

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 HAWKES BAY PROVINCE
(ENV-2015-WLG-000053)
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 25 October 2016.

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



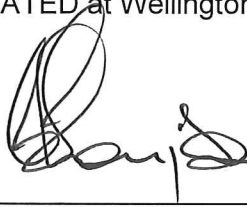
Order

[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 remaining parts of the appeal other than those parts of the appeal dealing with Chapter 29.1, in relation to the treatment of Genetically Modified Organisms.

[6] There is no order as to costs.

DATED at Wellington this 21st day of November 2016



C J Thompson
Environment Judge



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

Section 17.1 – Natural Features and Landscapes

(a) Delete Policy LSP8 and its Explanation and replace with the following:

Policy LSP8 To identify the District’s Significant Amenity Landscapes, being landscapes where the landscape characteristics or values are not such as to meet the threshold for being classified as an Outstanding Natural Landscape.

Explanation

Significant Amenity Landscapes are listed in Appendix 44. Further information regarding the landscape characteristics and values can be found in Boffa Miskell, “Review of Landscape Areas and Implications for Plan Review: Hastings District Council”, April 2013.

Policy LSP8A To maintain the values associated with the District’s Significant Amenity Landscapes, having regard to the following matters when assessing applications for resource consent:

- Any specific values and/or management issues identified for the particular natural feature or landscape, including rural and primary production values where these are identified as relevant to the Landscape;
- The character or degree of modification, damage, loss or destruction that will result from the activity;
- The duration and frequency of the effect of the activity (for example long-term or recurring effects);
- The magnitude or scale of effect of the activity (for example the number of sites affected, spatial distribution, landscape context);
- Cumulative effects (for example the loss of multiple features or values);
- Need for, or purpose of, the works having regard to the underlying zoning, noting that many Significant Amenity Landscapes comprise working farms.

Policy LSP8B To identify opportunities to enhance natural values associated with Significant Amenity Landscapes when preparing applications for resource consent, and to recognise the positive effects arising where such enhancement is offered.

Explanation

Applicants for consent are not required to provide for enhancement of Significant Amenity Landscapes and activities that are consistent with the underlying zoning and existing land uses could in some circumstances be considered as enhancing amenity values. Where an application provides the opportunity for a Significant Amenity Landscape to be enhanced, the positive effects associated with that enhancement will be taken into account in any assessment of the application.



(b) Amend Policy LSP10 as follows:

To identify, recognise, and maintain the Districts Rural and Coastal Landscape Character Areas, where broad areas are highly valued for their cultural patterns of land use, including rural patterns, rather than their natural landscape values.

(c) Amend Rule Table 17.1.5 – Natural Features and Landscapes, as follows:

Rule	Activity	Landscape Area	Status
...			
LS2	Tree planting and plantations carried out by <u>or with</u> the Hawke's Bay Regional Council in accordance with its functions under section 30 of the Resource Management Act and the Soil and Conservation and Rivers Control Act provided the plantation is established and maintained by any authority which has statutory responsibility for soil conservation.	ONFL2-8	P



Section 27.1 – Earthworks, Mineral, Aggregate and Hydrocarbon Extraction

(d) Amend Rule Table 27.1.6A - Extent of Earthworks, as follows:

Strategic Management Area (SMA)	Zone	Volume	Criteria (for any 12 Month period)
Rural	Rural	2000m ³	Per hectare of site
	Rural Residential/Tuki Tuki	100m ³	Per hectare of site
	Nature Preservation	2000m ³	Per hectare of site
	ONFL	200m ³	Per site within ONFL
	<u>ONFL</u>	<u>500m³ for the maintenance of existing farm tracks, maintenance of existing farm drains and maintenance of existing fence lines, subject to compliance with performance standards in 27.1.6I.</u>	<u>Per site within ONFL</u>



- (e) Add new 27.1.6I to 27.1.6 General Performance Standards and Terms, as follows:

27.1.6I Earthworks within ONFLs for the maintenance of existing farm tracks, maintenance of existing farm drains and maintenance of existing fence lines

1. For the maintenance of tracks only, the landowner shall take, and provide to Council on request, photos of the location of the earthworks before and after completion, sufficient to show the width of the existing formed track;
2. Tracks shall not exceed the existing width of the formed track;
3. Exposed vertical cuts or batter faces shall not exceed 2m in vertical height or take place on slopes of greater than 45 degrees above horizontal;
4. All remaining slopes shall be remediated to marry in with the surrounding landform and be replanted with either grass or planting to match the surrounding vegetation cover (excluding weed species).

