

**IN THE MATTER**

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

**AND**

**IN THE MATTER**

of an appeal pursuant to clause  
14 of Schedule 1 to the Act

**BETWEEN**

**NEW ZEALAND TRANSPORT  
AGENCY**  
(ENV-2011-AKL-000097)

Appellant

**AND**

**TAURANGA CITY 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. The Court has read and considered the appeal and the memorandum of the parties dated 8 February 2012.
2. The parts of the appeal to which this consent order relates seek changes to the proposed Tauranga City Plan relating to freestanding advertising signs in the Special Use Zone – Baypark and temporary signage adjoining and visible from State Highways.
3. Classic Builders Limited, Fairway Holdings Limited, Mount Maunganui Environmental Group Limited, Property Council of New Zealand (Bay of Plenty Branch) and Tauranga City Venues Limited have given notice of an intention to become parties under section 274 and have signed the memorandum setting out the relief sought.



4. AMP Capital Bayfair Pty Limited, Tower Property Nominees Limited, and Carrus Corporation Limited have also given notice of an intention to become parties to the

appeal under section 274 but have not signed the memorandum setting out the relief sought because they are not interested in the part of the appeal to which this consent order relates.

5. No other person has given notice of an intention to become a party under section 274.
  
6. The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 279. 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 relevant requirements and objectives of the Resource Management Act, including in particular Part 2.
  
7. Therefore, the Court orders, by consent, that the proposed Tauranga City Plan be amended as follows (with additions shown in underlining and deletions shown in ~~strikethrough~~):
  - (a) Amend Rule 4D.2.2.4 Commercial, Industry & Baypark (excluding Tauriko) as follows:
    - a) The maximum *height* and area of any *sign* shall be:
      - i) For a *freestanding sign* (whether it is fixed permanently to the site or not (except where Rule 20A.3.5 – Signs applies)):
 

...
  
  - (b) Amend Rule 20A.3.5 – Signs as follows:



### 20A.3.5 Signs

~~In addition to any matter listed within Rule 4D.2 – Permitted Activity Rules specified within Chapter 4 – General Rules, t~~The following sign rule shall also apply to freestanding signs where the sign face is visible from the State Highway (in the event of any conflict, the provisions outlined below shall prevail):

- a) A maximum of 10 free-standing advertising signs shall be permitted along the frontage of the State Highway 29, provided the area of each sign does not exceed:
  - i) Eight signs of up to 18m<sup>2</sup>;
  - ii) Two signs of up to 25m<sup>2</sup>.

- (c) Amend Policy 4D.1.1.2 – Temporary Signs as follows:

#### 4D.1.1.2 Policy – Temporary Signs

By providing for the erection of temporary signs and ensuring their number, size, location and duration of display avoids or mitigates adverse effects on traffic safety is related to the duration of the activity or event.

- (d) Insert new Rule 4D.2.2 – Temporary Signs (in relation to State Highways) as follows:

#### 4D.2.2 Temporary Signs (in relation to State Highways)

Where a temporary sign is located on a site adjoining the State Highway and the sign face is visible from the State Highway then the following shall apply:

- a) One temporary sign is permitted per site;
- b) Any illuminated temporary sign shall comply with Rule 4G.2.1 – Residential, Rural-Residential, Rural and Education Centre Zones and Rule 4G.2.2 – Commercial, Industry and Open Space Zones;
- c) Any temporary sign shall not use reflective materials, variable, flashing, rotating or animated parts.
- d) The maximum area and height of any signage shall not exceed:
  - i). For residential zones an area of 2.5m<sup>2</sup> and a height of 4 metres;
  - ii). For all other zones the maximum area and height for the corresponding permanent sign type (e.g. attached to a building; freestanding) permitted in the Zone;
- e) Temporary signs shall comply with the following:
  - i). Real Estate Signs: Must relate to the property they are displayed on and shall only be displayed while the property is on the market and shall be removed no later than two weeks after the property has been sold;
  - ii). Construction Site Signs: Must relate to a construction project occurring on the site and shall be removed no later than two weeks after the construction project has been completed;
  - iii). Local Election Signs: May be displayed 6 weeks before the election and must be removed no later than midnight on the day preceding election/polling day;



- iv). Event Sign: May be displayed for a period of no more than 4 weeks before the event, and must be removed no later than 3 days after the event.
- f) All signs that require a building consent, or that otherwise fall under the definition of "building" in this Plan, shall comply with the rules relating to location, height and overshadowing of buildings for the zone in which they are located.
- g) For the avoidance of doubt these rules shall not apply to signs erected for occupational health and safety purposes as required under other legislation.
- h) For the avoidance of doubt a segregation strip shall be considered to form part of the State Highway.
- (e) Any consequential renumbering to subsequent provisions that is necessary as a result of the changes above.
8. This consent order disposes of the relief in paragraphs 7.6.7 and 7.8.7 of the appeal.
9. There shall be no order for costs.
10. The balance of the appeal seeks relief in relation to other unrelated matters and will remain live.

DATED this

21<sup>ST</sup>

day of

February

2012

  
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J A Smith  
Environment Judge

