

BEFORE THE ENVIRONMENT COURT
AT WELLINGTON

I MUA I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA

IN THE MATTER of an appeal under cl 14 of Schedule 1 to
Resource Management Act 1991

BETWEEN CENTREPORT LIMITED AND
CENTREPORT PROPERTIES
LIMITED

(ENV-2019-WLG-000118)

Appellant

AND WELLINGTON REGIONAL
COUNCIL

Respondent

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

Date of Order: 28 April 2021

Date of Issue: 28 April 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.
- B: The appeal in respect of maintenance dredging 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 and the memoranda of the parties received 17 February 2021, 24 March 2021 and 15 April 2021.

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:

- Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Inc Soc;
- Royal Forest and Bird Protection Society of NZ Inc;
- Minister of Conservation; and
- Wellington Water Ltd.

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.


B P Dwyer
Environment Judge



KEY:

Red track - changes made at by consent
Green track - changes in the Decisions Version of the PNRP, with clause 16 changes

APPENDIX A

New definition to be inserted into section 2.2:

Maintenance dredging: any dredging of seabed necessary to maintain water depths to levels previously approved by any resource consent or for the safe navigation of vessels in navigation channels and at berthing and mooring facilities existing at the time of the maintenance dredging.

New Controlled Activity rule to be inserted into section 5.7:

Rule R202A: Maintenance dredging within a Commercial Port Area or navigation protection area – controlled activity

Destruction, damage, disturbance or deposition associated with maintenance dredging within a Commercial Port Area shown on Maps 32, 33 and 34 or a navigation protection area shown on Map 49, in the coastal marine area, including any associated:

- (a) **deposition in, on or under the foreshore or seabed, and**
- (b) **discharge of contaminants, and**
- (c) **diversion of open coastal water**

is a controlled activity, provided the following conditions are met:

- (d) **a maximum volume up to 5,000m³ per calendar year in any one location with multiple non-contiguous locations allowed, and**
- (e) **the activity shall not occur inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites) or Schedule F5 (coastal habitats), and**
- (f) **the activity shall comply with the coastal management general conditions specified above in Section 5.7.2, and**
- (g) **within the Hutt Valley Aquifer Zone, the maximum depth is 0.5m below the seabed as delineated on Maps 53 and 54.**
- (h) **notification of updated seabed charts is provided to Land Information New Zealand, the Wellington Regional Council Harbourmaster and Maritime New Zealand upon completion of dredging.**

Matters of control

1. **Location, design and method of dredging**
2. **Depth of any dredging including that which occurs in the Hutt Valley Aquifer Zone in the Wellington Harbour (Port Nicholson) shown on Map 30 in which case the record of consultation with Wellington Water Ltd will be required**
3. **Effects on coastal natural processes including effects on shoreline stability in the vicinity and adjacent areas and the potential to create a coastal inundation hazard**
4. **Effects of disturbance, deposition, discharge and diversion associated with the activity**

5. Effects on sites and habitats identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features) or Schedule K (surf breaks)
6. Effects on the heritage values of sites identified in Schedule E4 (archaeological sites)
7. Navigational safety.

Notification

In respect of Rule R202A, applications are precluded from public notification (unless special circumstances exist).

Note

Rules R202 and R202A control the destruction, damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. For dumping of material in the coastal marine area refer to Rules R210, R211 or R212.

Rule R203: Dredging inside a Commercial Port Area or navigation protection areas that does not meet the conditions of Rule R202A – discretionary activity

Destruction, damage, disturbance or deposition associated with dredging inside a **Commercial Port Area** or navigation protection areas shown on Maps 32, 33 and 34 or in a **navigation protection area** shown on Map 49, in the coastal marine area that does not meet the conditions of R202A in the coastal marine area including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

is a discretionary activity.

Note

Rule R203 controls the destruction, damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. Dredging outside a **Commercial Port Area** or **navigation protection areas** that does not meet the conditions of R202 is to be considered under **Rules R204 or R205**. For dumping of material in the coastal marine area refer to Rules R210, R211 or R212.

5.7.1 All other destruction, damage, or disturbance or deposition

Rule R204: Destruction, damage, or disturbance or deposition outside sites of significance – discretionary activity

Destruction, damage, or disturbance or deposition outside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

that is not permitted, controlled, restricted discretionary, non-complying or prohibited, is a discretionary activity.

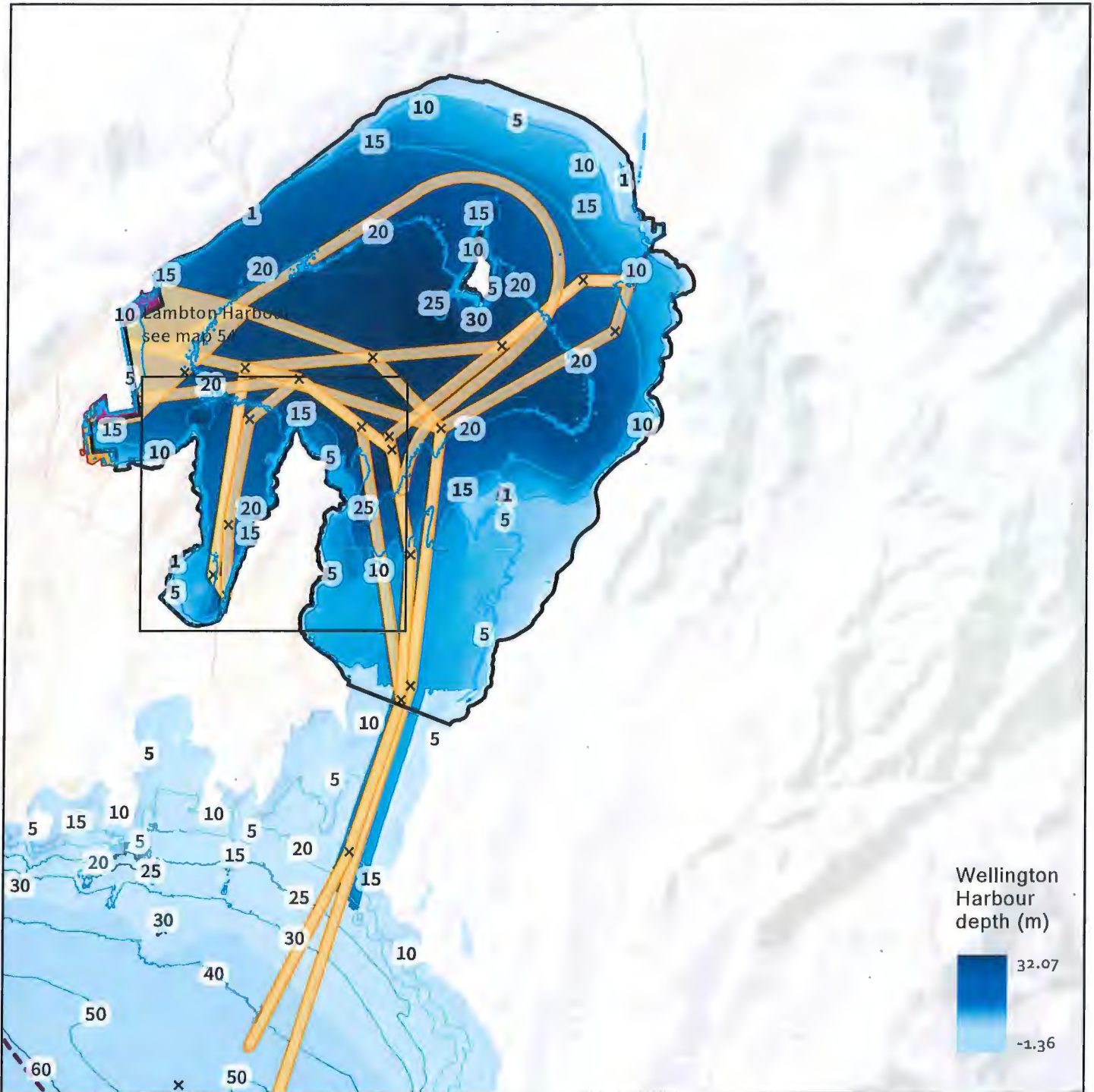
Note: For dredging outside of the commercial port area and navigation protection areas that does not meet the conditions of Rule R202, Rule R204 or R205 applies.

Amendments in respect of Maps:

Add new maps Map 53 and Map 54 (refer separate attachment)

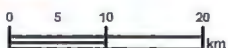
Update the Wellington Regional Council online mapping tool referred to in Maps 53 and 54 to include more detailed views of depth points around the harbour, 1m contours and also the high resolution LINZ navigational charts for Wellington Harbour and wharves (NZ4633, NZ4634).

Seabed delineation for Rule R202A



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.gw.govt.nz/gwrc/> (select theme Natural Resources Plan) and can be accessed from the Council offices or public library.

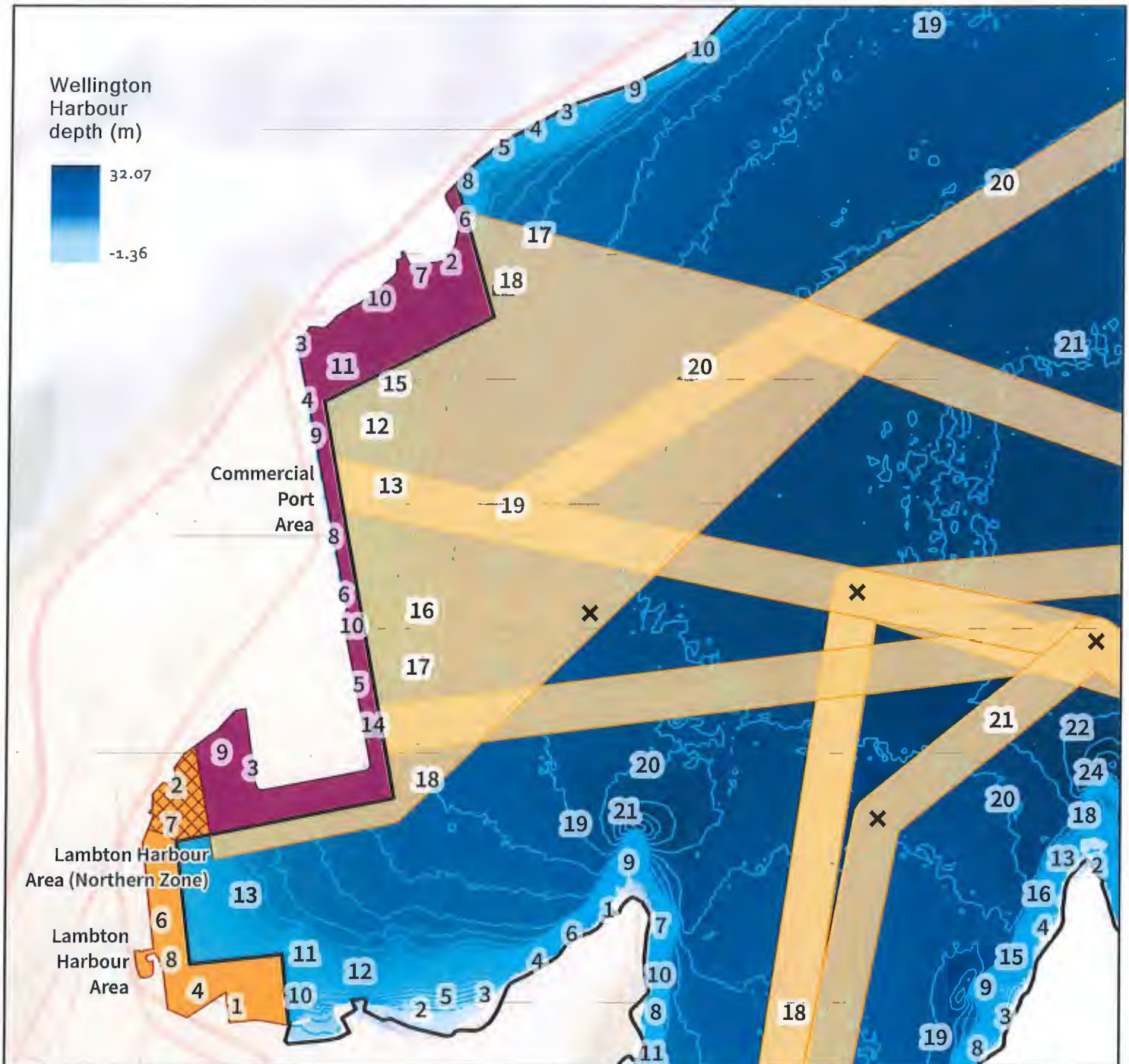
- Navigation Protection Areas
- Hutt Valley Aquifer Zone (Wellington Harbour)
- Commercial Port Area
- Lambton Harbour Area
- Lambton Harbour Area (Northern Zone)
- Wellington Harbour & Pilotage limit
- X Pilotage Waypoint Stations



Basemap: World Oceans Base
Projection: NZTM 2000

Seabed delineation for Rule R202A Lambton Harbour

Map 54



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- Navigation Protection Areas
- Lambton Harbour Area
- Hutt Valley Aquifer Zone (Wellington Harbour)
- Lambton Harbour Area (Northern Zone)
- Commercial Port Area
- X Pilotage Waypoint Stations



Basemap: World Oceans Base
Projection: NZTM 2000


greater WELLINGTON
REGIONAL COUNCIL
Te Pare Matua Tairā

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