

**ENV-2009-AKL-000211**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an appeal under section 120 of the Act

**BETWEEN** **DIRECTOR-GENERAL OF CONSERVATION**

**Appellant**

**AND** **NORTHLAND REGIONAL COUNCIL**

**Respondent**

**ENV-2009-AKL-000213**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an appeal under section 120 of the Act

**BETWEEN** **FAR NORTH HOLDINGS LIMITED**

**Appellant**

**AND** **NORTHLAND REGIONAL COUNCIL**

**First respondent**

**AND** **FAR NORTH DISTRICT COUNCIL**

**Second respondent**

**Before The Environment Court**

Environment Judge  
279 of the Act

sitting alone under section

## **In Chambers at AUCKLAND**

### **Consent Order**

#### **Introduction**

1. The Court has read and considered the appeal, the respondent's reply, and the memorandum of the parties dated                      January 2010.
2. Bay of Islands Coastal Watchdog Incorporated, Lois and Bill Elliot; Nga Whanau O Horotutu Me Taputaputa O Pahi (Emma Gibbs-Smith), Paihia and Districts, Residents and Ratepayers Association Incorporated and Business Paihia Incorporated have given notice of an intention to become a party under s274 and have signed the memorandum setting out the relief sought.
3. The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 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 with the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

#### **Order**

4. Therefore the Court orders, by consent, that:
  - a. The recommendations and decisions of the Northland Regional Council relating to beach replenishment, dredging, the esplanade strips, monitoring, lapsing of consents and the bond payable as shown in the agreed recommendations attached and marked "A" replace the previous recommendations in consent CON200605454(11-16) and CON200605454(17-40).

- b. The decision of the Far North District Council to grant land use consent RC 2061019 to Far North Holdings Limited for the redevelopment of Paihia central waterfront is confirmed subject to the following amendment to condition 32:

*"This resource consent shall lapse 10 years after the commencement of the consent unless:*

*(a) It is given effect to before the end of that period; or*

*(b) Upon application made prior to the lapsing date, the Council fixes a longer period".*

- c. Condition 25 of the Far North District Council decision is amended and replaced with:

*"Open space covenants for public access and recreation purposes shall be created over Area C on ASL Plan PWD-1 to the satisfaction of Council or its duly designated officer."*

- d. There are no orders as to costs.

Dated this                      day of    2010

Judge  
Environment Judge