

**BEFORE THE ENVIRONMENT COURT**

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

AND

IN THE MATTER of an appeal pursuant to Clause 14 of  
the First Schedule to the Act

BETWEEN KARUNA FALLS COOPERATIVE  
SOCIETY LIMITED  
(ENV-2016-AKL-000122)

Appellant

AND

THAMES-COROMANDEL DISTRICT  
COUNCIL

Respondent

Environment Judge D A Kirkpatrick sitting alone under section 279 of the Act  
In Chambers at Auckland

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**CONSENT ORDER**

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

- (1) the appeal is allowed subject to the agreed amendments to the proposed Thames-Coromandel District Plan set out in this order;
- (2) the appeal is otherwise dismissed.

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



## REASONS

### Introduction

- [1] This appeal relates to the proposed Thames-Coromandel District Plan. The Appellant sought that its property at 233 Waikanae Valley Road, Waikawau be rezoned from Rural to Rural Lifestyle Zone or that provision for further development of the property be made.
- [2] The parties have now reached an agreement that will resolve the relief sought by the appellant and this appeal in its entirety.
- [3] In making this order the Court has read and considered the appeal and the memorandum of the parties dated 8 June 2017.
- [4] 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.

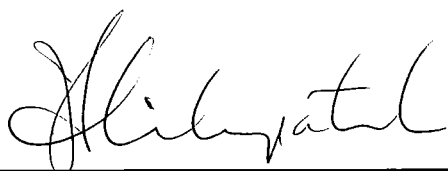
### Order

- [5] Therefore the Court orders, by consent, that the appeal is allowed in that the Thames-Coromandel District Council is directed to amend Sections 38 (Subdivision) and 56 (Rural Zone) of the Thames-Coromandel Proposed District Plan as shown in the **Annexure A** to this order.
- [6] This Order completely resolves the appeal by Karuna Falls Cooperative Society Limited in its entirety.



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

DATED at Auckland this *2nd* day of *June* 2017



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D A Kirkpatrick  
Environment Judge



Annexure 'A'



## APPENDIX

### 38.6 DISCRETIONARY ACTIVITIES

#### **RULE 9 Subdivision creating one or more additional lots**

1. Subdivision creating one or more additional lots in the Rural Zone is a **discretionary activity** provided:
  - a) ...
  - b) ...
  - c) ...
  - d) It is not within Section 2 Block VI Harataunga Survey District.
2. Subdivision creating one or more additional lots that is not a discretionary activity under Rule 9.1 a), b) or c) is a non-complying activity.
3. Subdivision creating one or more additional lots within Section 2 Block VI Harataunga Survey District is a prohibited activity.

### Section 56 Rural Zone

#### 56.4 PERMITTED ACTIVITIES

#### **RULE 17A Dwellings on Section 2 Block VI Harataunga Survey District** **Accessory buildings on Section 2 Block VI Harataunga Survey District** **Minor unit on Section 2 Block VI Harataunga Survey District**

1. An activity in Rule 17A is a permitted activity provided:
  - a) That there are no more than 30 dwellings and associated accessory buildings, and these are located in the 'Ecovillage Housing Area' shown on Diagram A in 56.9.1 below; and
  - b) There are no more than six (6) minor units located in the 'Ecovillage Housing Area' shown on Diagram A in 56.9.1 below; and
  - c) Each dwelling, minor unit or accessory building meets the standards in Table 5 at the end of Section 56 (excluding '5. maximum site coverage'); and
  - d) The maximum site coverage of the 'Ecovillage Housing Area' is 2%; and
  - e) The maximum building footprint for a dwelling, a minor unit and associated accessory building(s) is 450m<sup>2</sup>; and
  - f) Each dwelling and minor unit shall have vehicle access to Waikanae Valley Road.
2. A minor unit that is not permitted under Rule 17A.1 b) is a restricted discretionary activity, provided that no more than 30 minor units are constructed on Section 2 Block VI Harataunga Survey District.
3. The Council restricts its discretion to matters 2, 4, 6, 7 and 12 in Table 7 in Section 56.
4. An activity that is not a permitted activity under Rule 17A.1 a), c) - f), or a restricted discretionary activity under Rule 17A.2 is a discretionary activity.



**NOTE**

1. Vehicle access within Section 2 Block VI Harataunga Survey District may be shared by more than one dwelling.
2. 'Building footprint' in Rule 17A means the gross floor area of a building at the ground floor level only.

**56.5 RESTRICTED DISCRETIONARY ACTIVITIES**

**RULE 29A Community facility on Section 2 Block VI Harataunga Survey District**

1. A community facility on Section 2 Block VI Harataunga Survey District is a **restricted discretionary activity** provided:
  - a) It meets the standards in Table 5 at the end of Section 56; and
  - b) It is located in the 'Ecovillage Housing Area' shown on Diagram A in 56.9.1 below.
2. The Council restricts its discretion to matters 2, 4–8, and 12 in Table 7 at the end of Section 56.
3. A resource consent application under Rule 29A.1 shall be assessed without public notification under Sections 95 and 95A of the RMA.
4. A community facility on Section 2 Block VI Harataunga Survey District that is not a restricted discretionary activity under Rule 29A.1 is a **discretionary activity**.

**56.9 DIAGRAMS**

**56.9.1 Karuna Falls Cooperative Society Ltd**



