

IN THE MATTER of the Resource Management Act 1991
("the Act")

A N D

IN THE MATTER of an appeal under clause 14 (1), First
Schedule of the Act

BETWEEN **IMF BACKSTOP LIMITED**

ENV- 2012-AKL-000152

Appellant

A N D **WESTERN BAY OF PLENTY
DISTRICT COUNCIL**

Respondent

BEFORE THE ENVIRONMENT COURT

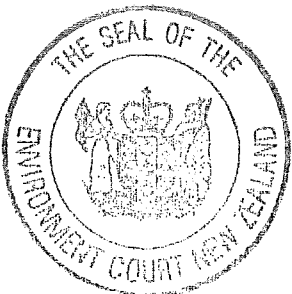
Environment Judge J A Smith sitting alone under section 279 of the Act

IN CHAMBERS at Auckland

CONSENT ORDER

Introduction

1. The Court has read and considered the Appeal and the Memorandum of the parties dated 4 June 2013.
2. The appeal relates to parts of the decision by Western Bay of Plenty District Council on Plan Change 12 to the Western Bay of Plenty District Plan relating to protection lots for community benefit.
3. The New Zealand Transport Agency, Bay of Plenty Regional Council and J&B Denton have given notices of intention to become parties to these proceedings pursuant to s.274 of the Act and have signed the memorandum setting out the relief sought.



4. The Court is making this order under s.279(1)(b) 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 proceeding have executed the Memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

5. Therefore the Court orders, by consent, that the Appeal by IMF Backstop Limited is allowed to the extent that the operative Western Bay of Plenty District Plan First Review is amended as set out below (underline):

Rule 18.4.2(h)

(vii) Legal protection

Legal protection of the feature shall be achieved by way of a condition imposed on the subdivision consent requiring a Consent Notice, Memorandum of Encumbrance or similar legal instrument such as a QEII Covenant, Heritage Covenant, or the vesting of land into crown or territorial authority ownership. The type of instrument and the level of protection provided by it must be to the satisfaction of the Council and where relevant is to be registered on the title of the land containing the feature to be protected. All costs associated with compliance with this requirement shall be met by the applicant

6. The Appeal is otherwise dismissed.

7. There will be no order for costs.

DATED at Auckland

1st

this

day of

July

2013-06-11

J A Smith

Environment Judge

