

**PALMERSTON NORTH CITY COUNCIL  
LANDUSE CONSENT – COVER SHEET**

1 Job No:	
2 RC No:	202855
3 Property File Reference:	J8/PLN
4 Fee Paid (amount):	
5 Receipt Number:	
6 Applicant	Pacific Farms Limited
7 Site Address	Johnstone Drive & Abby Road
8 Postal Address	Pirie Surveying Limited P O Box 100-50 PALMERSTON NORTH
9 Legal Description	Lot 97 DP 330144 & Lot 99 DP 325883
10 Type of Application (code for loading)	
11 Proposal	Subdivision - restricted landuse consent for restructuring earthworks
12 Application Received	18/12/06
13 Consent Due	8/02/07
14 Section 92 Request Date	23/01/07
15 Section 92 Info Received Date	27/03/07
16 Section 37 Set Date / Reason	Waiting technical advice and complexity of consent -
17 Consent Now Due	
18 Why Fees are Fair & Reasonable	
19 Consent Granted/Declined Date	11/05/07
20 Number of Working Days	39
21 Monitoring Required (Yes/No)	NO
21 Planner Initials	JM
22 Application Fee Still to be Paid if any:	
23 Total Charge from processing hours	\$ -
Less Deposit	\$ -
Total Processing	\$ -
24 Development Contribution	
25 Monitoring Fee	
26 Total Payable	\$ -
27 Invoice to go to	

CONSULTANT USED  
TECHNICAL STAFF see attached spreadsheet


<b>Monitoring Information</b>	
First inspection due date:	If no date bring up for 4 weeks
Which conditions to be monitored	
Non-Notified Consent	240
Notified Consent	480
Amount Paid on application	\$
Number of inspections paid for:	

Principal Planner  
PALMERSTON NORTH CITY COUNCIL

**PROPOSED SUBDIVISION OF  
LOT 97 DP 330144 AND LOT 99 DP 325883  
AND RESTRUCTURING OF LAND LANDUSE CONSENT  
AT ABBY ROAD, PALMERSTON NORTH  
FOR PACIFIC FARMS LTD  
RM 2466**

**1. THE APPLICATION**

Pirie Consultants Ltd, on behalf of their client, Pacific Farms Ltd, have submitted an application for a resource consent to subdivide Lot 97 DP 330144 and Lot 99 DP 325883. The land is comprised within Certificate of Titles 123780 and 104249 and located at Abby Road, Palmerston North.

The application is made in terms of the Resource Management Act 1991 and was received on 18 December 2006. The application was placed on hold on the 23 January 2007 relating to a geotechnical feasibility study. The application was subsequently amended on the 16 February 2007. A geotechnical report was provided on the 27 March 2007.

**2. THE PROPOSAL**

The proposal is to subdivide two existing residentially zoned allotments into three.

Proposed Lot 500 is to be 715m<sup>2</sup> and proposed Lot 501 is to be 717m<sup>2</sup>. Lot 1000 is proposed to be 25.7241ha.

Access to Lot 500 and Lot 501 is proposed to be via their Abby Road frontages. Access to Lot 1000 can be via its Johnstone Drive frontage.

The site is located within the Aokautere Development Area as identified by Map 10.1 of the District Plan. As such the applicant has also applied for a restructuring of land 'landuse consent' under Section 22 of the District Plan.

The proposed earthworks involved the filling of the gully which runs between Johnstone Drive and Abby Road. The gully is approximately 230m long and 60m wide. The proposed earthworks include up to 500 000m<sup>3</sup> of fill to be placed in the existing gully system.

### 3. THE DISTRICT PLAN

#### 3.1 Subdivision

The District Plan was made operative on 18 December 2000 but excluded Section 7 – Subdivision. Section 7 – Subdivision was made operative on 24 March 2005.

In July 2004 Council adopted a new Development Contribution Policy under the Local Government Act 2002. This replaced the transitional provisions of the Resource Management Act 1991 to recover financial contributions under the relevant parts of the Local Government Act 1974. As a result the District Plan is now fully operative.

Section 104 of the Resource Management Act 1991 requires consideration of the District Plan when assessing an application for a resource consent. The following is an assessment of this proposal against Rule 7.7.1.2 of the District Plan being Performance Conditions for Controlled Activities in the Residential Zone.

- a) **Existing Buildings** – All lots are currently vacant.
- b) **Minimum Lot Area** – Both Lots are in excess of the 400m<sup>2</sup> as required in the Aokautere Development Area.
- c) **Shape Factor** - Not applicable to this proposal.  
  
**Access** – Access to both Lot 500 and 501 will be via its Abby Road frontage. The applicant is not seeking to apply for access onto a State Highway for Lot 1000 and access can be via its Johnstone Drive frontage.
- e) **Essential Services** - All services are within 30m of the nearest point of the land being subdivided
- f) **Esplanade Reserves** - Not applicable to this proposal.
- g) **Pacific Drive Extension Area** – Not applicable to this proposal.

As the proposed subdivision meets the performance conditions under Rule 7.7.1.2 it can be considered as a controlled activity in accordance with provision 7.7.1.1(1).

#### 3.2 Landuse Consent

The applicant has applied for a landuse consent to carry out earthworks including the filling of a gully at the same time as this subdivision consent.

Rule 22.9.2.1 states:

*Restructuring of land through earthworks or other works to create land with improved slope and soil stability, in the Aokautere Development Area, shall be a Discretionary Activity (Restricted) in respect of:*

- *The Avoidance or Mitigation of any Natural Hazard.*

Provided it complied with the following performance conditions:

**(a) Timing of Application and Undertaking of Works**

- (i) Any application to restructure land in the Aokautere Development Area shall be made a same time as any application is made for a subdivision consent for the same land.
- (ii) Any works associated with the restructuring must be carried out at the same time as any other works associated with the approved sudivisional consent.

The application has applied to carry out the earthworks at the same time as subdivision consent therefore the application must be considered as a Discretionary (Restricted) Activity.

**4. THE RESOURCE MANAGEMENT ACT**

Section 88 of the Resource Management Act 1991 provides for any person to apply for a resource consent.

**4.1 Public Notification Assessment**

With regard to notification, Section 93(1) indicates that a consent authority must notify an application for a resource consent unless:

- (a) *The application is for a controlled activity; or*
- (b) *The consent authority is satisfied that the adverse effects of the activity on the environment will be minor.*

In terms of this application Section 93(1)(a) applies in that the application is for a controlled activity. In addition, potential adverse effects of the activity on the environment will in my opinion be minor, and pursuant to Section 94(2) it is not necessary to serve notice on any persons as no persons have been identified as potentially adversely affected.

With regard to 'Restructuring of Land in Aokautere Development Area' Council's discretion is restricted to:

*'The avoidance or mitigation of any natural hazard'*

A feasibility assessment has been provided by David Napier and Associates which confirms the proposed works may be carried out to create stable building platforms. Council has previously sought a legal opinion which concluded that the resource consent required for earthwork need not be notified given Council's discretion and that neighbours/people who have a view of the earthworks are not considered to be potentially affected parties. Therefore any effects associated with the earthworks are outside Council's discretion and therefore these effects can not be taken into consideration, therefore all effects are considered to be minor.

In addition the site is zoned residential, as such there is an expectation that residential subdivision will occur in this area. Council considers that the development of residentially zoned land for residential purposes is appropriate and any adverse effects

associated with the subdivision can be mitigated by appropriate conditions and thus adverse effects are considered to be no more than minor.

In view of the above, any adverse effects are considered to be no more than minor, there are no potentially affected parties and no special circumstances are considered to exist it is recommended that the application be considered without notification.

#### **4.2 Matters to be Considered**

Section 104 of the Resource Management Act sets out the matters to be considered when making a decision including, but not limited to:

- *any actual and potential effects on the environment of allowing the activity;*
- *any relevant provisions of a Regional Policy Statement;*
- *any relevant objectives, policies, rules or other provisions of a plan or proposed plan;*
- *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104A provides that after considering an application for a resource consent for a controlled activity, a consent authority –

- (a) Must grant the application; but
- (b) May impose conditions of the consent under section 108 for matters over which it has reserved control in its plan or proposed plan.

Sections 108 and 220 outline the nature of conditions that can be placed on Subdivision Consents.

## **5. SUBDIVISION CONSIDERATION**

### **Section 7 Objectives and Policies**

Section 7.3 ‘Objectives and Policies’ of the Palmerston North City District Plan contains very specific and focused policies. These policies provide guidance when considering an application particularly with regard to the appropriateness of granting consent and the type of consent conditions to be attached.

In this case the application complies with the Performance Conditions for Controlled Activities and has been considered as such as a controlled activity. Subdivision Section 7.5(9) of the District Plan states that:

*“The Controlled Activity category has been used wherever it can be reasonably concluded that adverse effects can be avoided or mitigated through standards and conditions. The Controlled Activity category gives certainty to the activity of subdivision but allows conditions to be imposed for purposes specified in the Plan. Consent may be refused if the land proposed to be subdivided is not suitable for*

*subdivision due to natural hazards. Generally, applications for consent will be non-notified"*

All lots are able to meet the minimum lot area and therefore are of sufficient size and shape to accommodate a substantial dwelling. In this case I am of the opinion that because the application complies with the Performance Conditions for Controlled Activities, and because of what is discussed in Section 6 below, the proposal is consistent with relevant District Plan objectives and policies, and the effects generated will be no more than minor.

## **6. LANDUSE CONSENT**

### **Restructuring of Land in Aokautere**

Due to issues surrounding land instability hazards within the Aokautere Development Area, a further land use consent is required in relation to the earthworks.

#### **"R 22.9.2.1 Restructuring of Land in Aokautere**

In determining whether to grant consent and what conditions to impose, if any, Council will, in addition to the City View and Natural Hazard Section objectives and policies, assess any application in terms of the following further policies:

- (a) *To avoid, remedy or mitigate any adverse environmental effects arising from the proposed restructuring works.*
- (b) *To ensure that the proposed restructuring works avoid, remedy or mitigate the land instability hazard."*

#### **Comment**

The proposal involves the restructuring of the existing landform through earthworks. The applicant has provided a Geotechnical Assessment which has been prepared by David Napier and Associates. David Napier details the proposed earthworks which include the filling of a gully which is approximately 230m long and about 60m wide. The gully runs in a north/south direction. The gully has an area of 15,000m<sup>2</sup> and it is estimated there will be 500,000m<sup>3</sup> of fill placed within this gully.

This preliminary report details how the proposed works are to be carried out and makes specific recommendations as to how the earthworks should occur. This information has been reviewed by Council's Subdivision Engineer Paul Flynn and Barry Strichen who is a consultant engineer. Both Engineers are satisfied this preliminary report details all the necessary information for a feasibility study and provided all recommendations made within the report are followed then the proposed development is considered to mitigate any land instability issues. A condition of consent will be established to ensure all recommendations within the Geotechnical report prepared by David Napier and Associates Ltd are met.

There were concerns raised as to how the earthworks will affect the adjoining properties and their existing overland flow path. This question was placed to the

application who has since confirmed the gully is to be filled in a way that the existing overland flow path from the adjoining properties will not be affected. In addition there is to be no fill placed on the adjoining properties including the Council reserve.

In addition to the Geotechnical Report, Council will require confirmation there are suitable building platforms once the earthworks are completed. Therefore Council will require a completion statement confirming the land is suitable for residential development and identifies any restrictions or limitations that may occur. As such a condition of consent will be set to ensure this occurs.

During the earthworks phase there is the potential for adverse effects to occur which include dust, noise, additional traffic movements and possible short term erosion from natural elements. Council does not have any discretion through this resource consent over these potential effects and therefore cannot place any conditions to mitigate any potential effects. However under Section 17 of the Resource Management Act 1991 every person does have a duty to avoid, remedy or mitigate any adverse effects that may arise from an activity.

However under the Local Government Act 1974 it is considered Council has the discretion to close the road or part of a road to specific types of traffic. In this case Council's Roading Manager has expressed concern relating to the use of Abby Road by heavy trucks for the filling of the gully, and would prefer the use of State Highway 57 for access to the site. As such a note will be placed to the applicant to discuss the matters surrounding the management of traffic associated with the proposed earthworks with Transit New Zealand and Council's Roading Staff.

#### **Services and Easements**

The standard services / easement condition will be imposed to ensure all services are confined to their respective lots or easements are provided for prior to final approval.

#### **Development Contribution**

This area has been subject to a number of subdivision consents being the woodgate development. Through these consents a large area of reserve land was vested in Council to cover all reserve contributions. At the time the development contribution policy became operative, the applicant consulted with Council to establish the implications this may have in regards to future subdivision of the applicants land. Based on the advice given, it is considered that the existing reserve credit being 2.3ha is considered to cover the local reserves contribution for the woodgate development. Based on this there is 177 lots are considered to have received payment for local reserves. Therefore once this subdivision is completed it is considered to have 176 lots for 'reserve credit' still available.

Under the 2006 Development Contribution Policy Council has the ability to postpone payments for area based charges. As such in this case it is considered appropriate to postpone the payment for the area based charges for stormwater charges of a development contribution for the balance land being Lot 1000. As such area based charges for stormwater for Lot 500 and 501.

As this subdivision consent is from two titles into three, it is considered that one additional unit of demand is payable. Therefore under this subdivision consent the

following development contribution of \$10730.30 will be required to be paid prior to the issuing of 224 certificate is issued.

## **7. RECOMMENDATION**

### **7.1 Subdivision Consent**

That pursuant to Sections 104, 104A, 108 and 220 of the Resource Management Act 1991 the application by Pacific Farms Ltd to subdivide Lot 97 DP 330144 and Lot 99 DP 325883 (RM 2466) be **granted** for the following reasons:

1. The proposed subdivision is consistent with all of the relevant objectives and policies of the District Plan.
2. There are no identified potentially affected parties.
3. The Geotechnical assessment provided by David Napier and Associates concludes the property is suitable for residential development provided recommendations within the report are followed.
4. The subdivision will not create any adverse effects on the environment that will be more than minor with the appropriate conditions implemented.

#### **Subject to the following conditions:**

##### **General Accordance**

- (1) The proposed subdivision shall be in general accordance with the amended application received by Council on the 16 February 2007 drawn by Pirie Surveying Ltd dated February 2007 and the Geotechnical Assessment received by Council on the 27 March 2007 prepared by David Napier and Associates dated March 2007.

##### **Provision of Easements**

- (2) Prior to approval under Section 224 of the Resource Management Act 1991 the applicant shall make a written statement to Council to the effect that all services shall be confined to their respective lots or provision made for suitable easements to be granted or reserved and endorsed in a Memorandum on the Land Transfer Plan prior to approval under Section 223 of the Act.

##### **Engineering Works**

- (3) Prior to approval under Section 223 of the Resource Management Act 1991 the applicant shall submit to and have approved by Council, engineering plans showing the proposed earthworks and subsoil drainage plans which have been endorsed by David Napier and Associates Ltd.
- (4) The consent holder shall ensure all engineering works are carried out in accordance with the methodology and recommendations made within Geotechnical Report prepared by David Napier and Associates Ltd dated March 2007 and titled Filling Assessment Report and the approved engineering plans, in particular the following:



- Once the gully is stripped of vegetation, the site shall be inspected by an Engineer to confirm, that all unsuitable material has been removed and that the material present is a continuation of the silt beds identified within the report.
- That prior to commencing works, the borrow areas are identified and samples of fill are tested and approved by the supervising engineer. The consent holder shall ensure that fill from various sources are not mixed. All rocks larger than 100mm diameter should be removed from the borrowed fill.
- Fill should not be placed directly on slopes steeper than 1 in 10. If any slopes are steeper than 1 in 10 they should be benched.
- The fill material should not be dumped in more than 300mm loose layers, with each layer being compacted at +2%, -4% of optimum moisture content to at least 95% maximum dry density.
- Compaction testing should be carried out every 600mm in fill height on a 10m x 10m grid. Specifically the installed density and moisture content should be assessed using the Nuclear Densometer or other acceptable method.
- A Geotechnical Engineer must oversee the construction.
- The filled area greater than 2m in depth shall have not less than 2m of soil type fill or 1.7m of road metal to provide the effect of about a 33kPa loading.
- Where the fill is over 3.5m in depth, there shall be at least 19 permanent leveling points established, to allow for monthly monitoring over the first year to monitor any settlement.

**Technical Representative**

- (5) Prior to approval under Section 223 of the Resource Management Act 1991, the consent holder shall appoint, as a Technical Representative a Geotechnical Registered Engineer to monitor the earthworks approved under Condition (3) in accordance with level CM 4 of IPENZ construction monitoring setout in Council's Engineering Standards.

**Engineering Works Completed**

- (6) Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall submit a statement from a registered geotechnical engineer confirming all engineering works as approved by Council pursuant to condition (3) have been completed to Council's Minimum Standards and in accordance with David Napier and Associates Ltd Geotechnical Report dated March 2007.

**Statement of Suitability**

- (7) Prior to approval under Section 224 of the Resource Management Act 1991, Council requires a statement of professional opinion from a suitably qualified registered geotechnical engineer acceptable to Council confirming the land is suitable for subdivision and residential development. This statement shall be made in terms of NZS 4404:2004 Schedule 2A and shall provide confirmation the land is suitable for residential development, confirming there are suitable building sites on all allotments and identify any restrictions.

**Consent Notice Requirement**

- (8) Prior to approval under Section 224 of the Resource Management Act 1991, if any limitations or restrictions are identified within the completion report as required under Condition (7), a consent notice shall be prepared to reflect these limitations/restrictions. If necessary the LT Plan shall be amended so that it indicates any building line restrictions and the Lots are subject to a consent notice. If a consent notice is required it shall be prepared by the City Solicitor at the cost of the applicant

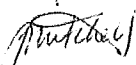
**Completion Condition**

- (9) Prior to approval under Section 224 of the Resource Management Act 1991 the applicant shall make a written statement to Council detailing how the above conditions have been met.

**7.2 Landuse Consent**

That pursuant to Section 104, 104C and 108 of the Resource Management Act 1991 the application by Pacific Farms Ltd to carry out earthworks within the Aokautere Development Area as part of subdivision consent RM 2466 subject to the following conditions:

- (1) The proposed earthworks are carried out in accordance with the information provided with the application and the Geotechnical Assessment received by Council on the 27 March 2007 prepared by David Napier and Associates Ltd dated March 2007 and Council's approved engineering plans (as per condition (3) of RM 2466).

  
**Jasmine Mitchell**  
**PLANNING OFFICER**

**NOTES TO THE APPLICANT**

**1. ARCHAEOLOGICAL ADVISORY NOTE:**

Under the Historic Places Act 1993 all archaeological sites are protected from modification, damage or destruction regardless of whether they are recorded or not. The Act defines an archaeological site as any place associated with pre-1900 human activity where there may be evidence relating to the history of New Zealand.

In the event that you discover any archaeological material during the course of developing your property you should immediately cease any work that could potentially affect this material and contact the New Zealand Historic Places Trust on 04 / 472-4341. Equally, if you wish to modify, damage or destroy an archaeological site located on your property you need to ensure that you obtain an authority from the New Zealand Historic Places Trust prior to doing so. This requirement applies

irrespective of whether you have already obtained resource consent or building consent approval from the Council.

If you desire further information regarding the responsibilities that apply to property owners with respect to the protection of archaeological sites please refer to the brochure entitled “Protecting Archaeological Sites” prepared by the New Zealand Historic Places Trust.

## **2. DEVELOPMENT CONTRIBUTION**

The following development contribution of \$10730.30 is payable prior to Council giving approval under Section 224 of the Resource Management Act 1991.

## **3. TRAFFIC MANAGEMENT**

The applicant is advised Council has concern relating to the use of Abby Road for vehicle access for trucks associated with the proposed earthworks. It is recommended the applicant contact Council’s Roading Manager to discuss a traffic management plan.

## **4. AVOIDENCE OF DUST**

The applicant is advised they still have a duty under Section 17 of the Resource Management Act to avoid, remedy or mitigate any adverse effects that may arise as a result of the proposed earthworks.

DECISION:

GRANTED

**Subdivision Consent**

Pursuant to the powers delegated to the Principal Planner by the Palmerston North City Council at its meeting on the 10 July 2006, the subdivision consent RM 2466 is **granted**, subject to the above conditions, imposed under Sections 108 and 220 of the Resource Management Act 1991.

This application was not publicly notified and notice was not served pursuant to section 93 and 94 of the Resource Management Act as the consent is for a controlled activity and Council is satisfied that the effects of the proposed activity on the environment will be no more than minor, and no potentially affected parties have been identified.

**Landuse Consent**

Pursuant to the powers delegated to the Principal Planner by the Palmerston North City Council at its meeting on the 10 July 2006, the Landuse Consent 202855 is **granted** for a Discretionary (Restricted) Activity to carry out earthworks within the Aokautere Development Area to fill an existing gully on Lot 97 DP 330144 and Lot 99 DP 325883.

This application was not publicly notified and notice was not served pursuant to Section 93 and 94 of the Resource Management Act 1991 as all effects on the environment are considered to be no more than minor and no potentially affected parties have been identified.

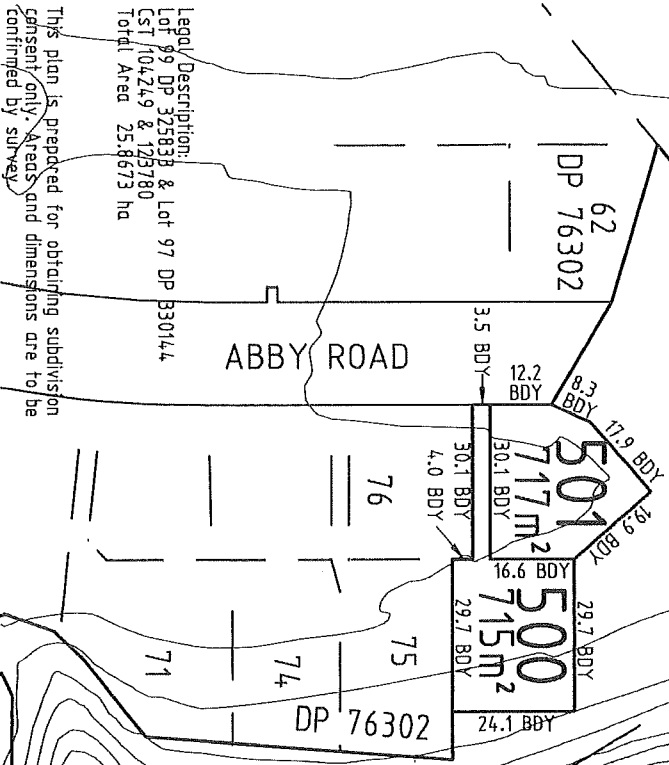
Dated this 11<sup>th</sup> day of May 2007



Virginia Shaw  
PRINCIPAL PLANNER



PT 3  
DP 68798



1000  
25.7241 ha

PALMERSTON NORTH CITY COUNCIL  
This plan forms part of an application for subdivision consent.  
The Palmerston North City Council certifies that pursuant to  
S.104 of the Resource Management Act 1991, it  
consented to the application on a decision dated the  
day of 17/05/2007, subject to the conditions  
of any specified that decision.  
Principal Panel  
of Delegation Officer

This plan is prepared for obtaining subdivision  
consent only. Areas and dimensions are to be  
confirmed by survey.

Legal Description:  
Lot 99 DP 325838 & Lot 97 DP 330144  
CST 104249 & 123780  
Total Area 25.8673 ha

PIRIE CONSULTANTS LTD.  
SURVEYING  
RESOURCE MANAGEMENT LAND DEVELOPMENT  
334 Rompfield Street, Palmerston North 41  
P.O. Box 317 5383 Fax 06 3500340  
P.O. Box 317 5383 Fax 06 3500340  
email enquiries@piriconsultants.co.nz

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SUBDIVISION FOR PACIFIC FARMS LTD  
WOODGATE - PALMERSTON NORTH

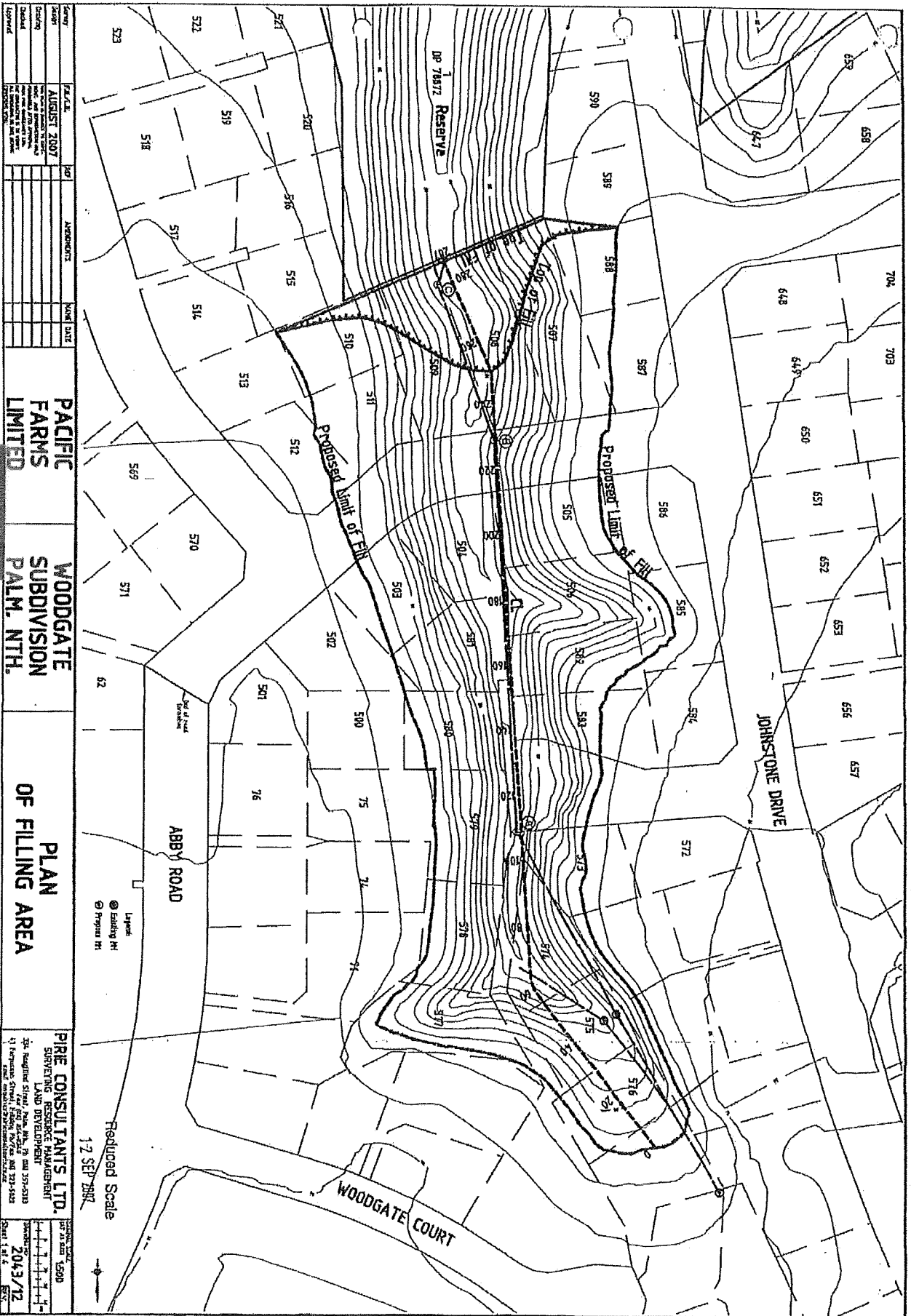
DATE: FEBRUARY 2007  
SCALE @ A3 size: DWG N° 2043/12  
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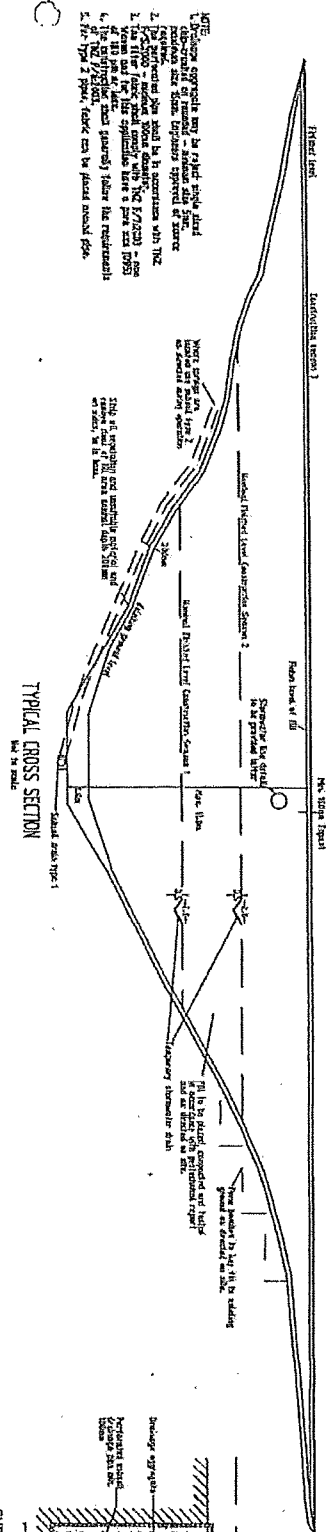










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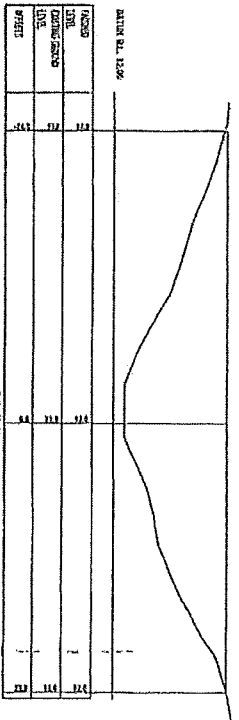
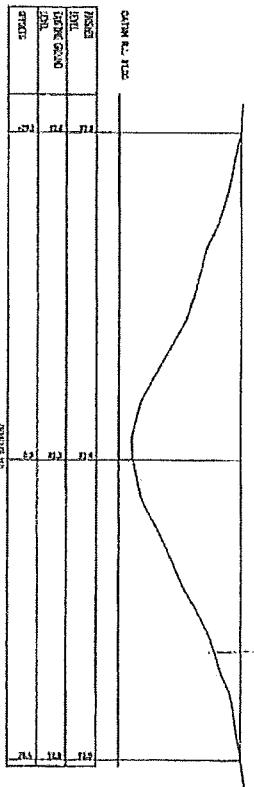
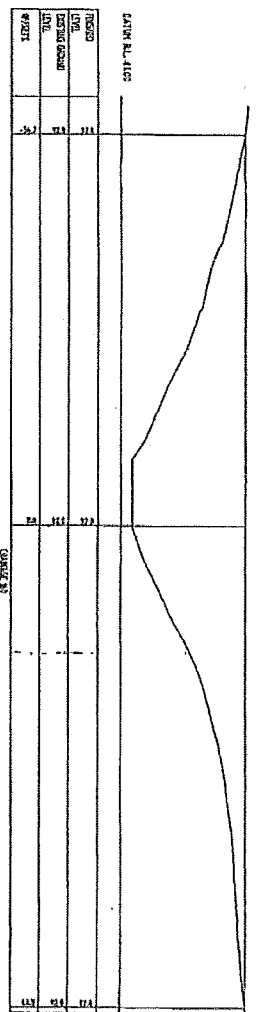
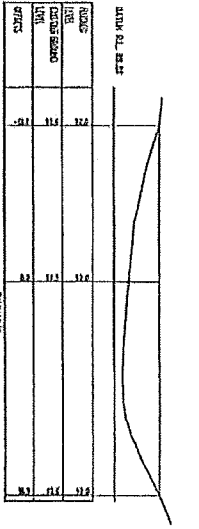
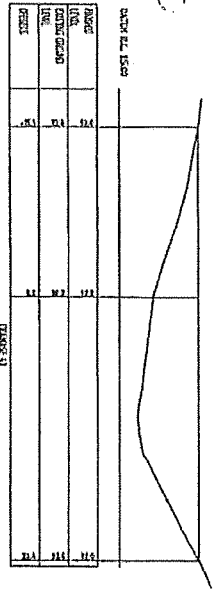
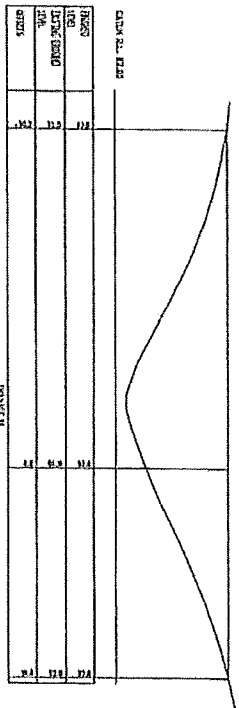
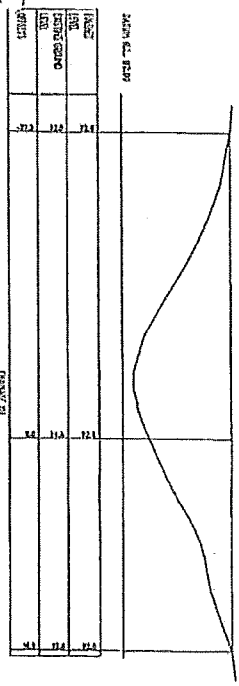
**PIRIE CONSULTANTS LTD.**  
SILVERING RESOURCE MANAGEMENT  
LAND DEVELOPMENT

134 Langford Street, Park View, PO Box 357-3303  
Fax 06 337-0216  
41 Ferguson Street, Pukekohe, PO Box 504 713-6400  
Email: [land@pirieconsultants.co.nz](mailto:land@pirieconsultants.co.nz)

**2003/12**

Small 2 of 4

PCV A



Drawn	DATE	PROJECT	SCALE
August 2007		PACIFIC FARMS LTD.	1:2 SEP 2007
Checked		WOODGATE SUBDIVISION	
Approved		PALM. NTH.	
SURVEYING RESOURCES MANAGEMENT LAND DEVELOPMENT 201 Reginald Street, Palm. Nth. 481 377 4343 4/ Reginald Street, Palm. Nth. 481 377 4343 12/ Reginald Street, Palm. Nth. 481 377 4343			
2043/12 2043/12 2043/12			

Reduced Scale  
1:2 SEP 2007

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