

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ**

Decision No. [2022] NZEnvC 123

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14(1) of the
First Schedule of the Act

BETWEEN FEDERATED FARMERS OF NEW
ZEALAND INC

(ENV-2018-CHC-000254)

Appellant

AND DUNEDIN CITY COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 7 July 2022

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that Dunedin City Council is to amend the provisions of the proposed Dunedin City Second Generation District Plan as set out in Appendix 1, attached to and forming part of this order; and



- (2) the part of the appeal by Federated Farmers of New Zealand Incorporated (DCC Reference number 165) is resolved and the remaining parts of the appeal are to be dealt with at a later date.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This consent order relates to the appeal from Federated Farmers of New Zealand Incorporated (DCC reference number 165) on the definition of farming in the proposed Second Generation District Plan ('2GP').

[2] I have read and considered the consent memorandum of the parties dated 7 June 2022, the memorandum of counsel dated 30 June 2022 and the affidavit of Katie Emma Sunley James affirmed 30 June 2022.

[3] The court will only make orders if it is satisfied it is appropriate to do so and where there is no relationship between the provisions proposed to be amended by consent order and other appeals before the court.

[4] Ms James has satisfied me that the amendments sought are appropriate and consistent with achieving the relevant objectives of the 2GP. Ms James says that following these amendments the 2GP will continue to give effect to the relevant policies of the operative Otago Regional Policy Statement 2019 and proposed Otago Regional Policy Statement 2021. Ms James also assessed other appeals on decisions on 2GP and advises that there is no overlap between appeals that would prevent a consent order from being issued. In addition, Ms James says that no appeal on 2GP has the potential to amend the policy framework of 2GP in a way

that would change their assessment of the changes set out in the memorandum.¹

Other relevant matters

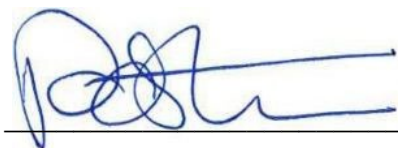
[5] There are no s 274 parties in relation to this appeal point (DCC reference number 165).

[6] For completeness, I record the parties' attestation 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, Pt 2, and on that basis request the amendment shown in Appendix 1 be made.

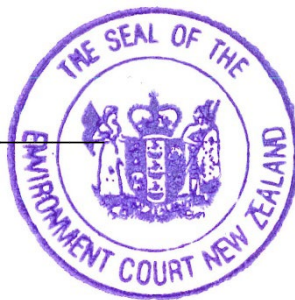
[7] The parties agree costs should lie where they fall and accordingly no order for costs is sought.

Outcome

[8] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.



P A Steven
Environment Judge



¹ Affidavit of Katie Emma Sunley James affirmed 30 June 2022 at [23].

Appendix 1

Amend **Rule 4.5.3.3 – Helicopter movements** as follows:

- a. Helicopter movements must not exceed 20 flight movements (a take-off or landing) per calendar month per site.
- b. Helicopter ~~landings~~ movements for emergency services or that support farming activity are exempt from this standard.
- c. Activities that contravene this performance standard are restricted discretionary activities.

Amend Rule 9.3.6 as follows:

9.3.6 Noise

Land use activities, public amenity activities, network utility activities, and temporary activities must not exceed the following noise emission limits:

...

7. Except, the following activities are exempt from this standard:

...

- k. construction, temporary events in CBD, helicopter movements [cl16], and military exercises (see Rule 4.5.4);

Make any consequential changes to plan numbering as required as a result of the above amendments. Minor referencing and style changes may also be made for consistency with the 2GP formatting.

