

BEFORE THE ENVIRONMENT COURT

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

AND of an appeal under Clause 14 of the  
First Schedule to the Act

BETWEEN ROBERT VERNON ASPLIN AND  
TRACEY JANE SHAW  
ENV-2016-AKL-000077

Appellant

AND THAMES-COROMANDEL DISTRICT  
COUNCIL

Respondent

Environment Judge M Harland sitting alone under s 279 of the Act  
In Chambers at Auckland

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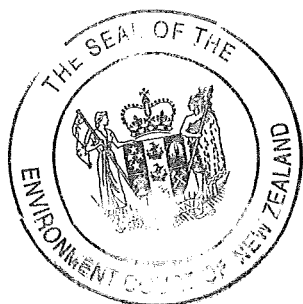
CONSENT ORDER

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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 in subject to **Annexure A** to this order; and
- (2) the appeal is otherwise dismissed.

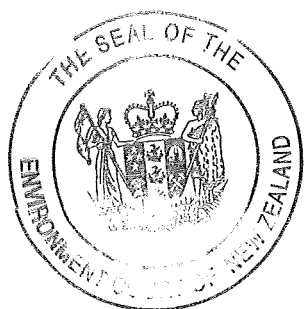
[B] Under s 285 of the Resource Management Act 1991, there is no order as to  
costs.



## REASONS

### Introduction

- [1] This appeal relates to the proposed Thames-Coromandel District Plan (**PDP**) and Variation 1 to the PDP.
- [2] The appellant appealed:
- (a) The use of terminology to describe the Natural Character Overlays; and
  - (b) The location of the boundary between the Outstanding Natural Character overlay and the High Natural Character overlay on their property at 84 Tairua-Whitianga Road (State Highway 25).
- [3] The parties have now reached an agreement that will resolve this appeal in its entirety. The agreement reached is as follows:
- Overlay Map 24 will be amended to move the boundary between the Outstanding Natural Character area and the High Natural Character area so that the appellants' property at 84 Tairua-Whitianga Road is identified as being part of the High Natural Character area only.
- [4] In making this order the Court has read and considered the appeal and the memorandum of the parties dated 29 September 2016.
- [5] No person has given notice of an intention to become a party under s274 of the Act.
- [6] 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, and gives effect to the New Zealand Coastal Policy Statement and the Waikato Regional Policy Statement.

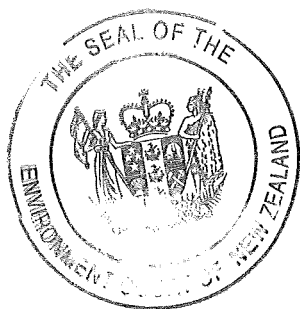
**Order**

- [7] Therefore the Court orders, by consent, that the appeal is allowed to the extent that the Thames-Coromandel District Council is directed to amend Map 24 Overlays of the proposed Thames-Coromandel District Plan as shown in the plan at **Annexure A**, notated "Annexure A (Appeals) Map 24 Overlays (As amended via consent order)".
- [8] This order resolves the appeal by Robert Vernon Asplin and Tracey Jane Shaw in its entirety.
- [9] There is no order as to costs.

DATED at Auckland this 12<sup>th</sup> day of October 2016



M Harland  
Environment Judge



"A"

