

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

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

BETWEEN

**ELEMENT IMF NEW ZEALAND
LIMITED**
(ENV-2011-AKL-000106)

Appellant

AND

TAURANGA CITY COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

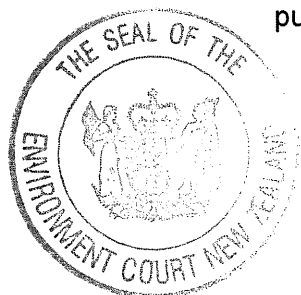
Environment Judge J A Smith sitting alone under section 279 of the Act

IN CHAMBERS at Auckland

CONSENT ORDER

Introduction

1. The Court has read and considered the appeal and the memorandum of the parties dated 3 November 2011.
2. The appellant appealed against the Tauranga City Council's decision regarding signage controls in the Tauriko Commercial Zone and the Tauriko Industry Zone under the Proposed Tauranga City Plan.
3. No person has given notice of an intention to become a party under section 274.
4. 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:



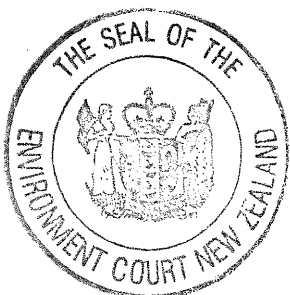
- (a) All parties to the proceedings have executed the memorandum requesting this order;
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

5. 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) Rule 4D.2.2.7 is deleted; and
- (b) Rule 4D.2.2.6 is amended as follows:

4D.2.2.6 Tauriko Commercial Zone and Tauriko Industry Zone (rules applicable to all signs including convenience centre signs)

- a) For any *site*, signs shall not exceed any combination of the following:
 - i) One freestanding, double-sided *sign* not exceeding 10 metres in *height*, or the maximum *height* for the zone, whichever is the lesser, and up to 2 metres in width;
 - ii) One *freestanding sign* not exceeding 3 metres in *height* and 2 metres in width for every 30 linear metres of road frontage;
 - iii) Signs, whether painted or attached, covering up to 30% of the total wall area of the *building*, within the profile of the *building*, subject to iv) below;
 - iv) Where the *sign* faces the Pyes Pa West residential area or Belk Road rural area the sign, whether painted or attached, shall not exceed an area in excess of 10% of the total wall area of the *building*, within the profile of the *building*. For the purposes of this rule, a *sign* is considered to 'face' an area if the outside face of the *sign* is parallel or at an angle of 45° or less to the *boundary* of the zone opposite;
- b) No signs shall be placed on or above any *building* roof, ridgeline or parapet;
- c) Any illuminated *sign* shall be designed and operated in accordance with *Rule 4G.2.2 – Commercial, Industrial and Open Space Zones*;
- d) No *sign* shall be placed within a Visual Mitigation Buffer, Escarpment Area, Stormwater Management Area, Zone Interface 10 metre Planted Buffer Strip or 5 metre Planted



Buffer Strip, or Visual Extension of a Green Connector, or the Greenbelt Zone (with the exception of interpretive or directional signs associated with the use of public open space).

6. There are no issues as to costs.

7. This appeal is otherwise dismissed.

DATED this 9th day of November 2011



J A Smith
Environment Judge

