

**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 N BOWSKILL AND K KLAGES-BOWSKILL  
(ENV-2016-AKL-000090)

Appellants

AND THAMES-COROMANDEL DISTRICT  
COUNCIL

Respondent

Environment Judge D A Kirkpatrick sitting alone under s 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 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.



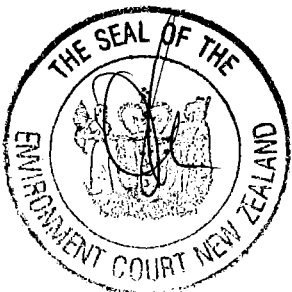
## REASONS

### Introduction

- [1] This appeal relates to the zoning of the appellants' land at 1 Orchard Road, Hahei (DPS 60434) in the proposed Thames-Coromandel District Plan (**Proposed Plan**). The Proposed Plan zoned the appellants' land as Rural. In their appeal they requested it be rezoned to Coastal Living Zone.
- [2] The parties have now reached an agreement that will completely resolve the relief sought by the appellants.
- [3] In making this order the Court has read and considered the appeal and the memorandum of the parties dated 3 November 2017.
- [4] The New Zealand Transport Agency (**Transport Agency**) gave a notice of intention to become a s 274 party to the appeal. It has signed the memorandum of the parties seeking 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 Proposed Plan as follows:



(a) Amend Planning Map 19A Zones – Hahei, as shown in Annexure “A” so that the Appellants’ land is shown as being zoned Coastal Living Zone.

(b) Amend Table 2 in Section 38 (Subdivision) as shown in Annexure “B”.

[7] This order resolves the appellants’ appeal in its entirety. It also completely resolves the s 274 interest of the Transport Agency.

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

DATED at Auckland this 8<sup>th</sup> day of November 2017



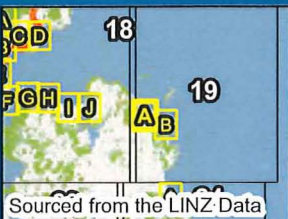
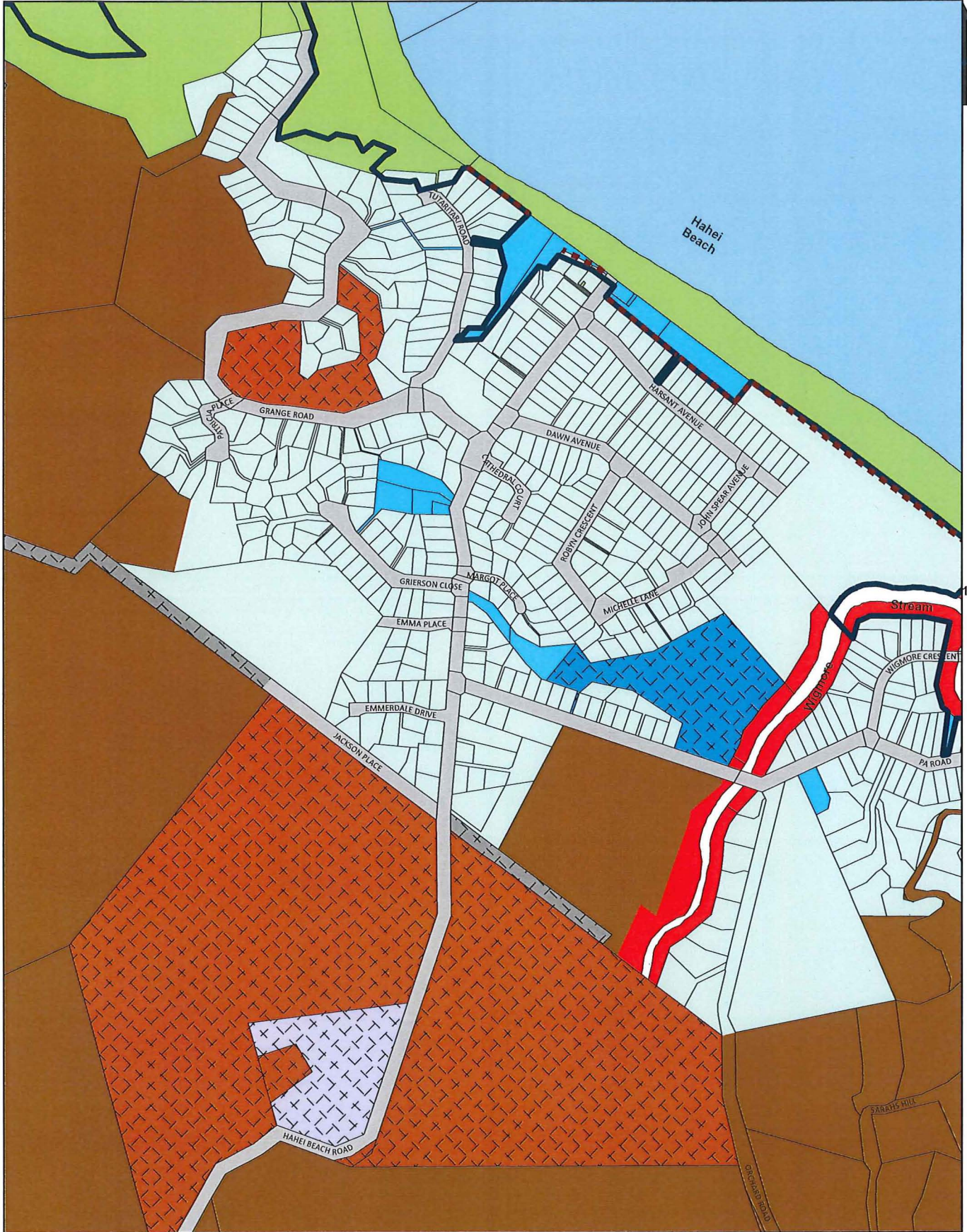
A handwritten signature in black ink, appearing to read "D A Kirkpatrick", is written over a horizontal line.

D A Kirkpatrick  
Environment Judge

"A"







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

Cadastral Information derived from Land Information New Zealand's Core Record System (CRS). CROWN COPYRIGHT RESERVED.



**THAMES COROMANDEL DISTRICT COUNCIL**

MAP PRINTED November 2017

"B"





## Section 38 - Subdivision

### 38.7 ASSESSMENT STANDARDS, MATTERS AND CRITERIA

Table 2 – Subdivision standards for one or more additional lots		
<b>2.</b>	<b>Coastal Living Zone (excluding Lot 1 DPS 60434 at Hahei)</b>	
a)	Minimum net lot area when lot is able to connect to wastewater reticulation.	800 m <sup>2</sup>
b)	Minimum net lot area when lot does not connect to wastewater reticulation.	1,200 m <sup>2</sup>
c)	Minimum shape circle diameter.	20 m
<b>2A.</b>	<b>Coastal Living Zone (Lot 1 DPS 60434 at Hahei)</b>	
a)	Minimum net lot area	2500 m <sup>2</sup>
b)	Average lot density	4400 m <sup>2</sup>
c)	Minimum shape circle diameter	20 m



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