

IN THE MATTER

of the Resource Management Act
1991 ("the Act")

AND

IN THE MATTER

of appeals under clause 14 of the
First Schedule to the Act

File No.	
File Confirmed / Amended	
BOP Regional Council	
Received	- 7 AUG 2013
ID:	
Name	Signed

BETWEEN

**FEDERATED FARMERS OF
NEW ZEALAND**

ENV-2012-AKL-000087

AND

**TE TUMU LANDOWNERS
GROUP, FORD LAND
HOLDINGS, TE TUMU KAITUNA
11B2 TRUST AND TE TUMU
KAITUNA 14 TRUST**
ENV-2012-AKL-000084

AND

**ROYAL FOREST & BIRD
PROTECTION SOCIETY OF
NEW ZEALAND INC.**
ENV-2012-AKL-000078

Appellants

AND

**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. This consent order relates to the decisions by the Bay of Plenty Regional Council on submissions to its Proposed Regional Policy Statement, and resolves the parts of these appeals that relate to topic **ENV-2012-348-000005 Natural Character and Issues**.
2. In making the order the Court has read and considered the appeals and the memorandum of the parties dated 26 April 2013.



3. Federated Farmers of New Zealand Incorporated lodged an appeal **ENV-2012-AKL-000087** seeking at paragraph 12(iii) and 13(iii) changes to paragraphs 2.2 and 2.2.2 in respect of the Coastal Environment and Natural Character to acknowledge primary production's place in the coastal environment, and various sources of sedimentation.
4. Te Tumu Landowners' Group and Ors lodged an appeal **ENV-2012-AKL-000084** seeking at paragraph 8 changes to paragraph 2.2 to acknowledge that there are identified future urban areas in the Coastal Environment.
5. The Royal Forest and Bird Protection Society of New Zealand Inc. lodged an appeal **ENV-2012-AKL-000078** seeking at paragraph 6.2.3 changes to paragraph 2.2 and 2.2.1 to acknowledge existing development and infrastructure and the pressure of urban expansion in the Coastal Environment.
6. In addition to the Appellants, the following other parties have notified a particular interest pursuant to section 274 of the Act in the above topic, and have signed the memorandum of the parties setting out the relief sought or have advised the consent to the order being made:
 - (a) Fonterra Co-operative Group Limited;
 - (b) Avocado industry council Limited;
 - (c) New Zealand Kiwifruit Growers;
 - (d) Horticulture New Zealand;
 - (e) Tauranga City Council; and
 - (f) Port of Tauranga Limited
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 confirm to the



relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

8. Therefore the Court orders by consent that the Proposed Bay of Plenty Policy Statement be amended as shown:

"2.2 Coastal environment

The changes are made to paragraph 5 of 2.2 as follows:

The coastal environment makes a major contribution to the regional community for general enjoyment, amenity and recreation. Access to the coast and the associated unique values of the coastal environment contribute to its attractiveness as a place to live and work and locate certain activities. The coastal environment of the Bay of Plenty region ~~is comprised of~~ includes major urban centres, existing and proposed settlements and nationally significant infrastructure such as the Port of Tauranga and the state highway network, ~~as well as~~ Large areas of land based primary production exist, and are anticipated to continue in the coastal environment. Many of these activities are essential to the social and economic well-being of the region. Parts A majority of the region's coastal environment are is in private ownership.

2.2.1 Integrated management of the coastal environment

(new final sentence inserted.)

Objectives and policies directing integrated management of the coastal environment are located in the Integrated Resource Management topic area.

2.2.2 Natural character and the ecological functioning of the coastal environment

(changes below are to second paragraph)

Healthy coasts, beaches, inter-tidal areas and estuaries are dependent on good land management within the catchment and the quality of the water (stormwater and wastewater) that reaches the coast. Sediment and nutrients from earthworks, stormwater, wastewater, horticulture, plantation



forestry, bush, scrub and native forest areas and agriculture have all affected coastal water quality and shellfish beds in the past and continue to have an incremental or cumulative effect. ~~Studies into sedimentation have shown that catchments under bush, scrub and native forest also contribute to the sedimentation of the coastal marine area.~~ Increased sediment and nutrient input has the capacity to change ecosystem dynamics, encouraging the growth of some naturally occurring but rapidly colonising species, such as mangroves, which can displace other native plant species and providing additional nutrient for nuisance species, such as sea lettuce, which can have a detrimental impact."

9. The consent order disposes of the relief in Federated Farmers' Appeal **ENV-2012-AKL-000087** paragraph 12 and 13. The remaining parts of appeal **ENV-2012-AKL-000087** (paragraph 14) remain extant.
10. The consent order disposes of the relief in Te Tumu Landowners' Group Inc Appeal **ENV-2012-AKL-000084** paragraph 8. The remaining parts of appeal **ENV-2012-AKL-000084** (paragraph 9, 10, 11, 12, 13 and 14) remain extant.
11. The consent order disposes of the relief in Royal Forest and Bird Protections Society of New Zealand Inc. Appeal **ENV-2012-AKL-000078** at paragraph 6.2.3. The remaining parts of appeal **ENV-2012-AKL-000078** (paragraphs 6.1.3 and 6.3.3) remain extant.
12. There is no order as to costs in relation to this consent order.

DATED at Auckland this

2nd

day of

August

2013

J A Smith
Environment Judge

