

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 HORTICULTURE NEW ZEALAND

(ENV-2013-WLG-000089)

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 8 September 2014.

[2] Federated Farmers of New Zealand has given notice of an intention to become parties under s274, and has signed the memorandum.

[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.



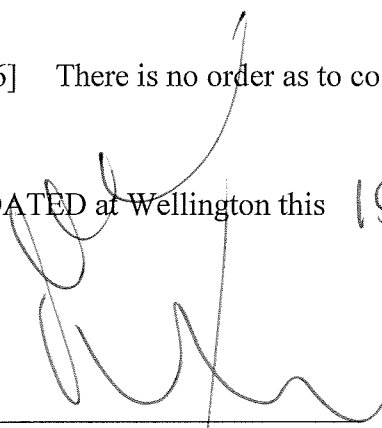
Order

[4] The Court orders, by consent, that the appeal is allowed to the extent that the Proposed Horowhenua District Plan be amended as set out in the Appendix A to this order.

[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 15th day of October 2014



B P Dwyer
Environment Judge



Appendix A

(additions shown in **bold** and agreed deletions shown in ~~strikethrough~~):

1. Amend Rule 19.6.4(b) as follows:

“(a) All buildings shall comply with the following setbacks:

- (i) 10 metres from any District road boundary;
- (ii) 15 metres from any State Highway boundary;
- (iii) 10 metres from any other site boundary;
- (iv) 15 metres from any bank or stream edge;
- (v) 20 metres from the bed of any water body listed in Schedule 12 – Priority Water Bodies.

Except on sites of 5,000m² or less, where the following setbacks apply:

- (vi) 10 metres from any District road boundary;
- (vii) 15 metres from any State Highway boundary;
- (viii) 3 metres from any other site boundary;
- (ix) 10 metres from any residential dwelling unit on any other site;
- (x) 15 metres from any bank or stream edge;
- (xi) 20 metres from the bed of any water body listed in Schedule 12 – Priority Water Bodies.

(b) All residential dwelling units, family flats and sensitive activities shall comply with the following additional setbacks and separation distances:

- (i) 300 metres from any building containing an existing intensive farming activity on any other site;
- (ii) 150 metres from any piggery effluent storage and treatment facilities or human effluent storage and treatment facilities (excluding domestic wastewater systems) on any other site;
- (iii) 20 metres from any other farm (e.g. dairy and poultry) effluent storage and treatment facilities on any other site.
- (iv) 30 metres from the edge of an existing plantation forest under separate ownership.
- (v) 200 metres from existing aggregate extraction activities on the Ohau River (area shown on the Planning Maps).

(vi) On a site of 5,000m² or less that adjoins a site of 20,000m² or more, 10 metres from the boundary between the 5,000m² site and the 20,000m² site.



2. Rule 19.7.1(a)(x) as follows:

"(a) Matters of Control

...

- (x) The management of potential reverse sensitivity effects, including but not limited to noise, vibration, odour, dust and visual effects.

Advice Note:

For subdivisions in the rural environment, a condition of consent may be imposed requiring the consent holder to alert future property owners to potential reverse sensitivity effects, through a consent notice to be registered on the new certificates of title. Such a condition is more likely to be considered appropriate in the Levin Ohau, Levin Koputaroa, Kuku and Tararua Terraces Landscape Domains within the Rural zone when the subdivision adjoins an existing lawfully established horticultural activity."

