

BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON

I MUA 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 DAN RIDDIFORD  
(ENV-2019-WLG-000109)

WELLINGTON FISH AND GAME  
COUNCIL

(ENV-2019-WLG-000122)

RANGITĀNE TŪ MAI RĀ TRUST  
AND RANGITĀNE O WAIRARAPA  
INC SOCIETY

(ENV-2019-WLG-000125)

Appellants

AND WELLINGTON REGIONAL  
COUNCIL

Respondent

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

Date of Order: 1 July 2021

Date of Issue: 1 July 2021

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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.
- B: The appeal points relating to Topic 28 – Issues 1, 2, 4 and 5 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 4 June 2021.

### Other relevant matters

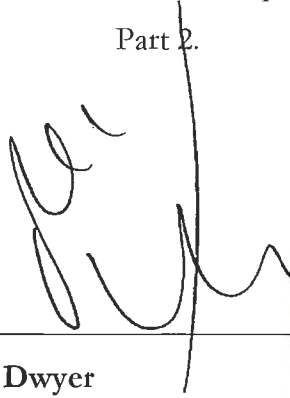
[2] A & J Boyne and Wellington International Airport Ltd gave notice of an intention to become parties to the appeals under s 274 of the Act, and have signed the consent memorandum setting out the relief sought.

[3] Wellington Fish & Game Council, Horticulture New Zealand, Royal Forest and Bird Protection Society of New Zealand Inc, Wellington Water Ltd, Kāpiti Coast District Council, Dan Riddiford and Federated Farmers 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.

### Orders

[4] 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.



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**B P Dwyer**  
Environment Judge



**KEY:**

**Red track** - changes made at mediation

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

**APPENDIX A - RELEVANT PROVISIONS - (DECISIONS VERSION - WITH CLAUSE 16 CHANGES) - TOPIC 28**

# 1 Introduction

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## 1.6 Values of water in the Plan

Values of water in the Plan are defined as the worth or desirability to the community of a particular set of qualities, uses or outcomes. The values of water that have been identified during the development of the Plan are set out in Table 1.1 below, and in some cases are expressed more specifically elsewhere in the Plan including in Schedule B (Ngā Taonga Nui a Kiwa) and Schedule C (Sites of significance to mana whenua).

The plan reflects a wide range of values from across society. Values have been brought into the Plan through consultation with the community, mana whenua and other stakeholders. The concept of shared values expressed by the committee is also fundamental to the Plan. Key directions on providing for values of water are also given in the objectives and policies of the RPS.

The discussion and development of the values is further informed by the way values are expressed in the NPS FM. The NPS FM is particularly important in describing values, and provides a framework for establishing freshwater objectives in respect of fresh water resources. It provides a management framework to guide the allocation of fresh water so that it may be used in a way that contributes to economic growth and at the same time maintains environmental integrity.

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Policy P5: Review of existing consents 

~~The conditions of existing resource consents to discharge contaminants to fresh water or coastal water, and to take and use water, may be reviewed pursuant to section 128 of the Resource Management Act 1991 in respect of future changes to the Plan.~~

Policy P5: Review of existing consents

The conditions of existing resource consents to discharge contaminants to fresh water or coastal water, and to take and use water, may be reviewed pursuant to section 128 of the Resource Management Act 1991:

- (a) at any time or times specified for in the consent, or
- (b) when a rule in a plan change with maximum or minimum levels or flows, or rates of use of water, or minimum standards of water quality becomes operative, and the review is appropriate, such as when the exercise of the resource consent impedes the ability to implement an integrated approach to manage water quality, quantity or habitat within that **whaitua** or sub-catchment.

Policy P6: Synchronised expiry and review dates 

~~Resource consents may be granted with a~~ A common expiry or review date will be imposed on resource consents within a **whaitua** or sub-catchment (unless the consent relates to **regionally significant infrastructure** and it is inappropriate to do so), if:

- (a) the affected resource is fully allocated ~~or over-allocated~~, or
- (b) the exercise of the resource consent may impede the ability to implement an integrated approach ~~solution~~ to manage water quality, quantity or habitat within that **whaitua** or sub-catchment.

