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 Resource Management Act 1991
	BETWEEN	PORIRUA CITY COUNCIL
		(ENV-2019-WLG-000116)
		FIRST GAS LIMITED
		(ENV-2019-WLG-000132)
		Appellants
	AND	WELLINGTON REGIONAL COUNCIL
		Respondent

Court:	Environment Judge B P Dwyer sitting alone pursuant to s 279 of the Act
Date of Order:	10 June 2021
Date of Issue:	10 June 2021

CONSENT ORDER

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

B: The appeal points relating to Topic 2 – remainder of Air Quality, Issues 1 and 6, are otherwise dismissed.

PORIRUA CITY COUNCIL v WELLINGTON REGIONAL COUNCIL

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 27 May 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:

- Wellington Water Ltd:
- Royal Forest and Bird Protection Society of New Zealand Inc; and
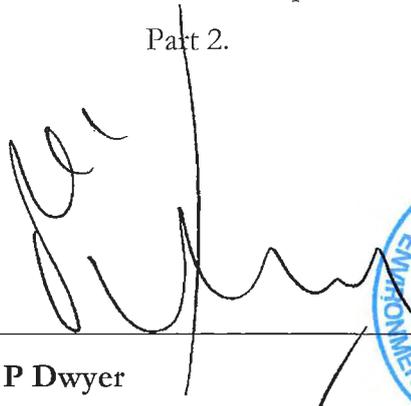- Kāpiti Coast District Council;

Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Inc Society 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

[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 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 - TOPIC 2 WORDING CHANGES

Property	Any contiguous area of land or freehold title in one ownership, including adjacent land separated by a road or river, held in one ownership and may include one or more certificates records of title. Except that in the case of land subdivided under the Unit Title Act 1972 or 2010 or a cross lease system, a property is the whole of the land subject to the unit development or cross lease.

Rule R34: Gas, water or wastewater processes – permitted activity **COASTAL**

The discharge of contaminants into air from the enclosed storage, conveyance and/or pumping of gas (including the flaring and venting of natural gas from gas distribution and transmission networks), water and **wastewater** processes is a permitted activity, provided the following conditions is are met:

(a)   the discharge shall not cause offensive or objectionable odour at the boundary of a **sensitive activity; and**

(b)   for venting and flaring of natural gas:

    i.   the discharge is required for operational, maintenance or repair purposes; and

    ii.   any equipment used is specifically designed for that purpose and in the case of flaring, provides for an unimpeded vertical discharge from an emission stack; and

    iii.   there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property** that does, or is likely to, cause adverse effect on human health, ecosystems or **property**.