

IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

Decision [2024] NZEnvC 315

IN THE MATTER OF an appeal under clause 14 of the First
Schedule to the Resource Management
Act 1991

BETWEEN IAN BRITTEN

(ENV-2024-AKL-000169)

Appellant

AND TAUPŌ DISTRICT COUNCIL

Respondent

Court: Chief Environment Court Judge DA Kirkpatrick sitting alone
under s 279(1)(b)

Last case event: 22 November 2024

Date of Order: 3 December 2024

Date of Issue: 3 December 2024

CONSENT ORDER

A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment
Court, by consent, orders that:

(1) the appeal is allowed, and Taupō District Council is directed to:



- (i) amend the Taupō District Plan maps to rezone 40 and 41 Hepina Heights, Taupō as Rural Lifestyle Environment in accordance with **Appendix 1** to this Order;
- (ii) make any consequential changes to the numbering of plan provisions or to the relevant planning maps resulting from the above amendment.

(2) The appeal is otherwise dismissed.

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

REASONS

Background

[1] Plan Change 42 to the Taupō District Plan (**PC42**) is a plan change initiated by the Council to review the entire Rural Chapter within the Taupō District Plan. One aspect of PC42 involved splitting the Rural Environment into General Rural Environment (**GRE**) and Rural Lifestyle Environment (**RLE**).

[2] This appeal relates to the appropriate zoning of the appellant's land at 40 and 41 Hepina Heights, Taupō (the **land**).

[3] The land was confirmed to be zoned as GRE on the basis that the land did not meet the criteria for RLE due to the size of the allotments. The relief sought by the appellant was to rezone the land to RLE.

[4] The appellant was granted resource consent for subdivision in July 2024, meaning that the majority of the land now meets the criteria for RLE. The parties advise that they have separately agreed to vary the subdivision consent to ensure that all allotments meet the criteria for RLE zoning, but no order to this effect is sought.

[5] The parties agree it is appropriate that the land be rezoned to RLE as set out in **Appendix 1** to this Order, thereby resolving the appeal in full.

Consideration

[6] The Court has read and considered the notice of appeal dated 29 July 2024 and the joint memorandum dated 22 November 2024.

[7] 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; and
- (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.

[8] I am satisfied that the agreement reached is one that represents the various interests of the parties. I conclude the parties have taken a nuanced and balanced approach, and the agreed amendment is 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.

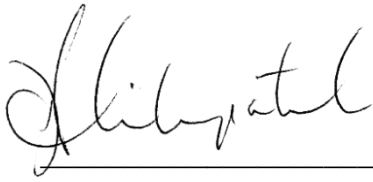
Order

[9] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (a) the appeal is allowed, and Taupō District Council is directed to:
 - (i) amend the Taupō District Plan maps to rezone 40 and 41 Hepina Heights, Taupō as Rural Lifestyle Environment in accordance with **Appendix 1** to this Order; and
 - (ii) make any consequential changes to the numbering of plan provisions or to the relevant planning maps resulting from the above amendment.

(b) The appeal is otherwise dismissed.

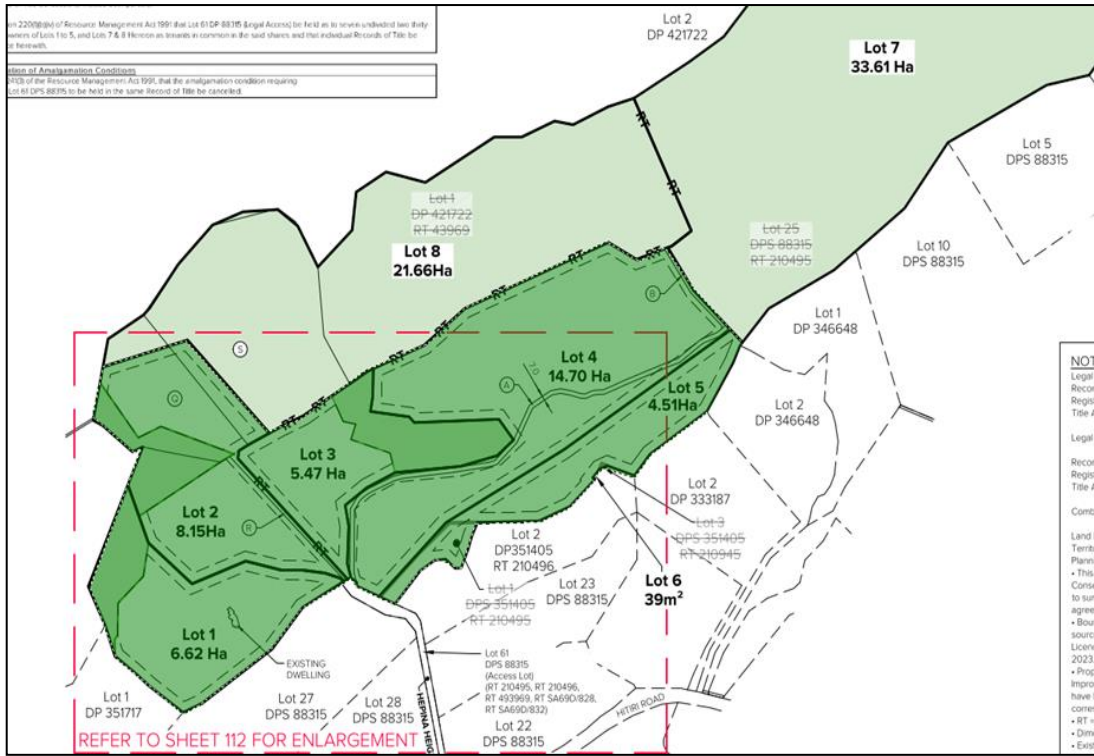
[10] Under s 285 of the Resource Management Act 1991, there is no order as to costs.



D A Kirkpatrick
Chief Environment Court Judge



Appendix 1 – Agreed changes to Plan Change 42



Note: Dark green area is rezoned to RLE.