

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of an appeal under clause 14 of
Schedule 1 to the Act
BETWEEN BUNNINGS LIMITED
(ENV-2015-WLG-000058)
Appellant
AND HASTINGS DISTRICT COUNCIL
Respondent

BEFORE THE ENVIRONMENT COURT
Environment Judge C J Thompson sitting alone pursuant to section 279 of the Act.
IN CHAMBERS

CONSENT ORDER

Introduction

- [1] The Court has read and considered the appeal and the parties' memoranda received 25 July and 26 August 2016.
- [2] No person gave notice of an intention to become a party under s 274 of the Act.
- [3] The Court is making this order under s 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for the 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 Act, including in particular Part 2.



Order

[4] The Court orders, by consent, that the Proposed Hastings District Plan is amended as outlined below.

- (a) Amend Section 7.5 Light Industrial Zone, Table 7.5.5.1 to include three new rules as follows:

Rule	Land Use Activities	Activity Status
[New Rule Reference]	<u>Building Improvement Centres on sites other than Lot 6 DP 20671 not exceeding 4,000m2 GFA</u>	<u>RD</u>
[New Rule Reference]	<u>Building Improvement Centres located on Lot 6 DP 20671 (regardless of GFA)</u>	<u>RD</u>
[New Rule Reference]	<u>Building Improvement Centres on sites other than Lot 6 DP 20671 over 4,000m2 GFA</u>	<u>D</u>

- (b) Amend Section 7.5 Light Industrial Zone, to add a new section to 7.5.8 – ASSESSMENT CRITERIA – RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES as follows:

7.5.8.4 ASSESSMENT CRITERIA - RESTRICTED DISCRETIONARY ACTIVITY – BUILDING IMPROVEMENT CENTRES

Landscaping

- a) Whether the extent, type and nature of the landscaping proposed is sufficient to mitigate any visual effects of carparking areas on the streetscape and any neighbouring residential and open space zone environments all year around.
- b) Whether the landscape design and planting proposal adequately provides for the continued maintenance of the landscaping and plantings.

Lighting

- c) The extent to which any lighting and glare created by Building Improvement Centres and associated car parking areas will affect residential and open space zones. Light spill should be directed away from these zones.
- d) The extent to which the proposed hours of operation of the Building Improvement Centre activity will affect the amenity and character of adjoining residential and open space zones.

Commercial Strategy

- e) The extent to which the proposed activity is consistent with the Commercial strategy.



Reverse Sensitivity

- f) Whether there are potential reverse sensitivity effects that may arise from this type of activity operating in this location.
- g) The extent and nature of potential reverse sensitivity impacts on existing activities in the surrounding location, and the ability for those effects to be mitigated.

Traffic and Parking Effects

- h) Whether any potential traffic increases will have an impact on the character and amenity of any residential properties or surrounding residential areas.
- i) Whether the location of the car parking areas on site will be directly adjacent to the street and in front of any building development and to what extent the scale and positioning of carparking areas will affect the amenity of the surrounding environment.

- (c) Amend Section 28.1 Advertising Devices and Signs District Wide by amending Table 28.1.6A as follows:

Table 28.1.6A Maximum Allowable Area of Advertising Devices		
Zone	Advertising Device	Area
Commercial Zones and Commercial Service Activities within the Large Format Retail Zone (excluding <u>Building Improvement Centres</u> and sites in the Central Commercial Zone with Designated Retail Frontage identified in Appendix 30 and sites in the Large Format Retail Zone within the Mega Centre Concept Plan Area identified in Appendix 20).	<ul style="list-style-type: none"> All Advertising Devices 	5.0m ² ; or 0.7m ² of signage per metre of site frontage (whichever is larger).* <i>(for the purposes of this rule site frontage means the length of the legal road frontage of the site).</i>
<u>Building Improvement Centres within the Commercial Service Zone.</u>	<ul style="list-style-type: none"> <u>Free Standing Sign</u> <u>Active Building Frontage Sign</u> <p><u>Signs are to be confined within the buildings profile, parallel to the wall</u></p>	5.0m ² <u>Not more than 10% of the active building frontage associated with the particular tenancy.</u> <u>For the purposes of this rule active building frontage means the primary</u>

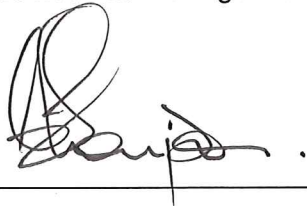


	<p><u>and not fixed more than 300mm away from the wall.</u></p>	<p><u>façade of a building which includes the main public entrance.</u></p>
<p>Large Format Retailing Activities and Commercial Service Activities within the Large Format Retail Zone (excluding sites in the Large Format Retail Zone within the Mega Centre Concept Plan Area identified in Appendix 20)</p>	<ul style="list-style-type: none"> • Free Standing Sign. • Active Building Frontage Sign <p>Signs are to be confined within the buildings profile, parallel to the wall and not fixed more than 300mm away from any wall.</p> <p>(For the purposes of this rule active retail frontage is the length of the front of the building).</p>	<p>5m²</p> <p>Not more than 10% of the active <u>retail building</u> frontage associated with the particular tenancy.</p> <p><u>For the purposes of this rule active building frontage means the primary façade of a building which includes the main public entrance.</u></p>

[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this ^{9th} day of September 2016



C J Thompson
Environment Judge

