

IN THE MATTER of the Resource Management Act 1991  
AND  
IN THE MATTER of an appeal under clause 14 of  
Schedule 1 to the Act  
BETWEEN FEDERATED FARMERS OF NEW  
ZEALAND HAWKE'S BAY PROVINCE  
(ENV-2015-WLG-000053)  
Appellants  
AND HASTINGS DISTRICT COUNCIL  
Respondent

BEFORE THE ENVIRONMENT COURT  
Environment Judge C J Thompson sitting alone pursuant to section 279 of the Act.  
IN CHAMBERS

#### CONSENT ORDER

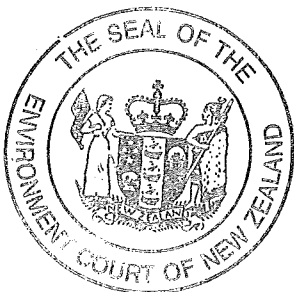
##### *Introduction*

[1] The Court has read and considered the appeal and the parties' draft consent order received 19 September 2016.

[2] Hawkes Bay Fruitgrowers, Hawkes Bay Regional Council, Horticulture New Zealand, Maungahuru Tangitu Trust, Meridian Energy Ltd, Ngati Kahungunu Iwi Inc, Pure Hawkes Bay Inc, Soil & Health Association of NZ and TrustPower Ltd gave notice of an intention to become parties under s274, and have signed the consent memorandum setting out the relief sought.

[3] The Court is making this order under s 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for the present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.



*Order*

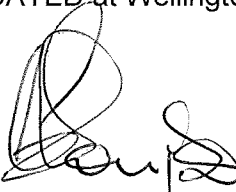
[4] The Court orders, by consent, that the Proposed Hastings District Plan is amended as set out in Annexure A to this order, with additions shown in underline and deletions shown in strike-through.

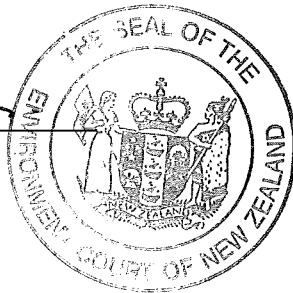
[5] This order disposes of all parts of the appeal other than those parts of the appeal dealing with:

- (a) Chapter 17.1 – Natural Features and Landscapes - Objective LSO2, Objective LSO3, Policy LSP7 and Policy LSP10 being objectives and policies relating to Significant Amenity Landscapes, Rural Character and Coastal Character landscapes;
- (b) Chapter 17.1 – Natural Features and Landscapes - Rule LS2, in relation to planting for soil conservation within Outstanding Natural Landscapes;
- (c) Chapter 17.1 – Natural Features and Landscapes - Table 17.1.5, only insofar as it relates to earthworks within Outstanding Natural Landscapes;
- (d) Chapter 29.1, in relation to the treatment of Genetically Modified Organisms.

[6] There is no order as to costs.

DATED at Wellington this <sup>14<sup>th</sup></sup> day of October 2016

  
C J Thompson  
Environment Judge



## **Annexure A – Changes to Hastings District Plan required by Consent Order**

### ***Section 2.3 – Plan Philosophy and Integrated Resource Management***

- (a) Amend Section 2.3 by adding a new Section 2.3.3.4A after Section 2.3.3.4 as follows:

#### **Cross Boundary Issues**

Local authorities need to address cross boundary issues in a coordinated way. In considering cross boundary issues, the Councils will:

- Give effect to the Regional Policy Statement and any Regional Plans.
- When making changes to or reviewing the Plan, the Council will consult Hawke's Bay Regional Council and all neighbouring local authorities.
- Make submissions, where appropriate, on resource management documents prepared by neighbouring local authorities.

On receiving an application for a land use consent that is to be notified and where the activity may create regionally adverse environmental effects or affect a neighbouring district:

- Notify the Hawke's Bay Regional Council and/or the appropriate local authority.
- Participate in joint hearings with other local authorities where appropriate.

The Council will identify opportunities with Hawke's Bay Regional Council to transfer functions between the authorities where this will result in a more efficient, effective and integrated approach.

### ***Section 5.2 – Rural Zone***

- (b) Amend Policy RZP15 as follows:

Work collaboratively with the Regional Council to manage land uses that impact on ~~achieve improved~~ water quality and ~~quantity~~ efficient use of water.

### ***Section 6.2 – Plains Production Zone***

- (c) Amend Policy PPP16 as follows:

Work collaboratively with the Regional Council to manage land uses that impact on ~~achieve improved~~ water quality and ~~quantity~~ efficient use of water.



**Section 19.1 – Riparian Land Management and Public Access**

(d) Amend Policy RMP6 as follows:

To encourage and promote the retention of indigenous riparian vegetation, and the establishment of riparian vegetation on the margins of and promote planting within the coastal environment and on the margins of, wetlands, lakes and rivers, and, where appropriate, to require new land use activities to avoid, remedy or mitigate the adverse effects of land use on water quality, including the retention and planting of riparian vegetation.

