

IN THE ENVIRONMENT COURT  
AT WELLINGTON

I TE KŌTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA

Decision [2025] NZEnvC 227

IN THE MATTER	of an appeal under cl 14 of Schedule 1 of the Resource Management Act 1991
BETWEEN	FOODSTUFFS NORTH ISLAND LIMITED
	(ENV-2024-WLG-000026)
	Appellant
AND	WELLINGTON CITY COUNCIL
	Respondent

Court: Judge L J Semple sitting alone under s 279 of the Act

Hearing: On the papers

Last case event: 25 June 2025

Date of Decision: 4 July 2025

Date of Issue: 4 July 2025

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CONSENT ORDER

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A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) The appeal is resolved in full, with amendments to the plan provisions as set out in in **Annexure A** to this order;
- (2) The appeal is otherwise dismissed;



B: Under s 285 of the Resource Management Act 1991, there is no order as to costs.

## **REASONS**

### **Introduction**

[1] This is an appeal by Foodstuffs North Island Ltd (FSNI) against parts of the decision of the Wellington City Council (Council) in respect of the Proposed Wellington City District Plan (Proposed Plan).

[2] On 20 May 2024, FSNI filed its notice of appeal in this matter. That notice of appeal seeks relief in respect of amending, rezoning and removal in relation to the centre zone chapters of the Proposed Plan.

[3] Following mediation in respect of this appeal, the parties agreed that, subject to the Court's approval, this appeal can be disposed of by way of a consent order.

[4] The Court has read and considered the notice of appeal and the joint memorandum of counsel in support of the consent order dated 9 June 2025. The Court issued a minute on 16 June 2025 asking the parties to address the issue of jurisdiction to add a new paragraph (vii) to Rule CCZ-R18(1)(a) of the Proposed Plan.

[5] The parties responded with a joint memorandum dated 25 June 2025. I have considered that memorandum and accept the parties' explanation of scope. I am satisfied there is jurisdiction to make the change the parties have agreed.

### **Other relevant matters**

[6] No person gave notice of an intention to become a party under s 274 of the Act.

### **Orders**

[7] 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) representatives of all parties to the proceedings have executed the consent 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.

[8] Therefore, the Court orders the following, by consent:

- (a) The following Proposed Plan provisions relating to CCZ-R18 carparking activities are to be amended in accordance with **Annexure A**:
  - (i) Removal of mandatory public notification of resource consent applications made in respect of rule CCZ-R18.2.a.
  - (ii) Amending the permitted activity rule for carparking to include a new activity for reconfiguration for an existing carpark area, where the site is not expanded.
- (b) Save to the extent that the appeal is allowed, the appeal is otherwise dismissed.
- (c) There is no order for costs.

  
L J Semple

Environment Judge



**ANNEXURE A – PLAN PROVISIONS**

<b>CCZ-R18</b>	<b>Carparking activities</b>
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The activity involves:</p> <ul style="list-style-type: none"><li>i. Provision of car parks above ground floor level; or</li><li>ii. Provision of car parks below ground floor level; or</li><li>iii. Provision of parking spaces for people with disabilities; or</li><li>iv. Provision of ground floor level car parks that form part of a <a href="#">building</a> specifically constructed and used for carparking purposes and that complies with <a href="#">CCZ-S8</a>; or</li><li>v. Provision of ground floor level car parks that form part of a <a href="#">building</a>, are located to the rear of the <a href="#">site</a>, comply with <a href="#">CCZ-S8</a> and are not visible from the street; or</li></ul>

vi. Provision of car parks on a [road](#); or

vii. Reconfiguration of an existing carpark area (including where that reconfiguration results in a change to the type and/or number of parking or loading spaces provided) within the existing site boundary, provided that the existing carpark area within the site is not expanded.

2. Activity status: **Discretionary**

Where:

a. Compliance with the requirements of [CCZ-R18.1.a](#) is not achieved.

~~Notification status: An application for resource consent made in respect of rule CCZ-R18.2.a must be publicly notified.~~