

Thursday, 4 April 2024

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council
Hearings Committee Meeting

Kaupapataka
Agenda

Topic 3 - Zone Rules

(Plan Change 5 - Medium Density Housing)

Te Rā Hui:
Meeting date: **Thursday, 4 April 2024**

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**

Hearings Committee – Terms of Reference

Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required in respect of a planning or regulatory function of the Council, including under the provisions of the:

- Resource Management Act 1991
- Building Act 2004
- Health Act 1956
- Dog Control Act 1996
- Litter Act 1979
- Hastings District Council Bylaws
- Local Government Act 1974
- Local Government Act 2002; and
- Hastings District Council Class 4 Gambling Venue Policy.

Membership - Up to 10 Hearings Commissioners (comprising up to 7 elected members of Council and at least 3 external appointed Independent Hearings Commissioners)

- Chair appointed by Council from the membership including external appointed members.
- Deputy Chair appointed by the Council from the membership including external appointed members.
- Under s. 39B of the Resource Management Act, the Chair must be accredited, and unless there are exceptional circumstances, appointees on hearings panels must have accreditation to make decisions on;
 - Applications for Resource Consents.
 - Notice of Requirements given under s. 168 or 189 of the Resource Management Act.
 - Requests under clause 21(1) of Schedule 1 of the Resource Management Act for a change to be made to a Plan.
 - Reviews of Resource Consents.
 - Applications to change or cancel Resource Consent Conditions.
 - Proposed Policy Statements and plans that have been notified.
 - Any hearing of an objection under s. 357C of the Resource Management Act.

Quorum

- a) For Hearings other than Council Initiated Plan Change hearings, a maximum of three members including the Chair (or Deputy Chair, in the Chair's absence) to meet for any one hearing.
- b) For Council Initiated Plan Change hearings, all members may attend and take part in the decision-making process unless the Chair exercises the power of delegation to assign any function, power or duty of the Hearings Panel to any one or more Commissioners.
- c) For Hearings other than Council Initiated Plan Change hearings the quorum shall be two members.
- d) For Council Initiated Plan Change Hearings, the quorum shall be three members.
- e) Members to sit on any hearing other than a Council Initiated Plan Change Hearing shall be selected by agreement between the Chair (or Deputy Chair, in the Chair's absence) and the Group Manager: Planning and Regulatory Services.
- f) For the purpose of hearing any objection in respect of the matters detailed under the Dog Control Act 1996 the Hearings Committee will consist of any three members selected by the Chair.

Kaupapataka

Agenda

Hearing Panel Members:

Chair: George Lyons (Commissioner Chair - External appointee)

Bill Wasley (Commissioner External appointee)

Councillors Tania Kerr (Deputy Chair), Alwyn Corban, Eileen Lawson,

Wendy Schollum and Marcus Buddo

Ngā mema o te Komiti

Committee Members:

Heretaunga Takoto Noa Māori Standing Committee appointee: -

Vacancy

Apiha Matua

Officer Responsible:

Group Manager: Planning and Regulatory Services - John

O'Shaughnessy

Reporting Planner

Senior Environmental Planner – Policy (Anna Summerfield)

Te Rōpū Manapori me te

Kāwanatanga

Democracy

Governance Services

Christine Hilton (Ext 5633)

Te Rārangi Take

Order of Business

Apologies & Leave of Absence – Ngā Whakapāhatanga me te Wehenga ā-Hui

- 1.0** Leave of Absences had previously been granted to Councillor Lawson and Councillor Buddo
-

Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing

- 2.0** **DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS THREE SEPARATE DOCUMENTS**

<u>Document 1</u>	The covering administrative report	Pg 1
	S42A Report - Topic 3 - Zone Rules	Pg 3

Thursday, 4 April 2024

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Hearings Committee Meeting

Te Rārangi Take

Report to Hearings Committee

Nā:
From: **Christine Hilton, Democracy and Governance Advisor**

Te Take: **Plan Change 5 - "Right Homes, Right Place" - Medium Density**
Subject: **Housing**

1.0 Purpose and summary - Te Kaupapa Me Te Whakarāpopototanga

- 1.1 This is a covering report relating to the Proposed Hastings District Plan hearing – Plan Change 5, “Right Homes, Right Place” – Medium Density Housing.
- 1.2 The agenda documents can be viewed on the Council’s website.
- 1.3 The recommendations are included in the relevant sections of the agenda documents and are not summarised in this covering report.

2.0 Recommendations - Ngā Tūtohunga

That the covering report titled Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing, the hearings report and associated attachments, dated 4 April 2024, be received.

Attachments:

S42A Report - Topic 3 - Zone Rules	ENV-17-4-24-521	
S42A Report - Topic 4 - Specific Controls and Performance Standards	ENV-17-4-24-522	Separate Document – Topic 4
S42A Report - Topic 5 - Assessment Criteria, Medium Density Design Framework	ENV-17-4-24-523	Separate Document – Topic 5

TOPIC 3, KEY ISSUE 1 – AFFECTED PERSONS' CONSENT

1. SUBMISSION POINTS

Sub Point	Submitter / Further Submitter	Provision / Section of the Hastings District Plan	Position	Summary of Decision Requested	Recommendation
003.2	D Allen	Removal of Affected Persons' Consent	Oppose	Neighbours' approval must be obtained before any building is allowed. Don't change policy.	Reject
006.2	R Barber	Affected Persons' Consent	Oppose	Not stated	Reject
007.7	Bay Planning	MRZ-R16.1 & MRZ-R16.2	Support	Support	Accept
009.1	R Black	Affected Persons' Consent	Oppose	Ensure that new rules keep neighbour consent required if new build plans breach certain thresholds for loss of sunshine/light and privacy.	Reject
012.7	G Campbell	Affected Persons' Consent	Oppose	All residents should be consulted when there are to be major changes (not just landowners but also tenants where applicable) and able to put in a submission. That the needs and rights of existing neighbours are considered as much as the neighbour who will live en masse in the new build sections. That a change is made to the plan so that all parties affected by land use change are notified and given the chance to object and/or call for modification to building plans and/or consent.	Reject
012.11	G Campbell	Property values and affected persons' consent	Oppose	That a change is made to the plan so that all parties affected by land use change are notified and given the chance to object and/or call for modification to buildings plans and/or consent.	Reject
013.2	S Campbell	Affected Persons' Consent	Oppose	Most important issue is affected persons' rights within medium density zone but also in all residential zones relating to new development proposals (all residential zones should retain these rights).	Reject
014.1	E Carr	Affected Persons' Consent	Oppose	Consultation with neighbours impacted by more homes being built alongside them, especially where greater than a single storey, is a requirement and a right. Maintain affected party consent.	Reject

**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing
S42A Report - Topic 3 - Zone Rules**

Section 42A Report for Plan Change 5: Right Homes, Right Place
Topic 3, Key Issue 1 – Affected Persons' Consent

019.2	D Cowman	Affected Persons' Consent	Oppose	I seek removal of the proposed changes on the grounds that the change removes our rights by being non-notifiable and thereby being unable to have our views taken into account or negotiated.	Reject
020.3	J Cowman	Affected Persons' Consent	Oppose	Council does not go ahead with the proposed rule changes.	Reject
021.1	K Craft	Affected Persons' Consent	Oppose	Change rules so the neighbours are consulted prior to any change in property type.	Reject
023.1	R Culver	Affected Persons' Consent	Oppose	Not stated.	Reject
026.2	A Elgie	MRZ-R16.2 Notification Statement	Oppose	Suggest getting rid of the non-notification preclusion for rule MRZ-R16 and even consider making it a discretionary activity to encroach the standards. I believe this will send a stronger message to developers that we really want them to meet the standards.	Reject
030.2	A Foy	Affected Persons' Consent	Oppose	Please respect home owner's wish to feel secure and part of the neighbourhood they initially bought into, without surprises of what may happen next door.	Reject
035.2	B Gardner	Affected Persons' Consent	Oppose	Affected parties and neighbours should still provide approval.	Reject
036.1	C Hames	Affected Persons' Consent	Oppose	Make it cheaper and easier to build/extend, add a self-contained unit or cabin on a property, but consent should still be required from neighbours if you are building a 2 nd storey	Reject
037.1	B E Harrison	Affected Persons' Consent	Oppose	That apartment blocks and all new housing not exceed a 2-story limit so maintaining the current integrity and identity of Mayfair. People have purchased existing homes and the proposed changes of plan change 5 will change Mayfair in a drastic and detrimental way.	Reject
FS09.1	B E Harrison	Submission point 037.1	Support	Allow submission	Reject
039.6	Hastings District Council	Affected Persons' Consent	Support with amendment	Make provision for third party involvement over a certain scale of development	Accept
FS11.6	Development Nours	Submission point 039.6	Oppose	Does not give effect to the substantive concerns regarding the adequacy of the plan change as a whole.	Reject
FS13.4	Kāinga Ora	Submission point 039.6	Oppose	A requirement for third party approval is ultra vires within the consent process	Reject
FS19.9	Residents of Kaiapo Road etc	Submission point 039.6	Support	There is currently a lack of third party involvement	Reject
043.1	G Herselman	Affected Persons' Consent	Oppose	Keep consultation with neighbours and notifying neighbours as part of the process.	Reject

**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing
S42A Report - Topic 3 - Zone Rules**

Section 42A Report for Plan Change 5: Right Homes, Right Place
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045.3	L Hocquard	Affected Persons' Consent	Oppose	<ol style="list-style-type: none"> 1. Low rise apartments (over two storey) ONLY INSIDE the city centre. Not in the existing suburbs. 2. If make a new suburb that is all low rise apartments that is different as does not affect existing residents so those buying in know what they're getting into. 3. Resource consent remains notifiable if the buildings are over 2 storey; or if more than 4 dwellings are to be built on one section. 4. Add housing to land that is between the Hastings city centre and suburbs e.g. between Hastings and Havelock, Flaxmere, Waipatu. 	Reject
047.1	S Holm	Policy UPD14	Oppose	Amend so that the removal of affected part consents does not apply to existing residential properties impacted by multi-storey high density housing and so only applies to new subdivisions where this requirements is known to all impacted property owners.	Reject
057.5	R I Lyndon	Affected Persons' Consent	Oppose	This change should not go ahead.	Reject
066.2	N Morgan	MR2-S5 Setbacks a)ii	Oppose in Part	That the side boundary setback be increased to a minimum of 2m, ideally for single storey homes or alternatively if the boundary is with a pre-1950 home.	Reject
068.1	B Nicoll	Affected Persons' Consent	Oppose	Do not remove the right of affected parties' approval for MDH developments.	Reject
074.1	R Owens	MRZ-O1	Oppose	Allow for affected property owners to have rights to oppose this rule change and be able to object to neighbouring condensed buildings.	Reject
076.1	L Pallesen	MRZ-O1 MRZ-O2 MRZ-O3 MRZ-P4 MRZ-P6 MRZ-S5	Oppose	<p>To stop the changes that are proposed in the Hastings District Plan Change 5 within the Medium Density Residential Zone.</p> <p>To ensure that any homes built will be no higher than 2 storeys, unless written consent is given by all neighbouring properties.</p>	Reject
077.2	R & J Piper	Affected Persons' Consent	Not stated	Not stated.	Reject
080.1	M Reid	MRZ-16 Notification	Support in Part	Retain affected persons consent for directly affected neighbours.	Reject
084.2	M Rutherford	Affected Persons' Consent	Oppose	Not stated.	Reject

