

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ**

Decision No. [2026] NZEnvC 240

IN THE MATTER of the Resource Management Act 1991

AND an appeal under s120 of the Act

BETWEEN JANEFIELD ENTERPRISES
LIMITED

(ENV-2025-CHC-90)

Appellant

AND OTAGO REGIONAL COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 17 September 2026

CONSENT ORDER

A: Under s279(1)(b) RMA,¹ the Environment Court, by consent, orders that:

- (1) Consent RM22.550.01 contained in Annexure 1 is granted;
- (2) Consent RM22.550.02 is amended consistent with Annexure 2;
- (3) the appeal is otherwise dismissed.

¹ Resource Management Act 1991.



B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] The court has read and considered the appeal and the memorandum of the parties dated 14 August 2026.

[2] This consent order relates to the appeal filed by Janefield Enterprises Ltd (appellant) on the decision of the Otago Regional Council (Council) in relation to the following applications for coastal permits:

- (a) RM22.550.01: to alter and extend existing structures; and
- (b) RM22.550.02: to occupy the common marine and coastal area with a wharf, floating pontoon, access ramp and multipurpose building; at 21 Marine Parade, Taieri Mouth.

[3] The appellant initially sought consent from the Council to establish a multipurpose building (extending an existing wharf and structures) and to utilise the building for activities including recreation and education activities and overnight accommodation.

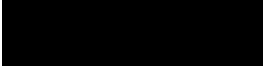
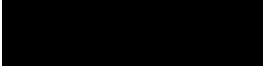
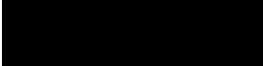
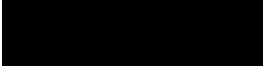
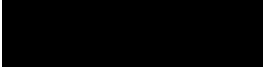
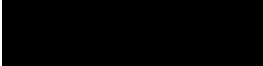
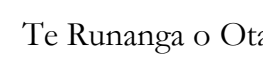
[4] The decision granted the application to occupy the coastal marine area (CMA) with a wharf, access ramp and floating pontoon at 21 Marine Parade for a term of 35 years and the associated application to construct the structures for 5 years. The decision did not approve the application to occupy the CMA with the proposed 80 m² multipurpose building and the associated overnight accommodation for residential and commercial purposes.

[5] The appeal sought relief that the coastal permits to alter and extend existing structures and occupy the common marine and coastal area with a wharf, access ramp, pontoon and multipurpose building for activities, including recreational,

sporting and educational use, and emergency, civil defence and regulatory services use be granted subject to conditions. Notably, the appeal did not challenge the decision to decline the overnight accommodation aspect of the proposal.

Other relevant matters

[6] The following parties joined the appeal as interested parties:

- (a) 
- (b) 
- (c) 
- (d) 
- (e) 
- (f) 
- (g) 
- (h) 
- (i) Te Runanga o Otakou.

[7] Te Runanga o Otakou withdrew their interest in the appeal on 13 February 2026.  withdrew his interest on 20 July 2026.

[8] The parties attended mediation on 20 July 2026 and reached agreement that would allow consent to be granted for the multipurpose building for activities including recreational, sporting and educational use, and emergency, civil defence and regulatory services subject to conditions.

Agreed outcome

[9] The multipurpose building must be constructed in accordance with the updated concept plans dated 1 March 2026. The concept plans are for a more modest building, including height and size limits and a design that is in keeping with other similar structures within the Otago CMA.

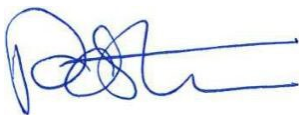
[10] The conditions of permit RM22.550.02 have been amended so that:

- (a) the multipurpose building is included within the occupation of the common marine and coastal area;
- (b) the area subject to occupation is an exclusive right to occupancy, and access to the facility may be granted to the public by way of hire through a booking system;
- (c) the multipurpose building must not be used for overnight accommodation, and the building may only be hired between the hours of 5 am and 10 pm (with the exception of occupation for emergency services and civil defence authorities to be allowed at any time); and
- (d) Appendix A has also been updated to reflect the new concept plans.

Orders

[11] The court is making this order under s279(1)(b) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties with an interest in this appeal 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 RMA, including in particular pt 2.



P A Steven
Environment Judge





Our Reference: 1984267334-43905

Consent No. RM22.550.01

COASTAL PERMIT

Pursuant to Section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Janefield Enterprises Limited

Address: Cook North & Wong, 8 Moray Place, Dunedin Central, Dunedin, 9016

To alter and extend existing structures into a multipurpose building upon the existing wharf with an access ramp and pontoon

For a term expiring XX MONTH 2031

Location of consent activity: Common Marine and Coastal Area adjacent to 21 Marine Parade, Taieri Mouth.

Legal description of consent location: Common Marine and Coastal Area

Map Reference (NZTM2000) approximate E1382752 N4896309

midpoint of site:

Conditions

Specific

1. The construction activities required to alter and extend the existing structures into a multipurpose building upon the existing wharf with an access ramp and pontoon must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Consent Authority as consent number RM22.550:
 - a) The updated concept plans dated 1 March 2026.

If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.
2. This consent must not be exercised until Coastal Permit 2006.321 has been surrendered or has expired.
3. No part of the construction activities may occur from the water.
4. Construction activities must only occur from Monday to Saturday between the hours of 7:30 AM and 6:00 PM.
6. Construction noise must adhere to noise limits prescribed in the New Zealand Standard Acoustics - Construction Noise NZS 6803:1999.

Advice note: Noise must be measured immediately adjacent to the wharf in accordance with New Zealand Standard 6801:2008: Acoustics – Acoustics - Measurement of Environmental Sound.

7. The Consent Holder must take all reasonably practicable measures to avoid the discharge of water or contaminants into the coastal marine area during the construction activities.



Performance Monitoring

8. No less than 30 working days prior to the commencement of construction, the Consent Holder must provide to the Consent Authority for certification a detailed design for the proposed multipurpose building. Certification will be limited to ensuring that the detailed design is consistent with the concept design as illustrated on the concept plans dated 1 March 2026 in relation to:
- a) The height of the multipurpose building does not exceed 4m when measured from the floor level of the existing container;
 - b) The footprint of the multipurpose building does not exceed 70m² with the land most boundary being the edge of the existing container (for clarity, the footprint of the multipurpose building is measured as the area of the building and does not include the wheelchair access, wharf and pontoon));
 - c) Colour (exterior) of the multipurpose building must have a light reflectance value of less than 30%;
 - d) The location of a kitchenette within the multipurpose building;
 - e) Location and extent of glazed windows on the multipurpose building;
 - f) Wastewater and stormwater management within the multipurpose building;
 - g) Freeboard of the multipurpose building is above the wharf level;
 - h) Provision of a fire fighting water supply that complies with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (Code of Practice).
 - i) Confirmation from a suitably qualified access consultant that the proposed design complies with the relevant disability access requirements.

The Consent Holder must not commence any construction activity until written certification has been provided by the Consent Authority.

The Consent Holder must also provide these detailed design documents required by condition 8 to the interested parties (274 parties) contained in Appendix A by email at the same time the documents are provided to the Consent Authority for certification.

9. The Consent Holder must notify the Consent Authority in writing of the commencement date of the construction works and provide photographs of the areas where work is to be undertaken, no less than 10 working days prior to the commencement of works.

Photographs must be in colour and be no smaller than 200 x 150 millimetres in size and be in JPEG form.

10. The Consent Holder must complete the construction works within six months of the commencement of these works as notified to the Consent Authority in Condition 9.
11. The Consent Holder must notify the Consent Authority in writing of the completion of construction works and provide photographs of the completed multipurpose structure, no less than 10 working days following the completion of works. Photographs must be in colour and be no smaller than 200 x 150 millimetres in size and be in JPEG form.
12. The Consent Holder must maintain a record of any complaints about the construction works. The register must include, but not be limited to:



- a) The date, time, location and nature of the complaint;
- b) The name, phone number, and address of the complainant, unless the complainant elects not to supply this information;
- c) Action taken by Consent Holder to remedy the situation and any policies or methods put in place to avoid or mitigate the problem occurring again.

The Consent Holder must, within 24 hours, inform the Consent Authority of any complaints received from any person about activities on the site associated with the consented works.

13. Where information is required to be provided to the Consent Authority in conditions this is provided in writing to compliance@orc.govt.nz, and the email heading is to reference RM22.550.01 and the condition/s the information relates to.

General

14. All machinery; temporary fencing and signs; chemicals; rubbish, debris and other materials must be removed from the site within 48 hours of the completion of the construction activities.

Notes to Consent Holder

15. *If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application (and any appeals are determined).*
16. *The Consent Holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, the Biosecurity Act 1993, the Conservation Act 1987, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
17. *The Consent Holder will be required to pay the Consent Authority any administration and monitoring charge to recover the actual and reasonable costs incurred to ensure ongoing compliance with the conditions attached to this consent, collected in accordance with Section 36 of the Resource Management Act 1991.*

Issued at Dunedin this day of

Alexandra King
Manager Consents



Appendix A – Parties to receive copy of the detailed design of the project

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]





Our Reference: 1984267334-43906

Consent No. RM22.550.02

COASTAL PERMIT

Pursuant to Section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: JaneFieldOnumai Enterprises Limited

Address: Cook North & Wong, 8 Moray Place, Dunedin Central, Dunedin, 9016

To occupy the common marine and coastal area with a wharf, access ramp, ~~and~~ floating pontoon, and multipurpose building for activities including the purpose of residential and commercial accommodation purposes, recreational, sporting, and educational use, and emergency, civil defence, and regulatory services use.

For a term expiring ~~XX MONTH~~ 20619

Location of consent activity: Common Marine and Coastal Area adjacent to 21 Marine Parade, Taieri Mouth.

Legal description of consent location: Common Marine and Coastal Area

Map Reference (NZTM2000) approximate E1382752 N4896309

midpoint of site:

Conditions

Specific

1. The occupation of the common marine and coastal area must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Consent Authority as consent number RM22.550 (as amended by the updated concept plans dated 1 March 2026 referred to below):
 - a) Application titled Application for Resource Consent Onumai Enterprises 21 Marine Parade Taieri Mouth, prepared by Cubitt Consulting Limited, dated June 2022, including application forms 1 and 12B, and Appendices 1-3;
 - b) Responses to s92(1) requests for further information:
 - i. Letter titled Section 92(1) response for Consent Application Number RM22.550, undated and unsigned;
 - ii. Landscape assessment report titled Proposed Boatshed, 21 Marine Parade, Taieri Mouth, Natural Character and Landscape Effects Assessment, prepared by Mike Moore, dated 26 January 2023;
 - iii. Graphic supplement to Mike Moore report
 - iv. Revised design plans, prepared by Bernard Young Architecture, each dated 31 March 2023.
 - ~~v.~~ Emails from Allan Cubitt to Shay McDonald, dated 21 July 2023.

c) The updated concept plans dated 1 March 2026.

~~e)~~

If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.

2. This consent must not be exercised until Coastal Permit 2006.321 has been surrendered or has expired.



3. The occupation of the Common Marine Area and Coastal Area must be restricted to the area occupied by the wharf, multipurpose building, access ramp, pontoon, and all appurtenant component and accessory structures as indicated in Appendix A of this consent.

4. The occupation of the Common Marine and Coastal Area by the authorised structures is ~~not~~ an exclusive right of occupancy. Access to, and use of, the facility may be granted to the public by way of hire through a booking system. Except where access is granted by the consent holder, the general public are excluded ~~The general public or any persons may not be excluded~~ from the area ~~or and~~ any part of the ~~wharf and pontoon area~~ to which this consent applies including the multipurpose building.

4.5. The multipurpose building must not be used for overnight accommodation at any time and may only be occupied or hired between 5am and 10pm, with the exception of occupation for emergency services and civil defence authorities.

Advice note: Condition 5 was a requirement of the mediation agreement that resolved ENV-2025-CHC-90 key outcome of the mediation process and was fundamental to the agreement reached between the parties to enable the grant of consent.

~~5. The gate to the access ramp on the northwestern side of the wharf must not be locked at any time.~~

6. The floating pontoon must at all times remain securely fixed to the wharf, and must remain on the southeastern side of the wharf as indicated in Appendix A of this consent.

7. Noise from the site must not exceed:

- a) 55 dBA between 7:00 AM to 10:00 PM Monday to Sunday; and
- b) 45 dBA between 10:00 PM and 7:00 AM Monday to Sunday.

Advice note: Noise must be measured immediately adjacent to the wharf in accordance with New Zealand Standard 6801:2008: Acoustics – Acoustics - Measurement of Environmental Sound.

8. The structures authorised by this consent must be maintained in a tidy, safe and structurally sound condition at all times. The Consent Holder is to ~~crane and hoist are to~~ provide clear instructions about the use of the crane and hoist to any persons that use it and the crane and hoist will be maintained in a good state of repair. The crane and hoist will be available for use via an online registration system, subject to necessary health and safety controls.

~~9.~~ The Consent Holder must not make a complaint to the Consent Authority in relation to any lawful commercial fishing operations in the vicinity of the site, nor may any such complaints be made on behalf of any ~~person~~ occupier or user during the use of any structure authorised by this coastal permit.

~~10.9.~~ At all times during the exercise of the consent:

- a) The assigned coastal permit number plaque RM22.550.02 must be affixed and clearly displayed on the landward side of the multipurpose building ~~wharf~~;
- b) Any lighting must use Dark Sky Approved Luminaries;
- c) No advertising signage may be erected on the multipurpose building, the wharf, access ramp or pontoon ~~wharf or pontoon~~



Performance Monitoring

~~11. Within one month of the commencement of this consent, the Consent Holder must install and maintain signage on the landward side of the multipurpose building that:~~

~~a) States that all areas of the wharf and pontoon are available to be accessed by the public at any time; and~~

~~b) Provides information that enables the public to arrange an appointment to access the crane and winch.~~

~~42.10.~~ a) ~~On the fifth anniversary of the grant of consent~~~~By 30 September 2020~~, and thereafter on the same date every five years, the Consent Holder must submit to the Consent Authority a structural integrity assessment for the multipurpose building, the wharf, pontoon, and all appurtenant component and accessory structures, including the two access ramps and the crane with winch.

b) This report must assess the structural integrity of the aforementioned structures and includes an assessment of any remedial work required.

c) The report must be prepared by an independent and suitably qualified engineer.

~~13.11.~~ a) All identified remedial work through the structure integrity assessment required by Condition ~~102~~ must be completed by an independent and suitably qualified engineer or builder within 90 working days of this assessment having been completed.

b) The Consent Holder must submit photographic evidence to the Consent Authority showing that the works have been completed and written certification from an independent and suitably qualified engineer that the works have been completed in the form of a completion report.

c) Photographs must be in colour and be no smaller than 200 x 150 millimetres in size and be in JPEG form.

~~14.12.~~ By 1 December each year, the Applicant must provide to the Consent Authority written record of the number and type of recreational, educational, or sporting events that have been held at the site within the preceding 12 months.

~~45.13.~~ The Consent Holder must maintain a record of any complaints about the use of any structure authorised by this consent. The Consent Holder must provide the record to the Consent Authority within 5 working days of written request by the Consent Authority. The ~~register record~~ must include, but not be limited to:

a) The date, time, location and nature of the complaint;

b) The name, phone number, and address of the complainant, unless the complainant elects not to supply this information;

c) Action taken by the Consent Holder to remedy the situation and any policies or methods put in place to avoid or mitigate the problem occurring again.

The Consent Holder must, within 24 hours, inform the Consent Authority of any complaints received from any person about activities on the site associated with the consented activities.

~~16.14.~~ Where information is required to be provided to the Consent Authority in conditions this is provided in writing to compliance@orc.govt.nz, and the email heading is to reference RM22.550.02 and the condition/s the information relates to.

Notes to Consent Holder

1. *If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application (and any appeals are determined).*
2. *The Consent Holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, the Biosecurity Act 1993, the Conservation Act 1987, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
3. *The Consent Holder will be required to pay the Consent Authority any ~~insert frequency if required annual/biannual~~ administration and monitoring charge to recover the actual and reasonable costs incurred to ensure ongoing compliance with the conditions attached to this consent, collected in accordance with Section 36 of the Resource Management Act 1991.*
4. *The Consent Holder is advised that any event requiring occupation of the common marine and coastal area outside the bounds of the structures specifically authorised by this coastal permit may require additional resource consents.*

Issued at Dunedin this day of

Alexandra King
Manager Consents



Appendix A – ~~Proposed extent of occupation.~~Structure and Pontoon Location



Proposed Layout Changes – Retains most of the existing structures



