

**BEFORE THE ENVIRONMENT COURT**

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

AND

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

BETWEEN K VERNON  
(ENV-2016-AKL-000084)

Appellant

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 point concerning exclusions to the definition of  
"Building" is allowed, subject to the agreed amendments to the  
proposed Thames-Coromandel District Plan set out in this order.

[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 exclusions from the definition of "Building" in Section 3 of the Decisions Version of the Thames-Coromandel Proposed District Plan.
- [2] In terms of the case management of the Proposed Plan appeals, this appeal point falls within the Topic 10: Background, Definitions, Residual Issues. The parties have reached an agreement that will completely resolve the relief sought by the appellant in relation to the definition of "Building".
- [3] In making this order the Court has read and considered the appeal and the memorandum of the parties dated 16 November 2017.
- [4] There are no s 274 parties to the appeal that have an interest in the appeal point forming the subject of this order.
- [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 second and final bullet point of the exclusions in the definition of "Building" (in Section 3 of the Proposed Plan) as follows. Additions are underlined and deletions are ~~struckthrough~~:



**Building** means any structure, whether temporary or permanent, movable or immovable, but excludes any of the following:

- Structure no higher than 1.5 m;
- A maximum of two freestanding structures per lot no greater than 0.3 m wide (maximum horizontal dimension), and no higher than an additional one ~~third~~ fifth of the maximum permitted height or HRB standard in the applicable ~~rule~~ zone whichever is the most restrictive;

...

- ~~Telecommunication dish (e.g. for communications, TV).~~

- [7] The Council must also make consequential changes to remove advice notes in the rules of the Proposed Plan that refer to the exclusions in the definition of "Building".
- [8] This Order resolves the appellant's appeal point on the definition of "Building" coded to "Topic 10: Background, Definitions, Residual Issues" in its entirety. All other aspects of the appellant's appeal remain extant where not already addressed through other consent documentation.
- [9] There is no order as to costs in relation to this order.

DATED at Auckland this 24<sup>th</sup> day of November 2017



  
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D A Kirkpatrick  
Environment Judge