

IN THE MATTER

of the Resource Management Act
1991 ("the Act")

AND

IN THE MATTER

of an appeal under Clause 14 of
the First Schedule to the Act in
relation to Proposed Plan
Changes 4, 11 and 12 to the
Western Bay of Plenty District
Plan

BETWEEN

TKC HOLDINGS LIMITED
ENV-2012-AKL-000159

Appellant

AND

**WESTERN BAY OF PLENTY
DISTRICT COUNCIL**

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J A Smith sitting alone under section 279 of the Act

IN CHAMBERS at Auckland.

CONSENT ORDER

Introduction

1. This appeal sought relief in relation to Proposed Plan Changes 4 (Natural Hazards), 11 (Ecological Features) and 12 (Protection Lots for Community Benefit) to the Western Bay of Plenty District Plan.
2. In making this consent order the Court has read and considered the notice of appeal and the memorandum of the parties dated 1 August 2013.
3. The Bay of Plenty Regional Council has given notice of its intention to become a party to part of these proceedings relating to Plan Changes 4 (Natural Hazards) and



12 (Protection Lots) pursuant to section 274 of the Act and has signed the memorandum setting out the relief sought in relation to those two plan changes.

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 proceeding have executed the memorandum of the parties 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 relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

5. Therefore the Court orders, by consent, that the Appeal by TKC Holdings Limited is allowed to the extent that:

(a) The Decisions Version of Proposed Plan Change 4 is amended as shown below (underline):

8.3 Activity Lists

The following rules apply to those activities which are located within Natural Hazard Features identified on the District Planning Maps.

Explanatory Note: For the purpose of interpretation, the Coastal Protection Area – Open Coastline means land adjoining the open coastline, zoned Rural and within 100m of MHS, and this description shall take priority over the District Planning Maps with regard to location.

(b) The Decisions Version of Proposed Plan Change 11 is amended by substituting the maps entitled C04, C05, D06, E06 with the correspondingly entitled maps **annexed** to this consent order.

(c) The relief sought in relation to Proposed Plan Change 12 is withdrawn.

6. The appeal is otherwise dismissed.



7. There is no order for costs.

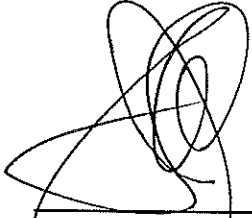
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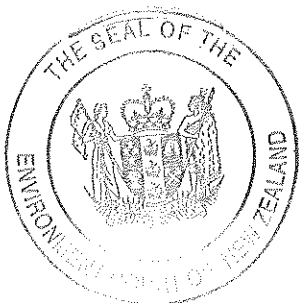
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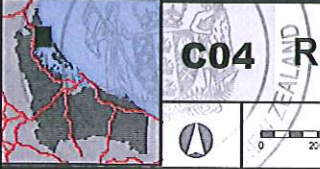
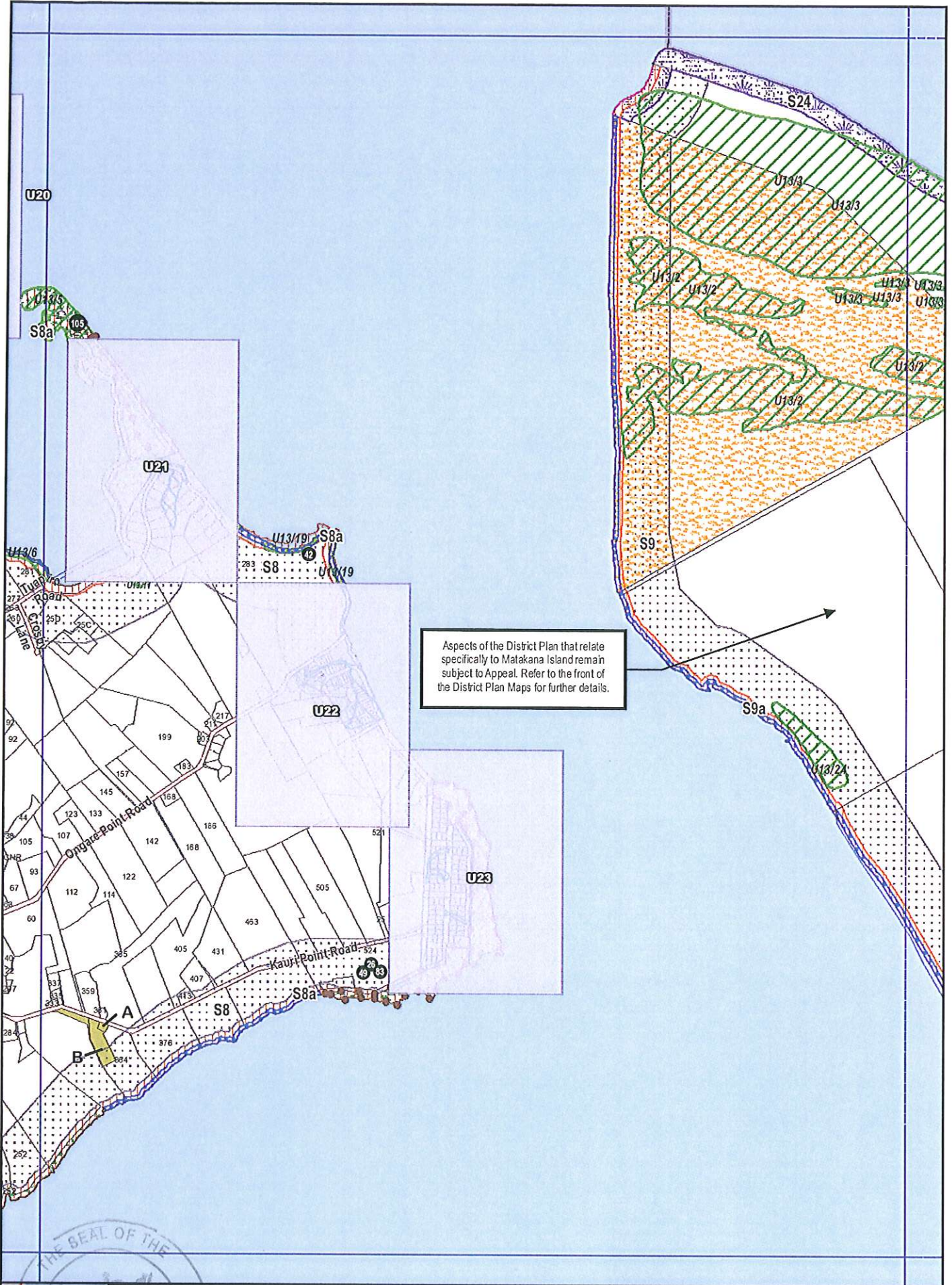
2013



J A Smith
Environment Judge



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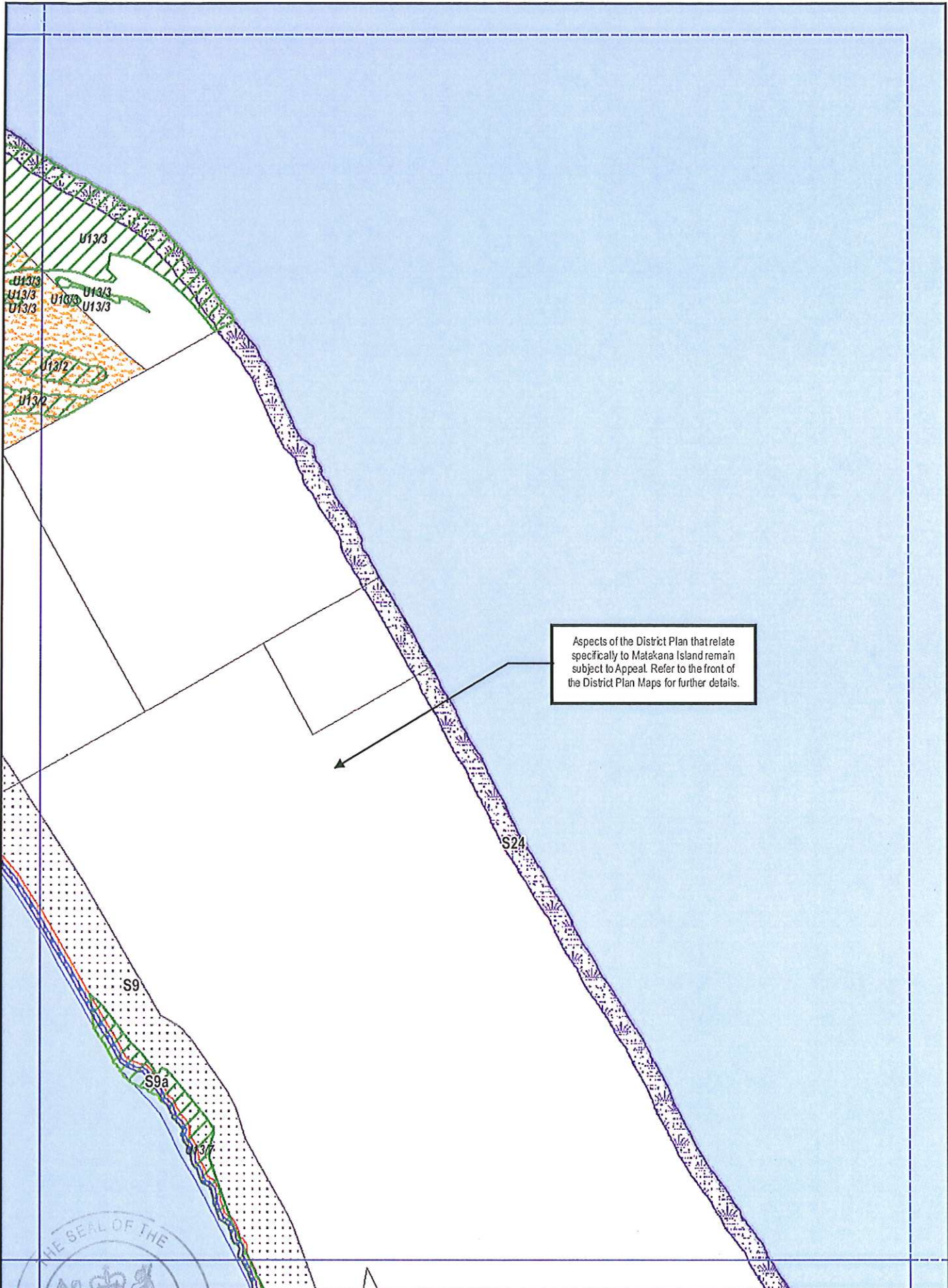
C04 Rural Series



Scale 1:25000 (A4)



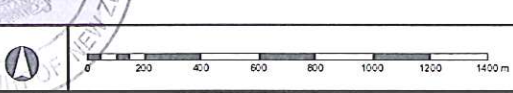
Revision Date: 6 February 2013
TKC Appeal 25 July 2013



Aspects of the District Plan that relate specifically to Matakana Island remain subject to Appeal. Refer to the front of the District Plan Maps for further details.



C05 Rural Series

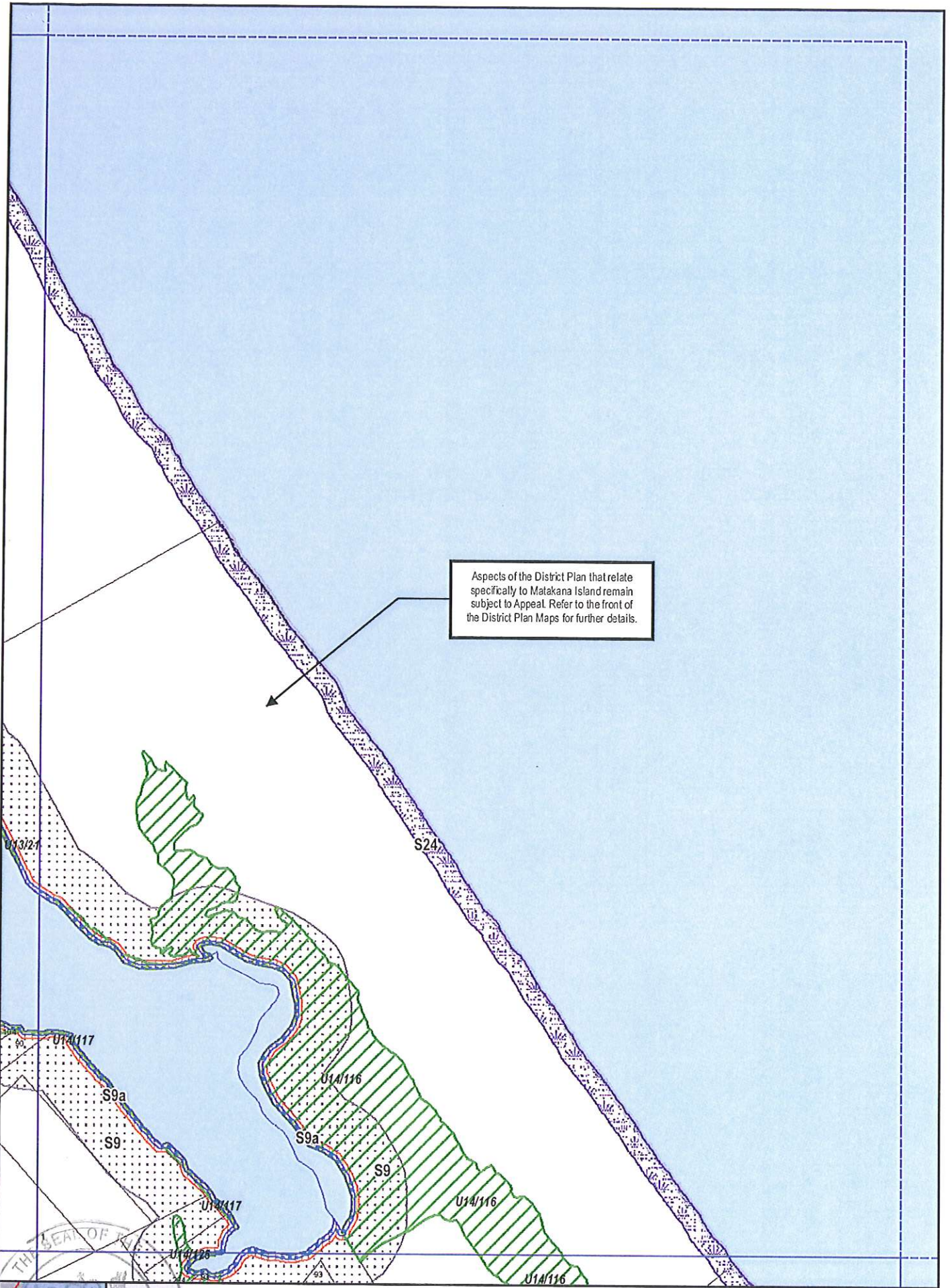


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Western Bay of Plenty District Council

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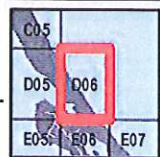
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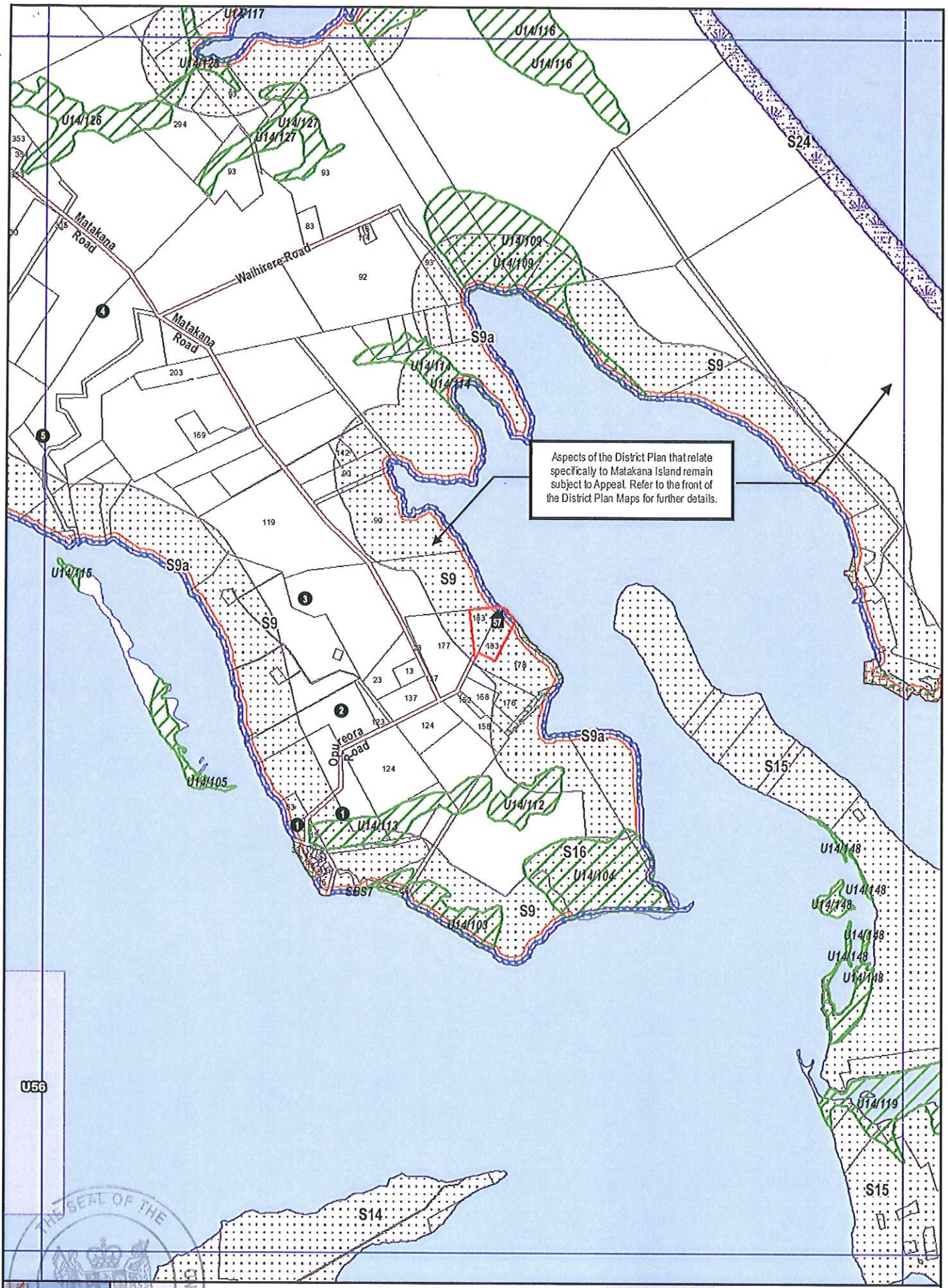
D06 Rural Series



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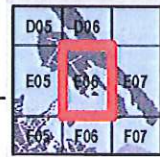
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E06 Rural Series



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