

IN THE MATTER

of the Resource Management Act  
1991

AND

IN THE MATTER

of an appeal under clause 14 of  
Schedule 1 to the Act

BETWEEN

**PORT OF TAURANGA LIMITED**  
(ENV-2012-AKL-000083)

Appellant

AND

**BAY OF PLENTY REGIONAL  
COUNCIL**  
Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J A Smith sitting alone under section 279 of the Act

IN CHAMBERS at Auckland.

CONSENT ORDER

**Introduction**

1. This appeal relates to the Proposed Bay of Plenty Regional Policy Statement. This consent order relates to the relief sought in respect of Topic **ENV-2012-348-000008** “**PORTS CE 5**” against Policy CE 5A (now as shown in the Council decisions version of Variation 1 (Coastal Policy) to the proposed Bay of Plenty Regional Policy Statement) and resolves that topic in full.
2. In making this consent order the Court has read and considered the appeal and the memorandum of the parties dated 1 August 2013.
3. The following parties have filed a notice of intention to become parties to this appeal under section 274 of the Act. They have an interest in the relief to be resolved by this consent order, and have signed the memorandum of the parties setting out to the relief sought.



- 3.1 Te Tumu Landowners Group, Te Tumu Kaituna 11B2 Trust, Ford Holdings Pty Limited and Te Tumu Kaituna 14 Trust;
- 3.2 Horticulture New Zealand, Avocado Industry Council Limited and New Zealand Kiwifruit Growers; and
- 3.3 Royal Forest and Bird Protection Society of New Zealand Incorporated.

### Order

4. The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 279. The Court understands for the present purposes that:
  - (a) All parties to the proceedings with an interest in this Topic 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 confirm to the relevant requirements and objectives of the Resource Management Act, including in particular Part 2.
5. Therefore the Court orders by consent that the Proposed Bay of Plenty Regional Policy Statement (as amended by Variation 1 (Coastal policy) decisions dated March 2013) is amended as shown in underline (for additions) and ~~strike through~~ (for deletions):

**Policy CE 5A: Provide for sustainable use and development of the coastal marine area**

Provide by zoning or other spatial mechanisms for activities that have a functional and positional need to locate in the coastal marine area ~~by zoning or other spatial mechanisms~~ to:

- (a) Enable efficient use of these areas to meet the social and economic needs of the region;

...

6. This consent order disposes of all relief sought in the appeal in respect of Topic ENV-2012-348- 000008 "PORTS CE 5" and that topic is now closed.

7. The appeal is otherwise resolved.



8. There is no order as to costs.

DATED at Auckland this 8<sup>th</sup> day of August. 2013

  
\_\_\_\_\_  
J A Smith  
Environment Judge

