

IN THE ENVIRONMENT COURT  
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU

Decision [2024] NZEnvC 256

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

BETWEEN

CLIVE PRITCHARD

(ENV-2024-AKL-000125)

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 October 2024

Date of Order: 21 October 2024

Date of Issue: 21 October 2024

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**CONSENT DETERMINATION**

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A: Under section 279(1)(b) of the Resource Management Act 1991, 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 the land at 140  
Tuhingamata Road, 1 Clives Way, 2 Clives Way, 7 Clives Way, 8 Clives



Way, 14 Clives Way and 20 Clives Way, 26 Clives Way and 32 Clives Way, 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 section 285 of the Resource Management Act 1991, there is no order as to costs (unless stated otherwise).

### REASONS

[1] This appeal concerns a geographically confined part of the Council's decision to approve Plan Change 42 to the Taupō District Plan (**PC42**) relating specifically to Mr Pritchard's land at 140 Tuhingamata Road, 1 Clives Way, 2 Clives Way, 7 Clives Way, 8 Clives Way, 14 Clives Way and 20 Clives Way, 26 Clives Way and 32 Clives Way, Taupō (the **land**).

[2] PC42 is a plan change initiated 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**) in order to recognise and maintain the distinct established characters of open space for primary production and rural lifestyle living in specific locations.

[3] In order to determine which areas within the Rural Environment should be zoned GRE or RLE, the Council developed seven criteria to select the rural lifestyle clusters that would be zoned RLE. Those criteria, as set out in the Council's evaluation report under s 32 of the Act, are:

1. There is a presence, or there are existing clusters, of smaller/lifestyle lots;
2. Areas have not been selected where there are physical constraints such as topography, geography or infrastructure;
3. RLE zoning will only be applied to lots smaller than 30ha unless a lot is completely surrounded by smaller rural lifestyle blocks;

4. Overlays such as Outstanding Natural Landscapes will be taken into account;
5. Proximity to Taupō township;
6. RLE zoning will not be applied where properties are accessed from State Highways; and
7. Properties subject to the D1 Geothermal Rule have been excluded.

[4] Mr Pritchard made a submission seeking that the land be rezoned to RLE. In its decisions on submissions on PC42, the Council zoned the land as GRE having considered that the land did not meet the criteria for RLE zoning due to the size of the allotments. Mr Pritchard appealed that aspect of the decision, seeking that the land be rezoned to RLE as sought by his submission.

[5] Resource consent was sought by the appellant for subdivision of the land in 2022. This was approved and titles were issued in October 2023. The Council is now satisfied that the land meets the criteria for RLE zoning.

[6] As the appeal is confined to a discrete geographical area, the parties have now agreed that it can be resolved by rezoning the land as RLE.

[7] For completeness, the Court notes that E.F. Deadman Limited gave notice of an intention to become a party under s 274 of the Act but withdrew its interest in the appeal on 8 October 2024 and has therefore not signed the consent memorandum that was filed by the parties on 16 October 2024.

[8] Reviewing the notice of appeal, the relevant parts of the Council's decision and its evaluation report under s 32 of the Act, and the joint memorandum of the parties, for the purposes of s 32AA of the Act the Court is satisfied that this outcome is an appropriate way to achieve the purpose of the Act and the objectives of PC42 and of the District Plan.

[9] 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) no party has indicated any opposition to the proposed consent order; and

- (b) the parties who have signed the joint memorandum seeking the 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.

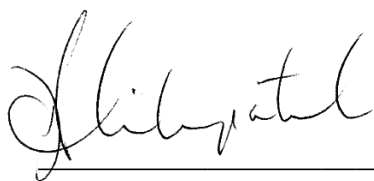
### **Order**

[10] For those reasons, 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 the land at 140 Tuhingamata Road, 1 Clives Way, 2 Clives Way, 7 Clives Way, 8 Clives Way, 14 Clives Way and 20 Clives Way, 26 Clives Way and 32 Clives Way, 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.

[11] The appeal is otherwise dismissed.

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

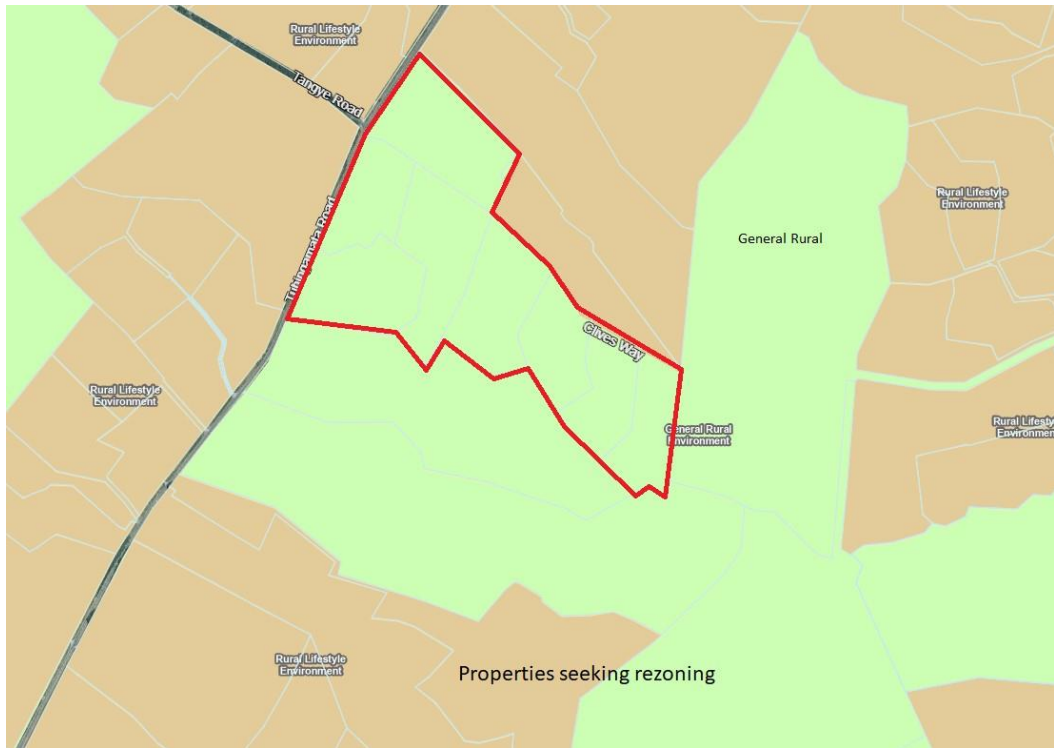


**D A Kirkpatrick**

**Chief Environment Court Judge**



### Appendix 1 – Agreed changes to Plan Change 42



Note: Red outlined area is rezoned to RLE.