

HASTINGS DISTRICT COUNCIL

MINUTES OF A MEETING OF THE HEARINGS COMMITTEE HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CENTRAL OFFICES, LYNDON ROAD EAST, HASTINGS ON FRIDAY, 18 MAY 2007 AT 9.00AM

- PRESENT:** Hearing Commissioner – Mr Alan Watson
- AS REQUIRED:** Environmental Planner (Policy) – Mrs M Gaffaney
Committee Secretary – Mrs C Hilton
- ALSO PRESENT:** ***“Submitters”***
Mr GRB Brough, Environmental Management Services
Ltd, Napier – presenting the proposed plan change
on behalf of the Community Services Group of HDC
Ms C Nicolson, Planner, HB Regional Council
Mr C Goodier, Design Engineer, HB Regional Council
Mr D Fulton, Group Chairman, H Nth Scout Group
Mr T Irwin, H Nth Scout Group Leader
Mrs R Shand – representing the H Nth Girl Guides
Messrs K Jeanes and W Westrupp – representing the
Celebration Christian Fellowship
Mr R Bell, Legal Counsel for the Celebration Christian
Fellowship
Mr P McKay, Team Leader Environmental Policy, HDC
– presenting the HDC’s submission
Mrs W Johnson – present at the hearing as an
observer
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1. APOLOGIES

Mr D Dewar representing one of the submitters, the Celebration Christian Fellowship, had been unable to attend.

2. PROPOSED COUNCIL INITIATED PLAN CHANGE #39 – ROMANES DRIVE RECREATION CLUB AREA, HAVELOCK NORTH

(Planning report and background information previously circulated)
(Written evidence circulated at the hearing)

Commissioner Watson introduced himself and briefly outlined his background. He explained the reason that he was hearing the proposed plan change and that the Resource Management Act (“RMA”) legislation gave Councils the ability to appoint independent commissioners in the interest of natural justice.

Commissioner Watson outlined the order of business and the process to be followed at this Hearing. He advised that the planning report would be “taken as read” and had the same status as other evidence presented during the Hearing. He noted that he had been on a site visit prior to the hearing to look at the land involved, its environs and the respective location of submitters’ properties.

Appendix 2 “Section 32 Analysis” in the circulated agenda attachments was referred to. The “*Romanes Drive Structure Plan Area*” map was displayed and addressed via the doc-cam.

As an introduction to the proposed plan change, **Mr Brough** circulated and read his evidence which backgrounded and outlined the plan change. Via the computer system, a copy of the “*Guthrie Park and Proposed Club Zone*” aerial photograph was displayed. This outlined the three parcels of land referred to in Paragraph 2.2 of the evidence. A black and white A4 copy of this photograph was also attached to Mr Brough’s evidence.

Commissioner Watson asked questions of Mr Brough in regard to the latter’s evidence. The main points addressed related to:

- The structure plan process – how to address the detail involved?
- What activity status applied to the development – they were permitted activities if the performance standards in the District Plan can be met.
- The process to establish the first club at the proposed recreation club area.
- Whether any new issues had arisen via submissions that had not been canvassed as part of the initial consultation.
- Napier Road residents – 9 allotments. Issues that had arisen:
 - #46 Napier Rd raised issues regarding flooding of Karituwhenua Stream. Initial and detailed modelling had been undertaken.
 - Concerns had been raised regarding the potential for alcohol consumption/abuse and for boy racers to congregate and to cause problems in the subject area.
 - ❖ The site had been further modelled and some design features had been changed – more lighting added; bridge location altered to align stormwater. Landscape design readdressed.
 - ❖ Proactive measures had been taken regarding the car parks and roading layout so it would not be used as a drag strip.
- Would there be a caretaker involved or a management role for Council to play once clubs were established on the land?
- The open space area – the initial playground area had been moved as part of testing of the proposal.
- The Council would ensure a positive design of the area – having the recreation clubs on the edge of the park area.
- The interlinking of the site with Guthrie Park – via the bridge.
- The car parking issues that arose on Brookvale Rd from time to time.
- Car parking in the proposal allowed for vehicle overflow and for people to walk through.
- The Guthrie Park Management Plan – whether there were issues that may be “looked after” by using this document.

Ms Nicolson, Planner and Mr Goodier, Design Engineer @ HB Regional Council addressed the hearing. Ms Nicolson circulated and read her evidence. She and Mr Goodier were available to answer questions raised by the Commissioner.

Commissioner Watson asked questions of Ms Nicolson and Mr Goodier in regard to the former’s evidence. The main points addressed related to:

- Recommendation “A” in Paragraph 5.14.0 of the planning report.
 - HB Regional Council agreed in part but wanted it added into the structure plan outcome to incorporate stormwater treatment. The Regional Council felt this issue had only been partly addressed at

- this stage – i.e. addressed in Section 4, but not in Section 6, of the structure plan.
- HB Regional Council wanted to ensure hydraulic neutrality was fully addressed and highlighted that it should be given the opportunity to review any detailed engineering designs for the stormwater management system for the Recreation Club Area.
 - ❖ Whether Hastings District Council (“HDC”) could check these engineering designs, instead of the HB Regional Council.
 - ❖ The HB Regional Council had an overview of flooding of streams and wanted to ensure there was agreement on the outcome being sought. Sometimes in the past other engineering designs had needed to be amended.
 - Did the HB Regional Council have a current process in place if anyone discharges into the Karituwhenua Stream? This process was currently under review and that was another reason for wanting to have the design review safeguard in place. Currently such an activity would probably be a permitted activity.

Commissioner Watson sought further information as to why the HB Regional Council felt it needed to be able to review the engineering designs for the stormwater management system. He advised he would have to carefully consider that aspect.

Commissioner Watson asked further questions of Ms Nicolson and Mr Goodier regarding the HB Regional Council’s request to review the design of the stormwater management system. The main points addressed related to:

- HB Regional Council wanted the ability to review engineering designs as it was responsible for any flooding issues that may eventuate.
- Clarification as to the process the HB Regional Council would follow to review the engineering designs.
- The level or type of authority the HB Regional Council was needing/seeking in order to allow it to undertake such a review.
- Clarification regarding the “opportunity to review” statement.
- Whether the Commissioner could give the HB Regional Council the authority it was seeking?
- Whether the matter could be addressed by the HDC Engineering Group discussing any design issues with the HB Regional Council, if this proved to be necessary.
- What mandate does the HB Regional Council have unless it was part of a discharge consent?
- The need to ensure the HB Regional Council could address design issues at a later stage if necessary.

In response to some of the Commissioner’s further questions, Mr Goodier and Ms Nicolson advised they would need to obtain some guidance from senior policy staff at the HB Regional Council. Commissioner Watson asked Mr Goodier and Ms Nicolson to follow up on this course of action. He advised that at this stage, if he recommended that this proposed plan change go ahead, he could give the HB Regional Council the ability to have conference with the HDC but not to give the former the opportunity to have formal review rights or to say Yes/No to any engineering designs, other than on an informal basis.

Ms Nicolson stated that the HB Regional Council was really seeking to have an engagement between themselves and the HDC, rather than needing to have anything written into the plan change itself. The HB Regional Council had to accept that it had handed that authority over to

the HDC and the former could handle some matters through its discharge rules.

Commissioner Watson confirmed that he was asking the HB Regional Council representatives to follow up with senior policy staff at that Council and to comment on the matter of the mechanism that could be used in the plan change to allow that Council to check the final engineering design details of the stormwater management system for the Recreation Club Area. The Commissioner was providing the HB Regional Council with the opportunity to comment further on those matters he had raised with them at the hearing.

Mr D Fulton, Mr T Irwin, and Mrs R Shand, representing the H Nth Scouts and Girl Guides, addressed the hearing and gave a power point presentation. Mr Fulton expanded on some of the points shown in the power point slides. The main issues highlighted, or addressed in questions raised by the Commissioner, related to:

- The scouts and guides had been on this land since the 1940's.
- Both the scouts and guides used the land for activities.
- There were waiting lists to join the H Nth Scouts and Guides.
- The group numbers would increase dramatically if there were more leaders available.
- The scout hut had been built piecemeal over the years.
- The long association between the scouts and guides and the local community.
- Hastings had an overall lack of halls for hire.
- The scouts received regular calls from people wanting to hire the hall long term.
- Concerns regarding the scout hall and guide hut – would like scout hall to be moved. It is “an icon”.
- HDC not want to move hall and hut – said it was too expensive.
- Scouts and guides had obtained independent costing to move the buildings but they can't fully fund the move themselves.
- If HDC contributed/funded the move it would take ownership of the buildings.
- Sale of the property would fund the move – not want to move to Akina Park or to Clive and not want to move temporarily, but could consider going to Guthrie Park permanently.
- Scouts and guides need exclusive use of a hall and not share use and need to be able to hire out the hall they use.
- It was likely that the hireage rate would increase if they had to hire a hall from HDC.
- There were a number of issues raised that were outside the process of this hearing – this was acknowledged by the Commissioner.
- Recommendation “A” in Paragraph 5.9.0 of the planning report. Clarification was sought about the intent of this wording and the matter of the building relocation being a controlled activity.
- The landowner (HDC) retains the discretion about relocation of buildings and “only so much” can be addressed through this hearing process.
- Clarification regarding references in planning report to the “relocation” of the recreation clubs to the park. Intent of this word? Relocation of buildings or people?
- The scout hall did not have a sprinkler system installed at present.
- How the scouts would handle the hiring of the hall in regard to liquor use, hours of use, noise etc as it would be close to residences. Scouts would have hireage documents to sign – music to be stopped by 12.30am and people to have left by 1.30am.

Messrs K Jeanes, W Westrupp and Mr R Bell, Legal Counsel, verbally addressed the hearing **representing the Celebration Christian Fellowship**. The main points raised or addressed via questions from the Commissioner related to:

- The concept in general and the way their submission and concerns had been addressed.
- The site specific nature of the planner's recommendations – they didn't apply to other zones.
- Concerns regarding submissions made about alcohol, vandalism and petty crime. The church did not want to see these issues spread to this zone.
- The Council's perspective as a landowner and addressing the associated planning issues.
- The alcohol ban in the centre of H Nth had had only limited success.
- The submitter did not feel that alcohol was a recreational activity in itself.
- The onus was on the parties leasing/hiring out halls to address the use of alcohol on those premises, via the wording/conditions in leases/hireage documents.
- The consumption of alcohol was "part and parcel" of activities of sports clubs and the like.
- The effects of alcohol consumption on the youth "arms" of these clubs would cause concern – the submitter did not want to see problems arising for police and neighbours.

The Council's Team Leader Environmental Policy, Mr McKay, presented HDC's submission and circulated and read his evidence on behalf of the Council. He highlighted the main points in some sections, summarised the submission in general and interpolated as appropriate. He spoke to the intent of the proposed plan change and what those changes related to. The main points raised and the issues on which the Commissioner asked questions of Mr McKay related to:

- How this related to the structure of the District Plan.
- Explanation of the District Wide Activity section of the District Plan (Section 13.5).
- The amendments sought to the District Plan Section 6.0 "Plains Zone" in Mr McKay's circulated evidence - (i.e: Parts "a" to "e" under Paragraph 5 of this evidence).
- Paragraph 10 of Mr McKay's evidence:
 - This issue was also raised in the Church's submission regarding the "Places of Assembly" provisions.
 - More specific rules were proposed in relation to this club park.
- Integration of the proposed plan change into the District Plan.
- Consideration of how to address places of assembly and recreation club rooms as already permitted under Section 13.5 of the Plan.
- Paragraph 12 – agreement with the Church that the plan change should not affect normal rights for places of assembly outside the club park.
- Clarification of acceptance of the planning report but seeking additions in the final recommendations to clarify Places of Assembly.
- In terms of the Plains Zone there were policies and objectives in the Plan to avoid unnecessary subdivision – clarification was sought regarding the key point this submissions was seeking in order "to avoid the non-complying debate".
- Council had been rigorous in the application of the Plains Zone subdivision rules in this area to maintain the Plan's integrity to avoid ad-hoc subdivision.

- Additions to the Plan's policy in this case would help with the document's integrity.

Mr Bell noted the analysis in the table on Pages 30 and 31 of the planning report, comparing the recreation club area and the Places of Assembly provisions in the plan. He sought clarification from Mr McKay as to whether there was a recommendation in the report to make this more restrictive in the Plains Zone and was advised that the recommendations were specific only to the recreation club park and elsewhere the current provisions would apply.

The Commissioner sought confirmation that none of the submitters present were totally opposing the proposed plan change. Some submitters wanted the plan change to go further but this was outside the scope of this hearing. Many submitters were concerned regarding the potential for problems to arise from the consumption of alcohol.

The hearing adjourned for morning tea at 10.08am and resumed at 10.27am.

The reporting officer, Environmental Planner (Policy), Mrs Gaffaney, spoke to her planning report. She highlighted certain matters in her report and responded to points raised during the hearing. The main points raised related to:

- The plan change had been brought into question by two submissions – HB Regional Council (stormwater mitigation) and Mrs Deacon (disturbance from traffic noise and social functions).
 - 1. HB Regional Council:**
 - The report by Truebridge Callender Beach ("TCB") in Appendix 9 of the agenda material.
 - Further development of the specific stormwater mitigation design was needed as the site's precise layout and building coverage was not known. Details would be finalised via consultation with the HB Regional Council.
 - 2. Mrs Deacon:**
 - The reasons this submitter opposed the plan change.
 - The submitter wrongly thought the main access would be from Napier Road, but it is from Romanes Drive.
 - The planner believed the submitter's concerns could be mitigated via good management, existing Plan provisions and the proposed amendments to the Plan – including limiting the hours of operation and the sale of liquor.
- Given that there were only two principal issues in terms of sustainable management, the proposed plan change is considered appropriate.
- The reasons this site is considered suitable for this activity:
 - Good arterial road access.
 - Central location to H Nth – especially new Arataki area.
 - Will have good walkway/cycle way linkage to connect Guthrie Park with Napier Road/Romanes Drive.
 - It adjoins the existing Guthrie Park reserve area.
 - It is separated from the residentially zoned areas either by an arterial road or by Guthrie Park.
 - It is zoned Plains, but is a small parcel of land that is isolated from other Plains land and so it is not considered to have a productive use.

- The major concerns in planning terms are the sale of liquor and fear of anti-social behaviour, stormwater runoff issues and the rules related to Places of Assembly located within the Recreation Club area.
- HB Regional Council submission:
 - Paragraph 4.1 - this had addressed some suggested amendments to Section 6. The planner felt the outcome wording of the suggested new subsection was a reasonable request.
 - Paragraph 4.2 – HDC was hoping to have informal discussion with the HB Regional Council on the issue of reviewing the details of stormwater engineering designs but did not feel that such discussions should be formalised within this plan change.

Commissioner Watson asked that the HB Regional Council be as clear as possible regarding the design review aspect of its submission when Ms Nicolson/Mr Goodier responds to his earlier questions after consulting with senior policy staff.

Commissioner Watson did not ask any questions of Mrs Gaffaney.

Mr Brough was then given the opportunity to make a **Right-of-Reply** if he so wished. He did not have any comments to add to his earlier evidence.

After giving the parties present the opportunity to make any final remarks for him to consider, Commissioner Watson closed this part of the hearing.

Commissioner Watson explained that under the delegated authority he had been given, he would be making a recommendation to the Hastings District Council as this was a proposed plan change. He further explained that if the Council did not accept his recommendation it would have to rehear the proposed plan change.

Commissioner Watson advised those present that he would be making a recommendation that Proposed Plan Change #39 be approved and the full wording of his recommendation would be forwarded to the Council in due course. He acknowledged the presentations made by Mr Brough and the submitters and the thorough planning report by Mrs Gaffaney.

This part of the hearing closed at 10.35 am and the Commissioner would now deliberate and issue his recommendation to the Council

(Note 1: Following the hearing, in response to the invitation by Commissioner Watson, the HB Regional Council representatives forwarded comments on the matter of the mechanism that could be used in the plan change to allow that council to check the final engineering design details of the stormwater management system for the Recreational Club Area).

(Note 2: The Commissioner's signed recommendations form a separate document [TRIM reference CG-02-43-2-07-33] but will be attached to these minutes when they are copied and circulated. These council

initiated plan change recommendations are to be addressed and a decision is to be made by the Council at a meeting on 28 June 2007).

Confirmed:

Date:

Commissioner: