



IN THE MATTER

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

AND

IN THE MATTER

of two appeals pursuant to Clause
14 of the First Schedule to the Act

BETWEEN

MILNE

(ENV-2011-AKL-000189)

AND

**NEW ZEALAND TRANSPORT
AGENCY**

(ENV-2011-AKL-000179)

Appellants

AND

**WESTERN BAY OF PLENTY
DISTRICT COUNCIL**

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J A Smith sitting alone under section 279 of the Act

IN CHAMBERS at Auckland

CONSENT ORDER

Introduction

1. The Court has read and considered the appeals and the Memorandum of the parties dated 15 November 2011.
2. The New Zealand Transport Agency and Mr Milne appealed respectively against decisions of the Western Bay of Plenty District Council on Variation 1: Lifestyle Zones and Minden Structure Plan Area to the Western Bay of Plenty District Plan.
3. The New Zealand Transport Agency has given notice of an intention to become a party to the Milne Appeal under s.274 and has signed the memorandum setting out the relief sought.



4. No party has given notice of an intention to become a party to the New Zealand Transport Agency appeal under s.274.
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 proceeding 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 Resource Management Act, including in particular Part 2.

Order

6. Therefore the Court orders, by consent, that the relevant parts of the Milne and New Zealand Transport Agency appeals be allowed to the extent that the provisions of the Western Bay of Plenty Proposed District Plan (First Review) be amended, as set out below:

Milne Appeal

- (a) Realign the indicative position of the Minden/Ainsworth Structure Plan Road Link so that it is no closer than 80m to any part of the property (Lot 12 DPS 34526), as shown on Planning Maps U90, U97 and U98, attached at **Annexure A**.
- (b) Add the following rule to 16A.4.2 - Subdivision Activity Performance Standards;

(f) Minden/Ainsworth Structure Plan Road

- (i) The Minden/Ainsworth Structure Plan Road shall not be located any closer than 80m to any property boundary of Lot 12 DPS 34526. Privateways and cul-de-sacs may be located within this distance however they are not to adjoin any property boundary of Lot 12 DPS 34526. Failure to meet this rule renders the application Non-Complying and the owner of Lot 12 DPS 34526 shall be notified as an affected party.



- (ii) The intersection of the Minden/Ainsworth Structure Plan Road at Minden Road shall not be located any further north than its indicative position shown on the Structure Plan, without the written approval of NZTA.

New Zealand Transport Agency Appeal

- (c) Add the following new clause (v) to Rule 16A.4.2 (d) – Subdivision Activity Performance Standards - Minden Lifestyle Structure Plan Staging Requirements.

“For the purpose of limiting traffic movements onto the Wairoa/State Highway 2 intersection, Oliver Road shall not be connected to Minden Road.

- (d) Indicate that the Oliver Road link (paper road) shall not be connected to Minden Road, as shown on Planning Map U98, attached at **Annexure A**.

7. Except to the extent that the appeals have been allowed as set out above, the appeals are otherwise dismissed.
8. There will be no order for costs.

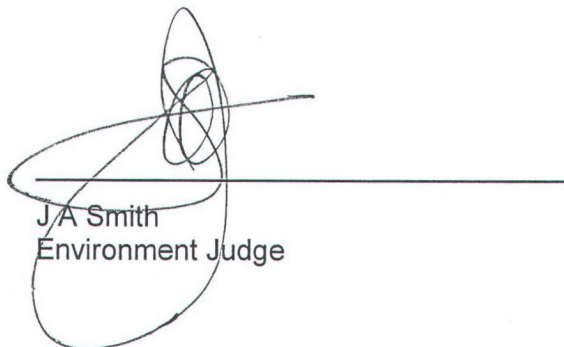
DATED this

23rd

day of

November

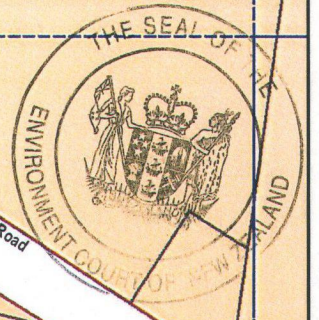
2011


J.A. Smith
Environment Judge



Annexure A – Planning Maps





Armstrong Road

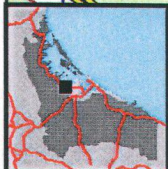
Oturu Creek

Loop Road

Sh 2 (1207-tdc)

Minden_1B


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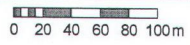


U90

Minden

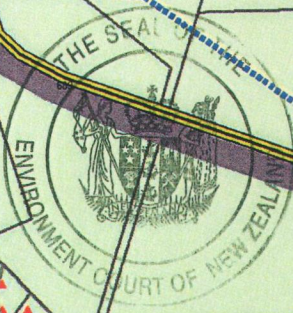
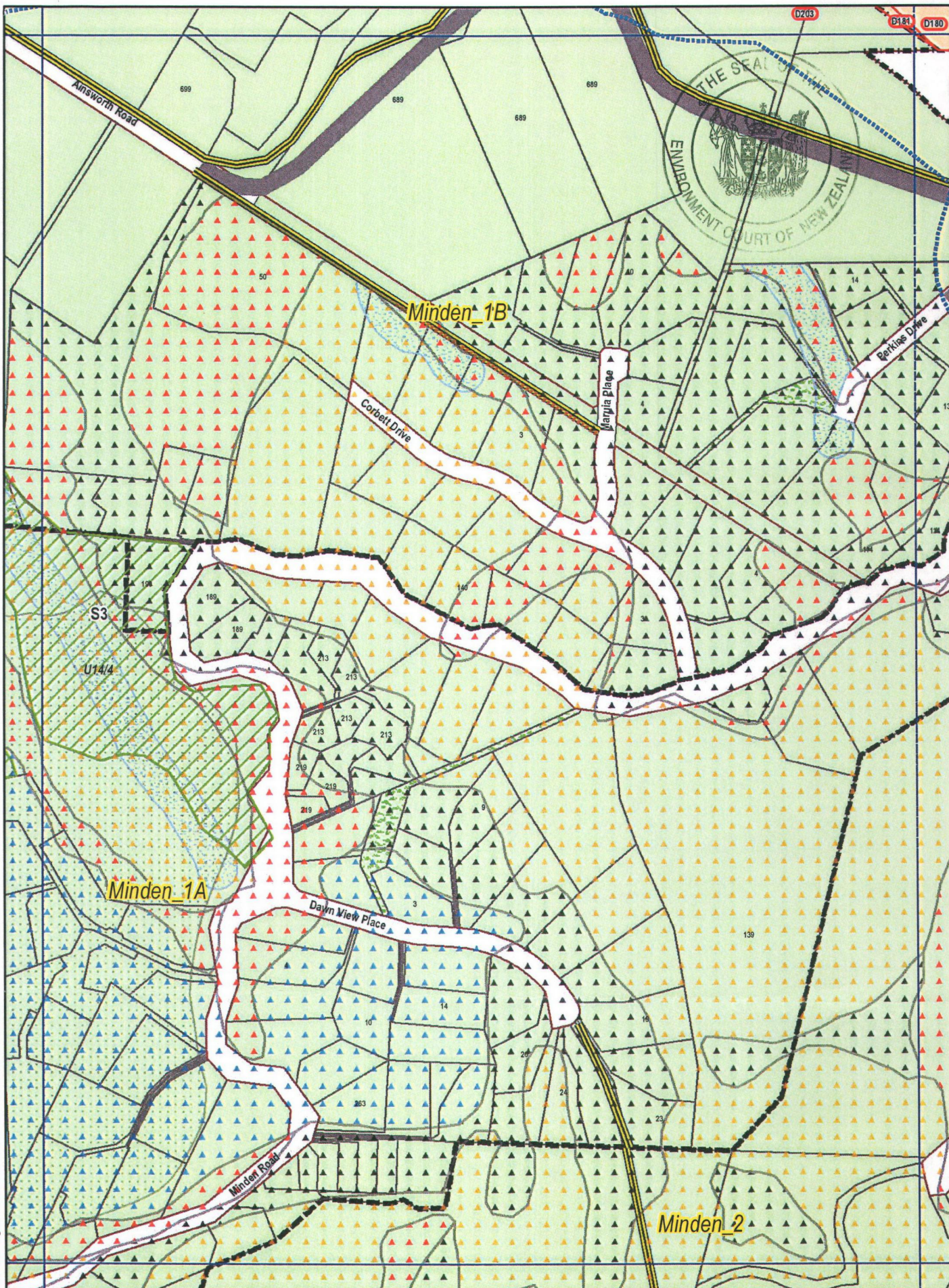
	U84	
U89	U90	U91
U96	U97	U98

 **Western Bay of Plenty District Council**



Scale 1:5000 (A4)

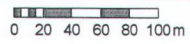
Revision Date: 10 November 2011



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U97



Minden

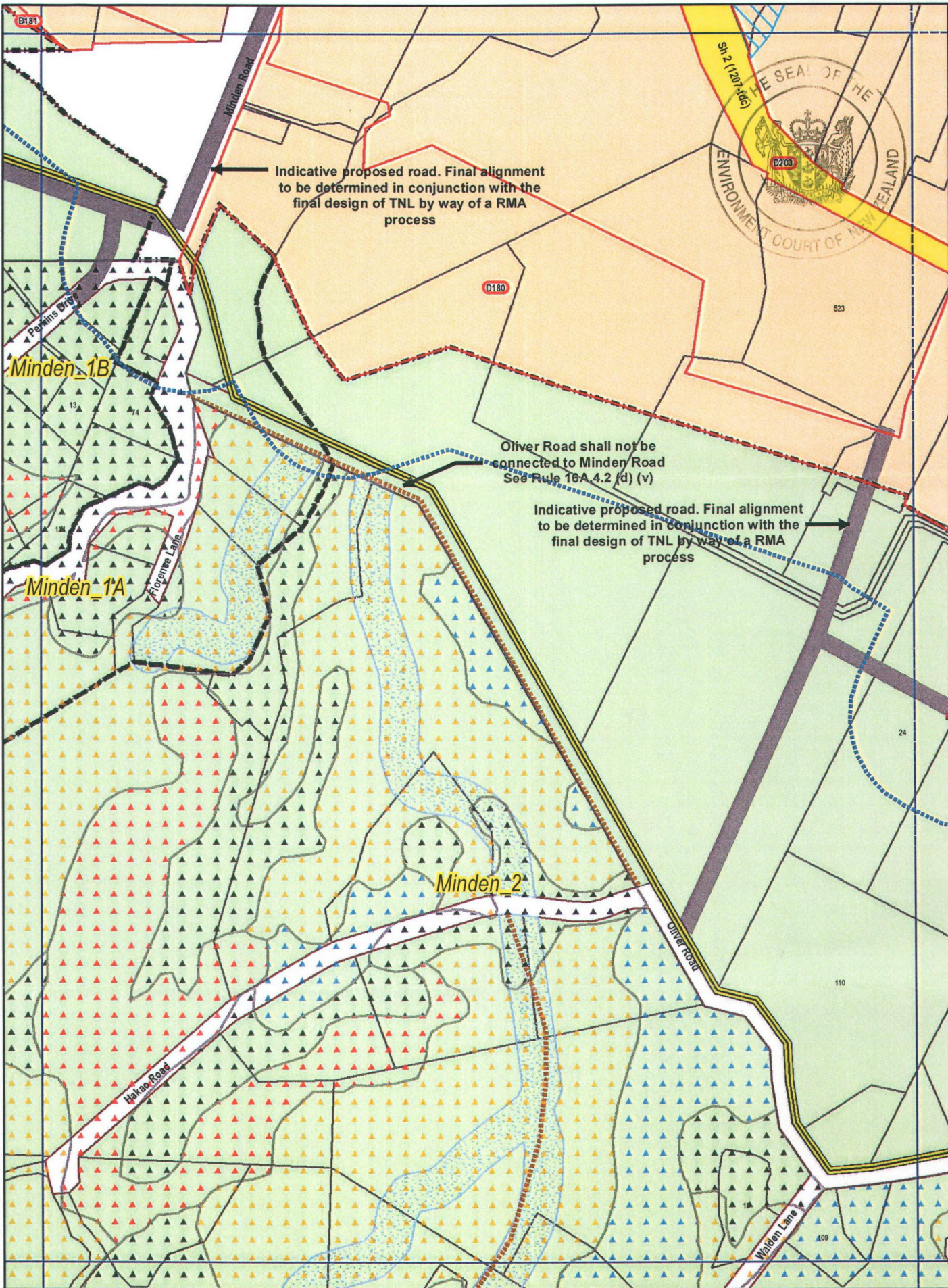
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U89	U90	U91
U96	U97	U98
U105	U106	U107



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U98

Minden

U90	U91
U97	U98
U106	U107



Revision Date: 10 November 2011



0 20 40 60 80 100m

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