

If calling ask for Nellie Aroa

File Ref: **RMA20250243#0050**

3 December 2025

Environmental Protection Agency  
Private Bag 63002  
Wellington 6140

Dear Sir/Madam

**Response to Expert Panel Request for Information – Minute 4**

Please see the below response to those matters specifically set out in minute four, received 28<sup>th</sup> November 2025.

Yours sincerely



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## Appendix 1.

[2] There remains a lack of clarity regarding the design of the dry stormwater, and whether it will be lined. The Expert Panel understands that it will not be lined but seeks confirmation from the Applicant that this is correct, and, if so, from HDC and HBRC that they remain satisfied with an unlined design.

Council's 3 Waters Growth & Development Manager has confirmed that given the history of this area, previous stream works and the subsequent Havelock North contamination event due to seepage of the surface water to the aquifer, it would be preferable to have the dry basin lined as outlined in the Geotech and infrastructure report provided as part of the substantial application.

[6] HDC is requested to confirm that it does not anticipate traffic calming platforms being required along Arataki Road.

Councils Transportation Policy & Planning Manager has confirmed that HDC would not look to install traffic calming platforms in Arataki Road especially given that it will be on a bus route effective late January 2026.

[7] HDC and HBRC are requested to confirm that changes made by the Applicant to the condition Suite (Version 2, dated 20 November 2025) are acceptable and address any earlier concerns they have identified.

Although the restricted timeframes of this process have not enabled a detailed assessment of all these changes, or for all relevant parts of council to review the proposed changes, they largely appear to be satisfactory. We anticipate that we will be given more time to go over these changes and all other draft conditions should the application proceed to be approved.

The proposed changes appear to have addressed most of the concerns previously outlined. Although we note that only the fencing, no build and landscaping covenants have been changed into consent notices. Condition 27 relating to the no-complaints covenant is still proposed as a private covenant. Council Considered this should be a consent notice condition, given it is being used as mitigation for having a significantly reduced reverse sensitivity buffer. The reasoning being that consent notices are tied to subdivisions, are enforceable under the RMA and provide clarity for future landowners when purchasing sites. Private covenants can easily be overlooked and are not always upheld by landowners.

Additionally, condition 65C makes reference to the 'no build area', it should not be relied upon to simply have a large-scale scheme plan with a shaded green area. This area should be clearly defined as a 10m area in the condition and dimensioned on the scheme plan to ensure there is no future conflicts or interpretation issues around this. We have seen issues with historic conditions simply referring to an 'area' on plans.

[8] The Expert Panel is particularly keen to understand whether HDC is satisfied with the detailed condition changes made to address the amended RDF proposal that involve bespoke standards or provisions to be applied by way of consent notices as alternatives to the equivalent District Plan standards in the General Residential and Medium Density Residential zones.

In terms of the detailed condition changes, our preference is for the proposal to simply have consent notice conditions requiring the development meets the relevant provisions of the Hastings District Plan. This feedback was shared with the applicant during early engagements. This approach is generally clearer, aligns more closely with the outcomes the Plan seeks to achieve, and is far easier to administer and implement over the long term.

While we have been trying to accommodate the applicant's desire for some bespoke design outcomes through conditions, many of these provisions are still quite cumbersome. Given that the bespoke standards only differ slightly from the existing residential zone provisions, it is uncertain how much additional design benefit would actually be realised when compared with what could already be achieved as-of-right under the Plan.

For example:

68D.	<p><b><u>Relationship of Garages &amp; Accessory Buildings to the Street (Lot Type 1)</u></b></p> <p><u>The consent holder must register with the Registrar-General of Land a consent notice under Section 221 of the RMA, against the computer registers (certificates of title) for Lots 1-18, 21, 27-33, 38-44, 48-70, 73, 77, 82-102, 107-108 and 120, 122-150, 153-161, and 163- 171. The consent notice must record that the following condition is to be complied with on a continuing basis:</u></p> <p><u>"Building Restrictions – Setback from Street:</u></p> <p><u>(a) All garage doors must be set back a minimum of 5m from any front boundary.</u></p> <p><u>(b) Garages on sites that front a public road or JOAL and that form part of a single-storey residential building, shall occupy a maximum of 50% of the width of the front elevation of that residential building.</u></p> <p><u>(c) Garages on sites that front a public road or JOAL:</u></p> <p><u>(i) that form part of a single-storey residential building; and</u></p>
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No.	Condition
	<p><u>(ii) which occupy more than 50% and up to a maximum of 60% of the width of the front elevation of that residential building must have a minimum setback of 2m from the rest of the building.</u></p> <p><u>The requirements of (b) and (c) above do not apply to garages which form part of a two-storey residential building.</u></p> <p><u>Note: The diagram below illustrates how to measure the garage setback from the street for the purpose of applying this requirement."</u></p>

- condition 68D(a) is met via the standard bay requirements under performance standards 8.2.5M (Traffic Sightlines, parking, access and loading) and 26.1.7A (Access)

- condition 68D(b) is met via performance standard 8.2.5E (Relationship of Garages and Accessory Buildings to Dwellings)
- The only meaningful departure from the HDP is 68D(c)(ii), which would allow a garage to occupy up to 60% of the width of the dwelling frontage, rather than the permitted 50%, provided the garage is recessed behind the front façade. The wording of this condition is difficult to interpret, requires a diagram to ensure clarity, and may be challenging to enforce, particularly given the modest nature of the design variation sought.

A further issue is that the site has not been rezoned. Embedding bespoke design outcomes into consent notice conditions, as proposed, essentially attempts to introduce tailored planning provisions through a consenting process rather than a plan change process. If the land were to be rezoned through a private plan change, these kinds of bespoke standards could be more appropriately incorporated into the zone framework itself, where they could be more cleanly integrated and evaluated alongside the zone's intended outcomes. As the zoning currently stands, using consent notice conditions to modify the underlying HDP provisions creates a somewhat awkward overlay that is difficult to administer and may not provide the clarity sought.

We do acknowledge that the applicant may still wish to retain some of the bespoke standards they have proposed. If so, these could largely be managed through private covenants rather than replacing the District Plan requirements through consent notices. Although, it is recognised that some conditions, like those around geotechnical matters, fencing, landscaping buffer area, no build area, stormwater and the Distance of Vehicle Access from Access Road Intersections that are not inherently related to design outcomes will still need to be imposed via consent notice conditions.

We appreciate that the applicant is not obliged to adopt Council's feedback, however from an implementation and clarity perspective, retaining the standard HDP provisions remains our preferred approach.