

IN THE ENVIRONMENT COURT  
AT WELLINGTON

I TE KŌTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA

IN THE MATTER of appeals under cl 14 of Schedule 1 to  
the Resource Management Act 1991

BETWEEN HORTICULTURE NEW ZEALAND

(ENV-2019-WLG-000103)

TRANSPower LIMITED

(ENV-2019-WLG-000108)

MASTERTON DISTRICT COUNCIL

(ENV-2019-WLG-000110)

MERIDIAN ENERGY LIMITED

(ENV-2019-WLG-000115)

PORIRUA CITY COUNCIL

(ENV-2019-WLG-000116)

WELLINGTON INTERNATIONAL  
AIRPORT LIMITED

(ENV-2019-WLG-000117)

WELLINGTON WATER LIMITED

(ENV-2019-WLG-000123)

RANGITĀNE TŪ MAI RĀ TRUST  
and RANGITĀNE O WAIRARAPA  
INC SOCIETY

(ENV-2019-WLG-000125)

SOUTH WAIRARAPA DISTRICT  
COUNCIL

(ENV-2019-WLG-000127)



ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF NEW  
ZEALAND INC

(ENV-2019-WLG-000130)

NEW ZEALAND TRANSPORT  
AGENCY

(ENV-2019-WLG-000131)

FIRST GAS LIMITED

(ENV-2019-WLG-000132)

Appellants

AND

WELLINGTON REGIONAL  
COUNCIL

Respondent

Court: Environment Judge B P Dwyer sitting alone under s 279 of the  
Act

Date of Order: 6 August 2021

Date of Issue: 6 August 2021

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### CONSENT ORDER

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- A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the changes set out in **Appendix A** be made to the Proposed Plan.
- B: The parts of the appeals concerning Topic 6 - Balance of RSI - Objectives O12, O12A, O13 and Policies P12, P12A, P13, P13A and P14 are otherwise dismissed.
- C: Under s 285 of the Resource Management Act 1991, there is no order as to costs.



## REASONS

### **Introduction**

[1] The Court has read the notices of appeal and the memorandum of the parties received 28 June 2021.

### **Other relevant matters**

[2] The following persons gave notice of an intention to become parties to the appeals under s 274 of the Act, and have signed the consent memorandum setting out the relief sought:

- Kapiti Coast District Council;
- CentrePort Ltd and CentrePort Properties Ltd;
- Minister of Conservation;
- PowerCo Ltd;
- BP Oil New Zealand Ltd, Mobil Oil New Zealand Ltd and Z Energy Ltd;
- Kāinga Ora – Homes and Communities;
- Wairarapa Water Users Inc Society; and
- Winstone Aggregates.

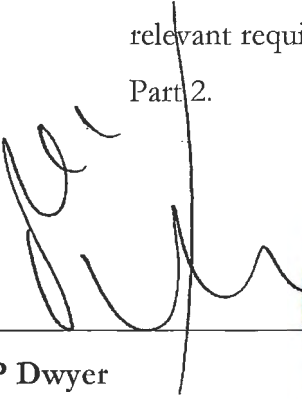
[3] Horticulture New Zealand, Royal Forest and Bird Protection Society of New Zealand Inc, Wellington Water Ltd, Federated Farmers and Wellington Fish & Game Council did not sign the consent memorandum, but in accordance with the Court's direction in its minute dated 28 April 2021, they are deemed to have accepted the consent memorandum and order.

[4] The Council advised that s 274 parties Kahungunu ki Wairarapa and Fire and Emergency New Zealand were supplied with the consent order in accordance with the Court's 4 June 2021 direction, and Fire and Emergency New Zealand confirmed to WRC it did not have an interest in the topic. Kahungunu ki Wairarapa did not respond. It is deemed not to have an interest in this consent order.

## Orders

[5] The Court is making this order under s 279(1) 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 have executed the memorandum requesting this order or are deemed to have done so in accordance with the Court's minute of 28 April 2021;
- (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.

  
\_\_\_\_\_  
B P Dwyer  
Environment Judge



APPENDIX A - AGREED AMENDMENTS AND PROVISIONS TO BE  
RETAINED UNCHANGED

Key:

Red track - changes at mediation on 6 March 2020 and post mediation emails and further mediation on 22 July 2020

Green track - changes in the Decisions Version of the PNRP, with clause 16 changes

Objective O12

COASTAL

The social, economic, cultural and environmental benefits of **regionally significant infrastructure, and renewable energy generation activities** and the utilisation of mineral resources are recognised.

Objective O12A

**Regionally significant infrastructure and renewable energy generation activities that meets the needs of present and future generations are enabled in appropriate places and ways.**

Objective O13

COASTAL

The **Significant mineral resources use** and the ongoing operation, maintenance and **upgrade** of **regionally significant infrastructure and renewable energy generation activities** ~~in the coastal marine area and beds of rivers and lakes~~ are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.

Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities

COASTAL

~~The benefits of regionally significant infrastructure and renewable energy generation activities are recognised by having regard to:~~

- ~~(a) the strategic integration of infrastructure and land use, and~~
- ~~(b) the location of existing infrastructure and structures, and~~
- ~~(c) the need for renewable energy generation activities to locate where the renewable energy resources exist, and~~
- ~~(d) the functional need for port activities to be located within the coastal marine area, and~~
- ~~(e) the functional need and operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities~~ in the coastal marine area and the beds of lakes and rivers.



When considering proposals that relate to the provision of regionally significant infrastructure, or renewable energy generation activities, particular regard will be given to the benefits of those activities.

Policy P12A: Benefits of mineral resource utilisation 

When considering proposals that relate to the use of the Region's mineral resources, particular regard will be given to the benefits from the utilisation of those resources.

Policy P13: Providing for Existing regionally significant infrastructure and renewable electricity generation facilities activities 

The use, development, operation, maintenance, and **upgrade** of existing regionally significant infrastructure and renewable energy generation activities are ~~beneficial and generally appropriate provided for, in appropriate places and ways.~~ This includes by having particular regard to:

- (a) the strategic integration of infrastructure and land use, and
- (b) the location of existing infrastructure and structures, and
- (c) the need for **renewable energy generation activities** to locate where the renewable energy resources exist, and
- (d) the **functional need and operational requirements** associated with **developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities.**

Policy 13A: The National Grid

- 1) Recognise and provide for the benefits of the National Grid.
- 2) Enable the operation, maintenance or **upgrade** of existing National Grid assets.
- 3) Where the National Grid has a **functional need or operational requirement** to locate in the coastal environment, lakes, rivers or wetlands, manage the adverse effects of its activities on natural character, natural features and natural landscapes, and indigenous biodiversity by:
  - (a) Seeking to avoid adverse effects of new development or major upgrades on values of:
    - (i) Outstanding natural character;

(ii) Natural attributes and characteristics of outstanding natural features and landscapes;

(iii) Indigenous biodiversity values of the aquatic ecosystems, habitats, species and areas listed in Policy P39A(a).

(b) Seeking to avoid significant adverse effects of new development or major upgrades on:

(i) Other areas of natural character in the coastal environment;

(ii) Natural attributes and characteristics of other natural features and landscapes in the coastal environment;

(iii) Indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS.

(c) Having regard to the extent to which adverse effects have been avoided, remedied or mitigated:

(i) Through the route, site and method selection process and

(ii) Given the constraints imposed by the activity's **operational requirements**.

(d) Recognising there may be some areas in the coastal environment where:

(i) avoidance of adverse effects is required to protect the values, natural attributes and characteristics identified within 3 a) i, ii, and iii above; and

(ii) avoidance of significant adverse effects is required to protect the values, natural attributes and characteristics identified within 3 b) i, ii and iii above.

4) Remedy or mitigate any adverse effects from the operation, maintenance, **upgrade**, major upgrade or development of the National Grid which cannot be avoided.

In the event of any conflict with any other objectives and policies in the plan relating to indigenous biodiversity within Policy 39A,

natural character, and natural features and natural landscapes, Policy 13A takes precedence.

Policy P14: Incompatible activities adjacent to regionally significant infrastructure, ~~and~~ renewable electricity generation activities and significant mineral resources

**Regionally significant infrastructure, and renewable energy generation activities and significant mineral resources** shall be protected from ~~new~~ incompatible use and development occurring under, over or adjacent to it, by locating and designing any ~~new~~ use and development to avoid, remedy or mitigate any **reverse sensitivity** effects.

Note:

For the avoidance of doubt, this policy only applies to an activity that requires resource consent seeking to locate in proximity to **regionally significant infrastructure, renewable electricity generation activities or significant mineral resources.**

