

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under cl 14 of the First
Schedule to the Act
BETWEEN HORTICULTURE NEW ZEALAND
INC
(ENV-2017-WLG-000013)
Appellant
AND TASMAN 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) The appeal is allowed to the extent that the Tasman District Council is directed to make amendments to the Tasman Resource Management Plan, as set out in Annexure A, attached to and forming part of this Order.
 - (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 now read and considered the consent memorandum of the parties dated 24 October 2017.

Other relevant matters

[2] Ralph Bradley, Ewing Poultry Limited and M W Wratten and Boomerang Farm Limited have given notice of an intention to become parties under s 274 to the appeal, and have signed the consent 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 (unless stated otherwise for specific reasons) requesting this order;
- (b) 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 15th day of December 2017


B P Dwyer
Environment Judge



ANNEXURE A

Chapter 2: MEANINGS OF WORDS

...

2.2 DEFINED WORDS

...

Rural character - means the character of the land as shown by the predominance of rural productive activities and includes:

- (a) a high ratio of open space to built features;
- (b) large areas of pasture, crops, forestry and land used for a productive end;
- (c) built features structures usually associated with productive rural land uses, including crop protection structures artificial shelter and crop support structures;
- (d) low population density;
- (e) ~~predominant form of residential activity~~ usually directly associated with a productive land use;
- (f) social and economic activity associated with productive land use;
- (g) ~~cultural values associated with farming and living on the land~~ noises, smells and other effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes.



Schedule 16.3A: Assessment Criteria for Subdivision

Refer to rules 16.3.3.3, 16.3.3.4, 16.3.3.5, 16.3.3.6, 16.3.4.4, 16.3.4.5, 16.3.5.1, 16.3.5.4, 16.3.5.5, 16.3.6.1, 16.3.6.4, 16.3.6.5, 16.3.7.1, 16.3.7.3, 16.3.7.4, 16.3.7.5, 16.3.8.1, 16.3.8.4, 16.3.8.5, 16.3.8.5, 16.3.9.1, 16.4.2.1, 16.4.2.2.

When considering an application for a subdivision consent, the Council will have regard to the following criteria:

...

(2) The potential effects of the subdivision on the amenity values, including rural character, and natural and physical character of the area.



7.2.3 Policies

Refer to Policy sets 5.1, 6.2, 6.5, 7.1, 7.3, 7.4, 8.2, 9.1, 9.2, 9.3, 14.1 – 14.4.

Refer to Rule sections 16.3, 17.5 – 17.12, 18.1 – 18.13.

...

7.2.3.1F To ~~limit~~ discourage residential activity in rural locations outside the Rural Residential Zone and the Rural 3 Zone, on land having high productive value in the Rural 1 and Rural 2 ~~and Rural 3~~ zones.

...

7.2.3.2 To enable sites in specific locations to be used primarily for rural industrial, tourist services ~~or rural residential purposes (including communal living and papakainga purposes)~~ with any farming or other rural activity being ancillary, having regard to:

...

- (d) cross-boundary effects, including any actual and potential adverse effects and potential reverse sensitivity effects on ~~of~~ existing activities from new or on ~~on~~ such future activities;

