

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act
1991 (**the Act**)

AND of an appeal under Clause 14 of the
First Schedule to the Act

BETWEEN CENTRE ISLAND SEAFOODS
LIMITED
(ENV-2016-AKL-000110)

Appellant

AND THAMES-COROMANDEL DISTRICT
COUNCIL

Respondent

Environment Judge D A Kirkpatrick sitting alone under s 279 of the Act
In Chambers at Auckland

CONSENT ORDER

[A] Under s 279(1)(b) of the Resource Management Act 1991, the Environment
Court, by consent, orders that:

- (1) the appeal is allowed subject to the agreed amendments to the
proposed Thames-Coromandel District Plan set out in this order;
- (2) the appeal is otherwise dismissed.

[B] Under s 285 of the Resource Management Act 1991, there is no order as to
costs.



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REASONS

Introduction

- [1] This appeal relates to the proposed Thames-Coromandel District Plan. The appellant appealed Row 15 of Table 5 (Section 39-Transport), and sought that buildings solely used for the purpose of storage associated with an established industrial activity be excluded from the gross floor area calculation.
- [2] The parties have now reached an agreement that will resolve the relief sought by the appellant, and this appeal in its entirety.
- [3] In making this order the Court has read and considered the appeal and the memorandum of the parties dated 25 August 2016.
- [4] No person has given notice of an intention to become a party under s 274 of the Act.
- [5] 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 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 the relevant requirements and objectives of the Act, including in particular Part 2.

Order

- [6] Therefore the Court orders, by consent, that the appeal is allowed to the extent that Thames-Coromandel District Council is directed to amend row 15 of Table 5 in Section 39 of the proposed Thames-Coromandel District Plan as shown below in tracked text (additions are underlined):



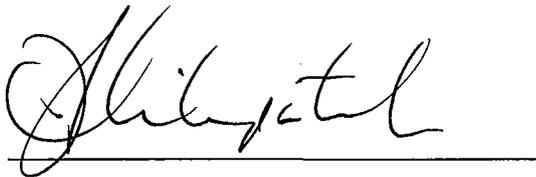
Section 39 - Transport

Table 5 - Vehicle Parking and Loading Standards		
Activity	Minimum Parking Standard (including disabled car parking requirements)	Minimum Loading Bay Standard
...		
C: Industrial Activities		
15. Any industrial or warehouse activity (except where otherwise specified)	a) 1 car parking space for every 100 m ² gross floor area (<u>excluding a building or buildings used solely for the purpose of storage</u>); and b) 1 car parking space for any area <u>within a building or buildings used solely for the purpose of storage associated with an industrial activity.</u>	a) 1 loading bay per site

[7] This Order resolves the appeal by Centre Island Seafoods Limited in its entirety.

[8] There is no order as to costs in relation to this order.

DATED at Auckland this 30th day of August 2016



D A Kirkpatrick
Environment Judge

