

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14 of the First
Schedule to the Act

BETWEEN WARWICK HANSEN and THE
HAUPOURI PARTNERSHIP

(ENV-2015-WLG-000079)

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 23 May 2018.

[2] Cape Kidnappers Station Ltd, Future Ocean Beach Trust Inc, Heritage New Zealand Pouhere Taonga, Andrew Lowe, Ocean Beach Land Holdings Ltd, Ocean Beach Wilderness Property Ltd and Tennyson OB Ltd gave notice of an intention to become parties to the appeal 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.



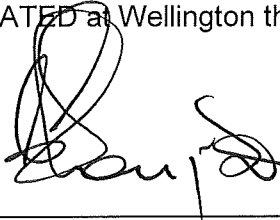
Order

[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 7th day of June 2018



C J Thompson
Environment Judge



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

District Plan Maps

1. Amend the District Plan maps as shown in **Annexure B**.

Section 5.2 – Rural Zone

2. At Section 5.2.1 – Introduction, add the following paragraph at the end of the section:

There is an area of land within the Rural Zone which is located within a predator proof fence at Ocean Beach. Further information about the ecological benefits that have arisen from the predator proof fence are set out in Section 5.5 Nature Preservation Zone, and these apply equally to the land that is zoned Rural. While the Rural Zone is applied to this area, special rules are applied to ensure that the enhanced environmental values achieved within the fenced area are not undermined or adversely affected.

3. At Section 5.5.2 – Anticipated Outcomes, add new Anticipated Outcome RZA07 as follows:

The area within the predator proof fence at Ocean Beach is managed to avoid adverse effects on the enhanced environmental values achieved by the fence.

4. At Section 5.2.3 – Objectives and Policies, add new Policy RZP17 as follows:

To ensure that land uses within the predator proof fence at Ocean Beach do not undermine the ecological values of that area

Explanation

The construction of the predator proof fence, pest control and other conservation initiatives at Ocean Beach have significantly enhanced the ecological values of the area. While there is an area within the predator proof fence which has a Rural zoning, in recognition of the nature of the activities carried out on that land, it is important to ensure that activities carried out within the predator proof fence are undertaken in a manner that respects and does not undermine the unique values of the area.



5. Amend Rule Table 5.2.4 as follows:

RULE TABLE 5.2.4 RURAL ZONE		
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
RZ1	Land Based Primary Production (<u>excluding deer or goat farming within the predator proof fence at Ocean Beach</u>)	P
...		
RZ15	Intensive Rural Production (<u>except the commercial boarding and/or breeding of cats, dogs and other domestic pets within the predator proof fence at Ocean Beach</u>)	C
...		
RZ27	Any activity which is not provided for as a Permitted, Controlled, Restricted Discretionary or Discretionary activity <u>in this table or in rules NP18-NP21 as specified below</u> shall be a Non-Complying activity	NC

6. Amend 5.2.4 – Rules to insert the following text immediately after the Rule Table:

For Lot 8 DFP321727, at Ocean Beach, Chapter 5.5 – Nature Preservation Zone, Rule Table 5.5.4, Rules NP18 – NP21, and the relevant associated General and Specific Performance Standards, and Assessment Criteria apply, in addition to the rules above.

7. Amend 5.2.6 – Specific Performance Standards and Terms, by inserting the following text at the end of the section:

5.2.6K BUILDINGS FOR CONSERVATION ENHANCEMENT AND MANAGEMENT ACTIVITIES ON LOT 8 DFP321727

(a) All relevant General and Specific Performance Standards in 5.5.5 and 5.5.6 apply.

8. Amend 5.2.8 – Assessment Criteria – Restricted Discretionary and Discretionary Activities, by inserting the following text at the end of the section:



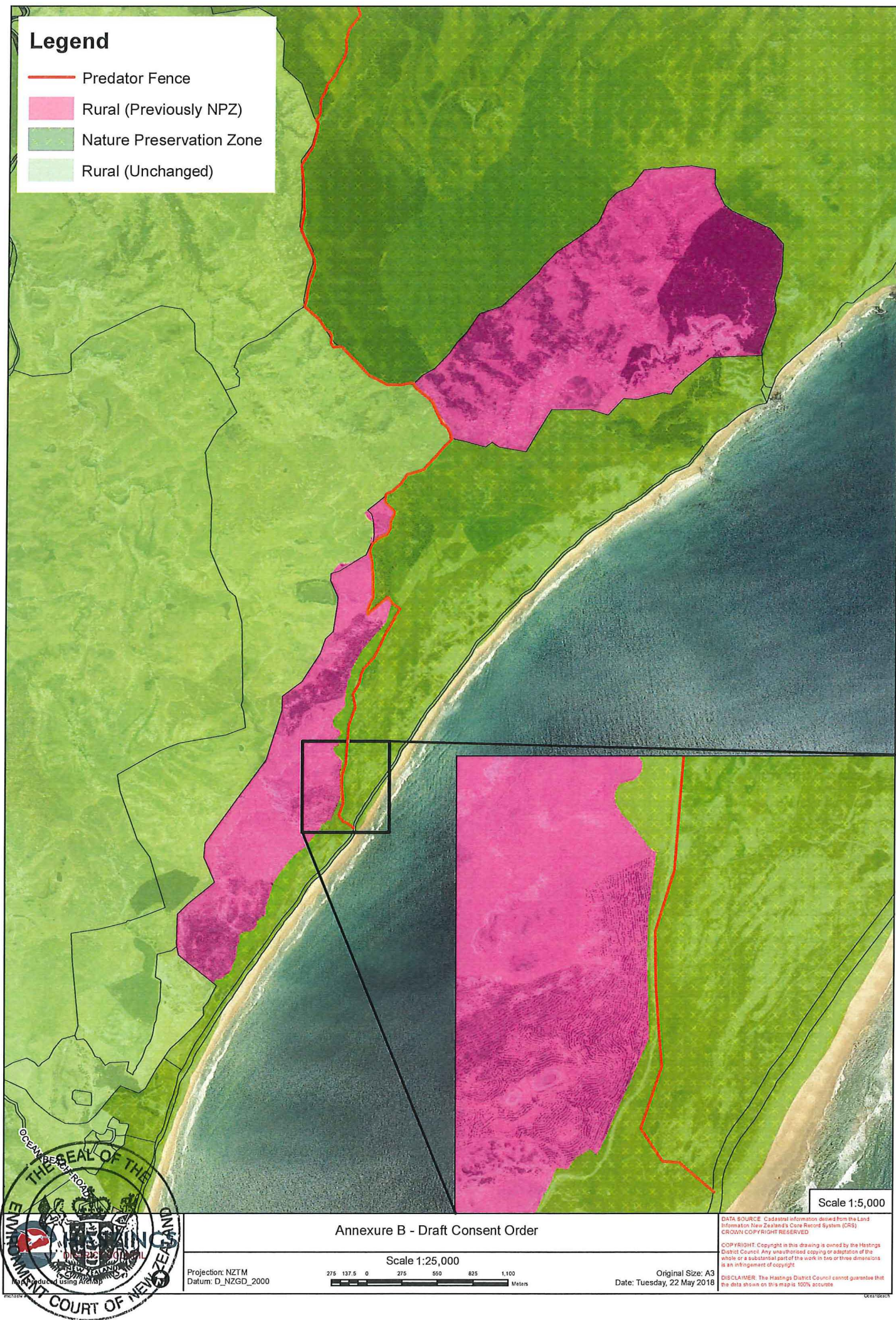
5.2.8| BUILDINGS ON LOT 8 DFP321727 WHERE RULES NP19, 20 OR
21 APPLY

(a) The assessment criteria under 5.5.7A and 5.5.7E apply.



Legend

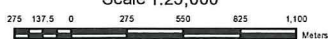
- Predator Fence
- Rural (Previously NPZ)
- Nature Preservation Zone
- Rural (Unchanged)



Annexure B - Draft Consent Order

Scale 1:25,000

Projection: NZTM
Datum: D_NZGD_2000



Original Size: A3
Date: Tuesday, 22 May 2018

Scale 1:5,000

DATA SOURCE: Cadastral information derived from the Land Information New Zealand's Core Record System (CRS).
CROWN COPYRIGHT RESERVED

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DISCLAIMER: The Hastings District Council cannot guarantee that the data shown on this map is 100% accurate.

