

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 SURFBREAK PROTECTION
SOCIETY INC

(ENV-2019-WLG-000114)

ROYAL FOREST AND BIRD
SOCIETY OF NEW ZEALAND INC

(ENV-2019-WLG-000130)

Appellants

AND WELLINGTON REGIONAL
COUNCIL

Respondent

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

Date of Order: 14 July 2021

Date of Issue: 14 July 2021

CONSENT ORDER

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.



SURFBREAK PROTECTION SOCIETY INC v WELLINGTON REGIONAL
COUNCIL

B: Surfbreak Protection Society Inc's appeal is otherwise dismissed. The appeal points in Royal Forest And Bird Society Of New Zealand Inc's appeal relating to Topic 9 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 25 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:

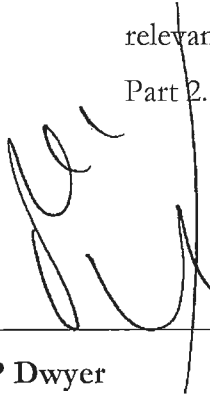
- Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Inc Society;
- Masterton District Council;
- South Wairarapa District Council; and
- Wellington International Airport Ltd.

[3] Kāinga Ora-Homes and Communities, CentrePort Ltd and CentrePort Properties Ltd and Wellington Fish and 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.

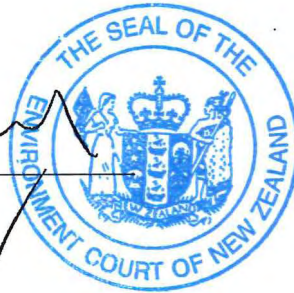
Orders

[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.



B P Dwyer
Environment Judge



APPENDIX A

PNRP MEDIATION VERSION OF SURFBREAKS PROVISIONS – SUB TOPIC 9: SURFBREAKS

Key:

- Black - Notified version of the Plan
- Green - Decisions version of the Plan
- Red – Mediation version of the Plan

Policy P51: Identified Significant surf breaks



Use and development in and adjacent to the significant surf breaks identified in Schedule K (surf breaks) shall be managed by minimising avoiding, remedying or mitigating the adverse effects on the recreational qualities and values of the surf breaks.

Natural character in relation to those surf breaks will be managed in accordance with Policy P25.



APPENDIX A

SCHEDULE K: SIGNIFICANT **IDENTIFIED** SURF BREAKS



Shown on Map 24

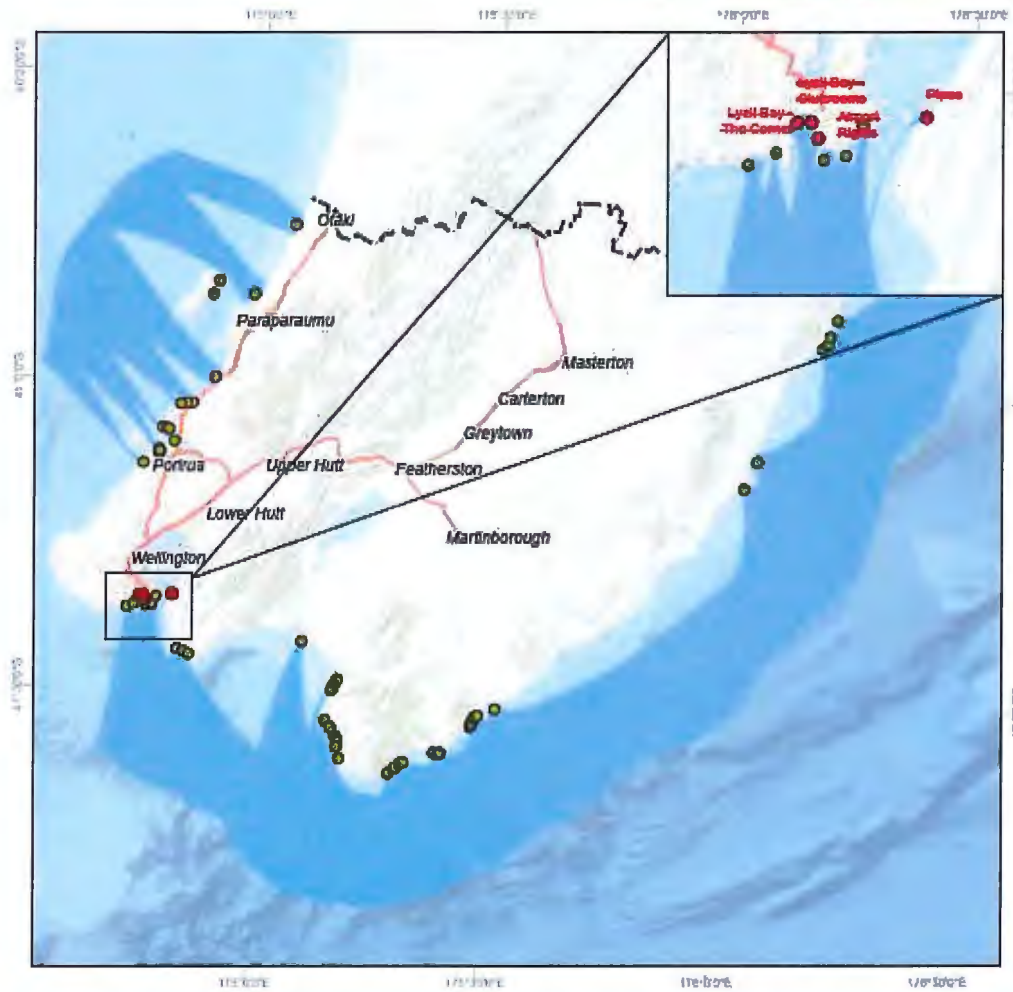
Schedule K: Significant Identified surf breaks	
Surf break name	Location
<u>Airport Rights</u>	<u>Lyal Bay</u>
Batches	Palliser Bay, South Wairarapa
Brendans	Pukerua Bay
Butterfish Rock	Breaker Bay
Castlepoint – Main Beach	Castlepoint Beach
Christmas Bay	Castlepoint
Dee Dees	Otakaha Stream mouth, Kawakawa
Dolphin Bay	Te Kaukau Point, White Rock
Dribbles	Wainuiomata coast
Gnarlies	Te Kaukau Point, White Rock
God Squad	Pukemuri, Tora
Hongoeka Bay	Hongoeka Bay, Plimmerton
Houghton Bay	Houghton Bay
Humenga Lodge	Kawakawa, Palliser Bay
Humenga Point	Te Humenga Point, Palliser Bay
Lake Ferry	Lake Onoke outlet, Palliser Bay
<u>Lyal Bay – Clubrooms</u>	<u>Lyal Bay Beach</u>
<u>Lyal Bay – The Corner</u>	<u>Lyal Bay Beach</u>
Mid Point	Rangitira Point, Kāpiti Island
Moa Point	Moa Point
Ning Nong (big & little)	Kawakawa, Palliser Bay
North Point	Kāpiti Island
Orongorongo River	Orongorongo River mouth
Otakaha Stream	Otakaha Stream mouth, Kawakawa
Ōtaki	Ōtaki Beach
Pā Point	Hongoeka Bay, Plimmerton
Paekakariki	Paekakariki Beach
Pararaki Stream	Pararaki Stream mouth, Palliser Bay
<u>Pipes</u>	<u>East Harbour coast</u>
Plimmerton	Plimmerton Beach
Propellers	Palmer Head
Rat Island/Tapu te Ranga	Tapu te Ranga Island, Island Bay
Riversdale	Riversdale Beach
Schnappes	South Wairarapa coast

APPENDIX A

Schedule K: Significant Identified surf breaks	
Surf break name	Location
Seconds	Ngapotiki, South Wairarapa coast
Shipwrecks	Opuia wreck, Tora
Slipperies	Whakataki, Wairarapa coast
Stevos	Wairere, Porirua
Stony Bay	Stony Bay, Hiwikirikiri, Te Awaiti
The Desert	Ngapotiki, South Wairarapa coast
The Gap	The Lagoon, Castlepoint
The Spit	Te Rakauwhakamataku Point, South Wairarapa coast
Tītahi Bay – Fishermans	Tītahi Bay (nth)
Tītahi Bay – Main Beach	Tītahi Bay Beach
Tītahi Bay – Pete's Rock	Tītahi Bay (sth)
Tītahi Bay – Slipperies	Tītahi Bay Beach
Titches	Te Rewarewa Point, Hongoeka Bay
Toilet Bowls	Tora, Wairarapa coast
Tora Pit	Tora Beach, Wairarapa coast
Tora Stream	Awheaiti Stream, Tora
Tora Tora	Tora, Wairarapa coast
Uruti Point	Uruti Point, Wairarapa coast
Waikanae	Waikanae Beach
Wainuiomata River	Wainuiomata River mouth
Wairaka Point	Wairaka Point, Pukerua Bay
Wairaka Reef	Wairaka Reef, Pukerua Bay
Whatarangi Bay Bombie	Palliser Bay, South Wairarapa
Whatarangi Point	Palliser Bay, South Wairarapa
Whatarangi Station	Palliser Bay, South Wairarapa
White Rock Point	Te Kaukau Point, White Rock
Windies	Ngawi, South Wairarapa

Identified ~~Significant~~ surf breaks (Schedule K)

Map 24 Mediation Version



This version of the map is not complete. The version of this map available online through the online web map viewer shows the complete, detailed information on a GIS overlay that is not shown on this hard copy. The online version is available on the Council's website at <https://mapping.govt.nz/gwrc/> (select theme **Proposed Natural Resources Plan 2046**) and can be accessed from the Council offices or public library.

- Deleted Identified surfbreak
- Identified ~~Significant~~ surfbreak
- Swell corridor
- State Highway



Basemap: World Oceans Base
Projection: NZTM 2000


greater WELLINGTON
 REGIONAL COUNCIL
 Te Hōu Whānau Te Rau

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