

IN THE MATTER of the Resource Management Act 1991
AND

IN THE MATTER of appeals under clause 14 of the First
Schedule to the Act

BETWEEN M-L LOWE, NA & PJ McFADDEN,
and PS FRY (as the trustees of the
McFadden Family Trust)
Appellants
(ENV-2012-WLG-000083))

PJ & AJ HAMILTON & C HARDIMAN
Appellants
(ENV-2012-WLG-000084))

J RAINE
Appellant
(ENV-2012-WLG-000085)

RG GRIFFIN CHILDREN'S TRUST
Appellant
(ENV-2012-WLG-000087)

AND NELSON CITY COUNCIL
Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge BP Dwyer sitting alone pursuant to section 279 of the Act.

IN CHAMBERS

CONSENT ORDER

Introduction

[1] The Court has read and considered the appeals and the parties' draft consent order received 30 March 2015.



[2] Wahanga 2011 Ltd and A Scott have given notice of an intention to become a party under section 274 to the 083 appeal by the trustees of the McFadden Family Trust. The appellants in the 084 appeal are also parties to the 083 appeal and the 085 appeal. The appellants in the 083 and 085 appeals are parties to the 084 appeal. The 083, 084 and 085 appellants are parties to the 087 appeal. All appellants and parties have signed the memorandum setting out the relief sought.

[3] The Court is making this order under section 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for the present purposes that:

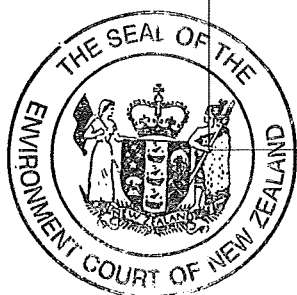
- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.

Order

[4] The Court orders, by consent, that:

- (i) The esplanade requirements for Saxton Creek to be included in Table 6.2 of Appendix 6 to the Nelson Resource Management Plan shall be as follows:

River	Reach	Values	Esplanade requirements
Saxton Creek	From south eastern boundary of Saxton Creek Recreation Reserve to Champion Road	Conservation Access Hazard mitigation Recreation	[New provision] As shown on the Saxton Creek Survey Plans dated 11 March 2015 included in this appendix except: <ul style="list-style-type: none"> • in the case of the property formerly legally described as Lots 120 and 121 DP 429225, which has a subdivision approval (RM065150V3) then as set out in that resource consent and its supporting plans. • in the case of the approved subdivision of



			Lot 2 DP 447598 as shown on the scheme plan for RM125264 (Plan A).
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(ii) The Saxton Creek Survey Plans dated February 2015 to be included in Appendix 6 to the NRMP are attached to this consent order.

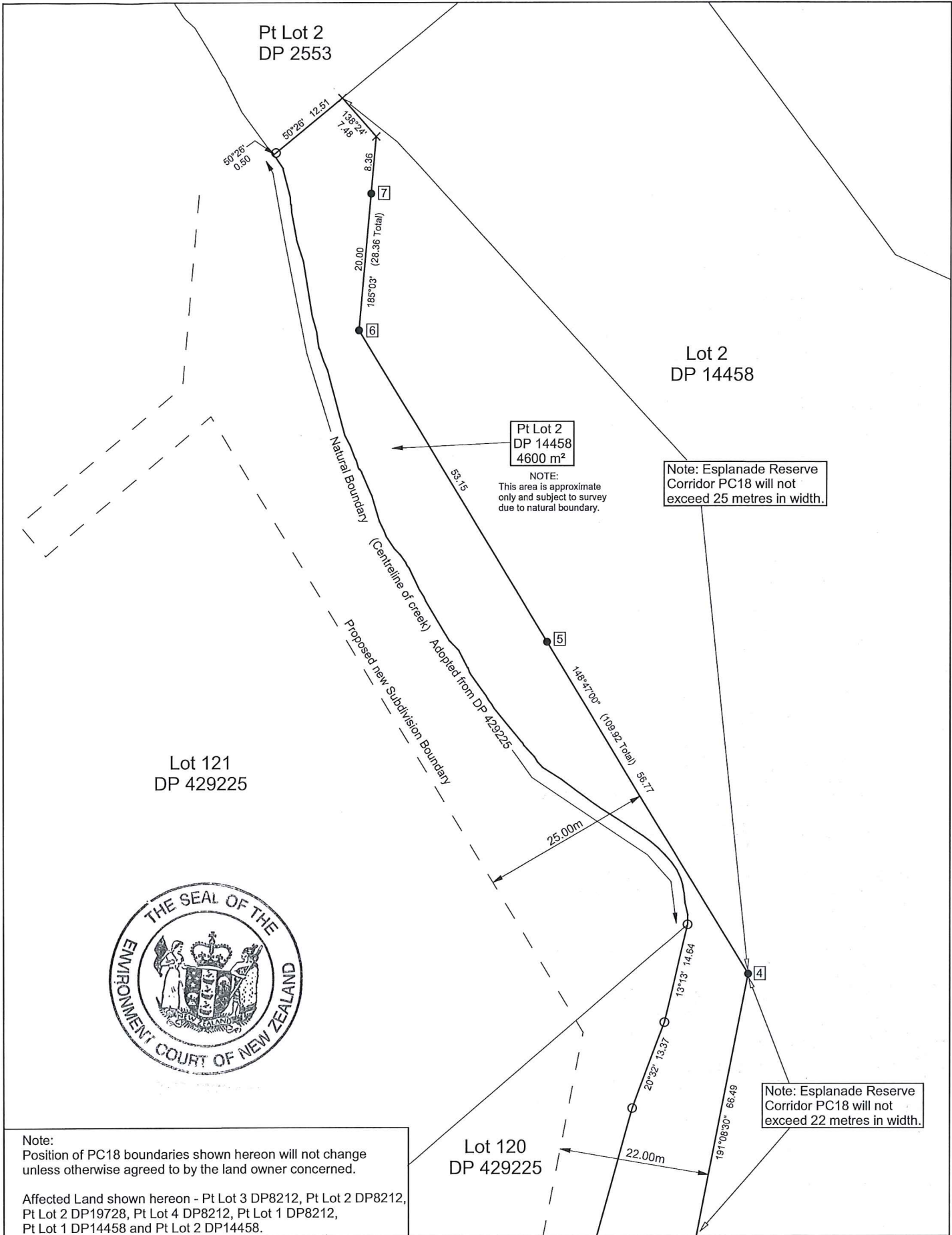
[5] The appeals are allowed to the extent set out in this consent order and are otherwise withdrawn.

[6] There is no order as to costs.

DATED at Wellington this 30th day of April 2015

B P Dwyer
Environment Judge






Note:
Position of PC18 boundaries shown hereon will not change unless otherwise agreed to by the land owner concerned.

Affected Land shown hereon - Pt Lot 3 DP8212, Pt Lot 2 DP8212, Pt Lot 2 DP19728, Pt Lot 4 DP8212, Pt Lot 1 DP8212, Pt Lot 1 DP14458 and Pt Lot 2 DP14458.

Client:
Nelson City Council



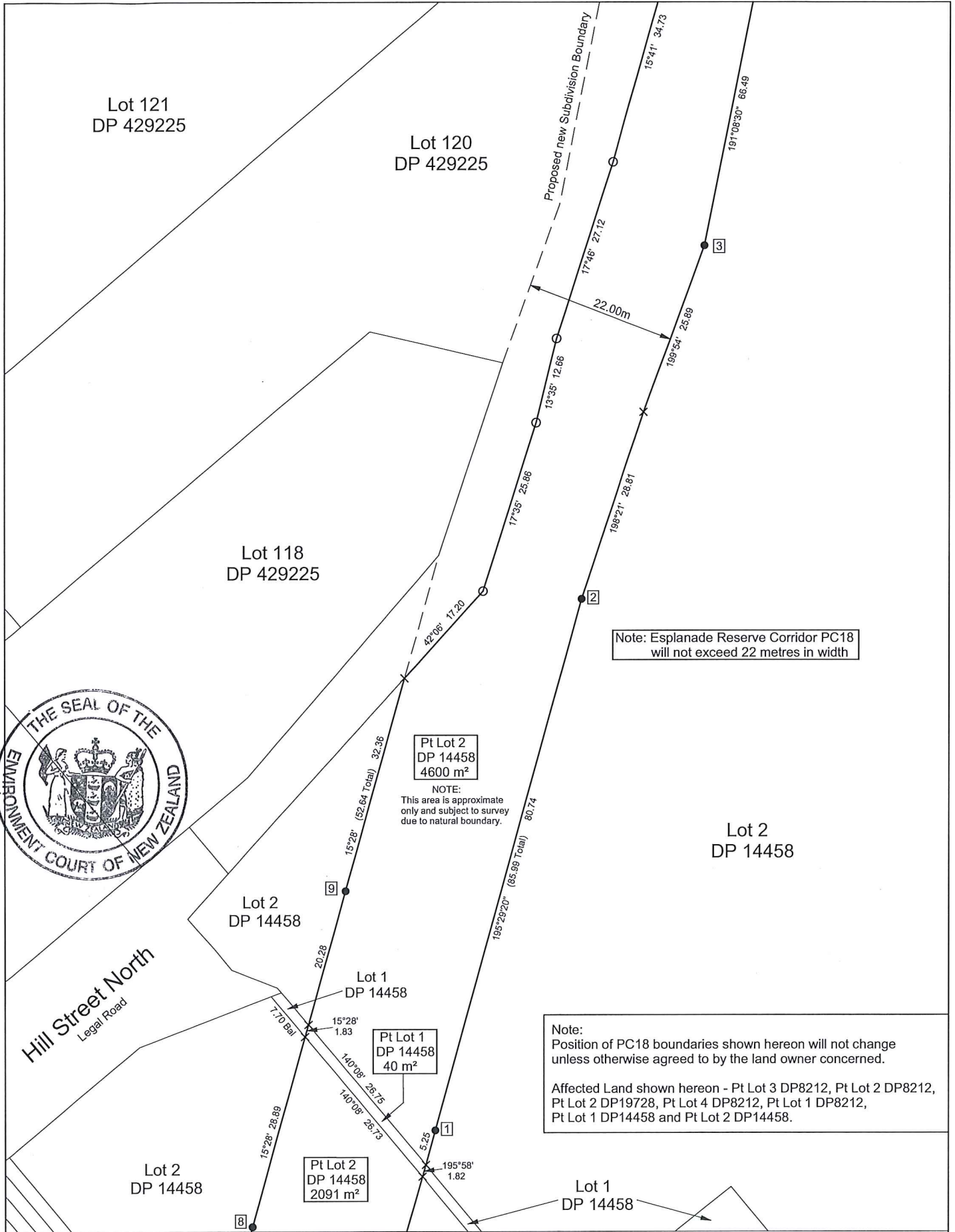
**TASMAN
GOWLAND
SURVEYORS**
207a Queen Street
RICHMOND, NELSON
Phone 03 544 1126

Drawing Title:
**Areas, Dimensions and
Stakeout No's & positions**

Project:
**Plan Change 18
Esplanade Reserve**

Job No:	L92
Surveyed by:	John Batt
Drawn by:	Craig Burnett
Height Datum:	NCC Datum
Coordinate Datum:	GD 2000, Nelson Circuit
Scale:	@ A3 = 1:500
Date:	11 March 2015
Sheet:	1 of 9



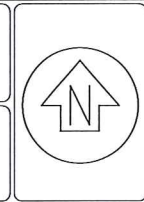


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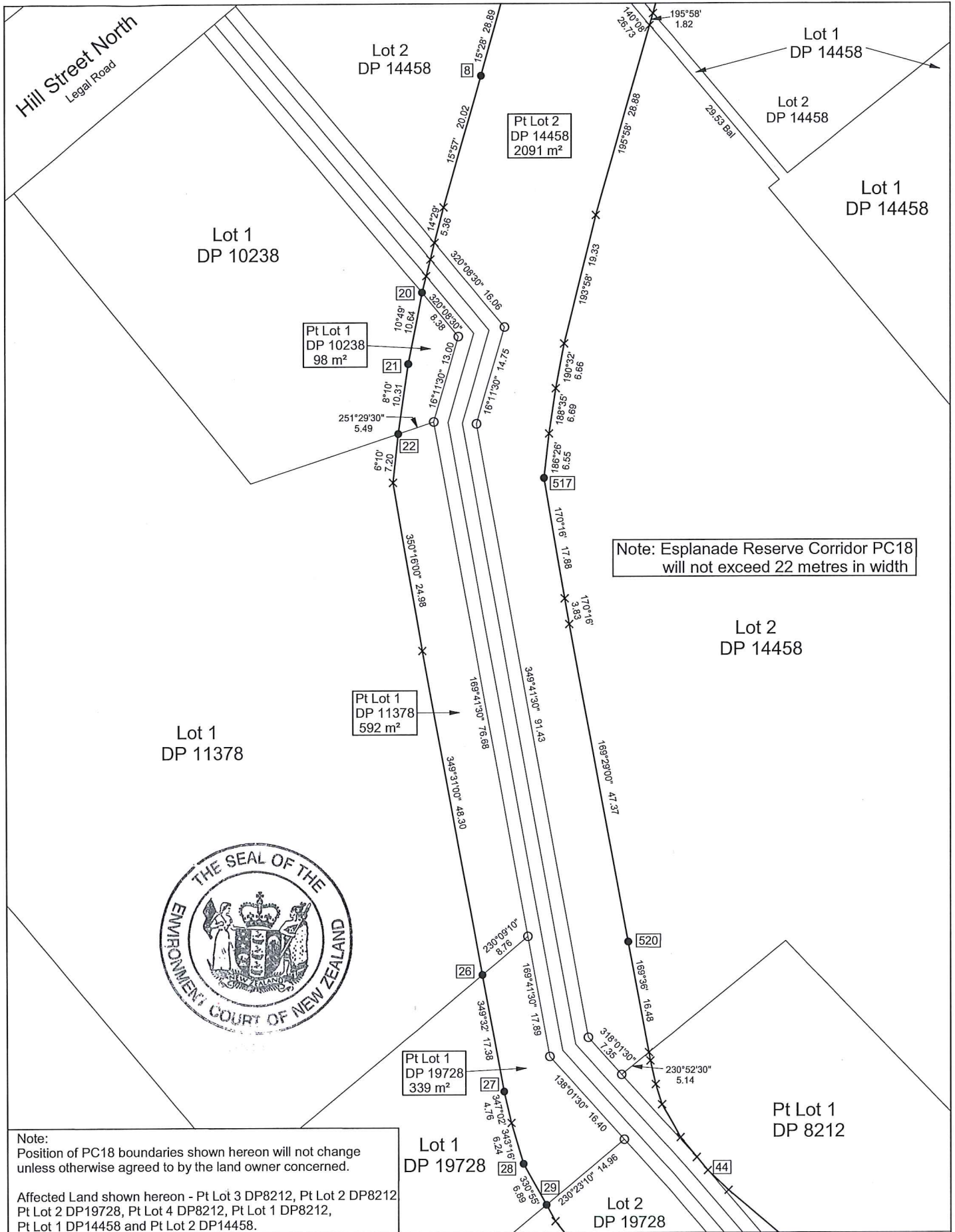
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Note: Esplanade Reserve Corridor PC18 will not exceed 22 metres in width



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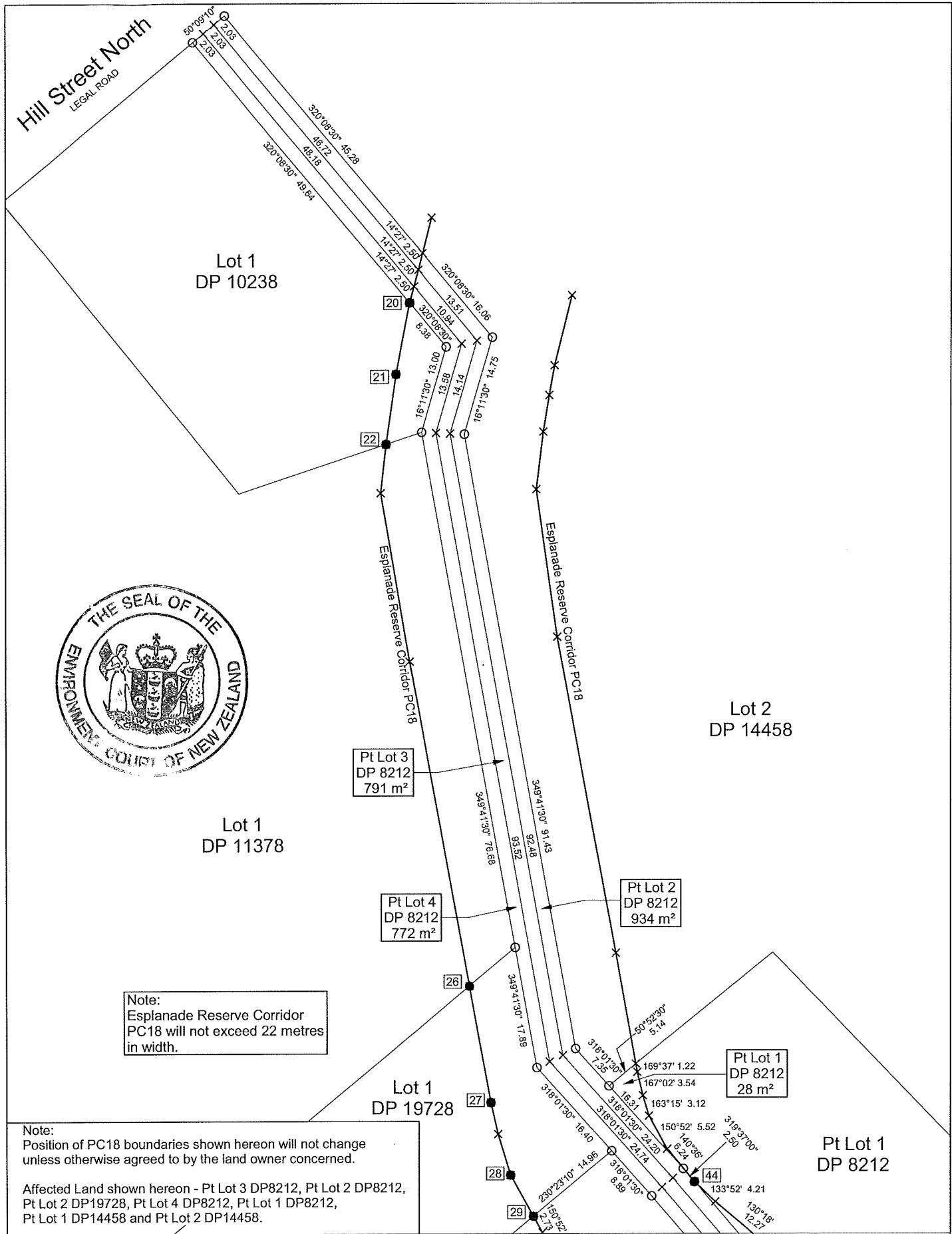
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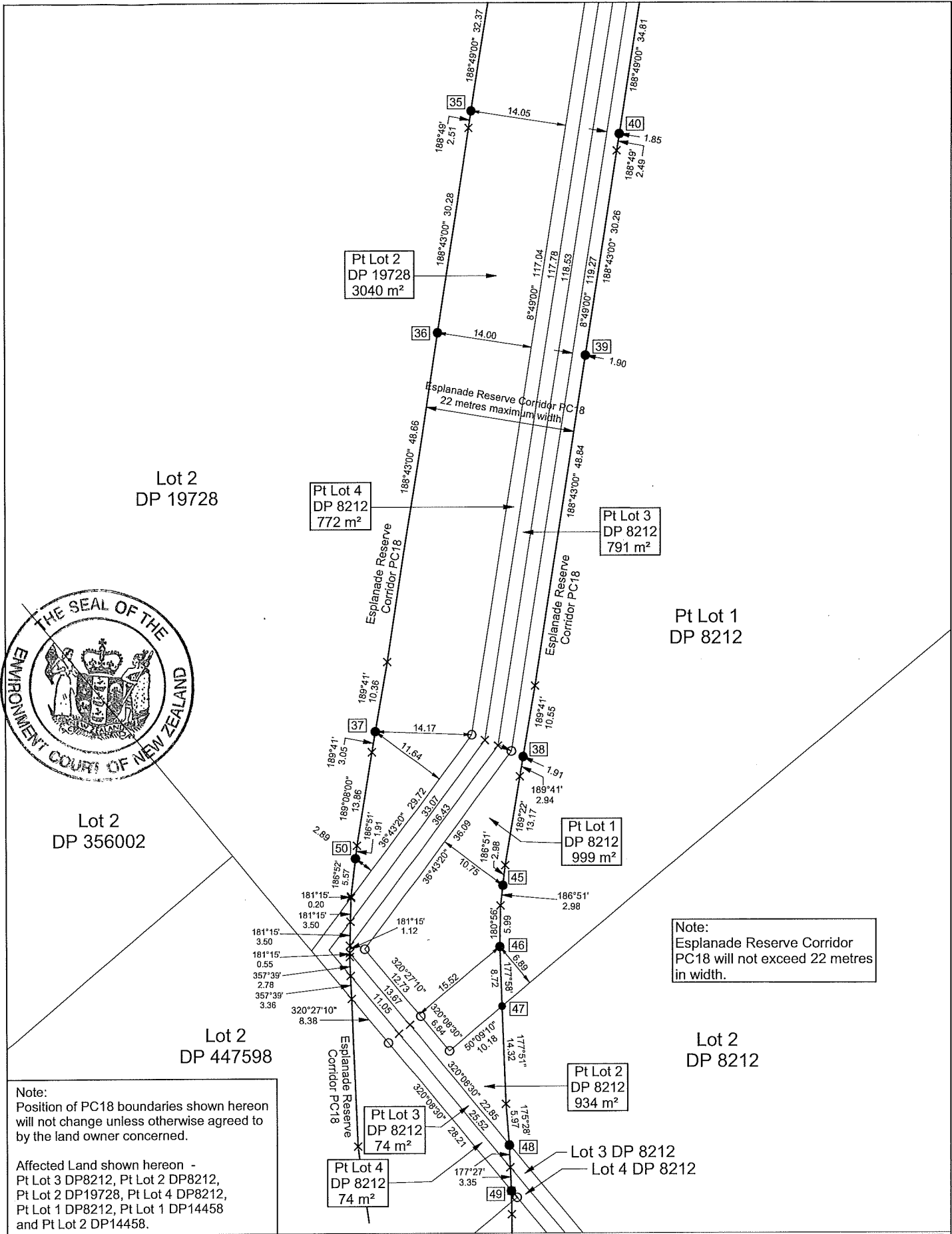
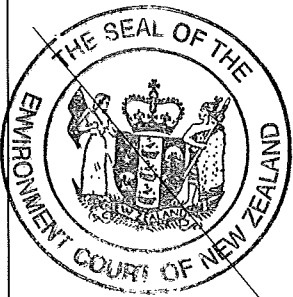
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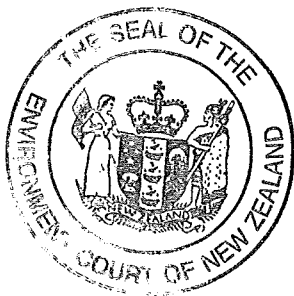
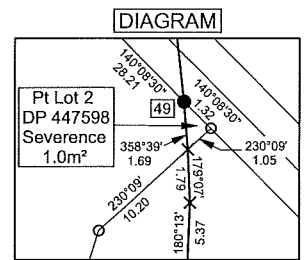
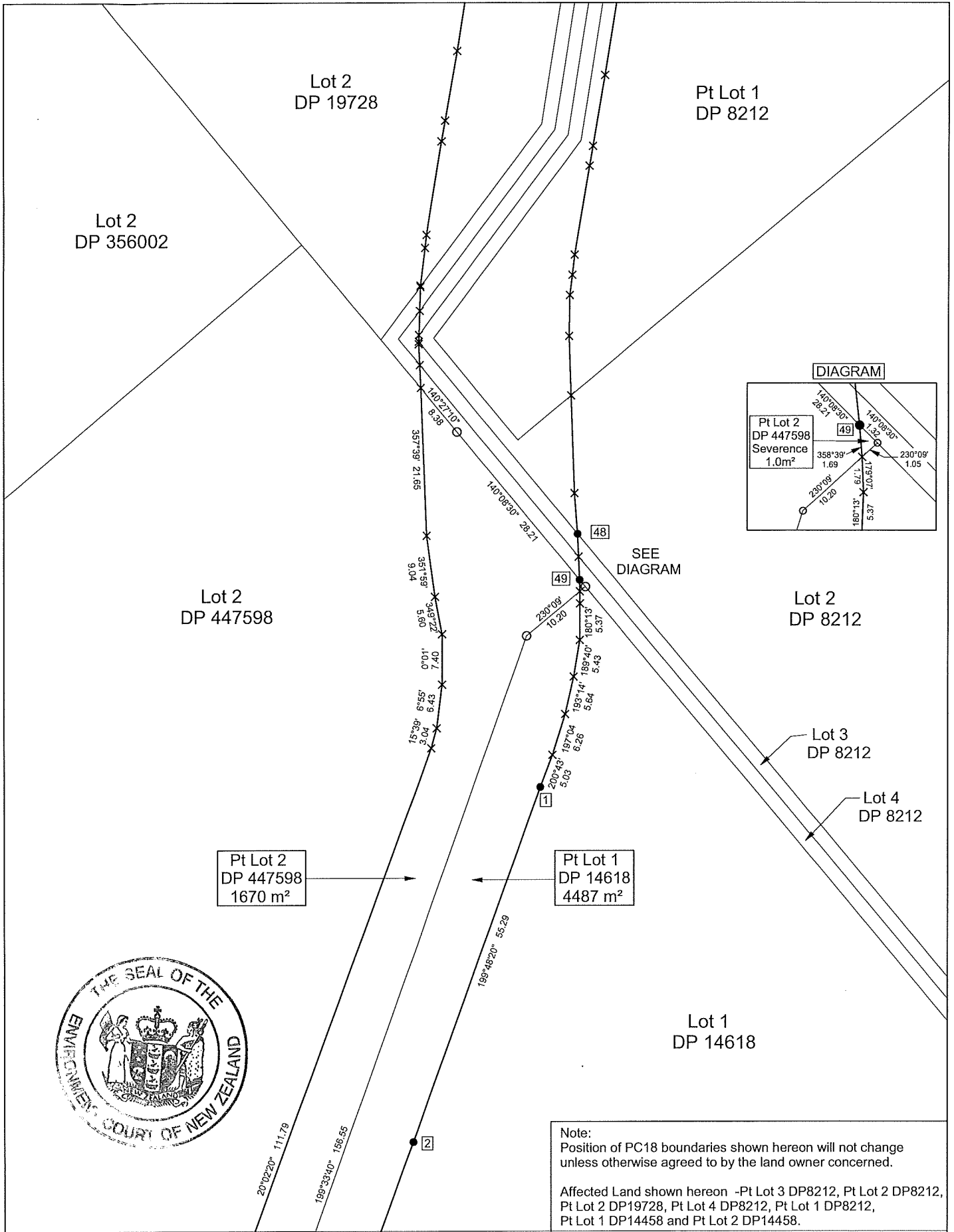
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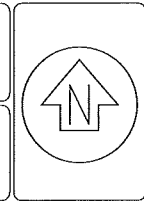
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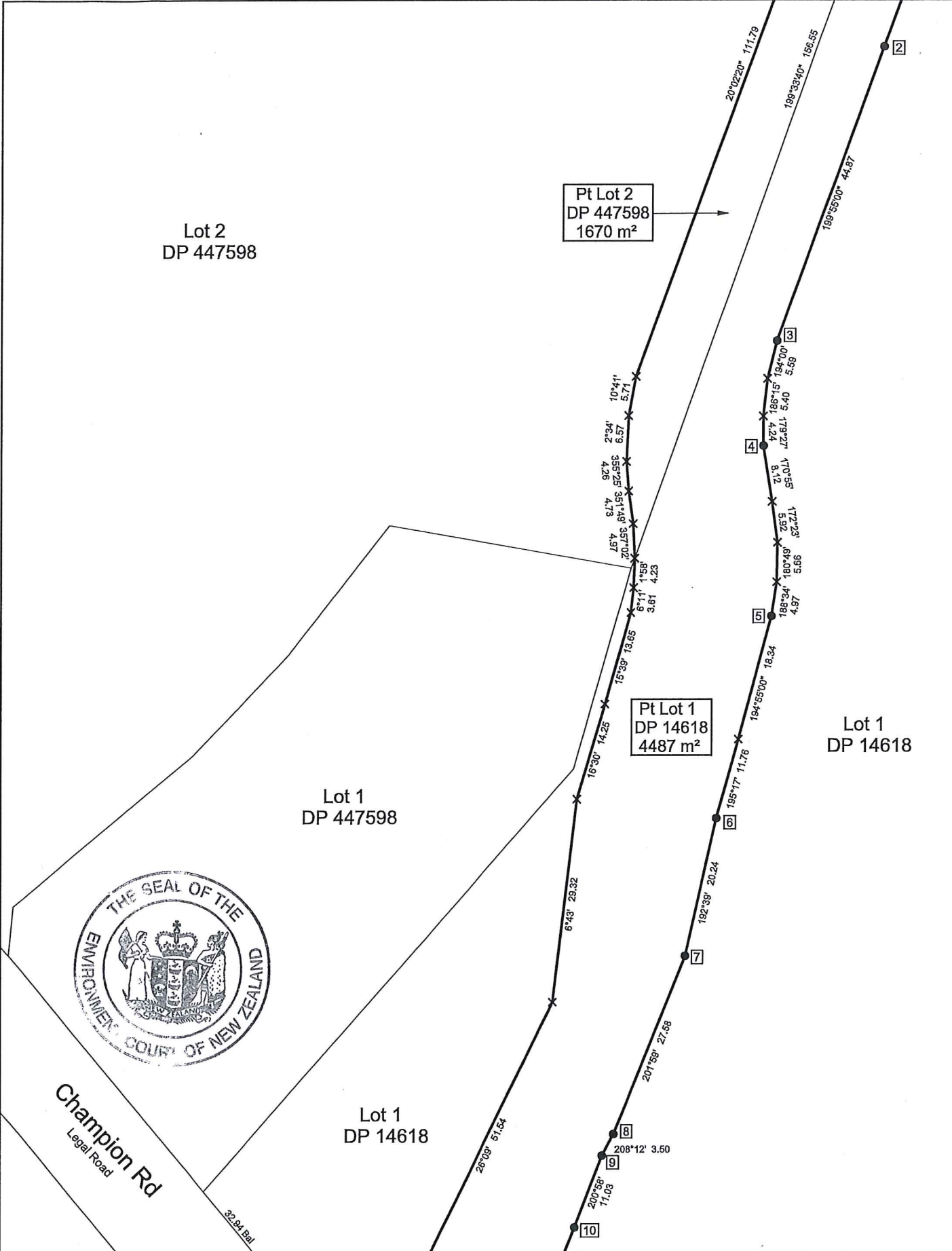
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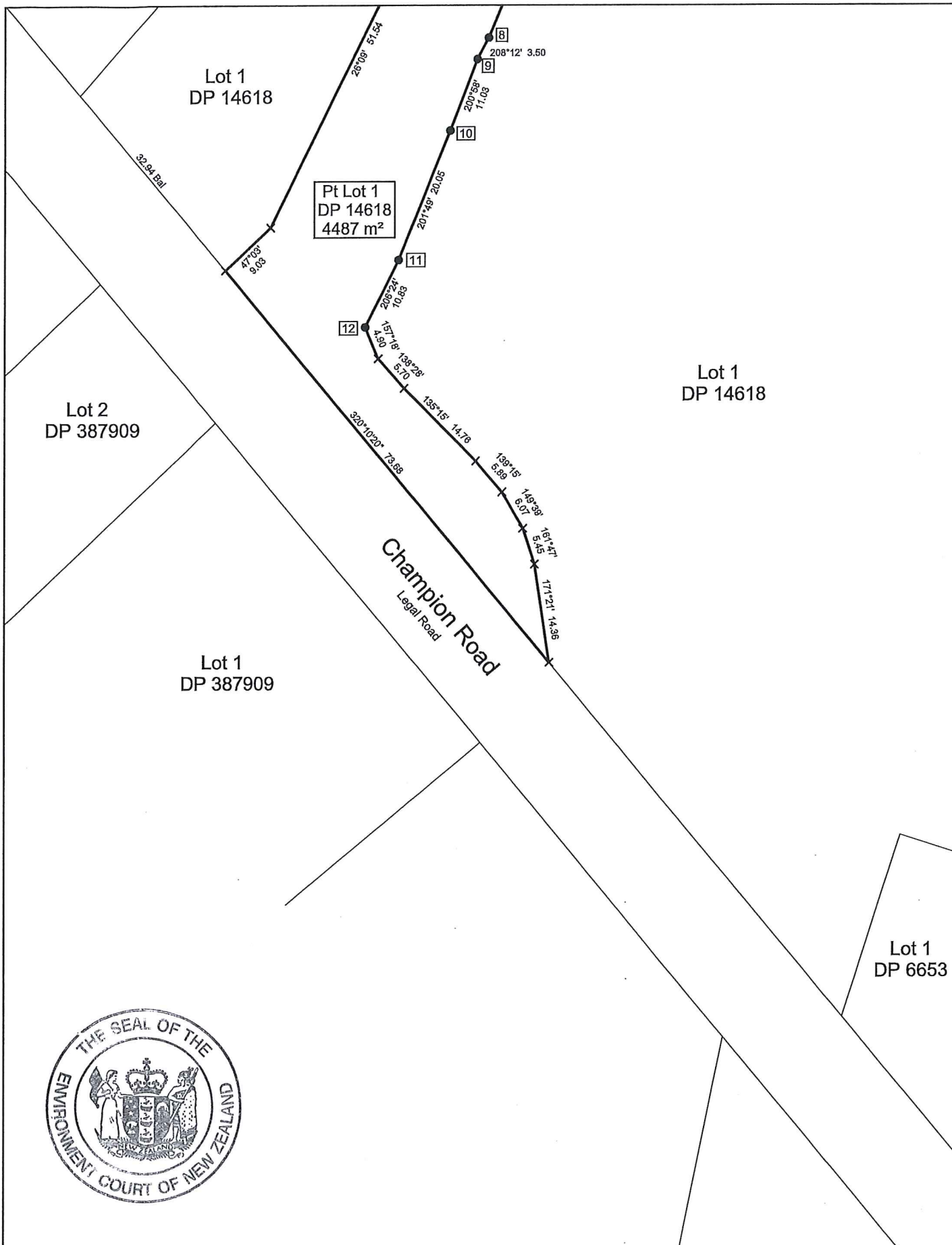
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Drawn by:	Craig Burnett
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