

IN THE MATTER of the Resource Management Act 1991
AND

IN THE MATTER of appeals under clause 14 of the First
Schedule to the Act

BETWEEN FULTON HOGAN LIMITED
(ENV-2017-WLG-000011)
BOOMERANG FARM LIMITED and
M WRATTEN
(ENV-2017-WLG-000006)

Appellants

AND TASMAN DISTRICT COUNCIL
Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge C J Thompson sitting alone pursuant to section 279 of the Act.

IN CHAMBERS

CONSENT ORDER

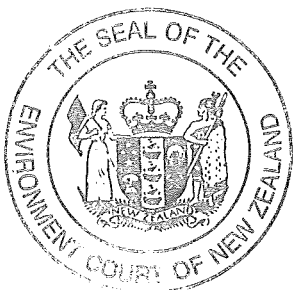
Introduction

[1] The Court has read and considered the appeals and the parties' memoranda received 23 November 2017 and 12 March 2018.

[2] No persons are s 274 parties to the relevant parts of the appeals settled by this consent order.

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

- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.



Order

[4] The appeals are 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.

[5] The appeal in Fulton Hogan Limited v Tasman District Council is otherwise dismissed. The appeal in Boomerang Farm Limited & Another v Tasman District Council otherwise remains on foot.

[6] Under s285 of the Resource Management Act 1991, there is no order as to costs.

DATED at Wellington this 16th day of April 2018



C J Thompson
Environment Judge



Annexure A

Amend rule 17.5.2.1(a)(xiv):

the maintenance, repair, storing or parking of more than two heavy vehicles with a gross laden weight of 3,500 kilograms or more (except those heavy vehicles that are directly associated with plant and animal production or any temporary construction, maintenance or demolition work), that are being used for or in connection with any commercial, industrial, or rural industrial activity or home occupation activity.

Amend rule 17.6.2.1(a)(xii):

the maintenance, repair, storing or parking of more than two heavy vehicles with a gross laden weight of 3,500 kilograms or more (except those heavy vehicles that are directly associated with plant and animal production or any temporary construction, maintenance or demolition work), that are being used for or in connection with any commercial, industrial, or rural industrial activity.

Amend rule 17.7.2.1(b)(xii):

the maintenance, repair, storing or parking of more than two heavy vehicles with a gross laden weight of 3,500 kilograms or more (except those heavy vehicles that are directly associated with plant and animal production or any temporary construction, maintenance or demolition work), that are being used for or in connection with any commercial, industrial, or rural industrial activity.

Amend rule 17.8.2.1(a)(vi):

the maintenance, repair, storing or parking of more than ~~one~~ two heavy vehicles, with a gross laden weight of 3,500 kilograms or more (except those heavy vehicles that are directly associated with temporary construction, maintenance, or demolition work), that ~~is~~ are being used for or in connection with any commercial, industrial, or rural industrial activity.

Amend rule 16.8.2.1A:

temporary activity that is construction, maintenance or demolition work, and associated overnight parking, storage, repair or maintenance is a permitted activity

if it complies with the following conditions ...

