

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 MANAWATU-WANGANUI
REGIONAL COUNCIL

(ENV-2013-WLG-000088)

Appellant

AND HOROWHENUA DISTRICT COUNCIL
Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge BP Dwyer 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 6 March 2014.

[2] No person gave notice of an intention to become a party under s274.

[3] The Court is making this order under section 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to section 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 appeal is allowed to the extent that the Proposed Horowhenua District Plan be amended as follows (additions shown in **bold and underlined** and agreed deletions shown in ~~**bold strikethrough**~~):

- (a) Amend Rule 19.6 "Conditions for Permitted Activities":

"19.6.10 Moutoa Floodway

- (a) No earthworks, buildings or structures are permitted in the Moutoa Floodway.

Exceptions

- (i) Earthworks associated with the installation of underground network utilities provided the ground is reinstated as close as practicable to its state prior to disturbance.

- (ii) ~~Network utility cabinets/buildings not exceeding 5m² gross floor area.~~

..."

- (b) Amend Policy 12.2.7:

~~"Avoid adverse effects which are more than minor of renewable electricity generation facilities on the character and values of Outstanding Natural Features and Landscapes; or where avoidance is not reasonably practicable then the effects need to be remedied or mitigated.~~

Manage effects of renewable electricity generation by:

- (a) avoiding significant adverse cumulative effects on the characteristics and values of Outstanding Natural Features and Landscapes; and

- (b) avoiding any other adverse effects of renewable electricity generation facilities on the characteristics and values of Outstanding Natural Features and Landscapes. Where avoidance is not reasonably practicable, adverse effects need to be remedied or mitigated."



- (c) Amend the Explanation and Principal Reasons to Issue 12.2 Energy:

"Explanation and Principal Reasons

.....

Often the nature and magnitude of effects is related to the scale of facilities associated with renewable energy and their prominence, particularly in a visual sense. While standards in the District Plan permit some such activities, those that are of a significant scale or in sensitive locations, will require effects on the environment to be fully assessed through the resource consent process, weighing the benefits along with the adverse effects, including ways to avoid, remedy or mitigate such effects. The assessment of effects should include consideration of cumulative effects on Outstanding Natural Features and Landscapes. This consideration should not be limited to just one factor such as the number of generation facilities. Where the cumulative adverse effects become significant (i.e. cumulative effects that are so adverse that they have the potential to significantly alter or damage the essential characteristics and values) these effects should be avoided so the values and characteristics of the Outstanding Natural Features and Landscapes are not compromised."

[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 8th day of April 2014

B P Dwyer
Environment Judge

