

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

K TRAILER HIRE LTD

(ENV-2011-AKL-000117)

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 28 October 2011.
2. The appellant's original submission on the proposed Tauranga City Plan sought that the site at 95 Ngatai Road, Bureta, legally described as Lot 21 DPS 478, be zoned Commercial rather than Suburban Residential as notified (**Site**). The Council's decision refused the relief requested and the appellant sought Commercial zoning through its appeal.
3. No party 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 297. The Court understands for present purposes that:



- (a) All parties to the proceedings have executed the memorandum 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.

5. Therefore, the Court orders, by consent, that:

Planning Map L14 to the proposed Tauranga City Plan be amended to zone as Commercial the site at 95 Ngatai Road, Bureta (legally described as Lot 21 DPS 478).

6. There shall be no order as to costs.

7. The appeal is otherwise dismissed.

DATED this 2nd day of November 2011

J A Smith
Environment Judge

