

IN THE MATTER of the Resource Management Act 1991

AND

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

BETWEEN DAVID WILSON BROWN
(ENV-2007-CHC-000287)

Appellant

AND CANTERBURY REGIONAL COUNCIL
Respondent

BEFORE THE ENVIRONMENT COURT

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

IN CHAMBERS

CONSENT ORDER

Introduction

[1] The Court has read and considered the appeal and the memorandum of the parties received 17 November 2008.

[2] M Oakenshield gave notice of an intention to become a party under s274, and has signed the memorandum setting out the relief sought.

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



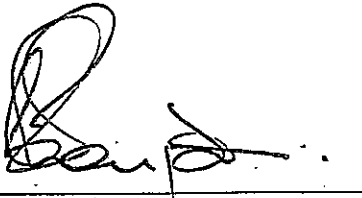
Order

[4] The Court orders, by consent, that Chapter 3 of the Proposed Canterbury Natural Resources Regional Plan is amended as set out in the attached Appendix "A".

[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this *13th* day of February 2009



C J Thompson
Environment Judge

13 FEB 2009



APPENDIX A

CHANGES TO CHAPTER 3 OF THE PROPOSED CANTERBURY NATURAL RESOURCES REGIONAL PLAN

1. Rule AQL10

Amend 3.5.9.1 Regional rules for discharges to air from small scale fuel burning devices, section Rule AQL10 Open fires from 1 January 2006 in the Christchurch Clean Air Zone 1 - prohibited activity for which no resource consent shall be granted by adding the following text as the final sentence of paragraph 1:

If the household chooses to replace an existing open fire with an enclosed solid fuel burner complying with Rule AQL2, the discharge from that complying burner will be a permitted activity, for which no resource consent is required.

2. Rule AQL11

Amend 3.5.9.1 Regional rules for discharges to air from small scale fuel burning devices, section Rule AQL11 Non-complying enclosed burners older than 15 years from 1 January 2008 in the Christchurch Clean Air Zone 1 - prohibited activity for which no resource consent shall be granted by adding the following text as the final sentence of paragraph 1:

If the household chooses to replace an installed non-complying burner with an enclosed solid fuel burner complying with Rule AQL2, the discharge from that complying burner will be a permitted activity, for which no resource consent is required.

