

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under cl 14 of Schedule 1 to
the Act
BETWEEN CENTREPORT LIMITED and
CENTREPORT PROPERTIES
LIMITED
(ENV-2019-WLG-000118)
Appellants
AND WELLINGTON REGIONAL COUNCIL
Respondent

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

In Chambers at Wellington

CONSENT ORDER

- [A] Under s 279(1)(b) of the Act, the Environment Court, by consent, orders that:
- (1) the Proposed Natural Resources Plan for the Wellington Region is amended as set out in Appendix A attached to this order.
 - (2) This consent order deals with the part of the appeal that sought to amend the existing advice note on Rule R149 (Maintenance or repair of structures permitted activity) and make a consequential amendment to Rule R174 (Maintenance or repair or additions or alterations to structures inside a Commercial Port Area - controlled activity). This part of the appeal is otherwise dismissed.
- [B] Under s 285 of the Act, there is no order as to costs.



REASONS

Introduction

[1] The Court has read the notice of appeal and the memorandum of the parties dated 5 June 2020.

Other relevant matters

[2] Rangitāne Tu Mai Ra Trust and Rangitāne o Wairarapa Inc Society and the Royal Forest and Bird Protection Society of NZ Inc gave notice of an intention to become parties under s 274 to the part of the appeal settled by this consent order, and have signed the consent memorandum setting out the relief sought.

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 22nd day of June 2020


B P Dwyer
Environment Judge



Appendix A: amendments to the Proposed Plan

- 1 The advice note on Rule R149 is to be amended as follows:

This rule applies to all existing coastal marine area structures, including seawalls, navigation aids and port structures except those heritage structures identified in Schedule E1-E3 (in which case R168 applies), and structures in the Commercial Port Area (in which case R173 applies)

- 2 Rule R174 is to be amended as follows:

...that is not permitted by ~~Rule R149~~ or Rule R173 is a controlled activity...

