

BEFORE THE ENVIRONMENT COURT

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

AND of appeals pursuant to Clause 14 of the
First Schedule to the Act

BETWEEN THE TOKEROA FAMILY TRUST LIMITED
(ENV-2016-AKL-000104)

N AND I LANE
(ENV-2016-AKL-000107)

Appellants

AND THAMES-COROMANDEL DISTRICT
COUNCIL

Respondent

Environment Judge C J Thompson 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 appeals are allowed to the extent that the Thames-Coromandel District
Council is directed to amend Planning Map 7B Overlay 'Tuataewa' of the
Proposed Plan in accordance with the map attached at **Annexure A** to this
order.
- (2) This Order resolves the appellants' appeal points coded to the Landscape
topic in their entirety.



- [B] Under s 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

- [1] These appeals relate to the proposed Thames-Coromandel District Plan. The appellants appealed Planning Map 7B Overlay 'Tuataewa' of the Proposed Plan, seeking that the Outstanding Natural Features and Landscape overlay be removed from parts of their respective properties. These aspects of the appeals were grouped in the Landscape topic of the Proposed Plan appeals.
- [2] The parties to the Landscape aspects of the appeals have reached an agreement that will resolve the relief sought by the appellants on the Outstanding Natural Features and Landscapes Overlay matters in their entirety.
- [3] In making this order the Court has read and considered the appeals and the memorandum of the parties dated 17 November 2017.
- [4] The Tokeroa Family Trust Limited, Keith Vernon and Waikato Regional Council gave notices of intention to become s 274 parties to the Landscape aspect of the Noel and Isaac Lane appeal. Noel and Isaac Lane, Keith Vernon and Waikato Regional Council gave notices of intention to become s 274 parties to the Landscape aspect of the Tokeroa Family Trust Limited appeal. These s 274 parties agree with the order sought by the appellants.
- [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

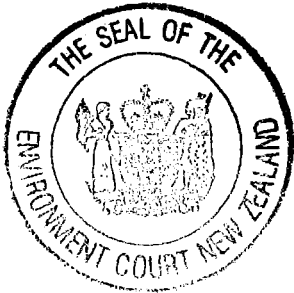
- [6] Therefore the Court orders, by consent, that the appeals are allowed to the extent that the Thames-Coromandel District Council is directed to amend Planning Map 7B Overlay 'Tuataewa' of the Proposed Plan in accordance with the map attached at **Annexure A** to this order.

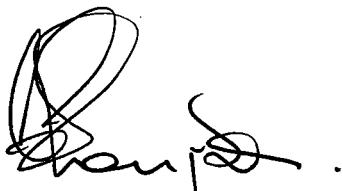
- [7] This Order resolves the appellants' appeal points coded to the Landscape topic in their entirety.

- [8] The appeal by Noel and Isaac Lane is resolved in its entirety and the appeal by the Tokeroa Family Trust Limited is resolved in part. All other matters in the appeal by The Tokeroa Family Trust Limited remain extant where they have not already been addressed through other consent documentation.

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

DATED at Auckland this *4th* day of *December* 2017

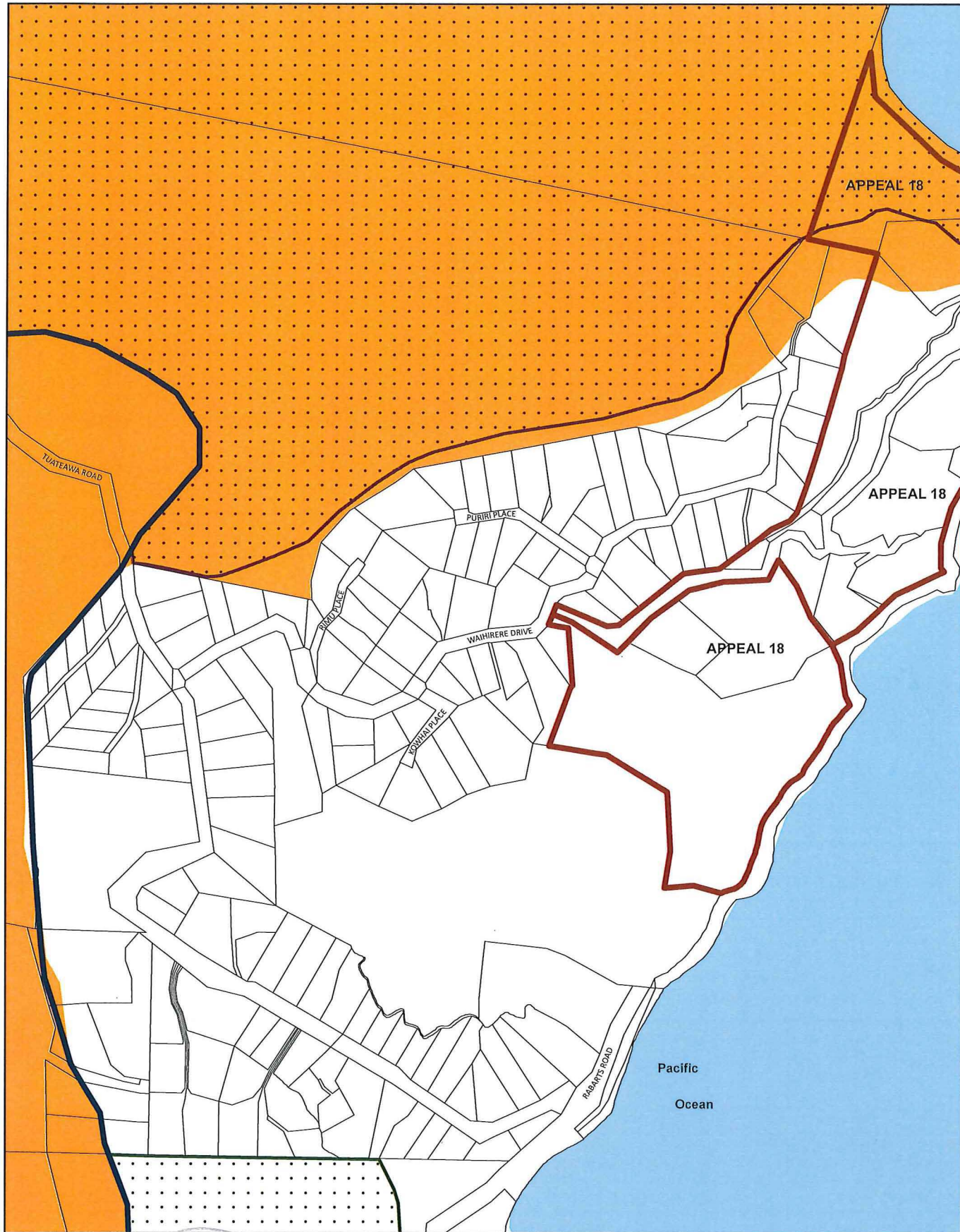




C J Thompson
Environment Judge

ANNEXURE A



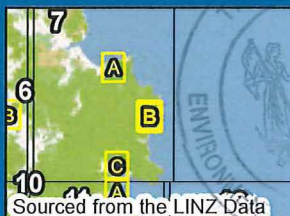
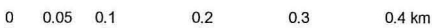


MAP 7B OVERLAYS

TUATEAWA

PROPOSED DISTRICT PLAN - Appeals Version

Scale 1:7,500 at A4 Paper Size



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MAP PRINTED
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