

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under cl 14 of the First
Schedule to the Act
BETWEEN FEDERATED FARMERS OF NEW
ZEALAND HAWKES BAY PROVINCE
(ENV-2015-WLG-000053)
Appellant
AND HASTINGS DISTRICT COUNCIL
Respondent

Environment Judge B P Dwyer sitting alone pursuant to s 279 of the Act

In Chambers at Wellington

CONSENT ORDER

- [A] Under s 279(1)(b) of the Act, the Environment Court, by consent, orders that:
- (1) Rule Table 29.1.5 to Section 29.1 Hazardous Substances and Genetically Modified Organisms District Wide Activity, to the Proposed Hastings District Plan is amended as set out in **Appendix 1** to this order, with additions shown in underline and deletions shown in strike-through.
 - (2) The appeal is otherwise dismissed.
- [B] Under s 285 of the Act, there is no order as to costs.

REASONS

Introduction

[1] The Court has read the notice of appeal and the memoranda of the parties dated 17 May and 21 June 2018.

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Other relevant matters

[2] Hawkes Bay Fruitgrowers, Hawkes Bay Regional Council, Horticulture New Zealand, Maungahuru Tangitū 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 to the appeal under s274, and have signed the memorandum setting out the relief sought.

Orders

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

- (a) all parties to the proceedings have executed the memorandum dated 17 May 2018 requesting this order;
- (b) The parties involved in the costs issue discussed at paragraphs 14 – 17 of the memorandum of the parties dated 17 May 2018 have executed the memorandum of the parties dated 21 June 2018 recording that all issues as to costs between them have been settled.
- (c) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

DATED at Wellington this 27th day of July 2018



B P Dwyer
Environment Judge



APPENDIX 1 – AENDMENTS TO RULE TABLE 29.1.5



29.1.5 RULES

The following table sets out the status of activities involving hazardous facilities:

RULE TABLE 29.1.5 - HAZARDOUS SUBSTANCES AND GMOs		
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
HS1	The Storage, Handling or Use of Hazardous Substances in areas other than within the Heretaunga Plains Unconfined Aquifer Overlay (excepting Major Hazardous Facilities).	P
HS2	Activities involving Genetically Modified Organisms that are not classified as Field Trials or Releases <u>and any activity involving Genetically Modified Organisms which involve</u> . This includes (but is not limited to) research within contained Laboratories <u>or in</u> Medical and Veterinary Applications <u>and Feed containing Genetically Modified Products that are not Viable</u> .	P
HS3	Major Hazardous Facilities	D
HS4	The outdoor Release of Genetically Modified Organisms	Prohibited
HS5	The o Outdoor Field Testing Trials of Genetically Modified Organisms	Prohibited

