

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management
Act 1991 (**the Act**)

AND

IN THE MATTER of an appeal under Clause 14
of the First Schedule to the Act

BETWEEN ALASTAIR SIMS
(ENV-2016-AKL-000136)

Appellant

AND THAMES-COROMANDEL
DISTRICT COUNCIL

Respondent

Environment Judge D A Kirkpatrick sitting alone under section 279 of the Act
In Chambers at Auckland

CONSENT ORDER

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

- (1) the appeal is allowed subject to the agreed amendments to the
proposed Thames-Coromandel District Plan set out in 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 appeal relates to the proposed Thames-Coromandel District Plan. The appellant appealed Section 27.6 'Hahei Entrance Interim Structure Plan' and Planning Map 19A Zones 'Hahei' seeking either an opportunity to submit a structure plan, or for his property at 122A Hahei Beach Road, Hahei to be rezoned to 'Rural Residential'. The parties agree that:
- (a) The appellant's submission to the proposed Thames-Coromandel District Plan only provides scope for the rezoning request; and
 - (b) As there is no 'Rural Residential' zone in the proposed Thames-Coromandel District Plan, and because the appellant had sought a Low Density Residential zone in his submission, that would be the zoning applied to his property at 122A Hahei Beach Road, Hahei (which was formerly, prior to a subdivision in 2009, 132 Hahei Beach Road, Hahei).
- [2] The parties have now reached an agreement that will resolve the relief sought by the appellant, and this appeal in its entirety.
- [3] In making this order the Court has read and considered the appeal and the memorandum of the parties dated 3 March 2017.
- [4] William Somerville, Sally Atwell, Carolyn Dash, Wendy Harsant, Kaye Clapperton, Melissa Harsant, Mark Atwell, Sarah Hills, Stuart Clapperton, Joanne Todd and Lisa Clapperton gave notices of intention to become parties under s 274 of the Act. All of these parties have signed the memorandum of the parties setting out the relief sought.
- [5] The Court is making this order under s 279(1)(b) 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.

Order

- [6] Therefore the Court orders, by consent, that the appeal is allowed to the extent that the Thames-Coromandel District Council is directed to amend Planning Map 19A Zones 'Hahei' of the proposed Thames-Coromandel District Plan as shown in Annexure "A" to illustrate that the appellant's land is now zoned 'Low Density Residential'.
- [7] This Order resolves the appeal by the appellant and the all the section 274 interests in the appeal in their entirety.
- [8] There is no order as to costs in relation to this order.

DATED at Auckland this *28th* day of *March* 2017

[Handwritten Signature]

D A Kirkpatrick
Environment Judge



"A"

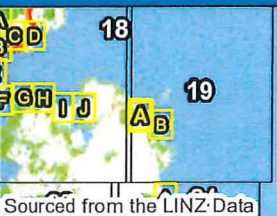




19

19B

19



MAP 19A ZONES
HAHEI
 PROPOSED DISTRICT PLAN - Appeals Version
 Scale 1:7,500 at A4 Paper Size

0 0.05 0.1 0.2 0.3 0.4 km

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**THAMES
 COROMANDEL
 DISTRICT COUNCIL**

MAP PRINTED
 February 2017