

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

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

Decision [2024] NZEnvC 245

IN THE MATTER OF

an appeal under Clause 14 of Schedule 1
to the Resource Management Act 1991

BETWEEN

E.F DEADMAN LIMITED

(ENV-2024-AKL-167)

Appellant

AND

TAUPŌ DISTRICT COUNCIL

Respondent

Court: Chief Environment Court Judge D A Kirkpatrick

Last case event: 30 September 2024

Date of Order: 8 October 2024

Date of Issue: 8 October 2024

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991 (**RMA**), the Environment Court, by consent, orders that the appeal is allowed and Taupō District Council is directed to:

- (a) amend the Taupō District Plan maps to rezone 809 Oruanui Road, Taupō from General Rural Environment to Rural Lifestyle Environment in accordance with **Appendix 1** to this order; and
- (b) 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.

C: Under s285 of the RMA, there is no order as to costs.

REASONS

Background

[1] This appeal concerns a geographically confined part of the Respondent's decision to approve Plan Change 42 to the Taupō District Plan (**PC42**).

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

[3] In order to determine which land within the Rural Environment should be zoned GRE or RLE, the Respondent developed a set of seven criteria to select the rural lifestyle clusters that would be zoned RLE. Those criteria are listed below as follows:

- (i) There is a presence, or there are existing clusters, of smaller/lifestyle lots;
- (ii) Areas have not been selected where there are physical constraints such as topography, geography or infrastructure;
- (iii) RLE zoning will only be applied to lots smaller than 30ha unless a lot is completely surrounded by smaller rural lifestyle blocks;
- (iv) Overlays such as Outstanding Natural Landscapes will be taken into account;
- (v) Proximity to Taupō township;

- (vi) RLE zoning will not be applied where properties are accessed from State Highways; and
- (vii) Properties subject to the D1 Geothermal Rule have been excluded.

[4] The Appellant's land at Oruanui Road, Taupō was zoned as GRE in the Respondent's decision on PC42 on the basis that the land did not meet the criterion relating to lot size.

[5] The Appellant appealed that aspect of the decision, seeking that the land be zoned RLE on the grounds that it met the Respondent's criteria including in relation to lot size because a subdivision consent granted in 2022 and with titles issued in July 2024 means that the land now meets all of the Respondent's criteria for RLE zoning.

[6] The Respondent accepts the Appellant's submission that while the land previously did not meet the selection criteria for RLE zoning, due to a concurrent subdivision consent and issuing of titles the land does now meet the criteria.

[7] The parties have agreed that the appeal can be resolved by rezoning the entirety of 809 Oruanui Road as RLE.

[8] The Court makes this order under section 279(1) of the RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) no parties have indicated any opposition to the proposed consent order;
- (b) the Respondent and other parties who have signed the joint memorandum seeking that consent order 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 RMA including, in particular, Part 2.

Order

[9] Therefore the Court orders by consent under s 279(1)(b) of the RMA that the appeal is allowed and Taupō District Council is directed to:

- (a) amend the Taupō District Plan maps to rezone 809 Oruanui Road, Taupō from General Rural Environment to Rural Lifestyle Environment in accordance with **Appendix 1** to this order; and
- (b) make any consequential changes to the numbering of plan provisions or to the relevant planning maps resulting from the above amendment;

[10] The appeal is otherwise dismissed.

[11] Under s 285 of the RMA, there is no order as to costs.

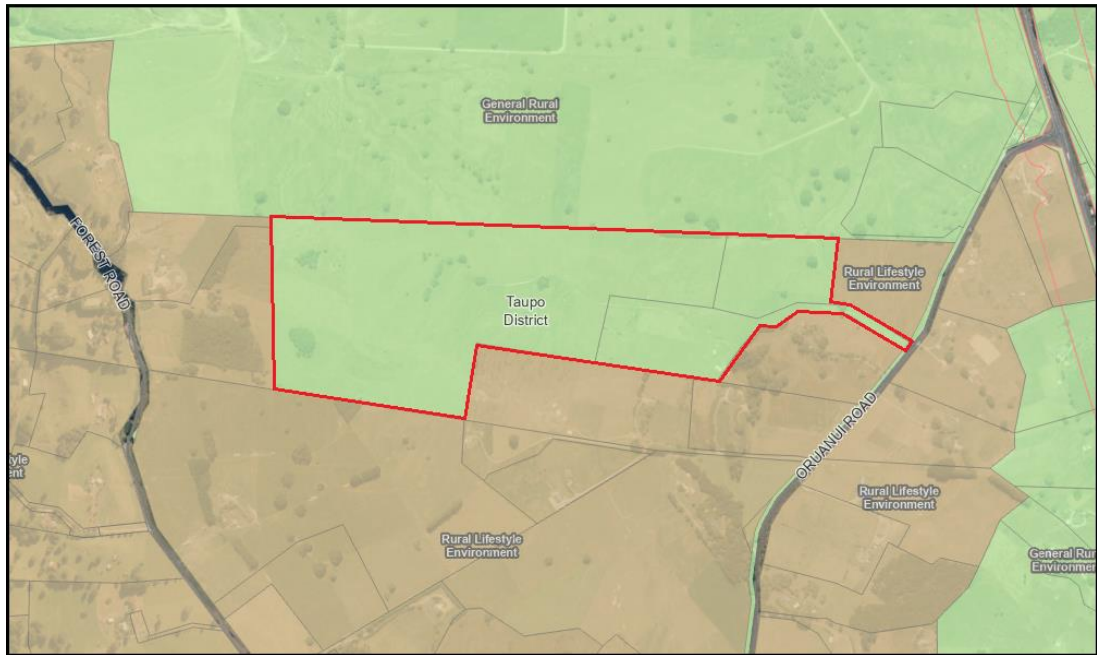


D A Kirkpatrick

Chief Environment Court Judge



APPENDIX 1 – AGREED CHANGES TO PLAN CHANGE 42



Rezone red outlined area to RLE.