

IN THE MATTER: of the Resource Management Act 1991

A N D

IN THE MATTER: of an appeal pursuant to clause 14 of
the First Schedule to the Act

BETWEEN: **THE ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED**

ENV-2012-AKL-000078

Appellant

A N D: **BAY OF PLENTY REGIONAL
COUNCIL**

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J A Smith, sitting alone under section 279 of the Act

IN CHAMBERS at AUCKLAND

CONSENT ORDER

Introduction

1. The Court has read and considered the appeal and the memorandum of the parties dated 29 November 2012
2. This consent order relates to the part of The Royal Forest and Bird Protection Society of New Zealand Incorporated (F&B) appeal at paragraph 6.4 seeking changes to **POLICY CE12B Enabling Sustainable Aquaculture** in the Bay of Plenty Proposed Regional Policy Statement.



2.1 The following parties have given notice of an intention to become parties under section 274 of the Act and have signed the memorandum setting out the relief sought:

- (a) Federated Farmers of New Zealand Incorporated and
- (b) Uretara Estuary Group
- (c) There are no other parties that have notified a particular interest pursuant to section 274 of the Act in the above topic.

2.2 The following parties have also given notice of an intention to become parties under section 274 of the Act but have not signed the memorandum setting out the relief sought as they have indicated that they are not interested in the part of the appeal to which this consent order relates either via direct correspondence to the Respondent, during attendance at workshops or in response to a request from the Court Registry to indicate a particular interest in topics additional to those recorded at the Workshops. Ford Land Holdings Pty Ltd; Gravit, Josephine; Lind, David; Lind, Rosemary; Omokoroa Estuaries Restoration Group; Te Tumu Kaituna 11B2 Trust; Te Tumu Kaituna 14 Trust; Te Tumu Landowners Group; Waikaraka Estuary Managers Incorporated; Waikareao Estuary Care Group Inc.; Waimapu Estuary Care Group; Welcome Bay Catchment Care Group Incorporated.

Order

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

- (a) All parties to the proceedings with an interest in this Topic 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 confirm to the relevant requirements and objectives of the Resource Management Act, including in particular Part 2.



4. Therefore the Court orders by consent that the Proposed Bay of Plenty Policy Statement be amended as shown in underline (for additions) and ~~strike through~~ (for deletions):

Policy CE 12B: Enabling sustainable aquaculture

Enable aquaculture activities in appropriate locations in the coastal environment taking into account:

- (a) Existing uses and values within the coastal marine area;
- (b) Compatibility with zones identified within the relevant regional plan;
- (c) Potential for significant social, cultural and/or economic benefits to communities within the region;
- (d) Land based facilities and infrastructure associated with the aquaculture activity;
- (e) Adverse effects on marine mammals and areas of significant landscape, heritage, cultural or ecological value identified ~~within any relevant regional or district plan;~~
- (f) The quality of water required for the aquaculture activity and the effect of the activity on water quality;
- (g) That harbours and estuaries are not generally considered to be appropriate locations.

~~Aquaculture will not be encouraged within the region's harbours and estuaries.~~

5. The consent order disposes of the relief in paragraph 6.4 of the appeal. The remaining parts of the appeal remain extant.

6. There shall be no order as to costs.

DATED at AUCKLAND this 7th day of December 2012


 J A Smith
 Environment Judge



