

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

IN THE MATTER of the Resource Management Act 1991

AND of appeals under Clause 14 of Schedule 1 of the Act in relation to the Proposed Regional Plan for Northland

BETWEEN ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED (ENV-2019-AKL-000127)

Appellant

AND NORTHLAND REGIONAL COUNCIL

Respondent

Environment Judge J A Smith sitting alone under s 279 of the Act  
In Chambers at Auckland

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CONSENT ORDER

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- [A] Under s 279(1) of the Resource Management Act 1991, the Environment Court, by consent, orders that:
- (1) This order resolves the appeal as it relates to the definition of land preparation in accordance with **Annexure A** to this Order.
- [B] Under s 285 of the Resource Management Act 1991, there is no order as to costs.



## REASONS

### Introduction

[1] This appeal is against the Northland Regional Council's decision on the Proposed Regional Plan for Northland. This consent order resolves the appeal as it relates to the definition of land preparation. This part of the Royal Forest And Bird Protection Society Of New Zealand Incorporated's appeal was allocated to Topic 9.

[2] In its appeal Royal Forest and Bird Protection Society of New Zealand sought that the definition of land preparation be amended because it considered excluding activities is problematic when applying the definition in rules which provide for activities otherwise restricted by s14 and 15 of the Act. It also considered that the definition was uncertain in terms of 'sediment control measures' and 'drainage' which do not directly relate to the first part of the definition. It sought amendments to the definition as follows:

Land preparation (*in relation to sediment effects on water quality*) The disturbance of earth by machinery for planting, replanting, tending or harvesting pasture or crops. It includes blading, contour ploughing, ripping, mounding, stepping, contouring, bunding and ~~sediment control measures and drainage associated with the activity but does not include direct drilling.~~"

[3] Following mediation, the parties have agreed to amend the definition as follows:

*Land preparation*

The disturbance of earth by machinery for planting, replanting, tending or harvesting pasture or crops. It includes blading, contour ploughing, ripping, mounding, stepping, contouring, bunding and sediment control measures and drainage associated with the activity but does not include direct drilling.

[4] In making this order the Court has read and considered the memorandum of the parties dated 13 March 2020 in support of this order.

[5] The following people gave notice of their intention to become parties under s 274 of the Act and have signed the memorandum of the parties seeking this order:

- (a) Federated Farmers of New Zealand;
- (b) Horticulture New Zealand;
- (c) Minister of Conservation;
- (d) Royal Forest and Bird Protection Society of New Zealand;
- (e) Patuharakeke Te Iwi Trust Board; and



(f) Transpower New Zealand Limited.

[6] The Court is making this order under s 279(1)(b) 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 that have an interest in the matters to be resolved by this order have executed the memorandum requesting this order;

(b) All parties are satisfied that all matters proposed for the Court's endorsement are within the scope of submissions and appeals, fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.

**Order**

[7] Therefore, the Court orders, by consent, that the Proposed Regional Plan for Northland is amended as set out in **Annexure A** to this Order.

[8] This order resolves the appeal as it relates to the definition of land preparation.

[9] There is no order as to costs.

DATED at Auckland this

20<sup>th</sup>

day of

May

2020



  
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J A Smith  
Environment Judge

## Annexure A

<i>Land preparation</i>	The disturbance of earth by machinery for planting, replanting, tending or harvesting pasture or crops. It includes blading, contour ploughing, ripping, mounding, stepping, contouring, bunding and sediment control measures and drainage associated with the activity but does not include direct drilling.
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