

BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON

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

IN THE MATTER of the Resource Management Act 1991  
AND of appeals under cl 14 of Schedule 1 of the Act  
BETWEEN MINISTER OF CONSERVATION  
(ENV-2019-WLG-000106)  
TRANSPower NEW ZEALAND LTD  
(ENV-2019-WLG-000108)  
WELLINGTON INTERNATIONAL AIRPORT LTD  
(ENV-2019-WLG-000117)  
NEW ZEALAND TRANSPORT AGENCY  
(ENV-2019-WLG-000131)  
Appellants  
AND WELLINGTON REGIONAL COUNCIL  
Respondent

Environment Judge B P Dwyer sitting alone pursuant to s 279 of the Act

In Chambers at Wellington

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**CONSENT ORDER**

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[A] Under s 279(1)(b) of the Act, the Environment Court orders, by consent, that the changes set out in **Appendix A** be made to the Proposed Plan.



MINISTER OF CONSERVATION v WELLINGTON REGIONAL COUNCIL

[B] The parts of the appeals concerning Objective O53 and Policy P132 are otherwise dismissed.

[C] Under s 285 of the Act, 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 23 September 2020.

### **Other relevant matters**

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

- Wellington Water Ltd;
- CentrePort Ltd and CentrePort Properties Ltd;
- Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Inc Soc;
- Royal and Forest Bird Protection Society of NZ Inc;
- Kāinga Ora Homes and Communities;
- Site 10 Redevelopment LP;
- The Oil Companies (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd);
- Powerco Ltd;
- First Gas Ltd;
- Wellington Civic Trust; and
- Wellington City Council.

### **Orders**

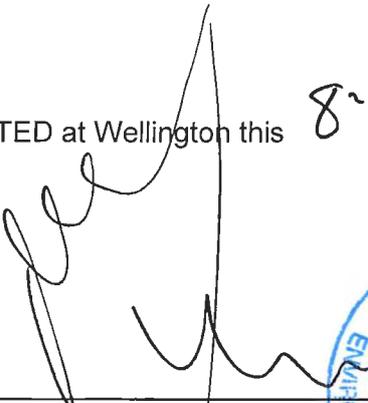
[3] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;



(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 Wellington this 8<sup>th</sup> day of October 2020

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



## APPENDIX A

### KEY:

Red track - changes made at mediation or agreed in subsequent emails

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

### Objective O53

Use and development shall generally not be located in the coastal marine area unless ~~has except where it has~~ a **functional need** or **operational requirement** to be located there. ~~unless the use and development is in the Lambton Harbour Area.~~

### Policy P132: Functional need and efficient use

Use and development in the coastal marine area shall:

- (a) have a functional need, or
- (b) have an **operational requirement** to locate within the coastal marine area, and no reasonable or practicable alternative to locating in the coastal marine area, or
- (c) be use or redevelopment of, or on, existing structures in the Lambton Harbour Area; or
- (d) for any other activity, it shall have no reasonable or practicable alternative to locating in the coastal marine area,

and ~~in respect of (a), (b) and (c)~~:

- (e) be made available for public or multiple use ~~where appropriate~~ unless a restriction on public access is necessary, and
- (f) result in the removal of structures once redundant, except where operational requirements prevent this within the Cook Strait Cable Protection Zone and adjacent foreshore, and
- (g) concentrate in locations where similar use and development already exists where practicable, and



(eh) in respect of (a), (b) and (d) above, only use the minimum area necessary, and

(i) in respect of (c), makes efficient use of any occupied space.

