

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 an appeal under cl 14 of Schedule 1 of
the Act
BETWEEN CASTLEPOINT RATEPAYERS AND
RESIDENTS ASSOCIATION
(ENV-2019-WLG-000111)
Appellant
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 orders, by consent, that the changes set out in **Appendix A** be made to the Proposed Plan.
- [B] The appeal is otherwise dismissed.
- [C] Under s 285 of the Act, there is no order as to costs.

REASONS

Introduction

[1] The Court has read the notice of appeal, the memorandum of the parties received 20 November 2020 and the Council's memorandum dated 11 December 2020.

CASTLEPOINT RATEPAYERS AND RESIDENTS ASSN v WELLINGTON REGIONAL
COUNCIL



Other relevant matters

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

- Masterton District Council;
- The Royal Forest and Bird Protection Society of NZ Inc;
- Te Hika a Pāpāuma o Ngāti Kahungunu; and
- Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Inc Soc.

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 17th day of December 2020



B P Dwyer
Environment Judge



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
Blue track – changes in response to the Court’s minute dated 4 December 2020

APPENDIX A

Rule R196: Motor vehicles – permitted activity

The disturbance of the foreshore from **motor vehicles, other than those permitted by R190**, in the coastal marine area is a permitted activity, provided the following conditions are met:

- (a) the activity is not within the area of Tītahi Bay shown on Map 35, and
- (b) the activity is not within a site or habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)), **unless the activity involves light vehicles (a motor vehicle weighing less than 3,500kg) in the permitted driving area at Castlepoint Basin Lagoon, shown on Map X.**

Note

Permission may be required from the relevant city or district council.

Insertion of Map X

