

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

A N D

IN THE MATTER of an appeal pursuant to clause
14(1) of Schedule 1 to the Resource
Management Act 1991

BETWEEN **QUAYSIDE** **PROPERTIES**
LIMITED

Appellant

A N D **WESTERN BAY OF PLENTY**
DISTRICT COUNCIL

Respondent

NOTICE OF APPEAL

TO: The Registrar
Environment Court
AUCKLAND

1. **QUAYSIDE PROPERTIES LIMITED (Quayside)** appeals against part of a decision of the **WESTERN BAY OF PLENTY DISTRICT COUNCIL (Council)** on proposed Plan Change 72 to the Western Bay of Plenty District Plan (**District Plan**).
2. Quayside was the person who made the request for Plan Change 72 under clause 21 of the First Schedule to the Resource Management Act 1991 (**RMA**) and accordingly has the right to appeal the decision of the Council to the Environment Court under clause 29(6) of the First Schedule to the RMA.
3. Quayside is not a trade competitor for the purposes of section 308D of the RMA.
4. The Council gave notice of the decision on 14 May 2016.

5. The decision was made by the Council.
6. The parts of the decision that Quayside is appealing are:
 - (a) Topic 2: Roading – Issue 1: Tauranga Eastern Link (**TEL**) Interchange Design; and
 - (b) Topic 2: Roading – Issue 2: Te Puke Highway.

Reasons for the appeal

7. The reasons for the appeal are as follows:
 - (a) Quayside's request for Plan Change 72 sought to provide for two options for the TEL interchange with the Rangiuru Business Park, being either a three legged option or a four legged option.
 - (b) Providing for the option of a three or four legged interchange would enable the stage one developer to select the option which it considers is most appropriate.
 - (c) Submissions on Plan Change 72 sought that the option of the three legged interchange be deleted.
 - (d) The s 42A report in relation to Plan Change 72 recommended that Plan Change 72 require the adoption of a four legged option. In its decision, the Council did not consider that the benefits of a three legged interchange were sufficient to outweigh the benefits of a four legged interchange, and made a decision to require a four legged interchange.
 - (e) Quayside's expert traffic evidence confirmed that the proposed left turn lane from Maketu Road onto Te Puke Highway would not be required if a four legged TEL interchange was to be required by Plan Change 72.

- (f) In deciding to require a four legged interchange, the Council failed to make decisions consequential on that decision including:
 - (i) That any upgrade to Maketu Road / Te Puke Highway intersection (being a left turn out slip lane) would no longer be required and therefore should be deleted from rule 12.4.13.7; and
 - (ii) That item 1.29 of the Financial Contributions Schedule (Roading (4 Legged Interchange)) regarding the Young Road / Maketu Road left turn out slip lane upgrade should be deleted.

Relief sought

- 8. Quayside seeks the following relief:
 - (a) Delete reference to the Maketu Road / Te Puke Highway intersection from rule 12.4.3.7 in relation to potential upgrades; and
 - (b) Delete item 1.29 from the Financial Contributions Schedule (Roading (4 Legged Interchange));
 - (c) Any similar relief with like effect; and
 - (d) Any consequential amendments to the Proposed Plan which arise from the reasons for the appeal or the relief sought.
- 9. Quayside attaches the following documents to this notice:
 - (a) A copy of the relevant decision (Attachment "A"); and
 - (b) A list of names and addresses of persons to be served with a copy of this Notice of Appeal (Attachment "B").

Signature:

QUAYSIDE PROPERTIES LIMITED by its duly
authorised agent:



Vanessa Jane Hamm
Counsel for the Appellant

Date: 27 June 2016

Address for service of Appellant:

Quayside Properties Limited
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Private Bag 12011
DX HP 40014
TAURANGA

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Fax: 07 578 8055

Email: vanessa.hamm@hobec.co.nz

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- Within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- Within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission or the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington or Christchurch.

Attachment A
A copy of the relevant decision

Attachment B

Names and addresses of the persons to be served with a copy of this appeal

Western Bay of Plenty District Council Private Bag 12803 Tauranga Mail Centre Tauranga 3143	NZ Transport Agency PO Box 13055 Tauranga Central Tauranga 3141 kim.harriscottle@nzta.govt.nz	Bay of Plenty Regional Council PO Box 364 Whakatāne 3158 jodie.rickard@boprc.govt.nz
Bluehaven Management Ltd C/- Kate Barry-Piceno Barrister PO Box 5426 Mt. Maunganui 3150 kate@kbplawyer.co.nz	Paul Hickson PO Box 197 Te Puke 3153 m98@bopis.co.nz	Graeme Walker 16 Saunders Place Te Puke 3119 graemebarbw@gmail.com
Stafford Rise Trust Ltd PO Box 547 Rotorua 3040 ryanholmes@holmesgrp.co.nz	Te Tumu Landowners Group C/- Jeff Fletcher PO Box 13-428 Tauranga Central Tauranga 3141 jfletcher@fordland.co.nz	Te Tumu Kaituna 14 Trust C/- Jeff Fletcher PO Box 13-428 Tauranga Central Tauranga 3141 jfletcher@fordland.co.nz
Ford Land Holdings Pty Ltd PO Box 13-428 Tauranga Central Tauranga 3141 jfletcher@fordland.co.nz	Rotorua District Council C/- Lachlan Muldowney Tompkins Wake Lawyers PO Box 258 Hamilton 3240 lmuldowney@tomwake.co.nz sthomas@tomwake.co.nz	Whakatāne District Council Private Bag 1002 Whakatāne 3158 david.bewley@whakatane.govt.nz
Hebland Holdings Ltd C/- Stuart Ryan Barrister PO Box 1296 Shortland Street Auckland 1140 stuart@stuartryan.co.nz	NZ Fire Service Commission C/- Beca Ltd PO Box 6345 Auckland 1141 mikyla.davidson@beca.com	Estate Wesley Blythe Attwood C/- Richard Coles Momentum Planning and Design Ltd 56 Blackberry Way Welcome Bay Tauranga 3175 richard@mpad.co.nz
Rob Paterson 5 Banksia Dell Mt. Maunganui 3116 roblegal@actrix.co.nz	Mr Darrin Walsh Chief Executive Officer Rotorua Chamber of Commerce PO Box 385 Rotorua 3040 ceo@rotoruachamber.co.nz	Te Puke Economic Development Group 130A Jellicoe Street Te Puke 3119 markrboyle@me.com
Patricia Pamment 546 Pah Road RD 9 Te Puke 3189 trishpamment@xtra.co.nz	Te Puke Community Board C/- Chairperson 246 Te Matai Road RD 8 Te Puke 3188 millerph@kinect.co.nz	Mark Archbold 150 Young Road RD 9 Te Puke 3189
Tauranga City Council Private Bag 12022 Tauranga Mail Centre Tauranga 3143 campbell.larking@tauranga.govt.nz	Pukeroa Oruawhata Trust PO Box 12003 Rotorua South Rotorua 3045 pfaulkner@deloitte.co.nz	Eastern Bay Chamber of Commerce PO Box 217 Whakatāne 3158 gerard@bopchamber.co.nz
Carrus Corporation Ltd PO Box 345 Seventh Avenue Tauranga 3140 jim@carrus.co.nz	SmartGrowth Implementation Committee C/- Bill Wasley PO Box 13-231 Tauranga Central Tauranga 3141 bill@wasleyknell.co.nz	Seeka Kiwifruit Industries Ltd PO Box 47 Te Puke 3153 mfranks@seeks.co.nz