

BEFORE THE ENVIRONMENT COURT

Decision [2015] NZEnvC 209
ENV-2014-WLG-0012, 015, 016
ENV-2015-WLG-001, 003

IN THE MATTER of appeals under Cl 14 of
Schedule 1 to the Resource
Management Act 1991, and of
appeals under s120 of that Act

BETWEEN CRESWICK VALLEY RESIDENTS'
ASSOCIATION INC
PRIME PROPERTY GROUP LTD
M P C GIBSON
Appellants

AND WELLINGTON CITY COUNCIL
Respondent

Court: Environment Judge C J Thompson
Environment Commissioner A C E Leijnen
Environment Commissioner J R Mills

**DECISION: FINAL APPROVAL OF PLAN CHANGE 77 and RESOURCE
CONSENTS**

Decision issued: - 7 DEC 2015

Costs are reserved



[1] The Court recorded its substantive decisions on both the Proposed Plan Change and the resource consent appeals in its decision [2015] NZEnvC 149 issued on 25 August 2015. In concluding that decision we asked that the provisions of the resource consents and the Plan Change be redrafted to conform with the conclusions set out in the decision. We asked that that be done by 25 September 2015.

[2] Unfortunately matters then became a little confused as we received comment from the proponents and the Council, and took for granted that those responses had been the subject of consultation with the opposing appellants and s274 parties. We proceeded to issue a final decision on 29 September 2015 ([2015] NZEnvC 169), only to feel obliged to recall it when we discovered that there had not been any such consultation. We asked for further submissions to ensure that all parties had an opportunity to express a view addressed to the terms of the documents.

[3] CVRA and other s274 parties jointly responded to the Court which was greatly appreciated. They highlighted some referencing inconsistencies and the need to clarify the reference to hazardous substances, which we see as a matter of drafting and not a matter germane to the substantive appeals.

[4] We are conscious that CVRA expressed the view that the Council and PPG may not have gone far enough in addressing the Court's points. We are satisfied that the points have been adequately met and do not see the need to make further amendments to give effect to the substantive decision.

[5] However, the issue concerning our finding about access to the site, and some redrafting of assessment criteria to address the landscaped edge along Curtis Street, require further comment. As we have said, the access arrangement to be detailed in the Appendix has now been confirmed by the Court and this would also appear to largely satisfy the Appellants' query. The relevant criteria at 36.7(a) (specifically bullet point 2) have been amended to require development to be set below the level of Curtis Street and maintain the vegetated bank. While there remains an orientation



requirement in the bullet point following this, the Court accepts that vehicle access will not take place from this stretch of Curtis Street due to the existence of Appendix 1, and that some enlivened treatment of this frontage will be beneficial in urban design terms, including CPTED. Of course this will be limited by the practicality of maintaining the vegetated bank. The Court accepts Plan Change 77 as now drafted and attached as Attachment 2.

[6] We also approve the conditions for the resource consents as attached to this decision as Attachment 1. Comments on this document involved issues of drafting only and do not, we consider, require further elaboration.

[7] Costs remain reserved, on the basis previously indicated.

Dated at Wellington the 7th day of December 2015

For the Court



C J Thompson
Environment Judge

