

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under cl 14 of Schedule 1 to
the Act
BETWEEN WOOLWORTHS NEW ZEALAND
LIMITED
(ENV-2019-WLG-000139)
Appellant
AND HUTT CITY COUNCIL
Respondent

Environment Judge B P Dwyer sitting alone pursuant to s 279 of the Act

In Chambers at Wellington

CONSENT ORDER

- [A] Under s 279(1)(b) of the Act, the Environment Court, by consent, orders that:
- (1) Proposed District Plan Change 43: Residential and Suburban Mixed Use to the City of Lower Hutt District Plan is amended as set out in Appendix A.
 - (2) The appeal is otherwise dismissed.
- [B] Under s 285 of the Act, there is no order as to costs.

REASONS

Introduction

- [1] The Court has read the notice of appeal and the memorandum of the parties dated 26 May 2020.



Other relevant matters

[2] Kāinga Ora – Homes and Communities and David L F Smith gave notice of an intention to become parties under s 274 to the appeal, and have signed the consent memorandum setting out the relief sought.

Orders

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

DATED at Wellington this 5th day of June 2020


B P Dwyer
Environment Judge



Appendix A

Policy 5E 3.2

Enable residential activities above ground floor, and Discourage residential activities at ground level except where development provides active building frontages to the street or public open space, and provides amenity and privacy for the residents of the site while enabling residential activities above ground floor.

