

Thursday, 18 July 2024

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

Kaupapataka

Agenda (Part 1)

(Oderings Nurseries CHCH Limited - 55 and 57 Brookvale Road, H Nth)

Te Rā Hui:
Meeting date: **Thursday, 18 July 2024**

Te Wā:
Time: **9.30am**

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, with the exception of b) below.
- b) That on a one-off basis, up to a maximum of five accredited members to meet to consider and decide on the Oderings Nurseries CHCH Limited resource consent application for medium density housing at 55-57 Brookvale Road, with this specific hearing composition being:
 - Two external Independent Commissioners (with one acting as the Chair for this hearing – being Mr Bill Wasley)
 - 3 accredited members of the Hearings Committee.
- c) 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.
- d) For Hearings other than Council Initiated Plan Change hearings the quorum shall be two members.
- e) For Council Initiated Plan Change Hearings, the quorum shall be three members.

- f) 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.
- g) 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

Ngā mema o te Komiti

Committee Members:

Hearing Panel Members:

Chair: Bill Wasley (Commissioner Chair - External appointee)

George Lyons (Commissioner - External appointee)

Councillors Marcus Buddo, Alwyn Corban and Wendy Schollum

Apiha Matua

Officer Responsible:

Group Manager: Planning and Regulatory Services - John

O'Shaughnessy

Reporting Planner

Consultant Planner – Rowena Macdonald

Te Rōpū Manapori me te

Kāwanatanga

Democracy

Governance Services

Christine Hilton (Ext 5633)

Te Rārangi Take
Order of Business

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

2.0 **Oderings Nurseries CHCH Limited - Resource Consent application for residential development of 55 and 57 Brookvale Road, Havelock North (RMA20230145)**

DOCUMENTS CIRCULATED FOR HEARING - COMPRISING A NUMBER OF SEPARATE VOLUMES

| | | |
|--------------------------|--|-------------|
| <u>Document 1</u> | The covering administrative report | Pg 1 |
| Attachment A | Section 42A Reporting Officer's report | Pg 3 |

The Application, Submissions and other documents can be viewed on the Council website.

Thursday, 18 July 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:
Subject: Oderings Nurseries CHCH Limited - Resource Consent application for residential development of 55 and 57 Brookvale Road, Havelock North (RMA20230145)

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

- 1.1 This is a covering report relating to a resource consent application made by Oderings Nurseries CHCH Limited for residential development of 55 and 57 Brookvale Road, Havelock North (RMA20230145).
- 1.2 The reporting planner's report is attached to this covering report and contains the details regarding this application.

2.0 Recommendations - *Ngā Tūhunga*

That the covering report titled Oderings Nurseries CHCH Limited - Resource Consent application for residential development of 55 and 57 Brookvale Road, Havelock North (RMA20230145), the hearings report and associated attachments, dated 18 July 2024, be received.

Attachments:

| | | | |
|--------------------|---|------------------|----------|
| A↓ | Section 42A Reporting Officer's report | RMA20230145#0228 | |
| B⇒ | Application & Assessment of Environmental Effects | RMA20230145#0016 | Volume 1 |
| C⇒ | Record of Title | RMA20230145#0004 | Volume 1 |
| D⇒ | Scheme Plan | RMA20230145#0005 | Volume 1 |
| E⇒ | Infrastructure Report | RMA20230145#0006 | Volume 1 |
| F⇒ | Landscape & Visual Assessment | RMA20230145#0007 | Volume 1 |
| G⇒ | Traffic Assessment | RMA20230145#0008 | Volume 1 |

H Contaminated Land Assessment

RMA20230145#0009

A separate
document on
Council's website

RMA20230145



**REPORT ON PUBLICLY NOTIFIED APPLICATION FOR RESOURCE CONSENT
UNDER THE RESOURCE MANAGEMENT ACT 1991 (RMA)**

REPORT TO: APPOINTED HEARINGS PANEL

HEARING DATE: 18 & 19 July 2024

FROM: ROWENA MACDONALD
CONSULTANT PLANNER ON BEHALF OF HASTINGS DISTRICT COUNCIL AS
CONSENTING AUTHORITY

SUBJECT: A PUBLICLY NOTIFIED APPLICATION FOR LAND USE AND SUBDIVISION CONSENT TO ESTABLISH 35 RESIDENTIAL DWELLINGS (EACH ON A SEPARATE FREEHOLD RESIDENTIAL LOT); A PROPOSED NEW CARPARK TO SERVICE THE EXISTING GARDEN CENTRE AND CONSENTED CAFÉ ON THE BALANCE LOT; CONSTRUCTION OF AN ACCESS ROAD TO VEST FROM BROOKVALE ROAD, AND PRIVATE ACCESS ROADS THROUGH THE DEVELOPMENT (COMMONLY OWNED ACCESS LOTS); A LOCAL PURPOSE (DRAINAGE RESERVE) TO VEST; AND ALL ASSOCIATED EARTHWORKS (@2,312M³)

NOTE: **This report is not the decision on the application. This report sets out the advice and recommendation of the reporting planner. This report has yet to be considered by the hearing panel delegated by Hastings District Council to decide this resource consent application. The decision will be made by the hearing panel only after they have considered the application and heard from the applicant, submitters, and Council officers.**

1.0 APPLICATION DESCRIPTION

1.1 Application and Property Details

Application Number: RMA20230145

Applicant's Name: Oderings Nurseries ChCh Limited

Site Address: 55 & 57 Brookvale Road, Havelock North

Legal Description: Lot 2 DP311724 and Lot 1 DP8274, subject to easements (Record of Title 46325, owned by Oderings Nurseries ChCh Limited and referred to in this report as 'Oderings')¹

Total Site Area: 2.0270 hectares

Lodgement Date: 31 May 2023

Notification Date: 21 October 2023

Submission Period Closed: 20 November 2023

Number of Submissions Received: Total of 49 submissions, comprising:
2 in support; 36 in opposition; 3 in conditional support; 7 seek changes or confirmation about aspects of the development and do not state whether they seek the consent to be declined or granted; and

¹ Note that the AEE accompanying the application incorrectly refers to Section 10 SO 330242 being part of the legal description of the site subject to this application – this was confirmed as in error in an email response from the applicant's agent (Joe Gray) dated 8 June 2023.

RMA20230145

1 late submission that is neutral, but generally supportive subject to confirming the development does not give rise to adverse cumulative effects.

1.2 Application Documents

The list of application documents and plans are set out in the recommendation forming part of this report.

1.3 Adequacy of Information

The information submitted with the application (following several further information requests) is now sufficiently comprehensive to enable the consideration of the following matters on an informed basis:

- The nature and scope of the proposed activity for which resource consent is sought;
- The extent and scale of the actual and potential effects on the environment;
- Those persons and/or customary rights holders who may be adversely affected; and
- The requirements of the relevant legislation.

Several requests for further information under section 92 of the Resource Management Act 1991 (RMA) were made in relation to this application for resource consent on the following date:

| Date s92 Requests Made by Council | Date Responses Received from Applicant |
|--|---|
| 8 June 2023 (email requesting confirmation of legal description) | Email response received 8 June 2023 |
| 27 June 2023 (email requesting confirmation of earthworks volume to be removed off-site and whether excavation in vicinity of surcharge loads) | Email response received 28 June 2023 |
| 22 June 2023 (comprehensive s92 request) | Initial response received 31 July 2023 Complete response received 4 October 2023 – outstanding carpark plans were supplied 12 October 2023 |
| 30 November 2023 (email requesting confirmation of use of new carpark) | Email response received 30 November 2023 |
| 6 December 2023 (email requesting confirmation of applicant's acceptance of DSI report recommendations) | Email response received 6 December 2023 |
| 21 December 2023 (email requesting confirmation whether any planting proposed in Guthrie Park) | Email response received 21 December 2023 |
| 9 January 2024 (email requesting copy of desktop review of archaeological sites and an update on applicant's engagement with mana whenua) | Email response received 9 January 2024 |
| 4 March 2024 (email forwarding Council's engineering comments and urban design review following applicant's s92 response) | Email response received 16 March 2024 |

