

**BEFORE THE ENVIRONMENT COURT**

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

AND of an appeal pursuant to Clause 14 of  
the First Schedule to the Act

BETWEEN B AND K McMILLAN  
(ENV-2016-AKL-000124)

AND THAMES-COROMANDEL DISTRICT  
COUNCIL

Respondent

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

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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 allowed subject to the amendments set out in  
Annexure A and Annexure B 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.



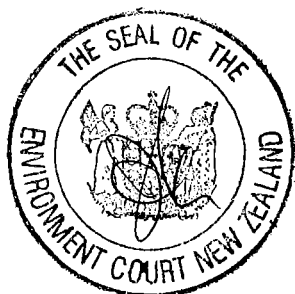
## REASONS

### Introduction

- [1] This appeal relates to Designation TC117, which is a Designation by Thames-Coromandel District Council that is noted in Appendix 2 (Designations Schedule) and Map 11E of the proposed Thames-Coromandel District Plan. The appellants have sought that the Designation be removed in its entirety from the Plan.
- [2] The parties to this appeal have reached an agreement that will resolve the relief sought by the appellants in its entirety.
- [3] In making this order the Court has read and considered the appeal and the memorandum of the parties dated 15 May 2017.
- [4] No party has joined this appeal under s 274 of the Act.
- [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 the proposed Thames-Coromandel District Plan as shown in Annexure "A" (additions are underlined / deletions are ~~struck through~~) by removing Designation TC117, and deleting the references to it from Appendix 2 and



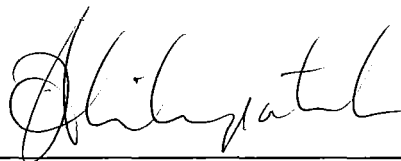
Map 11E. In doing so, Thames-Coromandel District Council will have first removed the Designation pursuant to s 182 of the Act.

[7] This order resolves the appeal in its entirety.

[8] There is no order as to costs in relation to this order.

DATED at Auckland this *25<sup>th</sup>* day of *May*

2017



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D A Kirkpatrick  
Environment Judge



"A"

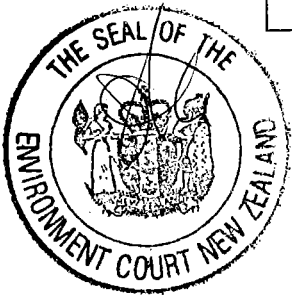
Appendix 2 - Designations Schedule

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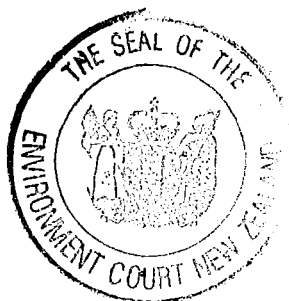
2.6 THAMES-COROMANDEL DISTRICT COUNCIL

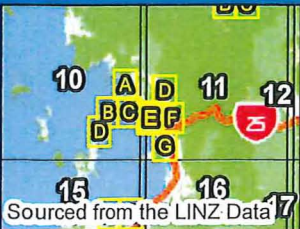
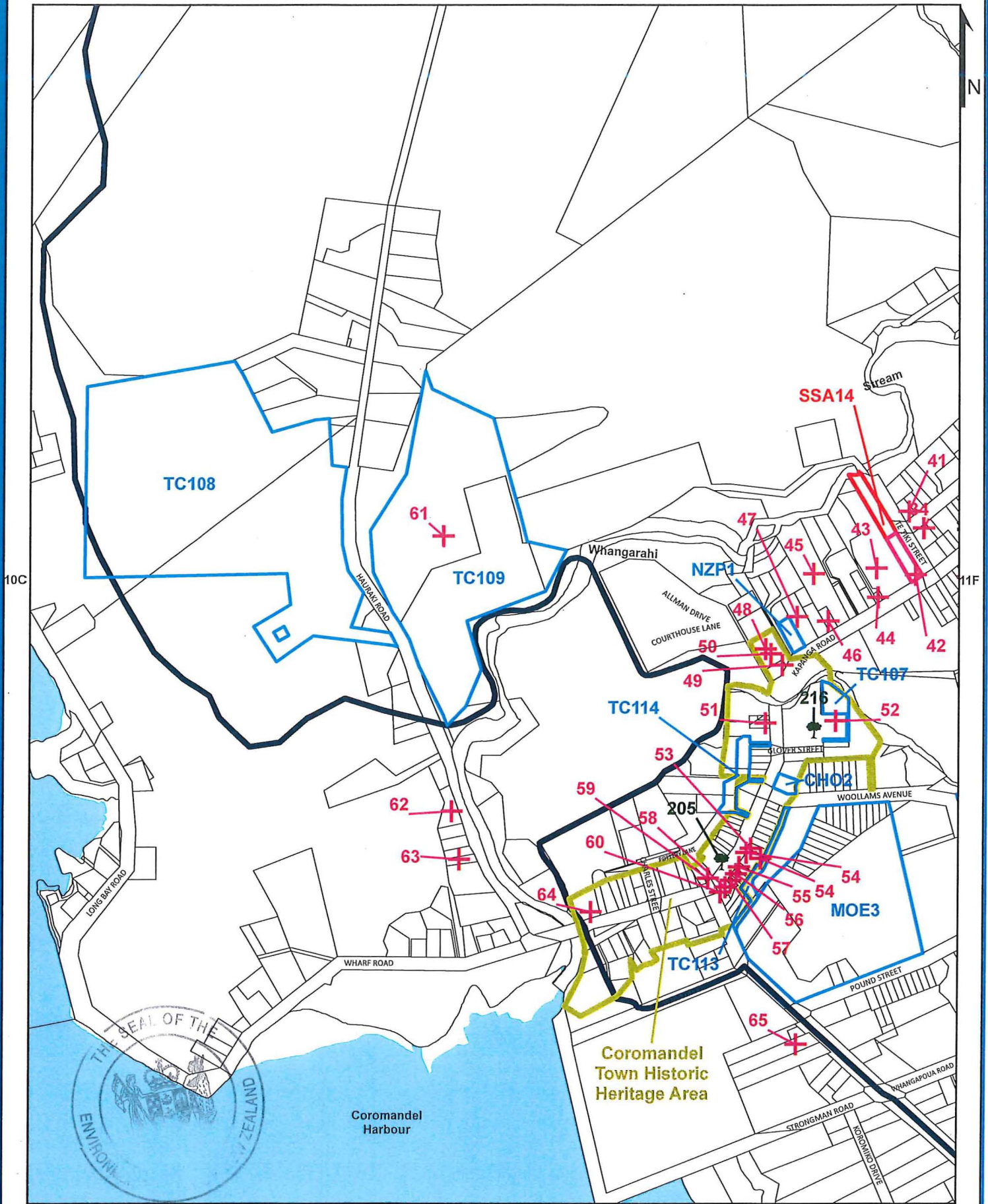
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TC116	11F	Proposed bypass	Proposed road	Whangapoua Road, Coromandel Town	Pt Lot 3 and Lot 4 DP 12396; Lots 1 and 2 DP 324052; Lot 7 DP 397312
TC117	11E	Proposed road	Proposed road	Pottery Lane, Coromandel	Lot 4 DPS 62243
...					



**Map 11E will appear as follows once the reference to TC117  
has been removed**





Sourced from the LINZ Data 17

MAP 11E OVERLAYS  
**COROMANDEL**  
 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

*Oh*

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MAP PRINTED  
March 2017