

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under cl 14 of the First
Schedule to the Act
BETWEEN EWING POULTRY LIMITED
(ENV-2017-WLG-000012)
Appellant
AND TASMAN DISTRICT COUNCIL
Respondent

Environment Judge B P Dwyer sitting alone pursuant to s 279 of the Act

In Chambers at Wellington

CONSENT ORDER

- [A] Under s 279(1)(b) of the Act, the Environment Court, by consent, orders that:
- (1) The appeal is allowed to the extent that the Tasman District Council is directed to make amendments to the Tasman Resource Management Plan, as set out in Annexure A, attached to and forming part of this Order;
 - (2) The appeal is otherwise dismissed.
- [B] Under s 285 of the Act, there is no order as to costs.

REASONS

Introduction

- [1] The Court has now read and considered the memoranda of the parties dated 18 October 2017, 21 December 2017 and 1 February 2018.



Other relevant matters

[2] R Bradley and M Wratten and Boomerang Farms Ltd gave notice of an intention to become parties under section 274 to the appeal, and have signed the memoranda setting out the relief sought.

Orders

[3] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum (unless stated otherwise for specific reasons) 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 Act including, in particular, Part 2.

DATED at Wellington this 14th day of February 2018



B P Dwyer
Environment Judge



ANNEXURE A

17.5.2.1 Permitted Activities (Land Use - General)

Any land use is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

...

- (n) ~~Intensive livestock farming which is poultry farming, including~~ Any poultry body part and poultry offal processing and composting activity for or in connection with intensive livestock farming which is poultry farming, is set back at least 170 metres from any boundary of the site.

17.5.2.8B Restricted Discretionary Activities (Intensive Livestock Farming — Poultry Farming)

Any poultry body part or poultry offal processing and composting activity for or in connection with ~~intensive livestock farming which is poultry farming~~ that does not comply with the conditions of rule 17.5.2.1 is a Restricted Discretionary Activity.

17.5.3.1 Permitted Activities (Building Construction, or Alteration, or Use)

...

- (kc) Any barn, shed or roofed enclosure which houses poultry on an intensive livestock farm that is a poultry farm is set back at least 100 metres from any boundary of the site.

