

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2025] NZEnvC 030

IN THE MATTER

of an appeal under clause 14 of the First
Schedule to the Resource Management
Act 1991

BETWEEN

CONTACT ENERGY LIMITED

(ENV-2024-AKL-000165)

Appellant

AND

TAUPŌ DISTRICT COUNCIL

Respondent

Court: Chief Environment Court Judge D A Kirkpatrick sitting alone
under s 279 of the Act

Last case event: 16 December 2024

Date of Order: 30 January 2025

Date of Issue: 30 January 2025

CONSENT ORDER

A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment
Court, by consent, orders that Taupō District Council is directed to make the



Contact Energy Limited v Taupō District Council

amendments shown in **Appendix 1** to this Order in respect of the following provisions of the Taupō District Plan:

- (1) the Rural Lifestyle Overview (3b.1);
- (2) Policy 3b.3.17; and
- (3) a new precinct map with associated text called the Centennial Drive Rural Lifestyle Environment Precinct.

B: The relief sought in paragraph 32(a) of the notice of appeal relating to the zoning of Centennial Drive is otherwise dismissed.

C: Under s 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This matter concerns an appeal by Contact Energy Limited (**Contact Energy**) against part of the Taupō District Council's decisions to approve Plan Change 42 to the Taupō District Plan (**PC42**) relating generally to zoning of land to Rural Lifestyle Environment zone.

[2] PC42 has been proposed by the Council to review the Rural Chapter of the Taupō District Plan. One aspect of PC42 involves dividing the Rural Environment zone into a General Rural Environment zone (**GRE**) and a Rural Lifestyle Environment zone (**RLE**) to recognise and maintain the distinct established characters of open space for primary production and rural lifestyle living in specific locations.

[3] This Order relates to the relief sought in paragraph 32(a) of the notice of appeal by Contact Energy relating to the zoning of Centennial Drive.

[4] Contact Energy has concerns about further intensification in this area, given complaints regarding its activities which are in proximity to the Centennial Drive RLE area. It sought that the area be rezoned GRE instead.

[5] The Council has amended the provisions in relation to Centennial Drive RLE area which provide for less intensification under the RLE provisions than under the GRE provisions. The Council also had concerns that a GRE zoning had the potential to create internal adverse effects within the Centennial Drive Environment, given the extensive change to the GRE provisions from the operative Rural Environment provisions.

Mediation and agreement

[6] The parties attended Court-assisted mediation on 6 December 2024 and reached agreement on a proposed resolution of this part of Contact Energy's appeal. The resolution maintains the RLE zoning in this area but identifies a new precinct on the planning maps for the Centennial Drive RLE which includes text acknowledging the existing land development pattern and nature of the surrounding activities. A supporting policy 3b.3.17 is reworded and cross-references are added to rules restricting development, including rules 4b.4.4.iii, 4b.3.2.iii, and 4b.5.7.v.

[7] The rationale of the parties for the proposed amendments is that RLE is the most appropriate underlying zoning for the area within the scope of PC42, while the precinct provides:

- (a) geographical identification of the area; and
- (b) restrictions on subdivision and development to ensure landowners and occupiers are aware of surrounding land uses which include potentially activities, incompatible including geothermal power stations and steamfield activities, the motorsport park, aerodrome, racecourse and the Industrial Environment.

[8] The Court notes that EF Deadman Limited gave notice of an intention to join the appeal pursuant to s 274 of the RMA but has advised that it is not interested in this aspect of the appeal and otherwise agrees with the proposed amendments.

Consideration

[9] The Court has read and considered the notice of appeal dated 26 July 2024 and the joint memorandum of the parties dated 12 December 2024.

[10] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. 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.

[11] The Court is satisfied that the changes sought are within the scope of Contact Energy's submission and appeal and that the agreement reached by the parties is one that appropriately represents their various interests. It is clear the parties have considered other reasonably practicable options and assessed their relative costs and benefits.

[12] I conclude the parties have taken a nuanced and balanced approach, and the agreed amendments are the most appropriate way to achieve the purpose of the Act and the objectives in the Plan. Overall, I consider the sustainable management purpose and the other relevant requirements of the Act are broadly met.

Orders

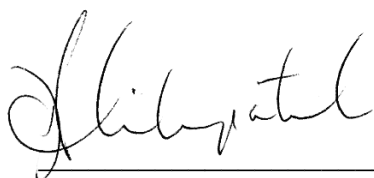
[13] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that Taupō District Council is directed to make the amendments shown in Appendix 1 to this Order in respect of the following provisions of the Taupō District Plan:

- (a) the Rural Lifestyle Overview (3b.1);

- (b) Policy 3b.3.17; and
- (c) a new precinct map with associated text called the Centennial Drive Rural Lifestyle Environment Precinct.

[14] The relief sought in paragraph 32(a) of the notice of appeal relating to the zoning of Centennial Drive is otherwise dismissed.

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



D A Kirkpatrick

Chief Environment Court Judge



Appendix 1 – Amendments to the Taupō District Plan

Note that new text is shown in underline, and deletions are shown in ~~strikethrough~~.

3b Rural Environment Chapter

3b.1 Introduction – Rural Lifestyle Environment

By creating separate areas in appropriate locations within the Rural Environment, the Rural Lifestyle Environment creates areas for rural living on smaller property sizes, whilst retaining separation from the rural production and other activities in the General Rural Environment. This separation of activities serves to minimise reverse sensitivity issues. By concentrating rural residential development within the Rural Lifestyle Environment this serves to preserve the rural character and the productive potential of the rest of the Rural Environment, and to reduce the potential for land use conflict.

The Centennial Drive Rural Lifestyle Environment Precinct is an area with the potential for heightened effects. This is due to its proximity to multiple lawfully established activities including geothermal power stations and steamfield activities, a motorsport park, an aerodrome, racecourse and industrial environments. For this reason, any further subdivision and development is restricted in this area and the Centennial Drive Rural Lifestyle Environment Precinct should be referred to for a summary of these additional provisions.

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3b.3 Objectives and Policies – Rural Lifestyle Environment

3b.3.17: Avoid subdivision and development within the Rural Lifestyle Environment at Centennial Drive to ensure avoidance of adverse ~~Reverse Sensitivity~~ effects from incompatible activities, including conflict with geothermal power stations and steamfield activities, a motorsport park, an aerodrome, racecourse and industrial environments.

APPENDIX 11 to the Taupō District Plan – Centennial Drive Rural Lifestyle Environment Precinct

The Centennial Drive Rural Lifestyle Environment is a long-established settlement of rural lifestyle properties. The area surrounding the Centennial Drive Rural Lifestyle Environment includes a number of lawfully established activities including geothermal power stations and steamfield activities, the motorsport park, aerodrome, racecourse and industrial environments. Although in other RLE areas there may be provision for further subdivision and development, this has been restricted within the Centennial Drive RLE Precinct due to the potential for effects from and/or on other activities in the area.

Within this precinct the following additional provisions apply:

3b.3.17: Avoid subdivision and development within the Rural Lifestyle Environment at Centennial Drive to ensure avoidance of adverse ~~Reverse Sensitivity~~ effects from incompatible activities, including conflict with geothermal power stations and steamfield activities, a motorsport park, an aerodrome, racecourse and industrial environments.

4b.5.7 (v) Any subdivision of land in the General Rural Environment or Rural Lifestyle Environment that is located within Area X or Area Y on Planning Map D3 where the resulting lots are less than 4 hectares is a non-complying activity.

4b.4.4(iii) One primary residential unit per four hectares in Areas X and Y (shown on planning map D3 Geothermal Subdivision Rule).

4b.3.2 Minor residential units

- i. A minor residential unit which complies with the performance standards is a permitted activity.
- ii. A minor residential unit which does not comply with the performance standards is a restricted discretionary activity.
- iii. A minor residential unit within the Rural Lifestyle Environment as it applies to Centennial Drive is a non-complying activity.

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In addition to the above, for the purposes of assessment under Rule 4b.3.2iii the matters over which the Council reserves control for the purpose of assessment include:

- a. Any effects on the functioning of the General Rural Environment and other Environments including adverse effects on infrastructure, renewable electricity generation activities and access to renewable energy resources.

Addition to Planning Maps – Centennial Rural Lifestyle Environment Precinct



NB – When the Taupō District Plan is switched to National Planning Standards format the precinct will be given the naming convention as per the standards, i.e. RLE–PREC1–Centennial Drive RLZ