

BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under Clause 14(1) of the First Schedule of the Act on the Proposed Otago Regional Policy Statement

BETWEEN

**AYRBURN FARM DEVELOPMENTS LIMITED AND BRIDESDALE
FARM DEVELOPMENTS LIMITED (ENV-2016-CHC-000108)
CLUTHA DISTRICT COUNCIL (ENV-2016-CHC-000105)
DARBY PLANNING LP (ENV-2016-CHC-000110)
FEDERATED FARMERS OF NEW ZEALAND INCORPORATED
(ENV-2016-CHC-000120)
HENLEY DOWNS LAND HOLDINGS LIMITED
(ENV-2016-CHC-000111)
HORTICULTURE NEW ZEALAND (ENV-2016-CHC-000114)
OCEANA GOLD NEW ZEALAND LIMITED (ENV-2016-CHC-000103)
REAL JOURNEYS LIMITED (ENV-2016-CHC-000109)
REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED
(ENV-2016-CHC-000119)**

Appellants

AND

OTAGO REGIONAL COUNCIL

Respondent

CONSENT MEMORANDUM: RURAL ACTIVITIES
Dated 6 July 2018

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CONSENT MEMORANDUM: RURAL ACTIVITIES

May it Please the Court:

Introduction

1 This consent memorandum deals with appeals on Policy 5.3.1 Rural Activities.

2 Policy 5.3.1 is to achieve Objective 5.3.

3 In the decisions version of the PORPS, Objective 5.3 reads:

“Sufficient land is managed and protected for economic production”¹

4 Objective 5.3 is not subject to any appeal.

Policy 5.3.1 Rural activities

Introduction

5 In the decisions version of the PORPS, Policy 5.3.1 reads:

“Policy 5.3.1 Rural activities

Manage activities in rural areas, to support the region’s economy and communities, by all of the following:

- a) *Enabling primary production and other rural activities that support the rural economy;*
- b) *Minimising the loss of significant soils;*
- c) *Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects;*
- d) *Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities;*
- e) *Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities.”²*

Appeals

6 Policy 5.3.1 is subject to appeals by:

- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited³ (“Ayrburn and Bridesdale”)
- Clutha District Council⁴ (“Clutha”)
- Darby Planning LP⁵ (“Darby”)

¹ Page 76

² Page 76

³ ENV-2016-CHC-108

⁴ ENV-2016-CHC-105

⁵ ENV-2016-CHC-110

- Federated Farmers of New Zealand Incorporated⁶ (“Federated Farmers”)
- Henley Downs Land Holdings Limited⁷ (“Henley”)
- Horticulture New Zealand⁸ (“HortNZ”)
- Oceana Gold New Zealand Limited⁹ (“OGL”)
- Real Journeys Limited¹⁰ (“Real Journeys”)
- Remarkables Park Limited and Queenstown Park Limited¹¹ (“RPL and QPL”)

Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited Appeal

7 The relief sought by Ayrburn and Bridesdale is:

“Policy 5.3.1 ~~Rural activities~~ Protecting regionally significant industry activities while protecting them from inappropriate subdivision, use, and development

Manage activities in rural areas, to support the region’s economy and communities, by all of the following:

- a) ~~Enabling regionally significant industry activities primary production and other rural activities that support the rural economy; and~~*
- b) ~~Minimising the loss of regionally significant soils; and~~*
- c) ~~Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects on regionally significant industry activities; and~~*
- d) ~~Minimising restricting~~ the subdivision of productive rural land into smaller lots that may result in inappropriate rural residential activities; and*
- e) ~~Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities.~~”¹²*

8 Ayrburn and Bridesdale’s reasons for their appeal on this policy are:

- “(a) The PORPS does not recognise and provide for the benefits of tourism, employment and recreation development within rural areas that contribute to the economy of the Region under Policy 5.3.1. This has the potential to significantly limit appropriate development and efficient use of rural land; and*
- (b) Policy 5.3.1 is disproportionately weighted towards the protection of rural land which is an outdated understanding of the diverse values of rural land which is not supported by the purpose and principals of the Act. The protection of land for primary production is not a matter of*

⁶ ENV-2016-CHC-120

⁷ ENV-2016-CHC-111

⁸ ENV-2016-CHC-114

⁹ ENV-2016-CHC-103

¹⁰ ENV-2016-CHC-109

¹¹ ENV-2016-CHC-119

¹² Paragraph 11(c), page 7, Amended Notice of Appeal dated 10 February 2017

national importance under Section 6 or a matter to which particular regard is to be had in terms of Section 7 of the Act.”¹³

9 The following persons gave notice of an interest in Ayrburn and Bridesdale’s appeal on this policy under Section 274 of the Resource Management Act (“the Act”):

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- AgResearch Limited
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited

Real Journeys Limited Appeal

10 Real Journeys seeks similar amendments, as follows:

“Policy 5.3.1 ~~Rural activities~~ Protecting regionally significant industry activities while protecting them from inappropriate subdivision, use, and development

Manage activities in rural areas, to support the region’s economy and communities, ~~by all of the following:~~

- a) ~~Enabling regionally significant industry activities primary production and other rural activities that support the rural economy; and~~*
- b) ~~Minimising the loss of regionally significant soils; and~~*
- c) ~~Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects on regionally significant industry activities; and~~*
- d) ~~Minimising restricting the subdivision of productive rural land into smaller lots that may result in inappropriate rural residential activities; and~~*
- e) ~~Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities.~~¹⁴*

11 The following persons gave notice of an interest in Real Journeys’ appeal on this policy under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- AgResearch Limited
- Queenstown Lakes District Council

¹³ Page 6, Amended Notice of Appeal dated 10 February 2017

¹⁴ ENV-2016-CHC-109; paragraph 17(i), page 20, Amended Notice of Appeal dated 10 February 2017

- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited

Darby Planning LP¹⁵ and Henley Downs Land Holdings Limited¹⁶ Appeals

12 Identical amendments to Policy 5.3.1 are promoted by these appellants:

"Rural activities Protecting regionally significant industry activities while protecting them from inappropriate subdivision, use, and development"

Manage activities in rural areas, to support the region's economy and communities, by all of the following:

- a) Enabling regionally significant industry activities primary production and other rural activities that support the rural economy; and*
- b) Minimising the loss of regionally significant soils; and*
- c) Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects on regionally significant industry activities; and*
- d) Minimising restricting the subdivision of productive rural land into smaller lots that may result in inappropriate rural residential activities; and*
- e) Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities."*

13 The following persons gave notice of an interest in Darby's appeal on this policy under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- AgResearch Limited
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited

14 The following persons gave notice of an interest in Henley's appeal on this policy under Section 274 of the Act:

¹⁵ ENV-2016-CHC-110; paragraph 12(c), page 11, Amended Notice of Appeal dated 10 February 2017

¹⁶ ENV-2016-CHC-111; paragraph 14(c), page 16

- Royal Forest and Bird Protection Society of New Zealand Incorporated
 - AgResearch Limited
 - Queenstown Lakes District Council
 - Remarkables Park Limited and Queenstown Park Limited
 - Horticulture New Zealand
 - Otago Water Resource Users Group
 - Oceana Gold New Zealand Limited
 - Dunedin City Council
 - Alliance Group Limited
- 15 Three appellants, Ayrburn and Bridesdale¹⁷, Henley¹⁸, and Real Journeys¹⁹, also propose a definition of “Regionally Significant Industry Activity” be added to the glossary of the PORPS:

“Includes any activity associated with tourism, education, or primary production.”

Clutha District Council Appeal

- 16 In its appeal, Clutha requested either the deletion of Policy 5.3.1 or the replacement of the phrase “by all of the following” with “including by”²⁰.
- 17 The following persons gave notice of an interest in Clutha’s appeal on this policy under Section 274 of the Act:
- Federated Farmers of New Zealand Incorporated
 - Queenstown Lakes District Council
 - Horticulture New Zealand
 - Oceana Gold New Zealand Limited
 - Dunedin City Council
 - Alliance Group Limited
- 18 Royal Forest and Bird Protection Society of New Zealand Incorporated gave notice, but withdrew on 10 February 2017.

Federated Farmers of New Zealand Incorporated Appeal

- 19 In its appeal, Federated Farmers requested that paragraph b) of Policy 5.3.1 be amended:

“b) Minimising Recognising the loss value of significant soils;”²¹

¹⁷ Paragraph 14, page 8, Amended Notice of Appeal dated 10 February 2017

¹⁸ Paragraph 17, page 17

¹⁹ Paragraph 20, page 20, Amended Notice of Appeal dated 10 February 2017

²⁰ Paragraph 51, page 7, Notice of Appeal

²¹ Paragraph 1.10.3, page 9

20 The following persons gave notice of an interest in Federated Farmers' appeal on this policy under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Dunedin City Council
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Oceana Gold New Zealand Limited
- Alliance Group Limited
- Transpower New Zealand Limited

Horticulture New Zealand Appeal

21 In its appeal on Policy 5.3.1, HortNZ requested that two paragraphs be added to the policy:

"Recognising the importance of the rural area in providing food production and food security

Controlling the adverse effects of pest species, prevent their introduction and reduce their spread and enable the removal and destruction of diseased material for biosecurity purposes"²²

22 The following persons gave notice of an interest in HortNZ's appeal on this policy under Section 274 of the Act:

- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Transpower New Zealand Limited

Oceana Gold New Zealand Limited Appeal

23 In its appeal, OGL requested that paragraph b) of the policy be altered by replacing "*Minimising*" with "*Mitigating*"²³.

24 The following persons gave notice of an interest in OGL's appeal on this policy under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council

²² Appeal point 9, page 8

²³ Paragraph 10(a)(xxi), page 15

- Transpower New Zealand Limited

25 A related appeal by OGL is on the definition of “*Primary Production*” in the glossary.

26 In the decisions version, “*Primary Production*” is defined as:

“The use of land and auxiliary buildings for the production (but not processing) of primary products (including agricultural, pastoral, horticultural, and forestry products). Primary production does not include land or auxiliary buildings used or associated with prospecting, exploration, or mining for minerals.”²⁴

The definition repeats the text in Section 2 of the Act.

27 In its appeal, OGL sought to include mining in the definition of “*Primary Production*”²⁵.

28 The following persons gave notice of their interest in OGL’s appeal on the definition of “*Primary Production*” under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council

Remarkables Park Limited and Queenstown Park Limited Appeal

29 In their joint appeal, RPL and QPL requested that Policy 5.3.1 be amended to “*Provide and recognise the importance of all tourism and recreation activities*”²⁶.

30 The following persons gave notice of an interest in RPL and QPL’s appeal on this policy under Section 274 of the Act:

- Horticulture New Zealand
- Otago Water Resource Users Group
- Dunedin City Council
- Darby Planning LP
- Henley Downs Land Holdings Limited
- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited
- Real Journeys Limited
- Queenstown Lakes District Council

²⁴ Page 130

²⁵ Paragraph 10(a)(xxx), page 16

²⁶ Paragraph 5.1(a)(xii), page 7

- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

Resolution

31 It is proposed that Policy 5.3.1 be amended to read:

“Policy 5.3.1 Rural activities

Manage activities in rural areas, to support the region’s economy and communities, by ~~all of the following~~:

- a) ~~Enabling primary production and other rural activities that support the rural economy that production;~~*
- b) Providing for mineral exploration, extraction and processing;*
- cb) Minimising the loss of significant soils;*
- de) Restricting the establishment of incompatible activities in rural areas that may are likely to lead to reverse sensitivity effects;*
- ed) Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities a loss of its productive capacity or productive efficiency;*
- fe) Providing for other activities that have a functional need to locate in rural areas, ~~including tourism and recreational activities that are of a nature and scale compatible with rural activities.~~*

32 In the opening line, the deletion of the words “*all of the following*” gives effect to the Clutha appeal.

33 The new paragraph b) responds to OGL’s request to include mining in the definition “*Primary Production*”.

34 The PORPS definition of “*Primary Production*” emphasises the biological base of primary production.

35 The parties agree that it is better to make express provision for mining in Policy 5.3.1. Accordingly, mining is to be “provided for” in Policy 5.3.1 b). Policy 5.3.1 b) complements the other mining policies, particularly Policies 5.4.6, 5.4.X and 5.4.8 and allows for a flexible response to mining activities commensurate with the nature and location of the mineral resource, the scale of the mining proposed and the effects on the receiving environment.

36 The amendment to paragraph c) gives partial effect to the HortNZ request to recognise the importance of the rural area in providing for food production and food security.

37 The changes to paragraph d) (formerly c)) also responds to HortNZ’s desire to recognise the importance of the rural area in providing for food production and food security. They also accommodate, in part, the request by Ayrburn and

Bridesdale, Darby, Henley and Real Journeys to protect activities including primary production from "*inappropriate subdivision, use, and development*".

- 38 The modifications to paragraph e) (formerly d)) respond to HortNZ's desire to recognise the importance of rural areas in providing food production and food security.
- 39 In paragraph f) (formerly e)), the amendment gives effect in part to the relief sought by Ayrburn and Bridesdale, Darby, Henley and Real Journeys.
- 40 The parties consider that the amendments sought are within the jurisdiction of the Court and give better effect to Objective 5.3 "*Sufficient land is managed and protected for economic production*".

Draft Order

- 41 A draft order is filed with this memorandum.
- 42 The draft order will resolve all appeals on Policy 5.3.1.

Costs

- 43 No order is sought for costs.



Otago Regional Council
Tanya Winter

Dunedin City Council
Rachel Brooking

Real Journeys Limited
Maree Baker-Galloway / Rosie Hill

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Maree Baker-Galloway / Rosie Hill

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Maree Baker-Galloway / Rosie Hill

Bridesdale, Darby, Henley and Real Journeys to protect activities including primary production from “*inappropriate subdivision, use, and development*”.

- 38 The modifications to paragraph e) (formerly d)) respond to HortNZ’s desire to recognise the importance of rural areas in providing food production and food security.
- 39 In paragraph f) (formerly e)), the amendment gives effect in part to the relief sought by Ayrburn and Bridesdale, Darby, Henley and Real Journeys.
- 40 The parties consider that the amendments sought are within the jurisdiction of the Court and give better effect to Objective 5.3 “*Sufficient land is managed and protected for economic production*”.

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Costs

- 43 No order is sought for costs.



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Maree Baker-Galloway / Rosie Hill

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Bridesdale, Darby, Henley and Real Journeys to protect activities including primary production from *"inappropriate subdivision, use, and development"*.

- 38 The modifications to paragraph e) (formerly d)) respond to HortNZ's desire to recognise the importance of rural areas in providing food production and food security.
- 39 In paragraph f) (formerly e)), the amendment gives effect in part to the relief sought by Ayrburn and Bridesdale, Darby, Henley and Real Journeys.
- 40 The parties consider that the amendments sought are within the jurisdiction of the Court and give better effect to Objective 5.3 *"Sufficient land is managed and protected for economic production"*.

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- 42 The draft order will resolve all appeals on Policy 5.3.1.

Costs

- 43 No order is sought for costs.

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Maree Baker-Galloway / Rosie Hill



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Maree Baker-Galloway / Rosie Hill

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Maree Baker-Galloway / Rosie Hill



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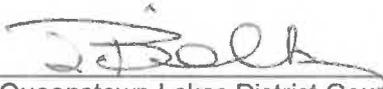
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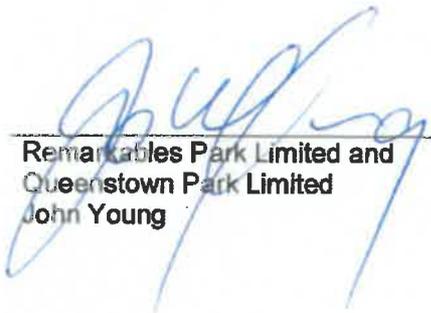
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FARM DEVELOPMENTS LIMITED (ENV-2016-CHC-000108)
CLUTHA DISTRICT COUNCIL (ENV-2016-CHC-000105)
DARBY PLANNING LP (ENV-2016-CHC-000110)
FEDERATED FARMERS OF NEW ZEALAND INCORPORATED
(ENV-2016-CHC-000120)
HENLEY DOWNS LAND HOLDINGS LIMITED
(ENV-2016-CHC-000111)
HORTICULTURE NEW ZEALAND (ENV-2016-CHC-000114)
OCEANA GOLD NEW ZEALAND LIMITED (ENV-2016-CHC-000103)
REAL JOURNEYS LIMITED (ENV-2016-CHC-000109)
REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED
(ENV-2016-CHC-000119)**

Appellants

AND

OTAGO REGIONAL COUNCIL

Respondent

DRAFT CONSENT ORDER: RURAL ACTIVITIES

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IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under Clause 14(1) of the First
Schedule of the Act on the Proposed
Otago Regional Policy Statement

BETWEEN

**AYRBURN FARM DEVELOPMENTS
LIMITED AND BRIDESDALE FARM
DEVELOPMENTS LIMITED**
(ENV-2016-CHC-000108)
CLUTHA DISTRICT COUNCIL
(ENV-2016-CHC-000105)
DARBY PLANNING LP
(ENV-2016-CHC-000110)
**FEDERATED FARMERS OF
NEW ZEALAND INCORPORATED**
(ENV 2016-CHC-000120)
**HENLEY DOWNS LAND HOLDINGS
LIMITED** (ENV-2016-CHC-000111)
HORTICULTURE NEW ZEALAND
(ENV-2016-CHC-000114)
**OCEANA GOLD NEW ZEALAND
LIMITED** (ENV-2016-CHC-000103)
REAL JOURNEYS LIMITED
(ENV-2016-CHC-000109)
**REMARKABLES PARK LIMITED AND
QUEENSTOWN PARK LIMITED**
(ENV-2016-CHC-000119)

Appellants

AND

OTAGO REGIONAL COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J R Jackson sitting alone under Section 279 of the Act

IN CHAMBERS at CHRISTCHURCH

CONSENT ORDER

Introduction

[1] The Court has read and considered the following appeals on Policy 5.3.1 Rural Activities:

1. Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited amended appeal dated 10 February 2017;

2. Clutha District Council appeal dated 9 December 2016;
3. Darby Planning LP amended appeal dated 10 February 2017;
4. Henley Downs Land Holdings Limited appeal dated 9 December 2016;
5. Federated Farmers of New Zealand Incorporated appeal filed 9 December 2016;
6. Horticulture New Zealand appeal dated 9 December 2016;
7. Oceana Gold New Zealand Limited appeal dated 9 December 2016;
8. Real Journeys Limited amended appeal dated 10 February 2017;
9. Remarkables Park Limited and Queenstown Park Limited appeal dated 9 December 2016;

and the memorandum of the parties dated 6 July 2018.

- [2] Royal Forest and Bird Protection Society of New Zealand Incorporated, AgResearch Limited, Queenstown Lakes District Council, Remarkables Park Limited and Queenstown Park Limited, Horticulture New Zealand, Otago Water Resource Users Group, Oceana Gold New Zealand Limited, Dunedin City Council, and Alliance Group Limited gave notice of intention to become parties under Section 274 of the Act to the Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited appeal on Policy 5.3.1 and have signed the memorandum setting out the relief sought.
- [3] Federated Farmers of New Zealand Incorporated, Queenstown Lakes District Council, Horticulture New Zealand, Oceana Gold New Zealand Limited, Dunedin City Council, and Alliance Group Limited gave notice of intention to become parties under Section 274 of the Act to the Clutha District Council appeal on Policy 5.3.1 and have signed the memorandum setting out the relief sought.
- [4] Royal Forest and Bird Protection Society of New Zealand Incorporated gave notice of intention to become parties under Section 274 of the Act to the Clutha District Council appeal on Policy 5.3.1, but withdrew that notice on 10 February 2017.
- [5] Royal Forest and Bird Protection Society of New Zealand Incorporated, AgResearch Limited, Queenstown Lakes District Council, Remarkables Park Limited and Queenstown Park Limited, Horticulture New Zealand, Otago Water Resource Users Group, Oceana Gold New Zealand Limited, Dunedin City Council, and Alliance Group Limited gave notice of intention to become parties under Section 274 of the Act to the Darby Planning LP appeal on Policy 5.3.1 and have signed the memorandum setting out the relief sought.
- [6] Royal Forest and Bird Protection Society of New Zealand Incorporated, AgResearch Limited, Queenstown Lakes District Council, Remarkables Park Limited and Queenstown Park Limited, Horticulture New Zealand, Otago Water Resource Users Group, Oceana Gold New Zealand Limited, Dunedin City Council, and Alliance Group Limited gave notice of intention to become parties under Section 274 of the Act to the Henley Downs Land Holdings Limited appeal on Policy 5.3.1 and have signed the memorandum setting out the relief sought.

- [7] Royal Forest and Bird Protection Society of New Zealand Incorporated, Dunedin City Council, Queenstown Lakes District Council, Remarkables Park Limited and Queenstown Park Limited, Horticulture New Zealand, Oceana Gold New Zealand Limited, Alliance Group Limited, and Transpower New Zealand Limited gave notice of intention to become parties under Section 274 of the Act to the Federated Farmers of New Zealand Incorporated appeal on Policy 5.3.1 and have signed the memorandum setting out the relief sought.
- [8] Remarkables Park Limited and Queenstown Park Limited, Dunedin City Council, and Transpower New Zealand Limited gave notice of intention to become parties under Section 274 of the Act to the Horticulture New Zealand appeal on Policy 5.3.1 and have signed the memorandum setting out the relief sought.
- [9] Royal Forest and Bird Protection Society of New Zealand Incorporated, Horticulture New Zealand, Queenstown Lakes District Council, Remarkables Park Limited and Queenstown Park Limited, Dunedin City Council, and Transpower New Zealand Limited gave notice of intention to become parties under Section 274 of the Act to the Oceana Gold New Zealand Limited appeal on Policy 5.3.1 and have signed the memorandum setting out the relief sought.
- [10] Royal Forest and Bird Protection Society of New Zealand Incorporated, AgResearch Limited, Queenstown Lakes District Council, Remarkables Park Limited and Queenstown Park Limited, Horticulture New Zealand, Otago Water Resource Users Group, Oceana Gold New Zealand Limited, Dunedin City Council, and Alliance Group Limited gave notice of intention to become parties under Section 274 of the Act to the Real Journeys Limited appeal on Policy 5.3.1 and have signed the memorandum setting out the relief sought.
- [11] Horticulture New Zealand, Otago Water Resource Users Group, Dunedin City Council, Darby Planning LP, Henley Downs Land Holdings Limited, Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited, Real Journeys Limited, Queenstown Lakes District Council, and Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga gave notice of intention to become parties under Section 274 of the Act to the Remarkables Park Limited and Queenstown Park Limited appeal on Policy 5.3.1 and have signed the memorandum setting out the relief sought.
- [12] No other person has given notice of an intention to become a party under Section 274.
- [13] The Court is making this order under Section 279(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:
1. All parties to the proceedings have executed the memorandum requesting this order;
 2. 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 Resource Management Act, including in particular Part 2.

APPENDIX 1

Policy 5.3.1 Rural activities

Manage activities in rural areas, to support the region's economy and communities, by all of the following:

- a) Enabling primary production and other rural activities that support ~~the rural economy~~ that production;*
- b) Providing for mineral exploration, extraction and processing;*
- ~~c)~~ Minimising the loss of significant soils;*
- ~~d)~~ Restricting the establishment of incompatible activities in rural areas that ~~may~~ are likely to lead to reverse sensitivity effects;*
- ~~e)~~ Minimising the subdivision of productive rural land into smaller lots that may result in ~~rural residential activities~~ a loss of its productive capacity or productive efficiency;*
- f) Providing for other activities that have a functional need to locate in rural areas, including ~~tourism and recreational activities that are of a nature and scale compatible with rural activities.~~*