

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 CHIEF OF NEW ZEALAND DEFENCE
FORCE

(ENV-2015-WLG-000068)

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 10 June 2016.

[2] No person has given notice of an intention to become a party under s 274 of the Act.

[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 follows:

- (a) Amend section 33.1 – Definitions, ‘Temporary Event’, as follows:

Temporary Event: means the short term or intermittent use of any land or building for an activity not carried out on the site on a regular basis, or the carrying out of an activity outside the limits on hours or scale prescribed in Plan Standards. It includes temporary military training activity, but does not include short term social or cultural gatherings where these are ancillary to a permitted activity or in compliance with the standards and terms for permitted activities and does not include a Temporary Military Training Activity. Any event for which a Special Licence under the Sale of Liquor Act is required shall be deemed to be a temporary event.

- (b) Amend all sections of the Proposed Hastings District Plan listed at Appendix 1 as follows:

- (i) Add a new row to each Rule Table as follows:

Rule	Land Use Activities	Activity Status
[Consecutive numbering]	<u>Temporary Military Training Activity</u>	<u>P</u>

- (ii) Add a new provision to the section ‘Specific Performance Standards and Terms’ as follows:

[New rule reference] Temporary Military Training Activities

(a) The activity shall not exceed a period of 31 days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the Temporary Military Training Activity.

(b) Other than noise (see Section 25.1) and earthworks (see Section 27.1), the general and specific performance standards for the zone do not apply to Temporary Military Training Activities.

Outcome: Potential adverse effects on adjoining and adjacent activities will be avoided, remedied or mitigated.

- (c) Amend Section 5.2 – Rural Zone, rule 5.2.6E as follows:

5.2.6E TEMPORARY EVENTS

- (a) Only 18 temporary event days shall take place on a site over any 12 month calendar period (January to



December) ~~except that any temporary military training activity may operate for 31 days per year.~~

- (b) Maximum attendance at any one time shall be 1000 persons.
- (c) Temporary events shall only be operated consecutively for up to a maximum of three days ~~except that any temporary military training activity may operate consecutively for up to 31 days.~~
- (d) The Hastings District Council shall receive notification of Temporary Events at least 10 days prior to the event taking place.
- (e) All parking associated with the temporary event shall occur on site.
- (f) Other than Traffic Safe Sightline Distances (refer Standard 26.1.6B) the General and Specific Performance Standards for the Zone do not apply to Temporary Events.

- (d) Amend Section 5.5 – Nature Preservation Zone, rule 5.5.6C as follows:

5.5.6C TEMPORARY EVENTS

- (a) Only six temporary events shall take place on a site over any 12 month calendar period (January to December) ~~except that any temporary military training exercise may operate for 7 days per year.~~
- (b) Maximum attendance at any one time shall be 1000 persons.
- (c) Temporary events shall only be operated consecutively for up to a maximum of three days.
- (d) The Hastings District Council shall receive notification of Temporary Events at least 10 days prior to the event taking place.
- (e) All parking associated with the temporary event shall occur on site.
- (f) Other than Noise (refer Standard 25.1) and Traffic Safe Sightline Distances (refer Standard 26.1.6B) the General and Specific performance Standards for the Zone do not apply to Temporary Events.
- (g) All structures and other works accessory to an event shall be removed and the site returned to its original condition 5 working days after the activity has ceased.

- (e) Amend Section 6.2 – Plains Production Zone, rule 6.2.6G as follows:

6.2.6G TEMPORARY EVENTS

- (a) Only six temporary events shall take place on a site over any 12 month calendar period (January to December)



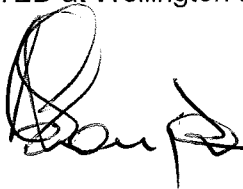
~~except that any temporary military training activity may operate consecutively for up to 31 days.~~

- (b) Maximum attendance at any one time shall be 1000 persons. There is no maximum within the Roys Hill Winegrowing District.
- (c) Temporary Events shall only be operated consecutively for up to a maximum of three days, ~~except that any temporary military training activity may operate consecutively for 31 days per year.~~
- (d) The Hastings District Council shall receive notification of Temporary Events at least 10 days prior to the event taking place.
- (e) All parking, associated with the temporary event shall occur on site.
- (f) Other than Noise (Refer Standard 25.1.6J and Safe Sightline Distances (Refer Standard 26.1.6B) the General and Specific Performance Standards for the Zone do not apply to Temporary Events.

[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 29th day of June 2016



C J Thompson
Environment Judge



Appendix 1 – Sections of the Proposed Hastings District Plan requiring amendment as a result of the Court’s Order in [5(b)]

Section	Zone
5.2	Rural Zone
5.3	Rural Residential Zone
5.4	Tuki Tuki Special Character Zone
5.5	Nature Preservation Zone
6.2	Plains Production Zone
6.3	Plains Settlement Zone
6.3A	Bridge Pa Suburban Commercial Zone
7.2	Hastings Residential Environment
7.3	Hastings Commercial Environment
7.4	Regional Hospital Zone
7.5	Light Industrial Zone
8.2	Havelock North Residential Environment
8.3	Havelock North Rural Residential Zone
8.4	Te Mata Special Character Zone
8.5	Havelock North Village Centre
9.2	Flaxmere Residential Zone
9.3	Flaxmere Village Centre
10.2	Clive-Whakatu Residential Zone
10.3	Clive-Whakatu Suburban Commercial Zone
11.2	Haumoana-Te Awanga Residential Zone
11.3	Haumoana-Te Awanga Suburban Commercial Zone
12.2	Coastal Settlements Zone
12.3	Waimarama Settlement Zone
12.4	Waimarama Suburban Commercial Zone
13.1	Open Space Environments
13.2	Hawkes Bay Regional Sports Park
14.1	Industrial

