

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under clause 14 of the First
Schedule of the Act
BETWEEN BLUE RIVER DAIRY LP
(ENV-2016-CHC-089)
Appellant
AND INVERCARGILL CITY COUNCIL
Respondent

Environment Judge J J M Hassan – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the Invercargill City Council is directed to make amendments to the proposed Invercargill City District Plan, as set out in Annexure A, attached to and forming part of this order;
- (2) the appeal is otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.



relation to the inclusion of "Dairy Processing" in the list of heavy industries set out in Appendix IX.

[2] The court has now read and considered the consent memorandum of the parties dated 27 June 2017, which proposes to resolve the appeal.

Other relevant matters

[3] No person has given notice of an intention to become a party under section 274 of the Resource Management Act ("the RMA" or "the Act").

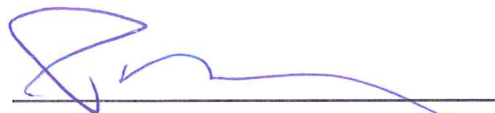
[4] It is recorded that while the parties have not included the expected assurance, as set out in Order (b) below, the assurance is included in the draft order provided to the court.

Orders

[5] The court is making this order under section 279(1) 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 the relevant requirements and objectives of the Act including, in particular, Part 2.

DATED at CHRISTCHURCH this 31 July 2017



J J M Hassan
Environment Judge



Annexure A

3.29 INDUSTRIAL 1 (LIGHT) ZONE

3.29.1 **Permitted Activities:** The following are permitted activities in the Industrial 1 Zone:

- (A) Essential services
- (B) Light industry
- (C) Motor vehicle sales
- (D) Takeaway food premises not exceeding 150 square metres
- (E) Land transport facility
- (F) Trade Retail
- (G) Caretaker Accommodation
- (H) Dairy processing on the land legally described on 9 May 2017 as
 - (i) 25 Teviot Street (Sec 7 Blk XXVIII TN OF Invercargill); and
 - (ii) 111 Nith Street (Sec 8 Blk XXVIII TN OF Invercargill; Lot 1 DP 2591; Lot 2 DP 2591; Lot 1 DP2294; Lot 2 and Pt Lot 4 DP 2294; Sec 23 Blk XXVIII TN OF Invercargill; Pt Sec 12 Blk XXVIII TN OF Invercargill; and Pt Sec 13 Blk XXVIII TN OF Invercargill); and
 - (iii) 134 Etrick Street (Sec 14 Blk XXVIII TN OF Invercargill).

