

IN THE MATTER of an appeal under clause 14(1) of the
First Schedule of the Resource
Management Act 1991

BETWEEN HORTICULTURE NEW ZEALAND
ENV-2013-WLG-000089
Appellant

AND HOROWHENUA DISTRICT
COUNCIL
Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge B P Dwyer sitting alone under section 279 of the Act
IN CHAMBERS at Wellington

CONSENT ORDER

Introduction

[1] The Court has read and considered the appeal and the joint memorandum of the parties dated 17 March 2014.

[2] Federated Farmers of New Zealand, Higgins Group Holdings Limited and Transpower New Zealand Limited have given notice of their intention to become parties under section 274 of the Act to this appeal and have signed the memorandum dated 17 March 2014.

[3] The Court is making this order under section 279(1)(b) of the Act 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; 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] Therefore, the Court orders, by consent, that the appeal is allowed to the extent that the Proposed Horowhenua District Plan be amended as follow (additions shown in **bold** and agreed deletions shown in ~~strikethrough~~):

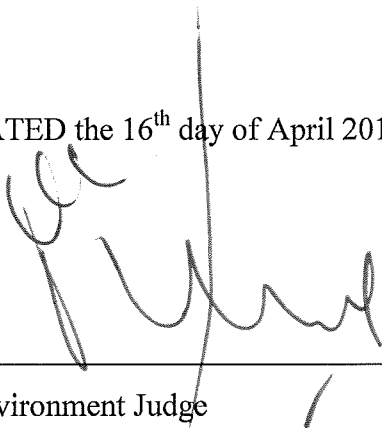
- (a) Add a new definition for "Reverse Sensitivity" to Chapter 26:

"Reverse Sensitivity is the vulnerability of an existing lawfully established activity to objection or complaint from new activities in the vicinity that are sensitive to adverse environmental effects that may be generated by the existing activity, thereby creating the potential for the lawful operation of the existing activity to be constrained or compromised."

[5] The appeal is otherwise dismissed.

[6] There is no order for costs.

DATED the 16th day of April 2014



Environment Judge
B P Dwyer

