

**Mansfield Properties Ltd v Tauranga District Council 4/10/02, Judge Bollard, EnvC
Auckland A196/2002**

Unsuccessful appeal against designation - consent order proposal providing a service lane on land adjacent to B's land and involving MPL and GEL's land - area allocated a road zoning under proposed plan - area concerned acquired from B under Public Works Act 1981 and owned by TDC - B and MPL wished to have private agreement rather than designation - TDC took matter before a Hearing Commissioner and B and MPL appealed.

Held, no good reason not to endorse full turning head proposed by TDC - evidence that designation reasonably necessary to achieve completion of an efficient and workable service lane in the public interest, consistent with objectives and policies of district plan concerned with public safety - TDC gave B and MPL reasonable opportunity to produce a satisfactory private agreement but one was not given - proposed designation is warranted as an appropriate planning measure - designation upheld and appeals disallowed.