd-Smith, a planner engaged by the Applicant Council;⁸
 - (c) A copy of all submissions made on the Application;
 - (d) A report on the Application and submissions received prepared under s 42A of the RMA by Ms Jacqueline Manning⁹, a consultant planner engaged by the consent authority; and
 - (e) Briefs of evidence in support of the application from the Applicant Council.¹⁰
6. The s 42A report prepared by Ms Manning analysed all of the information received in relation to the Application in a thorough and considered manner. The report was supported by advice and assessments from Mr Kelly Nikora, Council's Three Waters Senior Engineer, and Mr Ian Bowman, an architect, both of whom had been engaged by the Council as consent authority to carry out a peer review of the information provided as part of the Application.¹¹ In the s 42A report, Ms Manning concluded that through the imposition of the draft conditions she recommended (or similar), consent for the Application may be granted, and she recommended that outcome.
7. The s 42A report was taken "as read" at the hearing, as were the briefs of pre-exchanged evidence. Witnesses were given the opportunity to summarise and/or highlight aspects of their written briefs.

⁶ Assessment of Environmental Effects Report by Sage Planning HB Limited dated 15 August 2022.

⁷ Unless otherwise specified, references to sections and sub-sections are references to sections and sub-sections in the Resource Management Act 1991.

⁸ Letter from Sage Planning HB Limited dated 17 October 2022.

⁹ Dated 20 March 2023.

¹⁰ Ms Gaffaney (28 March 2023); Ms Galloway (28 March 2023); Mr Scott (28 March 2023); Ms Kydd-Smith (27 March 2023); Mr Devine (27 March 2023); and Mr Green (28 March 2023). Refer Schedule 1 for a summary of the evidence presented.

¹¹ Mr Nikora provided his assessment of the proposed conditions by way of a memorandum dated 23 February 2023, while Mr Bowman peer reviewed the Heritage Impact Assessment report.

8. A few of the submitters, who had indicated in their submission that they wished to be heard at the hearing, presented summary statements. There was no expert witness evidence presented by any of the submitters.
9. For the Applicant's reply, I sought clarification from Ms Asher Davidson, legal counsel for the Applicant Council, regarding the current state of the case law as to the approach to the assessment of the test required by s 104D(1)(b) of the Resource Management Act 1991 and whether a proposal is contrary to the objectives and policies of a district plan. On 20 April 2023, Ms Davidson filed legal submissions in reply.
10. Upon receiving Ms Davidson's submissions, I was satisfied that I have heard from all relevant parties and have all relevant information on the Application at hand. I formally closed the hearing on 20 April 2023.
11. A minute setting out the procedural matters undertaken prior to the commencement of the hearing and a record of the hearing was prepared by the Council's administration team and is included in **Schedule 1** to this decision.

Summary of evidence

12. Section 113 of the RMA requires me to provide a summary of the evidence heard at the hearing. A summary of the evidence presented at the hearing is included in **Schedule 1**. I have discussed relevant aspects of the evidence as necessary in the body of this decision.

THE SITE, PROPOSAL AND CONSENT REQUIREMENTS

13. A detailed description of the proposal and the site are set out in the Application and the s 42A report. The following summary is derived from these materials and, in relation to the site, informed by my site visit.

The site

14. The site of the proposed redevelopment and its associated construction works is located in Hastings CBD and comprises six land parcels owned by Council with a combined area of approximately 2,606m². The site is in the centre of the 200 block west of Hastings CBD, between Queen Street West and Heretaunga Street West, and located within the 'Central Commercial Zone' and the 'Central Commercial Precinct' under the Hastings District Plan (Operative in Part, March 2020) (**HDP**).
15. Currently on the site are two buildings which are vacant and an electricity utility building. One of the two vacant buildings is the Hawke's Bay Farmers' Co-operative Association Limited Garage building (**HB Garage Building**), which has its frontage to Queen Street West. It was constructed in 1925 and is listed as a 'Category II' (2) item in both the HDP and the Heritage New Zealand List / Rārangī Kōrero. The HB Garage Building occupies approximately 80% of the overall redevelopment site.
16. The other vacant building is a single-storey building that is located behind the HB Garage Building, with frontage onto Heretaunga Street West. This building is a vacant retail store. Interspersed between the 200 block west of Hastings CBD and along the back of the two buildings are carparking spaces and shared vehicle and pedestrian lanes.

