

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER a reference pursuant to Clause 14(1) of the First Schedule to the Resource Management Act 1991

BETWEEN

**THOMPSON and FLAVELL,
B C and B M DANIEL, and HARVEY and CAIN
TRUSTEES LIMITED**

Appellants

AND

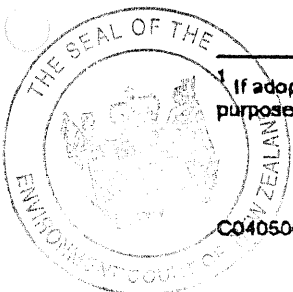
**WESTERN BAY OF PLENTY DISTRICT
COUNCIL**

Respondent

**STATEMENT OF AGREED FACTS AS BETWEEN
APPELLANTS AND RESPONDENT**

1. This document records a summary of the agreed position as between the above two parties with respect to the provision of infrastructure necessary to service the level of development for industrial (business) purposes contemplated by Plan Change 21.¹ In particular, this document records the agreed provision of infrastructure with respect to:
 - (a) Roading Impacts
 - (b) Water Supply
 - (c) Stormwater Management
 - (d) Geotechnical Requirements.

2. In addition to describing the various elements under each head, provisional costings are incorporated along with recommended Financial Contribution Rules which would apply within the zone.



¹ If adopted Plan Change 21 would provide for 30.5 hectares of land (currently zoned rural) to be used for industrial purposes

3. Both parties to this document confirm that, so far as they are concerned, the measures recorded herein would adequately mitigate any impacts on existing infrastructure in terms of:
- (a) Impacts on Road Network
 - (b) Stormwater Quality and Quantity (flooding)
 - (c) Geotechnical Issues (inundation, ground settlement, liquefaction)
 - (d) Water Supply (fire fighting included)

This Agreed Statement of Facts shall not prejudice the Respondents right to defend on appeal its decision declining Plan Change 21 or to seek a higher level of service in respect of the infrastructure assets referred to in this document in order to promote amenity, landscaping and traffic safety standards for the area.

4. Where preliminary assessed costs ("PAC") have been indicated below it is recognised that these costs are estimates only of the "most likely" cost and as such are subject to variation following investigations, design and market pricing. All PAC are to be met fully by the Appellants and are in addition to any financial contributions. The financial contribution figures are April 2004 figures and are to be adjusted for inflation for future years.

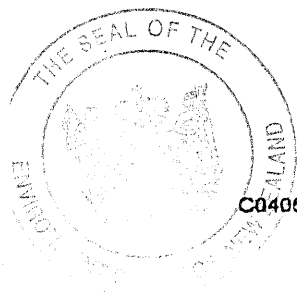
The calculations for financial contributions are based on a net developable area of 26.3ha. This figure excludes land required for stormwater management and landscaping. If there is any change to these latter two and/or the introduction of other non-developable land (eg roads), then the figures will need to be altered accordingly.

ROADING INFRASTRUCTURE

5. Having identified potential impacts on the roading infrastructure associated with the level of development contemplated by Plan Change 21, the agreed mitigation requirements are summarised below.

State Highway

6. To mitigate the effect of the increased traffic generated by the development on State Highway 2 intersections with Te Puna Road and Te Puna Station Road



the following mitigation measures have been agreed with Transit New Zealand and as between the parties to this document. They are cast as rules to be incorporated in the event the Plan Change is approved:

- (i) *Staging Development - No more than 70% (22 hectares) of the Industrial Business zoned land shall be developed until such time as the proposed Northern Arterial route is constructed and operational. In this context "developed" means occupation and use of land or buildings for industrial business activities and does not solely relate to activities within the buildings or structure.*
- (ii) *Prior to commencement of any land use activity on the Industrial Business zone land, Te Puna Road/State Highway 2 intersection must be upgraded to a roundabout or similar traffic management alternatives, and in addition, Te Puna Station Road/State Highway 2 intersection must be upgraded by widening for left turn traffic movements onto the Highway or similar traffic management alternatives.*

Cost Estimates

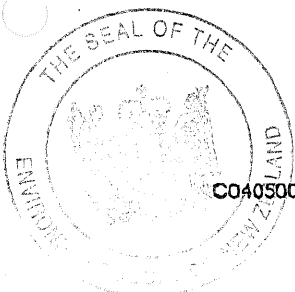
- Upgrading of the intersection of State Highway 2 with Te Puna Station Road: **PAC \$80,000**
- Upgrading of intersection of State Highway 2 with Te Puna Road: **PAC \$1,400,000**

Local Roads

7. To mitigate the effect of the increased traffic generated by the development on the local road network the following mitigating measures have been agreed as rules to be incorporated in the event the Plan Change is approved.

- (a) To mitigate the impact of heavy vehicles negotiating the Te Puna Road/Te Puna Station Road intersection:

Prior to commencement of any land use activity on the Industrial Business zone land, Te Puna Road/Te Puna Station Road intersection must be upgraded to include provision for left turn and right turn movements or similar traffic management alternatives.



- (b) To mitigate the impact on Clarke Road by discouraging the use of Clarke Road by heavy vehicles:

Prior to commencement of any land use activity on the Industrial Business zone land, a minimum of two calming thresholds shall be installed at the northern end of Clarke Road.

- (c) To mitigate the impact of access onto Te Puna Station Road, by controlling the frequency of access points:

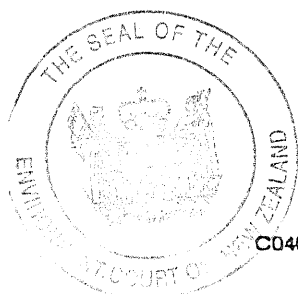
The number of new roads or access onto Te Puna Station Road shall be minimised and shall have a minimum separation distance between each access or intersection of 200m as measured along the road centre.

A change is also required to the existing rule 18.3.1(c) to include the proposed Te Puna Industrial Business zone.

- (d) To mitigate the impact of the traffic generated by the development of the zone on the existing road network (mid-block), a financial contribution shall be collected at the time of each development in accordance with Council's financial contributions policy and rules applying at the time. The fee will be imposed on the basis of area of land developed for Industrial Business use. This fee covers the impact of heavy vehicle loads on the local roads, in terms of the increased strength of pavement required; the reduced life of the existing pavement; the possible changes to the pavement recycling regime; and a contribution to the widening of the roads to address the existing deficiency. The agreed impact fee being at a rate of \$24,074 per hectare (total of \$650,000).

Cost Estimates

- Upgrading of the intersection of Te Puna Station Road and Te Puna Road: PAC \$250,000
- Clarke Road traffic claiming Measures: PAC \$35,000



POTABLE WATER INFRASTRUCTURE

8. The impacts of the proposed development on the potable water infrastructure comprise the impact on the reticulation (to provide adequate capacity for fire fighting from the storage reservoirs to the development site) plus the impact on the water supply source/headworks of the water supply scheme.

- (a) To adequately provide for water supply reticulation, the following rule has been agreed for incorporation in the event of the Plan Change being approved.:

Prior to commencement of any land use activity on the Industrial Business zone land, an adequate water supply shall be provided by the Appellants to meet Western Bay of Plenty District Council Code of Practice for Class C fire risk and a peak hour flow of 1.0l/s/ha.

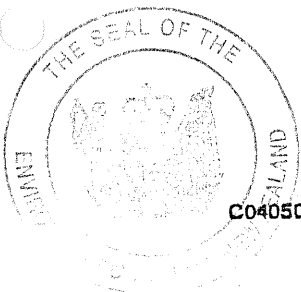
Note that this condition places the onus on the developer to complete the water supply and reticulation works. Available options for such provision have been identified and would be selected and implemented by the developer in a manner acceptable to Council's Utilities Manager.
PAC = \$450,000.

- (b) To mitigate the impact of the additional water demand on the water supply scheme a financial contribution is proposed to be imposed on the basis of the area of land that is developed for business zone use. The agreed contribution is the equivalent of 12 domestic water contributions for each hectare of Business zone land (at \$1671 per lot for the Central Water Supply this is equivalent to \$20,052 per hectare or a total of \$611,596).

STORMWATER INFRASTRUCTURE

9. Proposed construction measures were outlined in the application and at the Council hearing so as to mitigate the impact of stormwater runoff from the development. The proposed measures are summarised and estimated below:

- Upgrading of the existing twin 1500mm diameter pipe culvert crossing of Te Puna Station Road to a triple 1500mm diameter culvert: PAC \$30,000



- Relocating the existing roadside drain and crossing culverts, from the road reserve to inside the adjacent property boundary (Bax/Daniells properties): PAC **\$15,000**
 - Cleaning out the drain on east side of Te Puna Station Road: PAC **\$5,000**
 - Construction of detention ponds and associated works (design capacity to fully mitigate the 100 yr ARI critical duration event). These are subject to both detailed design to be approved by the District Council, and to resource consent from the Regional Council. PAC **\$110,000**.
10. In addition to the above construction costs the on-going maintenance of the stormwater system has been estimated at approximately \$10,000pa. It has been recommended that this ongoing maintenance cost be derived from a special rate for the area of benefit.

GEOTECHNICAL DEVELOPMENT ISSUES

11. Mark Mitchell Limited has provided a full report on geotechnical issues with the development application. A summary of the likely geotechnical issues that will be addressed by the developer in order to bring effect to the proposed re-zoning area are:
- (a) Fill to provide adequate foundation platform level with allowance for settlement.
 - (b) As the area comprises of compressible marine and organic silts there will be a need to pre-load foundations for any structure with an allowance of possibly 30% settlement. Allowance for a 12 month settlement period is required unless this period reduced by use of wick drains or similar.
 - (c) Allowance required for use of geotextile below critical fill areas.
 - (d) Final geotechnical design required to confirm pre-load and settlement period.

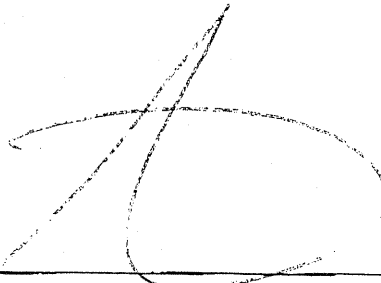


- (e) Should any areas of possible liquefaction potential be identified with further testing then use of alternative foundations may be required such as stone column foundations.

Cost Estimates

- Structural Fill to building platforms **PAC \$520,000**
- Contingency for poor foundations **PAC \$150,000**

DATED this 5th day of May 2004



Martin J E Williams
Counsel for Appellants



P H Cooney
Counsel for Respondent

