

IN THE MATTER of the Resource Management Act
1991 ("the Act")
A N D
IN THE MATTER of appeals pursuant to clause 14
of the First Schedule to the Act
BETWEEN **THE PORT OF TAURANGA
LIMITED**
ENV-2012-AKL-000083
Appellant
A N D: **FEDERATED FARMERS OF
NEW ZEALAND
INCORPORATED**
ENV-2012-AKL-000182
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

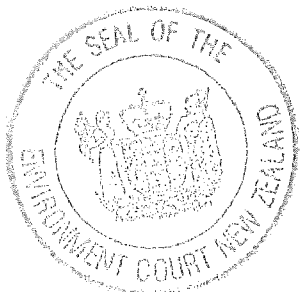
1. The Court has read and considered the appeal and the memorandum of the parties dated 2 May 2013.
2. This consent order relates to the part of the appeals seeking relief in respect of the Method 49 and 56 against parts of the decisions by the Bay of Plenty Regional Council on submissions to its Proposed Regional Policy Statement.
3. Federated Farmers of New Zealand Incorporated lodged an appeal seeking the deletion of Method 49 (ENV-2012-AKL-000182).



4. Port of Tauranga Ltd lodged an appeal seeking the deletion of Method 49 and the amendment of Method 56 to add the words "in appropriate areas" to the text (ENV-2012-AKL- 000083).
5. The following other parties have notified a particular interest pursuant to section 274 of the Act in the above topic:
 - (a) Royal Forest and Bird Protection Society of New Zealand Incorporated;
 - (b) Welcome Bay Catchment Care Group Inc.;
 - (c) Environmental Defence Society of New Zealand Inc.
 - (d) Horticulture New Zealand, Avocado Industry Council Inc and NZ Kiwifruit Growers Inc.
6. Port of Tauranga is also an interested party to the appeal by Federated Farmers of New Zealand Inc. with respect to Method 49.

Order

7. 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 conform to the relevant requirements and objectives of the Resource Management Act, including in particular Part 2.
8. Therefore the Court orders by consent that the Proposed Bay of Plenty Policy Statement be amended as shown:



Method 49: Identify priority and ~~advocate for~~ ecological corridors and buffer zones

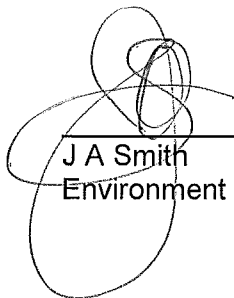
Identify, in consultation with ~~other agencies,~~ affected landowners, stakeholders and communities, priority areas where the establishment or retention of ecological corridors and buffer zones is appropriate needed, and evaluate the most practicable methods for management. In doing so ensure that any management approaches are fully costed. ~~advocate and promote their establishment or retention with appropriate methods, including plan provisions.~~

Method 56: Advocate to establish reserves

Promote, ~~and~~ advocate and work with relevant agencies and landowners towards the establishment of a network of land and marine based reserves and corridors in appropriate areas representative of and supporting the full ~~comprehensive~~ range of habitats and ecosystems present in the region.

9. The consent order disposes of the relief in Federated Farmers' appeal (ENV-2012-AKL-000182) paragraph 20 concerning Method 49. The remaining parts of the appeal are extant.
10. The consent order disposes of the relief in Port of Tauranga's appeal paragraph 9.3 and 9.4 concerning Method 49 and 56. The remaining parts of the appeal are extant.
11. There shall be no order as to costs.

DATED at AUCKLAND this 27 day of May 2013


 J A Smith
 Environment Judge

