



Report 03.244
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Committee Policy, Finance and Strategy Committee
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Direction from the Environment Court to Amend the Regional Coastal Plan

1. Purpose

To inform the Council of a direction from the Environment Court to amend the Regional Coastal Plan.

2. Background

Last year, Report 02.778 to the Policy, Finance and Strategy Committee sought approval to seek direction from the Environment Court to clarify rules in the Regional Coastal Plan. There was uncertainty in relation to applications for resource consents by CentrePort to dredge and dispose of material.

In particular, the Regional Coastal Plan does not include a definition of “Harbour Entrance Area”. In response to submissions from CentrePort, rules were included in the Regional Coastal Plan about disturbance of the seabed in the “Harbour Entrance Area” that differed from rules for disturbance of other parts of the coastal marine area. However, no map of the “Harbour Entrance Area” was included.

Applications can be made to the Environment Court to remedy mistakes, defects, or uncertainty. Any direction resulting from such an application must be complied with without further formality.

3. The application for direction from the Environment Court

Greater Wellington made an application to the Environment Court on 11 April 2003 to insert a map and define “Harbour Entrance Area” in the Regional Coastal Plan. The application also sought small changes to two rules for discharges of contaminants that were otherwise inconsistent with the New Zealand Coastal Policy Statement 1994.

4. The direction from the Environment Court

On 5 May 2003, the Environment Court directed that Greater Wellington amend the Regional Coastal Plan. The amendments are shown in Attachment 1 to this Report.

5. Communication

The application was made by Consent Order, which means that other interested parties agreed with it. Interested parties were considered to be those people that made submissions on the Regional Coastal Plan relating to the amendments sought. These submitters were CentrePort, the Minister of Conservation, Hutt City Council, and the Upper Hutt City Council.

6. Recommendations

It is recommended that the Council:

1. *receive the report; and*
2. *note the amendments to the Regional Coastal Plan as directed by the Environment Court.*

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