

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an appeal under Clause 14 of
Schedule 1 to Act

BETWEEN

**ROYAL FOREST & BIRD
PROTECTION SOCIETY NZ**
(ENV-2013-AKL-000078)

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 Bay of Plenty Regional Policy Statement, Variation 1. The appeal raised relief that related to topic ENV-2013-348-000027 "Access". The parties have agreed that the relief sought in the appeal can be resolved in its entirety by consent.
2. In making this order the Court has read and considered the appeal and the memorandum of the parties dated 8 October 2013.
3. The section 274 parties to this appeal that gave notice of an interest in the matters to be resolved by this consent order are:
 - 3.1 Western Bay of Plenty District Council
 - 3.2 Te Tumu Landowners Group, Te Tumu Kaituna 14 Trust, Te Tumu Kaituna 11B2 Trust and Ford Landholdings PTY Ltd.



4. The parties listed above have signed the memorandum of the parties setting out the relief sought.
5. 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 purpose that:
 - 5.1 All parties to the proceedings with an interest in this Appeal have executed the memorandum requesting this order;
 - 5.2 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 Resource Management Act, including in particular Part 2.

Order

6. Therefore the Court orders by consent that the Proposed Bay of Plenty Regional Policy Statement, as amended by proposed Variation 1, is amended as shown in underline (for additions) and ~~strike through~~ (for deletions):
7. The amended text is shown below:

~~**Method 61: Identify vehicle access locations and situations**~~

~~Identify areas in collaboration with road controlling authorities where vehicle access is permitted consistent with NZCPS Policy 20 and where territorial authorities are to restrict access.~~

~~Note: Managing access through bylaws, control of reserve access points or user-agreements shall be considered appropriate access control methods.~~

~~Implementation responsibility: City and district councils.~~

Method 61: Identify coastal vehicle access requirements and restrictions

In collaboration with road controlling authorities, and the community, identify areas of the Coastal Environment where:

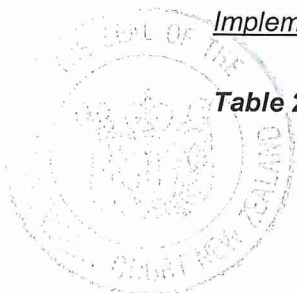
- a) control of vehicle use is required under NZCPS Policy 20(1).
- b) vehicle access is required under NZCPS Policy 20(2).
- c) vehicle use is permissible under NZCPS Policy 20(3).

Note: Appropriate access control methods include managing access through bylaws, regional and district plans, control of reserve access points or user-agreements

Implementation responsibility: Regional, city and district councils.

Table 2

Coastal environment objectives and titles of policies and methods to achieve objectives.



...

Policy CE 6A: Protecting Indigenous Biodiversity	Method 3: Resource consents, notices of requirement and when changing, varying or replacing plans	Regional council, city and district councils
	Method 53A: Assess and classify areas of Indigenous Biodiversity	Regional Council
	<u>Method 61: Identify coastal vehicle access requirements and restrictions</u>	<u>Regional council, city and district councils</u>

...

Policy CE 7B: Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment	...	
	<u>Method 61: Identify coastal vehicle access requirements and restrictions</u>	<u>Regional council, city and district councils</u>

...

Policy CE 8B: Safeguarding the life-supporting capacity of coastal ecosystems	Method 3: Resource consents, notices of requirement and when changing, varying or replacing plans	Regional council, city and district councils
	<u>Method 61: Identify coastal vehicle access requirements and restrictions</u>	<u>Regional council, city and district councils</u>

...

Policy CE 6A: Protecting Indigenous biodiversity

...

<i>Table reference: Objective 2, Methods 1, 2, 3 and 53A, and 61.</i>
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Policy CE 7B: Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment

...

<i>Table reference: Objective 2, 18 and 19, Methods 3, 44, and 60, and 61.</i>

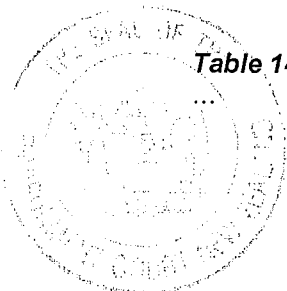
Policy CE 8B: Safeguarding the life-supporting capacity of coastal ecosystems

...

<i>Table reference: Objective 2, 17, 19 and 20, Methods 3, 35, 36A, 43, 48, 49, 52, 53, 53B, 56 and Xxiii and 61.</i>
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Table 14

Methods to implement policies



Section 3.2.2 Guiding methods	
<p>...</p> <p>Method 61: Identify <u>coastal</u> vehicle access <u>requirements and restrictions</u> locations and situations</p> <p>...</p>	

8. This consent order disposes of the relief sought in the above appeal in its entirety.

9. There is no order as to costs in relation to this order.

DATED at Auckland this

17th

day of

October

2013

J A Smith
Environment Judge

