

BEFORE THE ENVIRONMENT COURT

IN THE MATTER

of the Resource Management
Act 1991 (**the Act**)

AND

of appeals under clause 14(1) of
Schedule 1 to the Act relating to
Proposed Plan Change 72 –
Rangiuru Business Park

BETWEEN

QUAYSIDE PROPERTIES
LIMITED

Appellant

AND

WESTERN BAY OF PLENTY
DISTRICT COUNCIL

Respondent

Environment Judge J A Smith 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 in part subject to **Annexure A** and **Annexure B**
to 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.

REASONS

Introduction:

- [1] This proceeding concerns an appeal by Quayside Holdings Limited against a Decision of Western Bay of Plenty District Council on Proposed Plan Change 72 to the Western Bay of Plenty District Plan – First Review, relating to Rangiuru Business Park.
- [2] The appeal seeks consequential amendments to the Decisions Version of Plan Change 72 arising out of the decision to provide for a four legged interchange between the Tauranga Eastern Link and the Rangiuru Business Park.
- [3] The parties have agreed to following amendments:
- (a) That the upgrade to Maketu Road / Te Puke highway intersection, being a left turn out slip lane, is no longer required and therefore reference to the Maketu Road Slip lane should be deleted from:
 - (i) Rule 12.4.13.7; and
 - (ii) Item 1.29 of the Financial Contributions Schedule (Rooding (4 Legged Interchange)).
- [4] In making this order the Court has read and considered the appeal and the memorandum of the parties dated 30 September 2016.
- [5] Rotorua District Council has given notice of an intention to become a party under section 274 of the Act, and has signed the memorandum setting out the relief sought.
- [6] 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; 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, and in particular Part 2.


Order

[7] Therefore the Court orders, by consent, that the Decisions Version of Plan Change 72 is amended as shown in **Annexure A** underline (for additions) and ~~strikethrough~~ (for deletions), with a clean version shown at **Annexure B**.

[8] The appeal is otherwise dismissed.

[9] There is no order as to costs.

DATED at Auckland this 11th day of October 2016.



J/A Smith
Environment Judge



Annexure A

Rule 12.4.13.7 Interim Development – Roading

Te Puke Highway (formerly SH2)/Pah Road intersection and ~~Maketu Road/Te Puke highway intersection~~ upgrade timing:

- (a) For the first 70ha of development, no upgrade to the existing intersection is required unless:
- i. ~~Either the~~ intersection is classified as a “High Risk” intersection in terms of the NZTA High Risk Intersection Guide, or
 - ii. ~~(for Te Puke Highway/Pah Road only)~~ if the average peak hour delays to side road traffic exceed 45s.

Monitoring shall commence at the completion of the Stage One access to Young Road and shall be undertaken annually for safety and biennially for capacity. If either (i) and/or (ii) are met, the upgrades required in (b) below must be put in place.

- (b) To enable development of greater than 70 ha of RBP, completion of the following infrastructure is required:
- Upgrade of the intersection of Pah Road/Te Puke Highway to a roundabout or, other suitably designed form.
 - ~~A left turn out slip lane shall be installed at the Maketu Road intersection with Te Puke Highway~~

The upgrade of ~~either~~ intersection may be delayed subject to annual monitoring (by Western Bay of Plenty District Council) of the safety and capacity performance to demonstrate the following thresholds have not been met:

- “High Risk” intersection in terms of the NZTA High Risk Intersection Guide or, ~~in the case of Pah Road intersection,~~ if the average peak hour delays to side road traffic exceed 45s or, ~~in the case of Maketu Road intersection,~~ if the peak hour queues on ~~Maketu Road~~ prevent right turning traffic from approaching the intersection.

If the threshold trigger for intersection treatment is reached at any of the above stages of development the council will, within 18 months, implement appropriate measures designed to improve the performance of the intersection.

Note: An alternative exists known as the “Mid Block” Intersection. This option is not shown on the structure plan and therefore requires a resource consent



as a discretionary activity (refer to 12.4.9.4). If obtained the reallocation of any contributions collected for existing intersections can be used for the Mid-Block intersection subject to the road controlling authorities' approval.



TABLE 1: FINANCIAL CONTRIBUTIONS SCHEDULE – ROADING (4 LEGGED INTERCHANGE)						ESTIMATED PERCENTAGE OF WORKS TO BE COMPLETED IN STAGE			
ITEM	DESCRIPTION	UNIT	QUANTITY	RATE (\$)	COST (\$)	1	2	3	4
1.18	Collector Roads (Type B) excl. Young Road	Ha	3064.0	1,739.90	5,331,053.60	32%	20%	24%	23%
1.19	Collector Roads (Type B) excl. Young Rd. Land Purchase and Legal	LS	8.0	107,500.00	856,345.00	32%	21%	24%	23%
1.20	Collector Roads (Type B) excl. Young Rd - Road Drainage	LS	3064.0	767.20	2,350,700.80	32%	20%	24%	23%
1.21	Young Rd Ultimate Upgrade - Western Roundabout to Eastern Edge (Type B)	LS	1450.0	856.25	1,241,562.50	0%	0%	100%	0%
1.22	Young Rd Ultimate Upgrade - Western Roundabout to Eastern Edge Land Purchase and Legal	LS	0.9	107,500.00	93,525.00	0%	0%	100%	0%
1.23	Young Rd Ultimate Upgrade - Western Roundabout to Eastern Edge (Type B) - Road Drainage	m	1.0	592,251.00	592,251.00	0%	0%	100%	0%
1.24	Young Road / Western Collector Road Intersection	LS	1.0	274,000.00	274,000.00	0%	100%	0%	0%
1.25	Young Rd / Collector Road Roundabout	LS	1.0	548,000.00	548,000.00	0%	0%	100%	0%
1.26	Young Road / Entrance Road Intersection	LS	1.0	274,000.00	274,000.00	100%	0%	0%	0%
1.27	Young Rd / Entrance Road Roundabout	LS	1.0	548,000.00	548,000.00	0%	0%	100%	0%
1.28	Entrance Road / Collector Roundabout (adjacent TEL)	LS	1.0	753,500.00	753,500.00	100%	0%	0%	0%
1.29	Young Rd / Maketu Rd Left Turn-out Slip Lane Upgrade	LS	1.0	479,500.00	479,500.00	0%	0%	100%	0%
Total Cost of Roading					\$29,302,941.78				
					2,441.80				
Total area									
Per square metre rate \$ per m ²					\$19,7220.04				



ANNEXURE B

Rule 12.4.13.7 Interim Development – Roading

Te Puke Highway (formerly SH2)/Pah Road intersection upgrade timing:

- (c) For the first 70ha of development, no upgrade to the existing intersection is required unless:
- iii. the intersection is classified as a "High Risk" intersection in terms of the NZTA High Risk Intersection Guide, or
 - iv. if the average peak hour delays to side road traffic exceed 45s.

Monitoring shall commence at the completion of the Stage One access to Young Road and shall be undertaken annually for safety and biennially for capacity. If either (i) and/or (ii) are met, the upgrades required in (b) below must be put in place.

- (d) To enable development of greater than 70 ha of RBP, completion of the following infrastructure is required:
- Upgrade of the intersection of Pah Road/Te Puke Highway to a roundabout or, other suitably designed form.

The upgrade may be delayed subject to annual monitoring (by Western Bay of Plenty District Council) of the safety and capacity performance to demonstrate the following thresholds have not been met:

- "High Risk" intersection in terms of the NZTA High Risk Intersection Guide or if the average peak hour delays to side road traffic exceed 45s.

If the threshold trigger for intersection treatment is reached at any of the above stages of development the council will, within 18 months, implement appropriate measures designed to improve the performance of the intersection.

Note: An alternative exists known as the "Mid Block" Intersection. This option is not shown on the structure plan and therefore requires a resource consent as a discretionary activity (refer to 12.4.9.4). If obtained the reallocation of any contributions collected for existing intersections can be used for the Mid-Block intersection subject to the road controlling authorities' approval.



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Total area									
Per square metre rate					\$ per m ²				

