

IN THE MATTER of the Resource Management Act 1991

AND

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

BETWEEN NEW ZEALAND PORK INDUSTRY  
BOARD

(ENV-2007-CHC-286)

(Topic: ENV-2009-308-052)

Appellant

AND CANTERBURY REGIONAL  
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

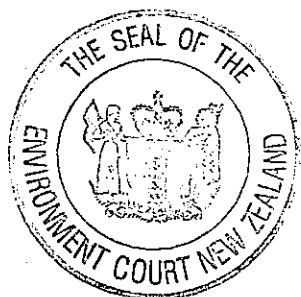
Environment Judge J E Borthwick sitting alone under section 279 of the Act

In Chambers at Christchurch

### CONSENT ORDER

#### **Introduction**

- [1] The Court has read and considered the appeal and the memorandum of the parties received on 27 May 2009.



[2] Horticulture New Zealand, Tegel Foods Limited, TR & JR Sadler, Waimakariri District Council and Federated Farmers of New Zealand Incorporated have given notice of an intention to become parties under s274 to the part of New Zealand Pork Industry Board's appeal that relates to the topic of Intensive Farming and Odour - Rules AQL63, 64, 65 & 69 (ENV-2009-308-052) and have signed the memorandum setting out the relief sought.

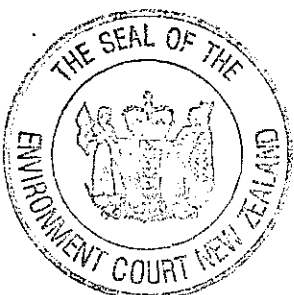
[3] The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) All parties to the proceedings 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 conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

#### Order

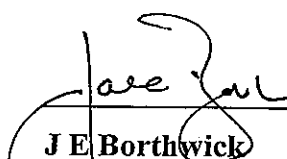
[4] Therefore the Court orders, by consent, that the appeal is allowed to the extent that the Canterbury Regional Council is directed to modify Chapter 3 of the Proposed Canterbury Natural Resources Regional Plan as specified in **Appendix One** attached to and forming part of this consent order.

[5] The appeal, as it relates to Topic ENV-2009-308-052, is otherwise dismissed.

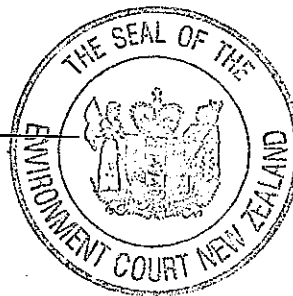


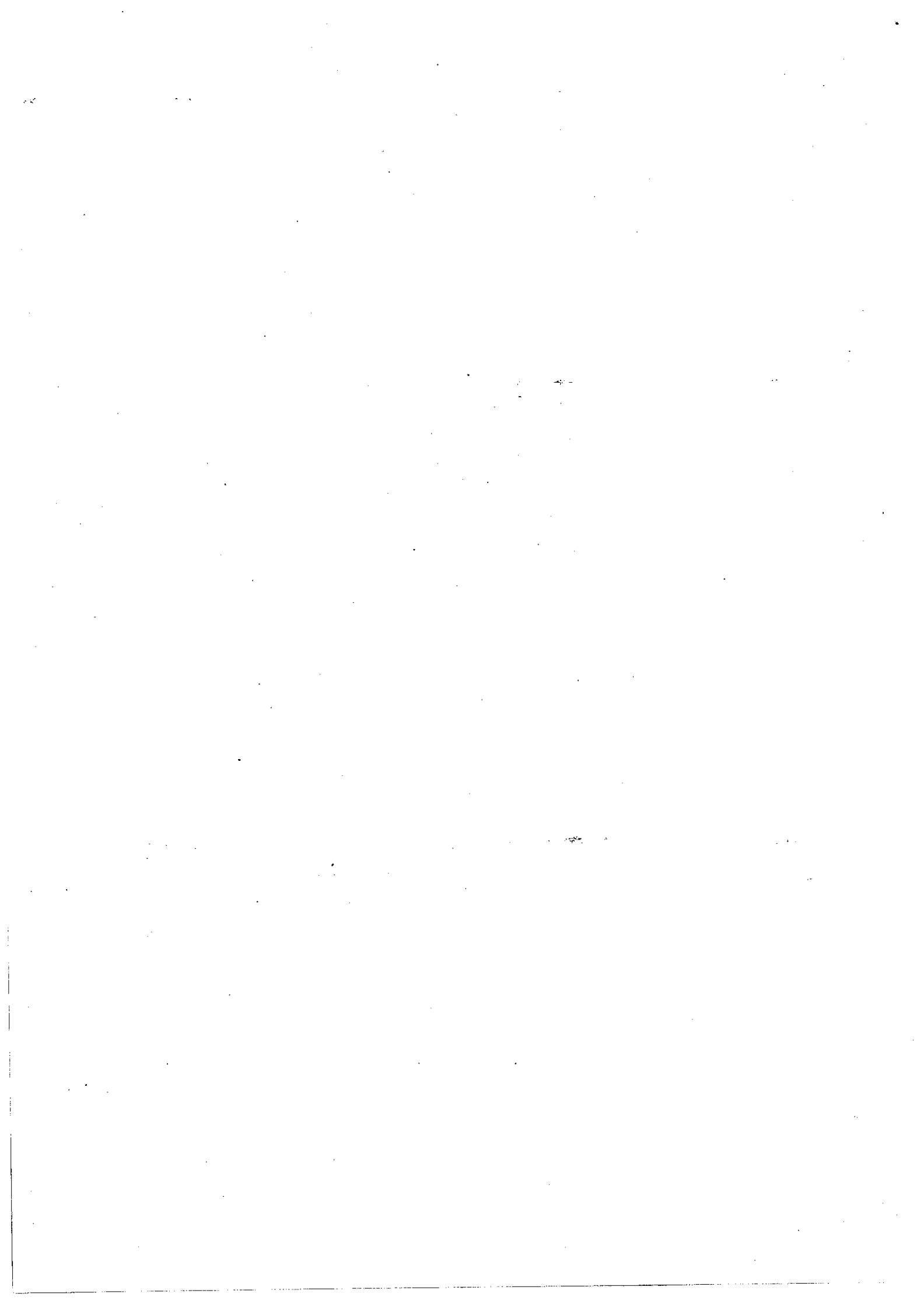
[6] There is no order for costs.

DATED at CHRISTCHURCH 29<sup>th</sup> May 2009.

  
J E Borthwick  
Environment Judge

Issued: 29 MAY 2009



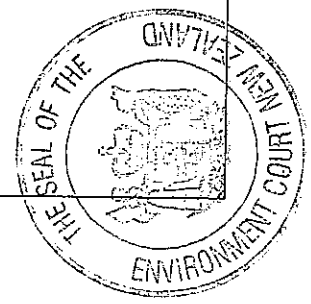


### Appendix One: Changes to Chapter 3 of the Proposed Canterbury Natural Resources Regional Plan

Amend Rule AQL65 Application of effluent to land other than provided for in Rules AQL63 – permitted activity, as follows:

#### **Rule AQL65 Application of effluent to land other than provided for in Rules AQL63 – permitted activity**

Activity	Conditions	Cross Ref.
<p>The discharge of contaminants into air from the application of animal effluent and solid animal waste onto production land, <del>excluding the application of pig effluent provided for in Rules AQL63</del>, is a permitted activity.</p>	<ol style="list-style-type: none"> <li>1. The discharge of odour beyond the boundary of the site shall not be noxious, dangerous, offensive or objectionable to such an extent that it has an adverse effect on the environment.</li> <li>2. The dispersal or deposition of particles or liquid droplets shall not cause a noxious, dangerous, objectionable or offensive effect beyond the boundary of the property where the discharge originates.</li> <li>3. When requested by Environment Canterbury, the effluent applicator shall keep a record of the effluent discharged including the following information:                         <ol style="list-style-type: none"> <li>(a) The type of effluent applied to land;</li> <li>(b) The estimated daily quantity of effluent applied to land in cubic metres;</li> <li>(c) The location of the effluent application; and</li> <li>(d) The wind direction at the time of application.</li> </ol> </li> </ol> <p>These records shall be made available to Environment Canterbury upon request.</p>	



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