

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

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14(1) of Schedule 1 to the Act

BETWEEN AYRBURN FARM DEVELOPMENTS LIMITED AND BRIDESDALE FARM DEVELOPMENTS LIMITED
(ENV-2016-CHC-108)

CLUTHA DISTRICT COUNCIL
(ENV-2016-CHC-105)

DARBY PLANNING LP
(ENV-2016-CHC-110)

FEDERATED FARMERS OF NEW ZEALAND INCORPORATED
(ENV-2016-CHC-120)

HENLEY DOWNS LAND HOLDINGS LIMITED
(ENV-2016-CHC-111)

HORTICULTURE NEW ZEALAND
(ENV-2016-CHC-114)

OCEANA GOLD NEW ZEALAND LIMITED
(ENV-2016-CHC-103)

REAL JOURNEYS LIMITED
(ENV-2016-CHC-109)

REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED
(ENV-2016-CHC-119)

Appellants

AND OTAGO REGIONAL COUNCIL



Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 5 September 2018

**CONSENT ORDER
(Rural Activities)**

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeals are allowed to the extent that the Otago Regional Council is directed to amend the Proposed Otago Regional Policy Statement as set out in Appendix 1 attached to and forming part of this order; and
- (2) the appeals insofar as they relate to Rural Activities are otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The following parties have lodged appeals under clause 14(1) of Schedule 1 of the Resource Management Act 1991 (“the RMA” or “the Act”) against parts of a decision of the Otago Regional Council on Policy 5.3.1: Rural Activities of the Proposed Otago Regional Policy Statement:

- (a) Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited (amended appeal dated 10 February 2017);
- (b) Clutha District Council (dated 9 December 2016);
- (c) Darby Planning LP (amended appeal dated 10 February 2017);



- (d) Federated Farmers of New Zealand Incorporated (dated 9 December 2016);
- (e) Henley Downs Land Holdings Limited (dated 9 December 2016);
- (f) Horticulture New Zealand (dated 9 December 2016);
- (g) Oceana Gold New Zealand Limited (dated 9 December 2016);
- (h) Real Journeys Limited (amended appeal dated 10 February 2017); and
- (i) Remarkables Park Limited and Queenstown Park Limited (dated 9 December 2016).

[2] The court has now read and considered the consent memorandum of the parties dated 6 July 2018 which proposes to resolve these appeals in respect of Policy 5.3.1 (Rural Activities).


Other relevant matters

[3] A number of parties joined these appeals under s 274 of the RMA and have signed the memorandum setting out the relief sought.¹

Orders

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

- (a) all parties to the proceedings have executed the memorandum 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 purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



¹ As set out in full in the Consent Memorandum: Rural Activities dated 6 July 2018.

APPENDIX 1

Policy 5.3.1 Rural activities

Manage activities in rural areas, to support the region's economy and communities, by all of the following:

- a) *Enabling primary production and other rural activities that support ~~the rural economy~~ that production;*
- b) *Providing for mineral exploration, extraction and processing;*
- ~~c~~b) *Minimising the loss of significant soils;*
- ~~d~~e) *Restricting the establishment of incompatible activities in rural areas that ~~may~~ are likely to lead to reverse sensitivity effects;*
- ~~e~~d) *Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities a loss of its productive capacity or productive efficiency;*
- ~~f~~e) *Providing for other activities that have a functional need to locate in rural areas, ~~including tourism and recreational activities that are of a nature and scale compatible with rural activities.~~*

