

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 FARMERS TRANSPORT (2015)  
LIMITED  
(ENV-2015-WLG-000082)  
Appellant  
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 2 September 2016.

[2] Federated Farmers of New Zealand Hawke's Bay Province, Hawke's Bay Fruitgrowers' Association and Horticulture New Zealand each gave notice of an intention to become a party under s 274 of the Act, and have signed the 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.



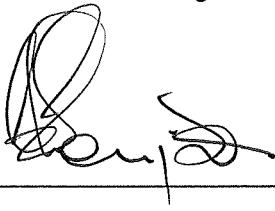
*Order*

[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] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 3<sup>rd</sup> day of October 2016



C J Thompson  
Environment Judge



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

### Section 33 - Definitions

- (a) Amend Section 33 - Definitions section to add a new definition as follows:

**Rural transport depot:** means a transport depot which principally transports livestock or requires use of rural land for an associated land based primary production activity such as the grazing of livestock in transit.

### Section 5.2 – Rural Zone

- (b) Add a new Policy RZP5A to Section 5.2.3 – Objectives and Policies as follows:

#### **POLICY RZP5A**

To provide for Rural Transport Depots as activities that are directly reliant on the land to hold stock in transit, or undertake a land based primary production activity as part of this activity.

- (c) Amend the explanation to Policy RZP9 in Section 5.2.3 – Objectives and Policies by adding a new paragraph as follows:

Council acknowledges that Rural Transport Depots are the type of industry that rely on the land to undertake their activity. They have a direct relationship to land based on primary production as a result of the need to hold stock on their land. The opportunity to establish and operate in the Zone will be provided through a Discretionary Activity resource consent process, to ensure that any potential for significant adverse effects can be avoided, remedied or mitigated and to consider consistency against the objectives and policies of the Plan with particular reference to Policy RZP4.

- (d) Amend Table 5.2.4 to include 'Rural Transport Depots' as follows:

Rule	Land Use Activities	Activity Status
[New Rule Reference]	<u>Rural Transport Depots</u>	<u>D</u>

- (e) Amend Section 5.2.8 – Assessment Criteria to add assessment criteria for Rural Transport Depots as follows:

#### **5.2.8G RURAL TRANSPORT DEPOTS**

An assessment of the effects of the activity shall be made considering the following:



- The potential for the activity to generate significant adverse effects on the environment in terms of noise, dust, glare, vibration and road safety.
- Whether the site provides ready access to strategic transport networks.
- The potential for the proposed activity to create reverse sensitivity effects.
- Whether the proposal will significantly compromise the visual amenity of the area, recognising it is a rural working environment.
- The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities.
- The potential for the activity to generate adverse effects on the environment in terms of stormwater quality and quantity.

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

- (f) Add a new Policy PPP7A and Explanation to Section 6.2.3 – Objectives and Policies as follows:

**POLICY PPP7A** To provide for Rural Transport Depots as activities that are directly reliant on the land to hold stock in transit, or undertake a land based primary production activity as part of this activity taking into account the need to avoid, remedy or mitigate the adverse effects on versatile land, water values and rural character.

#### Explanation

A Rural Transport Depot is an activity that is directly related to land based primary production and has the potential to result in significant social and economic benefits to the District. Rural Transport Depots directly support the use of the wider versatile land resource. Rural Transport Depots may have a need for facilities, yards and holding paddocks to hold livestock in transit and/or to support land based primary production activities. The location of Rural Transport Depots also need to consider proximity and links to strategic transport hubs within the Transport network as well as the proximity to sale yards and Meat works facilities. The opportunity to establish and operate in the Zone will be provided through a Discretionary Activity resource consent process, to ensure that any potential for significant adverse effects can be avoided, remedied or mitigated.



(g) Amend Table 6.2.4 to include 'Rural Transport Depots' as follows:

Rule	Land Use Activities	Activity Status
[New Rule Reference]	Rural Transport Depots	D

(h) Amend Section 6.2.8 as follows– Assessment Criteria to add assessment criteria for Rural Transport Depots as follows:

**6.2.8N RURAL TRANSPORT DEPOTS**

An assessment of the effects of the activity shall be made considering the following:

- The potential for the activity to generate significant adverse effects on the environment in terms of noise, dust, glare, vibration and road safety.
- Whether the site provides ready access to strategic transport networks.
- The impact on the versatile land resource and the class 7 soils of the Roys Hill Winegrowing District.
- Whether the proposal will significantly compromise the visual amenity of the area, recognising it is a rural working environment.
- Whether the site is in close proximity to stock handling and processing facilities that are directly related to the transporting of stock in transit.
- Whether the activity has the potential to adversely affect the life supporting capacity of the Heretaunga Plains Unconfined Aquifer.
- The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities.
- The potential for the proposed activity to create reverse sensitivity effects.
- The potential for the activity to generate adverse effects on the environment in terms of stormwater quality and quantity.

