

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 CONTACT ENERGY LIMITED
(ENV-2015-WLG-000069)
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 28 October 2016.

[2] No person gave notice of an intention to become a party under s274.

[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, Section 25.1 - Noise, is amended as follows, with additions shown in underline and deletions shown in strike-through:

25.1.6F INDUSTRIAL ZONES

The following noise conditions shall apply to all land uses other than those exempted in Rule 25.1.6B within all Industrial Zones, ~~other than those exempted in Rules 25.1.6B and 25.1.6G~~ (except the Whirinaki Industrial Zone):

(a) The following noise limits shall not be exceeded at any point beyond the site boundary:

Control Hours	Noise Level
On any day at all times	70 dB LAeq (15 min)
On any day at all times	85 dB LAFmax

(b) Provided that, at any point within any Residential Zone or within the notional boundary of any noise sensitive activity in a Rural Zone, the following noise limits shall not be exceeded:

Control Hours	Noise Level
0700 to 1900 hours	55 dB LAeq (15 min)
1900 to 2200 hours	50 dB LAeq (15 min)
2200 to 0700 hours the following day	45 dB LAeq (15 min)
2200 to 0700 hours the following day	75 dB LAFmax

(c) 25.1.6F(b) does not apply to the Whirinaki Power Station (Lots 1 & 2 DP 23303 (1085 State Highway 2) provided that it continues to operate using no more than the three Pratt & Whitney twinpac FT8 units first commissioned in June 2004.

25.1.6G WHIRINAKI INDUSTRIAL ZONE

The following noise conditions shall apply to the Whirinaki Industrial Zone, except for the Whirinaki Power Station (Lots 1 & 2 DP 23303 (1085 State Highway 2)) which shall comply with Standard 25.1.6F:

...

For the avoidance of doubt, there are no changes to the "Outcome" for Rules 25.1.6F or 25.1.6G.

The appeal is otherwise dismissed.



[6] There is no order as to costs.

DATED at Wellington this 21st day of November 2016



C J Thompson
Environment Judge

