

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

**THE NATIONAL TRADING
COMPANY OF NEW ZEALAND
LIMITED**

(ENV-2011-AKL-000075)

Appellant

AND

TAURANGA CITY COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

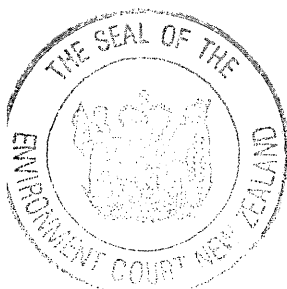
Environment Judge L J Newhook sitting alone under section 279 of the Act

IN CHAMBERS at Auckland

CONSENT ORDER

Introduction

1. The Court has read and considered the appeal and the memorandum of the parties dated 14 October 2011.
2. New Zealand Transport Agency, AMP Capital Bayfair Pty Ltd, and Tower Property Nominees Ltd have given notice of an intention to become parties under section 274 and have signed the memorandum setting out the relief sought.
3. No other 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) Amend Rule 17A.11.3.1 *Commercial Zone and City Centre Zone Streetscape* as follows:

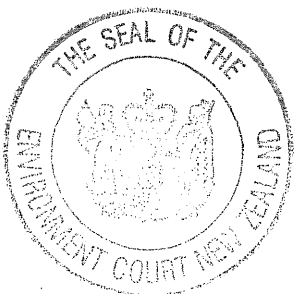
- a) All *buildings* and activities on a *site* within the Commercial Zone where the *site* is directly opposite a *sensitive zone*, excluding the City Living Zone, or where the land opposite is used primarily as a *business activity* shall either:
 - i) Provide an *active frontage* as described in Rule 17A.11.2 – *Pedestrian Environment Streets*; or
 - ii) In accordance with *Appendix 17D: Commercial Streetscape Rule Option*, where the frontage is ~~primary street or secondary street~~ frontage, provide frontage *developed landscape areas* to a width of at least 2 metres as measured from the road frontage *boundary*, exclusive of vehicle accessways, in conjunction with a 15% proportion of the *active frontage* described in Rule 17A.11.2 – *Pedestrian Environment Streets*;
 - iii) In accordance with *Appendix 17D: Commercial Streetscape Rule Option*, where the frontage is *secondary street* frontage, provide frontage landscape planting comprised of trees, shrubs and groundcovers to a width of at least 2 metres as measured from the road frontage *boundary*, exclusive of vehicle accessways; For the purposes of this rule, vehicle accessways cannot occupy more than 50% of the length of the road *boundary* of the *site*, except to the extent required to meet the minimum access width in Rule 4B.2 - *Permitted Activity Rules (Transportation)*;

(b) Amend the definition of *gross leaseable floor area* in Chapter 3 as follows:

gross leaseable floor area (GLFA)

The sum of any floor area designed for occupancy and exclusive use by a freehold owner or a tenant (including both freehold and leased areas). Exclusions include, but are not limited to:

- a) Lift shafts and stairwells, including landing areas;



- b) Corridors and malls where not for the exclusive use of a single tenancy;
- c) Any parking area required by the *Plan*;
- d) Machinery rooms for lift machinery, generators or air-conditioning equipment;
- e) Vehicular loading and unloading areas;
- f) Seating areas;
- g) Amenities such as toilet areas;
- h) Management offices for shopping centres and supermarkets (including any training room or offices used by staff).

(c) Amend Appendix 4C: General Minimum On-Site Parking and Loading Requirements as follows:

Activity	Residents/ Visitor	Staff	Loading Space
Supermarkets, Shops and Malls or Shopping Centres	10,000m ² or less GLFA 4.5 spaces/100m ² 10,001m ² or more GLFA 3 spaces/100m ²	1 space/200m ² GLFA	1 HGV bay/1500m ² GLFA for the first 5,000m ² GLFA, then 1 HGV bay/5000m ² GLFA

6. There shall be no order for costs.

7. This appeal is otherwise dismissed.

DATED this

20th

day of

October

2011



L J Newhook
Environment Judge

