

PALMERSTON NORTH CITY COUNCIL

AGENDA
HEARINGS COMMITTEE
(EXTRAORDINARY)

1PM, THURSDAY 1 APRIL 2021

COUNCIL CHAMBER, FIRST FLOOR,
CIVIC ADMINISTRATION BUILDING
32 THE SQUARE, PALMERSTON NORTH



MEMBERSHIP

Aleisha Rutherford (Chairperson)
Brent Barrett
Lorna Johnson

Agenda items, if not attached, can be viewed at:

pncc.govt.nz | Civic Administration Building, 32 The Square
City Library | Ashhurst Community Library | Linton Library

Heather Shotter
Chief Executive, Palmerston North City Council

Palmerston North City Council

W pncc.govt.nz | E info@pncc.govt.nz | P 356 8199
Private Bag 11034, 32 The Square, Palmerston North



HEARINGS COMMITTEE

EXTRAORDINARY MEETING

1 April 2021

MEETING NOTICE

Pursuant to Clause 22 of Schedule 7 of the Local Government Act 2002, I hereby requisition an extraordinary meeting of the Hearings Committee to be held at **1.00pm on Thursday 1 April 2021 in the Council Chamber, first floor, Civic Administration Building, The Square, Palmerston North** to consider the business stated below.



CHAIRPERSON

ORDER OF BUSINESS

Note: All pre-circulated evidence is available for viewing on the Palmerston North City Council website – <https://www.pncc.govt.nz/participate-palmy/council-meetings/hearings/hearing-objection-to-fees-sub-4384-aokautere-land-holdings-ltd/>.

- 1. Hearing of an objection to charges claimed by Palmerston North City Council for the processing of a Resource Consent SUB 4348 at 52 Johnstone Drive, Palmerston North, lodged by Aokautere Land Holdings Ltd under sections 357B and 357C of the Resource Management Act**

To consider the following:

(i) Objector

- a) Objection email from Mr Fugle on behalf of Aokautere Land Holdings Limited dated 1 December 2020 Page [7-8]
- b) Letter from Aokautere Land Holdings Limited's solicitor dated 2 December 2020 Page [9-10]
- c) Letter setting out grounds to objection from Aokautere Land Holdings Limited's solicitor dated 16 December 2020 Page [11-12]
- d) Affidavit of Mr Fugle dated 24 March 2021 Page [13-78]

(iii) Palmerston North City Council

- Statement of Evidence of Simon Mori (Head of Planning Services) Page [79-124]

(iv) Right of Reply of Applicant

2. Exclusion of Public

To be moved:

"That the public be excluded from the following parts of the proceedings of this meeting listed in the table below".

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
1.	Hearing of an objection to charges claimed by Palmerston North City Council for the processing of a Resource Consent SUB 4348 at 52 Johnstone Drive, Palmerston North, lodged by Aokautere Land Holdings Ltd under sections 357B and 357C of the Resource Management Act.	Deliberations on Decision – Right of Appeal	S48(1)(d)

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public as stated in the above table.

Also that the persons listed below be permitted to remain after the public has been excluded for the reasons stated.

[Add Third Parties], because of their knowledge and ability to assist the meeting in speaking to their report/s [or other matters as specified] and answering questions, noting that such person/s will be present at the meeting only for the items that relate to their respective report/s [or matters as specified].



INFORMATION CONCERNING PROCEDURE FOR A HEARING

This information is for the assistance of persons participating in a hearing.

1. Engagement of Counsel

You can present your own case, but if you wish you can engage legal counsel or any other person to appear on your behalf.

2. Public Hearings

All hearings are public and the media and any member of the public is entitled to be present. The Hearings Committee or Commissioner has the power, however, to make an order to protect sensitive information. (See paragraph 14 below).

3. Hearings Committee or Commissioner Conducting the Hearing

The Council has delegated the conduct of the Hearing and the power to make a final decision to the Hearings Committee or a Commissioner. A Commissioner will conduct the Hearing if the Council has an interest in the application or the appointment of a Commissioner has been requested by the Applicant pursuant to section 100A of the Resource Management Act 1991.

4. Agenda

An agenda for the Hearing will be sent to you before the Hearing. The agenda lists generally the order of the day although there may be some variation to this. The agenda will also include pre-circulated evidence. (See paragraph 6 below).

5. Attendance of Parties

Unless you have previously sought and been granted an adjournment of the hearing, if you do not or are unable to attend the Hearing, the Hearings Committee or Commissioner may proceed and make decisions in your absence.

6. Preparation of Evidence

Important requirements for the preparation and circulation of reports and evidence are set out in the letter giving you notice of the hearing.

You have the choice of either having your evidence pre-circulated before the Hearing, or presenting your evidence (written or oral) for the



first time at the Hearing. If you decide to have your evidence pre-circulated, you will need to give it to the Council at least five working days before the Hearing.

For all reports and evidence that are pre-circulated before the Hearing, the Hearings Committee or Commissioner may decide that the evidence be taken as read or that you may elaborate on principal points. In this case, there would be no need for this evidence read in full. You will not be obliged to elaborate any further unless asked to.

However, if your evidence is written but is tabled for the first time at the Hearing, your evidence must be read in full by yourself or by your representative. You should also have 5 copies of your evidence available for distribution by the Democracy & Governance Administrator, to the Hearings Committee or Commissioner, other parties, the Planning Officers and the media.

It would assist the Hearings Committee or Commissioner if you prepare a written copy of your evidence. It is not necessary to produce copies of the original submission itself as the Hearings Committee or Commissioner will have been previously supplied with this.

The Planning Officer's evidence for the Council will be circulated to the parties with the agenda prior to the Hearing. Other evidence given to the Council before the hearing will be circulated to the parties when it becomes available.

7. Content of Evidence

Parties may elaborate on points they have already raised in their original or further submission.

Where it is considered that there is likely to be excessive repetition, the Chairperson of the Hearings Committee or Commissioner may limit the circumstances in which parties having the same interest may speak or present evidence.

8. Venue for the Hearing

The Hearing will be held at the Palmerston North City Council in the Council Chamber which is situated on the first floor of the Civic Administration Building, 32 Te Marae o Hine | The Square, Palmerston North (unless otherwise stated). Please note that access is via the



automatic doors on Te Marae o Hine | The Square side of the roadway where our Customer Service Centre is situated. There are stairs and a lift to the first floor on the right as you enter the building.

9. Evidence

The Hearings Committee or Commissioner may require evidence given at the Hearing to be on Oath or Affirmation. Any pre-circulated evidence may also be required to be sworn whether it is read or taken as read.

If a witness is unable to attend the Hearing, the Hearings Committee or Commissioner has the discretion to accept evidence in the form of an affidavit. An affidavit must be in writing, sworn before a solicitor, Justice of the Peace or other authorised officer, and should also set out the reasons why the witness is unable to attend the Hearing in person.

10. Cross Examination

There is no right of cross-examination. This means that the parties do not have the right to address questions to other parties, or to the Hearings Committee or Commissioner. The Hearings Committee or Commissioner may, however, question any party concerning their submission or evidence.

11. Conduct of the Hearing

At the start of the Hearing the Chairperson of the Hearings Committee, or the Commissioner will introduce the Hearings Committee, if appropriate, and staff members present and will briefly outline the Hearing procedure.

The following order of appearance will usually apply:

- (i) Applicant and witnesses;
- (ii) The Planning Officer for Palmerston North City Council;
- (iii) The applicant, who has a right of reply.

12. Tikanga Maori

Tikanga Maori is recognised where appropriate and the Hearings Committee or Commissioner will receive evidence written or spoken in Maori.

If you wish to speak in Maori at the Hearing, please contact the Democracy & Governance Administrator within seven days of the date



you receive the letter notifying you of the Hearing. This is to enable arrangements to be made for a certified interpreter to attend the Hearing, (*Section 4(5) Maori Language Act 1987*)

13. Visual Aids

If you wish to use a data projector, video, whiteboard, pin-up board or a similar aid, please contact the Democracy & Governance Administrator no later than two days before the Hearing so that arrangements can be made.

14. Sensitive Information

The Hearings Committee or Commissioner may make an order to protect sensitive information. The reasons for which such an order can be made, and the consequences, are detailed in Section 42 of the Resource Management Act 1991.

15. Adjournment of the Hearing

The Hearings Committee or Commissioner has the power to adjourn the Hearing.

16. Decision of the Hearing

After the Hearings Committee or Commissioner has heard the evidence and submissions, it will usually declare the Hearing closed and will leave the Council Chamber to consider its decision. All parties will be advised in writing of the decision on the objection and the reasons for those decision.

17. Additional Information

After the Hearings Committee or Commissioner has reserved its decision, further details of information from any party involved in the proceedings may be requested. If this happens, all parties will be circulated with copies of the additional information obtained and will be given the opportunity to comment before the Hearings Committee or Commissioner makes a final decision.

18. Appeals against Council Decision

Any person who has made an objection has a right of appeal to the Environment Court. Such appeal may be against the whole or any part of the decision. The time within which the right of appeal to the Environment Court must be exercised is within 15 working days of

notice of the decision being received in accordance with the Resource Management Act 1991.



Because the appeal procedure is more involved than the initial Hearing, it is suggested that parties consult a solicitor if they wish to appeal.

19. Variation of Procedure

The Hearings Committee may, at its sole discretion, vary the procedures set out above if the circumstances indicate that some other procedure would be more appropriate.

20. General

You should not endeavour to contact members of the Hearings Committee or the Commissioner. However a staff member of the Council, on behalf of the Hearings Committee or Commissioner, may contact you to arrange an inspection of any property affected by the application. In this event, do not discuss the case with them.

* * * * *

Simon Mori

From: Simon Mori
Sent: Wednesday, 2 December 2020 4:27 PM
To: Hanna Braddock
Subject: FW: SUB 4384 - 223/224 fees

Hi

Please load this objection

Cheers
Si

From: Les Fugle <fugle@xtra.co.nz>
Sent: Tuesday, 1 December 2020 6:04 PM
To: Simon Mori <simon.mori@pncc.govt.nz>
Cc: Phil Pirie <phil@pirieconsultants.co.nz>; Tony McGlynn <tony.mcglynn@pncc.govt.nz>; Chris Dyhrberg <chris.dyhrberg@pncc.govt.nz>
Subject: Re: SUB 4384 - 223/224 fees

Hello Simon.

Pursuant to the Resource Management Act 1991 section 120 and 357B and 357C Aokautere Land Holdings Limited hereby objects to Council fees imposed attached to this email. Please have this matter set down for consideration before Council's Hearing Committee at member's earliest convenience.

Submission will be tabled prior to hearing. Please have fixture date provided.

Should Council require further information then please do not hesitate to contact me.

Regards
Les Fugle
On behalf of
Aokautere Land Holdings Limited

Sent from my iPad

On 1/12/2020, at 5:09 PM, Simon Mori <simon.mori@pncc.govt.nz> wrote:

Hi Les

Please find attached all outstanding invoices that need to be paid prior to 223/224 certificate being issued.

- \$965.50 – Interim processing for 4384
- \$7827.50 – final 4384 processing
- \$330 – monitoring
- \$1843.95 – variation to 4384

- \$170 – additional inspection
- \$48940.48 – 223/224 processing

Total to pay = \$60077.43

Please also find attached the breakdowns relating to the 223/224 processing.

Regards

SIMON MORI | Head of Planning Services

Palmerston North City Council | Private Bag 11034 | Palmerston North
P: +64 (6) 3568199 | F: +64 (6) 3514471 | www.pncc.govt.nz

From: Les Fugle <fugle@xtra.co.nz>

Sent: Tuesday, 1 December 2020 4:30 PM

To: Simon Mori <simon.mori@pncc.govt.nz>; Chris Dyhrberg <chris.dyhrberg@pncc.govt.nz>;
stu@nzet.net.nz; Phil Pirie <phil@pirieconsultants.co.nz>

Subject: Re: SUB 4384 - 223/224 approval

This is first have heard of this fee (have seen no breakdown) please provide urgently

Sent from my iPad

On 1/12/2020, at 3:40 PM, Simon Mori <simon.mori@pncc.govt.nz> wrote:

Hi Les

We are ready to issue the 223/224 certificates once the outstanding processing fees of \$45,000 have been paid.

Once it has been confirmed that the \$45,000 has been paid we will issue the certificates immediately.

Regards

SIMON MORI | Head of Planning Services

Palmerston North City Council | Private Bag 11034 | Palmerston North
P: +64 (6) 3568199 | F: +64 (6) 3514471 | www.pncc.govt.nz

Simon Mori
Head of Planning Services



Palmerston North City Council
Te Marae o Hine – 32 The Square
Private Bag 11034, Palmerston North 4442

06 356 8199

pncc.govt.nz

DewhirstLaw

2 December 2020

Cooper Rapley
Lawyers
PO Box 1945
Palmerston North 4440

Attention: Nicholas Jessen
By email: njessen@crlaw.co.nz

AOKAUTERE LAND HOLDINGS LIMITED – SUB4384 – 223/224 FEES

1. We hold instructions in behalf of Aokautere Land Holdings Limited.
2. Our client developer has placed us with a copy of correspondence between Mr Mori, and Mr Fugle, in behalf of our client company, dated 1 December 2020, pertaining to processing fees and associated charges levied by Council, sought to be recovered prior to the release of the 223/224 certificates.
3. Our client developer has instructed us to record, that whilst it will attend to payment of the fees demanded, it does so under protest; our client considers that the fees and charges which have been accrued, are in no way commensurate with the complexity of the work undertaken, and in particular questions the extensive reliance upon external consultants for matters which ought probably be constrained within the Council's processing functions. In making that observation we are cognisant of correspondence received from your offices, by which PNCC purports to appoint GHD in that regard; we are unclear on the legislative basis for that appointment.
4. We ask, pursuant to the Local Government Official Information and Meetings Act, that your client provide us with a copy of all documentation, in any way pertaining to the quantification, calculation, for all works said to have been undertaken in the furtherance of the processing of 4384 to the extent that such charges are encapsulated within the fees now sought. We ask that this request is treated as a matter of urgency.

Yours faithfully
DEWHIRST LAW



Greg Woollaston
greg@dewhirstlaw.co.nz

cc: Simon Mori, Head of Planning Services, PNCC

DewhirstLaw

16 December 2020

Cooper Rapley
Lawyers
PO Box 1945
Palmerston North 4440


Attention: Elliot Maassen / Nick Jessen
By email: emaassen@crlaw.co.nz; njessen@crlaw.co.nz

AOKAUTERE LAND HOLDINGS LIMITED – PNCC – STAGE 6F7 – 223/224 CERTIFICATES

1. We refer to our earlier correspondence, note your letter correspondence of 11 December 2020.
2. You have sought clarification as to the grounds upon which our client contends that the 223/224 processing invoicing is amenable to objection.
3. We thank you for your correspondence in that respect; by way of clarification, our client's grounds of objection are, inter alia:
 - (a) ALHL contends that there is no lawful basis upon which the delegation to GHD, of its statutory functions reserved to Council pursuant to the schema of the Resource Management Act 1991 has been undertaken, or where undertaken, it says that the same was undertaken in a manner that was not compliant with the requisites for such delegations pursuant to the Act's schema.
 - (b) Our client developer further says that the charges which have been imposed are not commensurate with the nature and extent of the work properly undertaken, or which ought properly have been undertaken in the furtherance of the 223/224 processing, including by way of the same entailing significant duplications, redundancies, errors, processing inefficiencies, and operational inadequacies. The quantum, and the work product underscoring the quantum of such fees is challenged in its entirety.
 - (c) ALHL further says that the charges fixed or purported to have been fixed by your client Council, were not fixed in a manner which was compliant with the requisites of the Local Government Act/Resource Management Act, and that the same are therefore ultra vires its functioning and invalid ab initio.

4. Our client company requests the matter be placed before the determination of the Council, and that leave be reserved to it to be heard in these regards.

Yours faithfully
DEWHIRST LAW



Greg Woollaston
greg@dewhirstlaw.co.nz

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an objection under section 223/224
for SUB 4384 – 52 Johnston Drive,
Palmerston North

BETWEEN **AOKAUTERE LAND HOLDINGS
LIMITED**

Applicant

AND **PALMERSTON NORTH CITY
COUNCIL**

Consent Authority

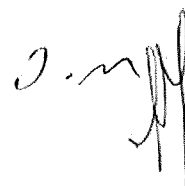
AFFIDAVIT OF LESLIE WILLIAM FUGLE

Dated: 24 March 2021

Dewhirst Law
Gregor James Woollaston
Level 1, The Square Centre, 478 Main Street, Palmerston North
PO Box 250, Palmerston North 4410
Phone: 06 777 5620
Fax: 06 281 3462
Greg@Dewhirstlaw.co.nz

I, **LESLIE WILLIAM FUGLE**, of Palmerston North, Company Director, swear:

1. I am the director and shareholder of Aokautere Land Holdings Limited (ALHL).
2. ALHL is the objector in relation to fees imposed in respect of works undertaken by ALHL in the furtherance of the subdivision of part of that land situated at 52 Johnstone Drive, Palmerston North.
3. Those works were undertaken pursuant to subdivision consent SUB4384, which consent issued on or about 22 June 2018.
4. Annexed and marked with the letter "A" is a true copy of SUB4384.
5. SUB4384 was sought in or about February 2018, with Pirie Consultants Limited, acting as agent in behalf of ALHL in framing of the resource consent application; SUB4384 was sought in conjunction with LU4400 (which consent necessarily related to the land use aspects of the necessary subdivisional works).
6. On or about 4 May 2018, PNCC issued a notification decision in respect of SUB4384, whereby it required that consent to be limited notified. The limited notification decision was later withdrawn.
7. SUB4384 was uplifted on or about 22 June 2018, and issued subject to a suite of technical conditions, including condition 1B, which condition required that a chartered professional engineer was required to be appointed as ALHL's technical representative for the purposes of Stage 6F7. That requirement was imposed notwithstanding the fact that Mr Pirie had, entirely satisfactorily, discharged that role in the previous stages of the development.
8. As a consequence of the imposition of condition 1B, on or about 30 October 2018, Mr Pirie, acting in behalf of ALHL, engaged Mr Stuart Clark of NZET Limited, Wellington, to act as the technical representative for Stage 6F7 purposes.

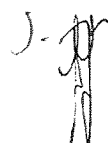


9. An important component of the Stage 6F7 works, which substantively involved an extension of the Johnstone Drive link, installation of curb and channel, and associated drainage works and the associated subdivisional activities, was the planned instatement of a temporary stormwater drainage system, whereby stormwater derived from the Stage 6F7 extension, was to be directed along a temporary system and dissipated into the Johnstone gully (the **Stormwater Solution**).
10. The consent when it issued expressly contemplated the temporary character of the Stormwater Solution, and was issued in circumstances where the absence of the planned vesting of such temporary stormwater solution, was known to PNCC, notwithstanding that the District Plan's expectation is ordinarily that such infrastructure is vested in it upon completion.
11. PNCC subsequently issued SUB4384, incorporating, in large part, the proposals in respect of the stormwater solution advanced by ALHL, i.e. an acceptance that a temporary solution could be employed in this instance.
12. Clause 8(i) of the consent, which conditions contemplated the preparation of engineering plans, specifically contemplated the utilisation of an open drainage stormwater solution, with clause 8(i) providing (relevantly):

Engineering plans in accordance with the Palmerston North Engineering Standards for Land Development (ESLD) prepared by a Chartered Professional Engineer with appropriate qualifications acceptable to Council, shall be submitted to the Council for all physical works including the construction of any road, right-of-way, access lot, services and extension to Johnstone Drive. In particular, the engineering plans must include a long section and detailed design for the temporary open drain. The design must address high velocities, scour, sediment transfer etc in accordance with NZS 4404. The design must ensure erosion does not occur in the swale itself and that sediment is not transferred downstream, thereby reducing the storage capacity of the detention dam. The engineering plans must also indicate the overland flow paths for the entire development, including the access roads. Based on the

overland flow paths, easements and adjustments of boundaries may be required.

13. Clause 8(i) specifically contemplated the provision of engineering plans commensurate with the temporary open design character of the stormwater drainage solution, with clause 8(i) providing that the engineering plans required to be advanced by AHL must *"include a long section and detailed design for the temporary open drain"*.
14. NZET Limited (Mr Stuart Clark, and Mr Phin Bourke acting) were engaged to assist in the preparation of engineering plans, for the purposes of the temporary open drainage solution.
15. Plans drawn by NZET Limited, in respect of the open drain solution were advanced on 18 October 2018.
16. An RFI was subsequently issued, which sought clarification as to the catchment areas referenced within the Visio plan, pipe capacity calculations and exit velocity remediation methodologies, together with certain design and specification calculations and associated data.
17. The RFI was predicated upon an initial engineering assessment undertaken by GHD Limited, consequent to which RFI, NZET submitted further engineering detail on 10 December 2018, addressing the information required and further demonstrating the manner in which the Stormwater Solution complied with the requisites of clause 8(i) of the consent.
18. PNCC subsequently sought to have GHD review the engineering detail provided on 10 December 2018, with GHD subsequently reporting to PNCC (by Oasis Document 12627899) in respect of that proposal; the second GHD review, was not made known to ALHL, to NZET Limited by GHD or PNCC, nor was its technical content otherwise communicated to the developer.
19. ALHL, not having been afforded the opportunity to consider or review the outputs arising from the second GHD review (Doc 12627899) was



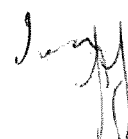
subsequently directed/required by PNCC to install a closed pipe/permanent drainage solution.

20. Such insistence was sustained by PNCC's planning team, notwithstanding the fact that clause 8(i) specifically contemplated the use of an open drainage/temporary drainage solution, and no engineering/detailed reasons were given to ALHL for such insistence.
21. The reason for the utilisation of an open drainage/temporary drainage solution in Stage 6F7, is the intended further extension and refinement of the path of Johnstone Drive, which was a necessary component of the next stage of the subdivision – which final alignment would inevitably mean the temporary drainage would need to be taken up/removed in the next stage of the subdivision.
22. It was therefore, commercially very important to ALHL, given the temporary nature of the solution installed, that the very significant costs associated with the development and instatement of a permanent/closed drainage solution.
23. Notwithstanding ALHL's insistence that it was entitled, pursuant to clause 8(i) to seek to install a temporary drainage solution, PNCC insisted, in all subsequent communications, that a closed pipe/permanent solution be instated, and did so without at any time having made known to ALHL the contents, recommendations, or subject matter of GHD's second review (Oasis Doc 12627899).
24. As implementing a drainage solution was a necessary component of the Stage 6F7 development, on 6 March 2019, ALHL, without prejudice to its position that the open drainage solution was properly open to it at law, submitted engineering diagrams/plans, specifying a proposed closed drainage solution.
25. The initial closed drainage solution entailed the utilisation of a temporary, flexible pipe, commonly known as Civil Boss.
26. Annexed marked "B" are the plans submitted in respect of the initial closed drainage solution.

27. As can be seen, the initial closed drainage solution contemplated the utilisation of a temporary class of flexible piping, given the Stage 6F7 drainage works were still temporary in nature, and the closed drainage solution, notwithstanding the significant additional cost that devolved from utilisation of civil boss pipe was to be removed, at such time as the subsequent development stage works were progressed, and the alignment of that stage of Johnstone Drive determined.
28. Commencing in or about December 2019, ALHL caused to be installed, the closed drainage solution, contemplated in the engineering plans submitted to PNCC on or about 7 August 2019.
29. The final engineering solution insisted upon by PNCC entailed the use of a permanent class of pipe work, of the sort typically used in respect of and suitable for vested, long-term infrastructure of a permanent character.
30. PNCC, notwithstanding its having initially authorised the utilisation of civil boss by virtue of engineering plans 6th March 2019 subsequently required that the temporary, flexible pipework (of which civil boss is a class member) achieve full compliance with the whole of the engineering ESDL requisites, notwithstanding that the utilisation of such flexible/inherently non-compliant materials, was specifically contemplated, and authorised in the engineering plans prepared by NZET and accepted by PNCC.
31. Such insistence included seeking to impose on the developer requirements to CCTV the temporary pipework to demonstrate the absence of dip's beyond ESDL permissible limits. The performance standards PNCC required the Civil Boss pipe to achieve, despite it's known characteristics (and temporary character) were known to the developer to be unachievable.
32. In order to secure ESDL compliance, full compliance being insisted upon by PNCC planning staff, ALHL was compelled to instate a permanent class closed drainage solution (and in so doing take up the civil boss solution, which flexi pipe cost some \$400 per linear

metre on the sections of flat ground, and \$800 per linear meter (plus GST) on the bank slope section to implement.

33. PNCC made clear its requirements that ALHL must remove the pipe solution implemented to enable the next stage of development (notwithstanding that, ultimately, a permanent class closed pipe solution was implemented). This will involve additional, significant expenditure in removing the SN6 piping, and backfilling and compacting the resulting trench, which will need to be reinstated to a standard suitable for the future carriageway.
34. Throughout the promulgation of the Stormwater Solution, the imposition of the closed drainage requirement, and the subsequent amendment of the pipe class satisfactory to PNCC, all of which steps, ALHL says, breached its rights, expectations and entitlements under the provisions of clause 8(i) of the resource consent SUB4384, PNCC incurred, or caused its agents to incur, costs of and incidental to its assessment, inspection and engineering modelling related to those proposed solutions.
35. ALHL paid the section 223/224 fees, levied by PNCC, without prejudice to its right of objection/complaint, as it was essential that it procured the titles associated to the issue of those consents on an urgent basis, that being necessary to enable it to access funding and mitigate the ongoing accrual of significant costs, losses and expenses.
36. ALHL, however, maintained throughout, that it considered the imposition of any closed drainage solution to be contrary to the requirements of clause 8(i) and further, and in particular, that PNCC's (understood to be acknowledged/accepted) failure, refusal or neglect, to provide to ALHL any feedback, information, data or opportunity for consideration or engagement with the second GHD review (Oasis Document 12627899) deprived ALHL of the potential to refine, and install an open drainage solution, the costs of and incidental to which would be very significantly less, than those costs subsequently met by ALHL in implementing, initially, the civil boss flexible drainage



solution, and thereafter, in implementing the permanent drainage solution - initially PNCC insisted ALHL install SN16 class pipe, but subsequently required SN8, both of which pipe classes significantly exceeded, ALHL considers, the standard of pipe necessary to satisfy the performance needs.

37. ALHL will table information (our consultants are currently calculating these amount) demonstrating its additional costs as a result the initial instatement of the civil boss closed pipe solution, and thereafter the costs for the SN6 permanent/closed drain solution.

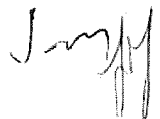
Fees challenge

38. ALHL says, that PNCC owed it a duty of care to act with reasonable skill, prudence and diligence in the processing, and consideration of its resource consent application and thereafter in addressing, assessing, responding to and engaging with its engineering proposals/design specifications.
39. ALHL's position, in respect of fees payable is straightforward; it says, while acknowledging that Council can impose fees for the carrying out of works/functions attributed to it, including Resource Management Act functions, it can only do so in circumstances where such fees are properly and reasonable incurred.
40. ALHL acknowledges that section 36 enables PNCC to fix fees, provided that it has followed the process as required by section 36(3) in doing so.
41. Even having fixed fees, section 36(5) is accepted to enable PNCC to recover additional charges, where those charges are actual and reasonable and are, in essence, beyond what is contemplated within the extent of the fixed fees or where a consent or issue addressed by Council is highly anomalous or time intensive.
42. ALHL makes the observation that PNCC's planning fees, as notified, contemplate the issue of a 223/4 certificate, incurring an

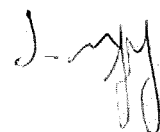
administrative fee of \$380, and that ordinarily subdivision inspections for 20 or more lots, are to be furthered at a cost of \$4,800.00.

43. The schedule of charges (currently notified by Council) is set out as annexure "C" for ease of reference/comparison.
44. It is anticipated that there is, ordinarily, a degree of engineering and operational sophistication required for the furtherance of a 20 lot subdivision; there is accordingly, a reasonably significant charge, already promulgated by Council in that respect.
45. It is noted by ALHL that the schedule further provides that the monitoring and inspection charge for non-notified consents is \$330.00 for 2 hours of inspection.
46. As PNCC declined to issue the required 223/224 certificates, prior to receipt of payment in full by ALHL of the SUB4384 fees sought to be imposed by it, ALHL paid those charges, without prejudice to its bringing of this protest.
47. The touchstone for the recovery of costs, by PNCC, must be that the costs themselves are reasonable, and further, that the circumstances in which the costs arose are likewise proper and reasonable circumstances against which to attach such costs.
48. What lies at the heart of ALHL's fees challenge, are two simple assertions:
 - (a) As to any fees incurred by GHD, as Council's consultants, in the analysis, preparation and compilation of its second report – which report, due to administrative error/failing was never made known to the applicant developer, must be wholly excluded.

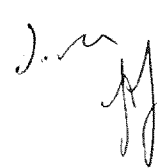
It is not reasonable to seek to attribute the costs of such work to ALHL, where ALHL was, due to administrative error not only deprived of any utility/advantage from that work, but then also significantly, subsequently financially disadvantaged as a result of that failing;



- (b) ALHL says that the compelled instatement of a closed pipe solution was contrary to its rights reserved under clause 8(i) of the consent, and as that insistence was wrongful, at law, and that wrongful insistence itself was the motivating cause for the incurring of the further engineering assessment and associated Council inspection implementation charges associated with the first (flexible civil boss pipe) and subsequent (permanent piping) solutions, required by PNCC, in order that 223/224 certificates could issue expediently (and thereby mitigate ALHL's ongoing costs losses and damages) then, ALHL says, that the entirety of those costs, that were imposed upon it, contrary to its entitlements in reliance upon clause 8(i) ought not to be imposed or recovered in this instance.
49. There are some aspects of the costs, charges and expenses incurred by ALHL, that it does not contest; it has, by way of example, paid the required development contribution levies in the sum of \$257,432.00.
50. It has likewise paid the required application fees, in respect of invoice 867993 in the sum of \$926.50; ALHL has also paid, without demur, the monitoring fee imposed under invoice 105392 in the sum of \$339.00.
51. The total processing and inspection costs sought to be imposed by PNCC in respect of SUB4384, including the 223/224 processing, exceeded \$60,00.00, a rough breakdown of such costs are specified in the email correspondence from Mr Mori of 1 December 2020; a true copy of which is annexed marked "D".
52. Of that total sum, \$48,940.48 is characterised as entailing the 223/224 processing costs, with significant additional costs attaching in consequence on 4384 processing (it being noted that earlier payments in that respect had been made).



53. In particular, ALHL is concerned with the costs sought to be imposed by PNCC's agent, GHD Limited; costs of or about \$20,215.10 were levied by GHD, the preponderance of which related to either its unreleased/untendered Version 2 engineering plans review, or subsequently, to matters attached, exclusively, to the subsequent compelled closed drainage civil boss and SN6 solutions.
54. ALHL has no difficulty in meeting the initial V1 review costs, occasioned by GHD, as they correctly pertain to assessing the initial engineering plans tendered by ALHL, in support of the open drain proposal contemplated by clause 8(i).
55. The invoicing received from GHD, is unclear as to the breakdown of the costs attributable to the V1 engineering assessment, and those which subsequently were occasioned as a result of its V2 engineering assessment (which assessment was not made known to ALHL, and which assessment ALHL, in consequence of such negligence/ administrative failings by GHD/PNCC, says it has no cost obligation in respect of.
56. ALHL says any costs occasioned in assessing the civil boss and final permanent/fixed drainage solutions, ought not to be charged to ALHL, at all, as those closed pipe solutions were imposed by PNCC, contrary to ALHL's entitlement to pursue an open drainage solution in reliance upon the provisions of clause 8(i).
57. The legal responsibility for the costs of and incidental to such failures, and the validity, or otherwise of the PNCC actions in insisting upon such steps being taken by ALHL, as a precursor to the release of 223/224 approvals, are presently the subject of arbitration proceedings before Mr Matthew Casey, QC.
58. ALHL had invited PNCC to defer the progression of this hearing, pending the outcome of that challenge; PNCC declined to do so, so that position must likewise be contended for here.

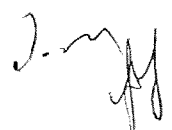


59. Given the absence of attribution in the time records and costings provided by GHD, of a breakdown of functions attaching to the V1, V2 and subsequent closed pipe requirements, it is not open to ALHL to specify, precisely, the amount at issue in these objections; it is, however, apprehended that the majority of GHD's attendances, and likely the vast majority of those attendances, attach to the V2, and subsequent engineering steps.
60. It is, ALHL says, beyond doubt that the V2 works must be set aside from the charge sought to be levied against it; those materials were never made known, the engineering rationales and details in them never disclosed in a timely manner for engineering consideration (they were subsequently disclosed as a part of a Local Government Official Information and Meetings Act request) however there was no utility in those costs afforded to ALHL and attributing them to it is entirely improper.
61. They were not costs that were actually or reasonably incurred in the proper discharge of Council's functions; they were costs that were negligently squandered as a consequence of the noncommunication of their content.
62. The subsequent costs of and incidental to the closed pipe and statement, and the inspections and works attaching to them, which are apprehended to be the majority of the 223/224 fees paid, and the preponderance of the inspection costs, are likewise contested by ALHL, upon the basis that they were imposed upon it, contrary to a lawful entitlement to utilise an open drainage solution which entitlement was conferred by clause 8(i) of the consent.
63. It was PNCC's/GHD's failure, refusal or neglect to communicate the engineering rationale for insisting upon a permanent/closed pipe solution (i.e., its wholesale failure to communicate the V2 engineering data, which it now seeks to charge ALHL for compiling) that necessitated in mitigation of ALHL's increasing financing, and



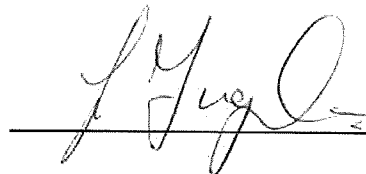
operating costs, the instatement of the closed drain solutions finally arrived at.

64. ALHL did not elect to implement a closed drain solution and in particular did not seek to implement a permanent, fixed drainage solution, of its own volition; it did so to mitigate the costs, losses and expenses being occasioned to it as a consequence of PNCC's/GHD's failure, neglect or refusal to engage in a timely, and competent dialogue concerning the requirements for the open drainage solution to be implemented.
65. Those costs, accordingly, are not costs which were properly and reasonably incurred as a consequence of the due discharge of PNCC's administrative/consenting functions; they were costs that arose as a consequence, directly attributable to its failure, neglect or refusal to communicate the V2 GHD engineering data, and are therefore irrecoverable at law.
66. The objector opposes the imposition of any costs, consequent upon inspections undertaken in respect of drainage, or drainage associated works or solutions, subsequent to the date of its submissions sent to GHD, in respect of the V1 engineering proposal.
67. ALHL says, clearly, it cannot be expected to meet the costs of the V2 GHD engineering works (not communicated to it), nor should it be required to meet the costs which arose, consequent upon such noncommunication, in respect of the subsequent, significantly more cost-intensive initial closed drain (civil boss) and final closed drain (permanent/fixed drainage) solutions.
68. At a minimum, the costs sought to be recovered by PNCC under 223/224 processing ought to be set off and discounted in this instance given ALHL has been occasioned very significant additional expenditure, at a minimum, as a consequence of being compelled to instate the first, and final closed drain solutions.



- 69. An additional concern for ALHL has been the duplication of staff attendances for inspections, with GHD and council staff often attending in concert, or two staff members attending, when an inspection, ALHL understands, only requires one staff member in attendance.
- 70. ALHL opposes the costs accordingly.

SWORN at *Palmerston North*)
by **Leslie William Fugle**)
this *24* day of March 2021,)
before me:)

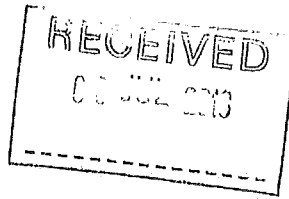


A Solicitor of the High Court of New Zealand

Jordan Marr
Deputy Registrar
High/District Court
Palmerston North 4410

"A"

2043 6F



SUB 4384 & LU 4400
22 June 2018

**NON-NOTIFIED SUBDIVISION & LAND USE CONSENT
FOR A RESTRICTED DISCRETIONARY ACTIVITY**

THE APPLICANT: Aokautere Land Holdings Ltd

LOCATION: 52 Johnstone Drive, Palmerston North (Lot 694 DP 500578 Lot 695 DP 517379 Lot 1102 DP 519561)

ZONING: Residential

NOTIFICATION: Limited notified

DECISION: Granted

Pursuant to Sections 104, 104C, 108, 220 & 221 of the Resource Management Act 1991 consent is **granted** for a Subdivision Consent (SUB 4384) at 52 Johnstone Drive, Palmerston North subject to the following conditions:

SUBDIVISION CONSENT CONDITIONS:

GENERAL CONDITIONS APPLYING TO ALL STAGES

GENERAL ACCORDANCE

1. The consent holder must carry out the subdivision in general accordance with the information supplied in the subdivision consent application dated 14 February 2018, subsequent further information received by the Council, and the Scheme Plan drawn by Pirie Consultants, Drawing No: 2043/174, Stage 6F7, Sheet 1 of 1, REV A, January 2018 as held on Council file SUB4384. Where information referred to in this condition is inconsistent with the requirements of specific consent conditions, the conditions prevail.

COMPLETION OF JOHNSTONE DRIVE IN STAGE A (STAGE 1)

- 1A. The proposed allotments 997, 998 and 999, being the road connection of Johnstone Drive between Pacific Drive and Aokautere Drive, must be constructed in whole and including services, and vested in the Council as part of stage A (stage 1) of this consent.

APPOINTED TECHNICAL REPRESENTATIVE

- 1B. The Consent Holder must appoint a Chartered Professional Engineer with appropriate qualifications acceptable to Council as a Technical Representative of the Consent Holder for the duration of the consent.

MATERIAL ON THE ROAD

2. The consent holder must ensure that all vehicles and earthmoving machinery exiting the site do not carry earthworked materials onto the surrounding roading network. In the event material is tracked onto the road, the consent holder must be responsible for cleaning and repairing the road back to its original condition.

HOURS OF OPERATION

3. The consent holder must ensure that the operation of machinery on the site is between the hours 6.30am and 8pm Monday – Friday and 7.30am to 6pm on Saturday only. No works are to be carried out on Sundays or Public Holidays.

DUST NUISANCE

4. The consent holder must ensure the land disturbed by earthworks or trenching is regularly wetted to ensure that dust nuisance is contained within the site.

MONITORING

5. The Consent Holder shall pay a monitoring fee of \$310 (gst incl) at the time the resource consent is granted for the monitoring of the proposal. The \$310 charge covers two monitoring visits.

A fee will be payable by the consent holder for any subsequent monitoring of the conditions of this consent. This fee is set in accordance with Section 36(1)(c) of the Resource Management Act 1991.

Note: The current fee for monitoring is set at \$155 per hour. This amount may alter in the future if fees are reviewed. The monitoring fee charged will be the fee applicable at the time of monitoring, and will be charged on each additional inspection or hour of work undertaken until full compliance with consent conditions is achieved.

PAYMENT OF RESOURCE CONSENT COSTS

6. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder must pay all costs associated with the processing of this resource consent application.

STAGE A (Stage 1)

EASEMENTS

7. Prior to requesting approval under Section 223 of the Resource Management Act 1991 the consent holder must give a written statement by a professional surveyor to Council, to the effect that all services are confined to their respective lots or provision has been made for suitable easements to be granted or reserved and endorsed in the cadastral survey dataset.

ENGINEERING WORKS – ROWS, ROADS AND SERVICES ETC

8. Prior to requesting approval under Section 223 of the Resource Management Act 1991 for Stage A (Stage 1), including the Johnstone Drive connection, the consent holder must comply with the following conditions:
 - (i) Engineering plans in accordance with the Palmerston North Engineering Standards for Land Development (ESLD) prepared by a Chartered Professional Engineer with appropriate qualifications acceptable to Council, shall be submitted to the Council for all physical works including the construction of any road, right-of-way, access lot, services and extension to Johnstone Drive.

In particular, the engineering plans must include a long section and detailed design for the temporary open drain. The design must address high velocities, scour, sediment transfer etc in accordance with NZS 4404. The design must ensure erosion does not occur in the swale itself and that sediment is not

transferred downstream, thereby reducing the storage capacity of the detention dam.

The engineering plans must also indicate the overland flow paths for the entire development, including the access roads. Based on the overland flow paths, easements and adjustments of boundaries may be required.

- (ii) The Engineering Plans must be approved by Council.
- (iii) The construction of all approved works including the construction of any road, right-of-way, network and underground service, earthworks, retaining walls in accordance with level CM 4 of IPENZ construction monitoring set out in Council's Engineering Standards for Land Development Third Edition – effective 1 August 2015, and compliance with the standards referred to in this condition must be monitored by the Technical Representative.
- (iv) The consent holder must ensure that the Technical Representative notifies the Council at the joint inspection points in accordance with Clause 1.21.2 (ESLD) "*Council and Joint Inspections*".
- (v) The consent holder must provide the Council with the name of the contractor who will be carrying out physical works within the road corridor. All physical works, including service connections, must be carried out by a contractor approved by Council.
- (vi) No physical works can be carried out until:
 - (a) Engineering Plans are approved by the Council (condition 6(i));
 - (b) The council is provided with the name of the contractor who will be carrying out physical works (condition 6(v));
- (vii) The consent holder must ensure that permission is granted by the Council for all service connections to Council mains in accordance with the service connection application process.

ENGINEERING WORKS COMPLETED

- 9. Prior to requesting approval under Section 224 of the Resource Management Act 1991 for Stage A (Stage 1) the consent holder must provide a written statement from the approved Technical Representative that;
 - (i) The physical works have been carried out in accordance with the approved engineering plans;
 - (ii) The physical works meet Council's Engineering Standards for Land Development 2015.
 - (iii) All of the requirements of clause 1.32 of the Council's Engineering Standards for Land Development 2015 have been provided to Council.

(See Note 1 for clause 1.31)

WATER SUPPLY DISINFECTION

- 10. Prior to approval under Section 224 of the Resource Management Act 1991 the water supply disinfection procedure, if required, shall be certified by the Technical Representative to comply

with the Disinfection Code of Practice and Good Water Supply Practices as per Appendix 5 of PNCCs Engineering Standards for Land Development 2015.

VESTING OF ROAD

11. Prior to approval under Section 223 of the Resource Management Act 1991 the Cadastral Survey Dataset must be prepared to show Lots 997, 998 and 999 to vest in Council as public road as part of Stage A (Stage 1).

NO BUILD AREAS

12. Prior to approval under Section 223 of the Resource Management Act 1991 the Title Plan within the Cadastral Survey Dataset must be prepared or amended as necessary so that it indicates the relevant lots are subject to a Consent Notice and identifies any building restriction areas recommended in the Slope Stability Assessment Report (NZ Environmental Technologies Ltd 30/08/2013).

AMALGAMATION CONDITION

13. Prior to approval under Section 223 of the Resource Management Act 1991 and pursuant to Section 220(1)(b)(iv) of the RMA the following amalgamation condition shall be included in the Cadastral Survey Dataset and the title plan in the Cadastral Survey Dataset must be prepared to show:

That Lot 15 DP ***** (legal access) be held as to six undivided one-sixth shares by the owners of Lots 757, 758, 759, 760, 761 and 762 DP ***** as tenants in common in the said shares and that individual Computer Registers be issued in accordance therewith. See *****.

That Lot 16 DP ***** (legal access) be held as to six undivided one-sixth shares by the owners of Lots 763, 764, 765, 766, 767 and 768 DP ***** as tenants in common in the said shares and that individual Computer Registers be issued in accordance therewith. See *****.

The condition as proposed above by the applicant was not accepted by LINZ. Prior to approval under Section 223 of the RMA, the correct wording must be submitted to Council and approved by LINZ.

STATEMENT OF SUITABILITY

14. Prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder must provide a statement of professional opinion from a Chartered Professional Engineer acceptable to Council, that the land is suitable for subdivision and residential development. This statement must be made in accordance with NZS 4404:2010 Schedule 2A and must include a completion report confirming that:

- (i) the land is suitable for residential development
- (ii) there are suitable building sites on all allotments
- (iii) all restrictions on the lands suitability for subdivision and/or residential development are identified.

SCHEDULE OF ASSETS

15. Prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder must provide a schedule of assets of the completed subdivision to the Palmerston North City Council.

Note: The Inland Revenue Department (IRD) have rules that the vesting of land or services in Council is subject to GST as the supply of a resource consent by Council is a supply of a service and is also subject to GST. The two transactions are for the same value and the Palmerston North City Council must issue the invoices to account for both transactions. (Palmerston North City Council has IRD approval to self-invoice for GST purposes).

VESTING OF ASSETS - TITLE PLAN

16. The Title Plan must be prepared to show that:
- Lots 997, 998 and 999 to vest in Council as public road in the Palmerston North City Council.

CADASTRAL SURVEY DATASET TO INDICATE CONSENT NOTICE

17. Prior to requesting approval under Section 223 of the Resource Management Act 1991 the Title Plan within the Cadastral Survey Dataset must be prepared or amended as necessary so that it indicates that lots are subject to a Consent Notice.

CONSENT NOTICES

18. Pursuant to Section 221 of the Resource Management Act 1991 the following consent notice conditions must be imposed on the following lots requiring the following:

- **NO BUILD AREAS**

In respect of Lots 759, 760, 765, 766, the erection or relocation of any building or any accessories thereto, or structure of what so ever nature (with the exception of appropriate fencing) on over or within any no build or restricted areas identified in the Geotechnical Report shall be prohibited without prior approval of the Head of Planning at Council.

It is acknowledged that the lots are likely to be subject to natural hazard being slippage and erosion.

- **ONSITE TURNING FACILITY**

In respect to Lots 759, 760, 765 and 766:

(a) At the time of any building consent being applied for in relation to the construction of or relocation onto the Lot of any residential dwelling or structure, the registered proprietor must provide to the Palmerston North City Council a site plan providing for a hard stand parking and turning area (including garaging but no building designed or used for other purposes) to accommodate two vehicles and an onsite turning facility allowing vehicles to exit the Lot in a forward direction ("the hard stand and turning facility").

(b) Prior to the occupation of any residential building or structure constructed or relocated onto the Lot the hard stand and turning facility shall be constructed on the Lot by the registered proprietor at the sole cost of the registered proprietor to a standard as required by the Palmerston North City Council Engineering Standards for Land Development as exists at the time the hard stand and turning facility is constructed.

(c) Once the hard stand and turning facility has been constructed it shall be retained on the Lot at all times and maintained in a good condition and repair.

- **ACCESS**

In respect of Lots 757, 762, 763 and 768:

Lots 757 and 762 must use Access Lot 15.
Lots 763 and 768 must use Access Lot 16.

In respect of Lots 791 and 811 the vehicle crossings must be located in the following positions:

Lot 791 – at the boundary with Lot 790 or more than 20 metres along the frontage from the intersection with Johnstone Drive.

Lot 811 – at the boundary with Lot 812 DP 500578 or more than 20 metres along the frontage of the future road from the intersection with Johnstone Drive.

CONDITIONS MET

19. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall make a written statement to Council detailing how the above conditions have been met.

A certificate under section 224 of the Resource Management Act 1991 will be withheld until such time as the development contribution payment has been made in full.

STAGE B (Stage 2)

EASEMENTS

20. Prior to requesting approval under Section 223 of the Resource Management Act 1991 the consent holder must give a written statement by a professional surveyor to Council, to the effect that all services are confined to their respective lots or provision has been made for suitable easements to be granted or reserved and endorsed in the cadastral survey dataset.

ENGINEERING WORKS – ROWS

21. Prior to requesting approval under Section 223 of the Resource Management Act 1991 for Stage B (Stage 2) the consent holder must comply with the following conditions:
- (i) Engineering plans in accordance with the Palmerston North Engineering Standards for Land Development (ESLD) prepared by a Chartered Professional Engineer with appropriate qualifications acceptable to Council, shall be submitted to the Council for all physical works including the construction of any right-of-way, access lot, earthworks and retaining walls.
 - (ii) The Engineering Plans must be approved by Council.
 - (iii) The construction of all approved works including the construction of any right-of-way, access lot, earthworks, retaining walls in accordance with level CM 4 of IPENZ construction monitoring set out in Council's Engineering Standards for Land Development Third Edition – effective 1 August 2015, and compliance with the standards referred to in this condition must be monitored by the Technical Representative.
 - (iv) The consent holder must ensure that the Technical Representative notifies the Council at the joint inspection points in accordance with Clause 1.21.2 (ESLD) "*Council and Joint Inspections*".
 - (v) The consent holder must provide the Council with the name of the contractor who will be carrying out physical works within the road corridor. All physical works,

including service connections, must be carried out by a contractor approved by Council.

- (vi) No physical works can be carried out until:
 - (a) Engineering Plans are approved by the Council (condition 21(i));
 - (b) The council is provided with the name of the contractor who will be carrying out physical works (condition 21(v));
- (vii) The consent holder must ensure that permission is granted by the Council for all service connections to Council mains in accordance with the service connection application process.

ENGINEERING WORKS COMPLETED

22. Prior to requesting approval under Section 224 of the Resource Management Act 1991 for Stage B (Stage 2) the consent holder must provide a written statement from the approved Technical Representative that;
- (i) The physical works have been carried out in accordance with the approved engineering plans.
 - (ii) The physical works meet Council's Engineering Standards for Land Development 2015.
 - (iv) All of the requirements of clause 1.32 of the Council's Engineering Standards for Land Development 2015 have been provided to Council.

(See Note 1 for clause 1.31)

NO BUILD AREAS

23. Prior to approval under Section 223 of the Resource Management Act 1991 the Title Plan within the Cadastral Survey Dataset must be prepared or amended as necessary so that it indicates the relevant lots are subject to a Consent Notice and identifies any building restriction areas recommended in the Slope Stability Assessment Report (NZ Environmental Technologies Ltd 30/08/2013).

STATEMENT OF SUITABILITY

24. Prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder must provide a statement of professional opinion from a Chartered Professional Engineer acceptable to Council, that the land is suitable for subdivision and residential development. This statement must be made in accordance with NZS 4404:2010 Schedule 2A and must include a completion report confirming that:
- (i) the land is suitable for residential development
 - (ii) there are suitable building sites on all allotments
 - (iii) all restrictions on the lands suitability for subdivision and/or residential development are identified.

SCHEDULE OF ASSETS

25. Prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder must provide a schedule of assets of the completed subdivision to the Palmerston North City Council.

Note: The Inland Revenue Department (IRD) have rules that the vesting of land or services in Council is subject to GST as the supply of a resource consent by Council is a supply of a service and is also subject to GST. The two transactions are for the same value and the Palmerston North City Council must issue the invoices to account for both transactions. (Palmerston North City Council has IRD approval to self-invoice for GST purposes).

CADASTRAL SURVEY DATASET TO INDICATE CONSENT NOTICE

26. Prior to requesting approval under Section 223 of the Resource Management Act 1991 the Title Plan within the Cadastral Survey Dataset must be prepared or amended as necessary so that it indicates that lots are subject to a Consent Notice.

CONSENT NOTICES

27. Pursuant to Section 221 of the Resource Management Act 1991 the following consent notice conditions must be imposed on the following lots requiring the following:

- **NO BUILD AREAS**

In respect of Lots 771 and 772, the erection or relocation of any building or any accessories thereto, or structure of what so ever nature (with the exception of appropriate fencing) on over or within any no build or restricted areas identified in the Geotechnical Report shall be prohibited without prior approval of the Head of Planning at PNCC.

It is acknowledged that the lots are likely to be subject to natural hazard being slippage and erosion.

- **ONSITE TURNING FACILITY**

In respect to Lots 771 and 772:

- (a) At the time of any building consent being applied for in relation to the construction of or relocation onto the Lot of any residential dwelling or structure, the registered proprietor must provide to the Palmerston North City Council a site plan providing for a hard stand parking and turning area (including garaging but no building designed or used for other purposes) to accommodate two vehicles and an onsite turning facility allowing vehicles to exit the Lot in a forward direction ("the hard stand and turning facility").
- (b) Prior to the occupation of any residential building or structure constructed or relocated onto the Lot the hard stand and turning facility shall be constructed on the Lot by the registered proprietor at the sole cost of the registered proprietor to a standard as required by the Palmerston North City Council Engineering Standards for Land Development as exists at the time the hard stand and turning facility is constructed.
- (c) Once the hard stand and turning facility has been constructed it shall be retained on the Lot at all times and maintained in a good condition and repair.

- **ACCESS**

In respect of Lots 769 and 773 the vehicle crossings must be located in the following positions:

Lots 769 and 773 – either beside or no closer than 15 metres from the vehicle crossing of the right of way to Lots 770-772.

CONDITIONS MET

28. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall make a written statement to Council detailing how the above conditions have been met.

Approval under section 224 of the Resource Management Act 1991 will not be given until the development contribution payment has been made.

STAGE C (Stage 3)**EASEMENTS**

29. Prior to requesting approval under Section 223 of the Resource Management Act 1991 the consent holder must give a written statement by a professional surveyor to Council, to the effect that all services are confined to their respective lots or provision has been made for suitable easements to be granted or reserved and endorsed in the cadastral survey dataset.

ENGINEERING WORKS – ROWS

30. Prior to requesting approval under Section 223 of the Resource Management Act 1991 for Stage C (Stage 3) the consent holder must comply with the following conditions:
- (i) Engineering plans in accordance with the Palmerston North Engineering Standards for Land Development (ESLD) prepared by a Chartered Professional Engineer with appropriate qualifications acceptable to Council, shall be submitted to the Council for all physical works including the construction of any earthworks and retaining walls.
 - (ii) The Engineering Plans must be approved by Council.
 - (iii) The construction of all approved works including the construction of any earthworks and retaining walls in accordance with level CM 4 of IPENZ construction monitoring set out in Council's Engineering Standards for Land Development Third Edition – effective 1 August 2015, and compliance with the standards referred to in this condition must be monitored by the Technical Representative.
 - (iv) The consent holder must ensure that the Technical Representative notifies the Council at the joint inspection points in accordance with Clause 1.21.2 (ESLD) "*Council and Joint Inspections*".
 - (v) The consent holder must provide the Council with the name of the contractor who will be carrying out physical works within the road corridor. All physical works, including service connections, must be carried out by a contractor approved by Council.
 - (vi) No physical works can be carried out until:
 - (a) Engineering Plans are approved by the Council (condition 30(i));
 - (b) The council is provided with the name of the contractor who will be carrying out physical works (condition 30(v));
 - (vii) The consent holder must ensure that permission is granted by the Council for all service connections to Council mains in accordance with the service connection application process.

ENGINEERING WORKS COMPLETED

31. Prior to requesting approval under Section 224 of the Resource Management Act 1991 for Stage C (Stage 3) the consent holder must provide a written statement from the approved Technical Representative that;
- (i) The physical works have been carried out in accordance with the approved engineering plans.
 - (ii) The physical works meet Council's Engineering Standards for Land Development 2015.
 - (v) All of the requirements of clause 1.32 of the Council's Engineering Standards for Land Development 2015 have been provided to Council.

(See Note 1 for clause 1.31)

NO BUILD AREAS

32. Prior to approval under Section 223 of the Resource Management Act 1991 the Title Plan within the Cadastral Survey Dataset must be prepared or amended as necessary so that it indicates the relevant lots are subject to a Consent Notice and identifies any building restriction areas recommended in the Slope Stability Assessment Report (NZ Environmental Technologies Ltd 30/08/2013).

STATEMENT OF SUITABILITY

33. Prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder must provide a statement of professional opinion from a Chartered Professional Engineer acceptable to Council, that the land is suitable for subdivision and residential development. This statement must be made in accordance with NZS 4404:2010 Schedule 2A and must include a completion report confirming that:
- (i) the land is suitable for residential development
 - (ii) there are suitable building sites on all allotments
 - (iii) all restrictions on the lands suitability for subdivision and/or residential development are identified.

CADASTRAL SURVEY DATASET TO INDICATE CONSENT NOTICE

34. Prior to requesting approval under Section 223 of the Resource Management Act 1991 the Title Plan within the Cadastral Survey Dataset must be prepared or amended as necessary so that it indicates that lots are subject to a Consent Notice.

CONSENT NOTICES

35. Pursuant to Section 221 of the Resource Management Act 1991 the following consent notice conditions must be imposed on the following lots requiring the following:

- **NO BUILD AREAS**

In respect of Lots 530, 774, 775 and 1001, the erection or relocation of any building or any accessories thereto, or structure of what so ever nature (with the exception of appropriate fencing) on over or within any no build or restricted areas identified in the Geotechnical Report shall be prohibited without prior approval of the Head of Planning at Council.

It is acknowledged that the lots are likely to be subject to natural hazard being slippage and erosion.

◦ **ONSITE TURNING FACILITY**

In respect to Lots 530, 774, 775 and 1001:

- (a) At the time of any building consent being applied for in relation to the construction of or relocation onto the Lot of any residential dwelling or structure, the registered proprietor must provide to the Palmerston North City Council a site plan providing for a hard stand parking and turning area (including garaging but no building designed or used for other purposes) to accommodate two vehicles and an onsite turning facility allowing vehicles to exit the Lot in a forward direction ("the hard stand and turning facility").
- (b) Prior to the occupation of any residential building or structure constructed or relocated onto the Lot the hard stand and turning facility shall be constructed on the Lot by the registered proprietor at the sole cost of the registered proprietor to a standard as required by the Palmerston North City Council Engineering Standards for Land Development as exists at the time the hard stand and turning facility is constructed.
- (c) Once the hard stand and turning facility has been constructed it shall be retained on the Lot at all times and maintained in a good condition and repair.

◦ **ACCESS**

In respect of Lots 774 and 775 the vehicle crossings must be located in the following positions:

Lot 774 – either no closer than 15 metres from the vehicle crossing to Lot 773 or at the boundary with Lot 773 if that lots vehicle crossing is located at the boundary with Lot 774.

Lot 775 – either beside or no closer than 15 metres from the vehicle crossing to Lot 774 or adjacent to the boundary with Lot 774 or 530 if their vehicle crossing is located at the boundary with Lot 775.

CONDITIONS MET

36. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall make a written statement to Council detailing how the above conditions have been met.

Approval under section 224 of the Resource Management Act 1991 will not be given until the development contribution payment has been made.

STAGE D (Stage 4)

EASEMENTS

37. Prior to requesting approval under Section 223 of the Resource Management Act 1991 the consent holder must give a written statement by a professional surveyor to Council, to the effect that all services are confined to their respective lots or provision has been made for suitable easements to be granted or reserved and endorsed in the cadastral survey dataset.

ENGINEERING WORKS – ROWS, ROADS AND SERVICES ETC

38. Prior to requesting approval under Section 223 of the Resource Management Act 1991 for Stage D (Stage 4) the consent holder must comply with the following conditions:

- (i) Engineering plans in accordance with the Palmerston North Engineering Standards for Land Development (ESLD) prepared by a Chartered Professional Engineer with appropriate qualifications acceptable to Council, shall be submitted to the Council for all physical works including the construction of any right-of-way, access lot, earthworks and retaining walls.
- (ii) The Engineering Plans must be approved by Council.
- (iii) The construction of all approved works including the construction of any right-of-way, access lot, earthworks, retaining walls in accordance with level CM 4 of IPENZ construction monitoring set out in Council's Engineering Standards for Land Development Third Edition – effective 1 August 2015, and compliance with the standards referred to in this condition must be monitored by the Technical Representative.
- (iv) The consent holder must ensure that the Technical Representative notifies the Council at the joint inspection points in accordance with Clause 1.21.2 (ESLD) "*Council and Joint Inspections*".
- (v) The consent holder must provide the Council with the name of the contractor who will be carrying out physical works within the road corridor. All physical works, including service connections, must be carried out by a contractor approved by Council.
- (vi) No physical works can be carried out until:
 - (a) Engineering Plans are approved by the Council (condition 21(i));
 - (b) The council is provided with the name of the contractor who will be carrying out physical works (condition 21(v));
- (vii) The consent holder must ensure that permission is granted by the Council for all service connections to Council mains in accordance with the service connection application process.

ENGINEERING WORKS COMPLETED

39. Prior to requesting approval under Section 224 of the Resource Management Act 1991 for Stage D (Stage 4) the consent holder must provide a written statement from the approved Technical Representative that;
- (i) The physical works have been carried out in accordance with the approved engineering plans.
 - (ii) The physical works meet Council's Engineering Standards for Land Development 2015.
 - (vi) All of the requirements of clause 1.32 of the Council's Engineering Standards for Land Development 2015 have been provided to Council.

(See Note 1 for clause 1.31)

NO BUILD AREAS

40. Prior to approval under Section 223 of the Resource Management Act 1991 the Title Plan within the Cadastral Survey Dataset must be prepared or amended as necessary so that it indicates the relevant lots are subject to a Consent Notice and identifies any building restriction areas

recommended in the Slope Stability Assessment Report (NZ Environmental Technologies Ltd 30/08/2013).

RIGHT OF WAY EASEMENT

41. Prior to requesting approval under Section 223 of the Resource Management Act 1991 the cadastral data set must include the rights of way serving lots 776 to 779.

AMALGAMATION CONDITION

42. Prior to approval under Section 223 of the Resource Management Act 1991 and pursuant to Section 220(1)(b)(iv) of the RMA the following amalgamation condition shall be included in the Cadastral Survey Dataset and the title plan in the Cadastral Survey Dataset must be prepared to show:

That Lot 17 DP ***** (legal access) be held as to six undivided one-sixth shares by the owners of Lots 781, 782, 783, 784 and 785 DP ***** as tenants in common in the said shares and that individual Computer Registers be issued in accordance therewith. See *****.

The condition as proposed above by the applicant was not accepted by LINZ. Prior to approval under Section 223 of the RMA, the correct wording must be submitted to Council and approved by LINZ.

STATEMENT OF SUITABILITY

43. Prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder must provide a statement of professional opinion from a Chartered Professional Engineer acceptable to Council, that the land is suitable for subdivision and residential development. This statement must be made in accordance with NZS 4404:2010 Schedule 2A and must include a completion report confirming that:

- (i) the land is suitable for residential development
- (ii) there are suitable building sites on all allotments
- (iii) all restrictions on the lands suitability for subdivision and/or residential development are identified.

CADASTRAL SURVEY DATASET TO INDICATE CONSENT NOTICE

44. Prior to requesting approval under Section 223 of the Resource Management Act 1991 the Title Plan within the Cadastral Survey Dataset must be prepared or amended as necessary so that it indicates that lots are subject to a Consent Notice.

CONSENT NOTICES

45. Pursuant to Section 221 of the Resource Management Act 1991 the following consent notice conditions must be imposed on the following lots requiring the following:

• NO BUILD AREAS

In respect of Lots 776, 777, 778, 782 and 783, the erection or relocation of any building or any accessories thereto, or structure of what so ever nature (with the exception of appropriate fencing) on over or within any no build or restricted areas identified in the Geotechnical Report shall be prohibited without prior approval of the Head of Planning at PNCC.

It is acknowledged that the lots are likely to be subject to natural hazard being slippage and erosion.

- **ONSITE TURNING FACILITY**

In respect to Lots 776, 777, 778, 782 and 783:

- (a) At the time of any building consent being applied for in relation to the construction of or relocation onto the Lot of any residential dwelling or structure, the registered proprietor must provide to the Palmerston North City Council a site plan providing for a hard stand parking and turning area (including garaging but no building designed or used for other purposes) to accommodate two vehicles and an onsite turning facility allowing vehicles to exit the Lot in a forward direction ("the hard stand and turning facility").
- (b) Prior to the occupation of any residential building or structure constructed or relocated onto the Lot the hard stand and turning facility shall be constructed on the Lot by the registered proprietor at the sole cost of the registered proprietor to a standard as required by the Palmerston North City Council Engineering Standards for Land Development as exists at the time the hard stand and turning facility is constructed.
- (c) Once the hard stand and turning facility has been constructed it shall be retained on the Lot at all times and maintained in a good condition and repair.

- **ACCESS**

In respect of Lots 776, 779, 780, 786, 787 and 790 the vehicle crossings must be located in the following positions:

Lot 776 – either beside or no closer than 15 metres from the vehicle crossing to the right of way to Lots 777 or 778.

Lot 779 – either beside the vehicle crossing of the right of way to Lots 777 and 778 or at the boundary with Lot 780.

Lot 780 – either beside the vehicle crossing of Access Lot 17 or at the boundary with Lot 779.

Lot 786 – either beside the vehicle crossing of Access Lot 17 at the boundary with Lot 787.

Lot 787 – either beside the vehicle crossing of the right of way to Lots 788 and 789 or at the boundary with Lot 786.

Lot 790 – either beside the vehicle crossing of the right of way to Lots 788 and 789 or at the boundary with Lot 791.

CONDITIONS MET

46. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall make a written statement to Council detailing how the above conditions have been met.

Approval under section 224 of the Resource Management Act 1991 will not be given until the development contribution payment has been made.

LANDUSE CONSENT

Pursuant to Sections 104B & 104C of the Resource Management Act 1991 the application (LU 4400) made by Aokautere Land Holdings Ltd for the non-compliance with the access standards and earthworks at 52 Johnstone Drive, Palmerston North is **granted**, subject to the following conditions, imposed under Section 108 of the Resource Management Act 1991.

CONDITIONS:

GENERAL ACCORDANCE

1. The proposed landuse consent shall be carried out in accordance with the application received by Council on 14 February 2018 and subsequent further information and the scheme plan drawn by Pirie Consultants, Drawing No 2043/174, Stage 6F7, Sheet 1 of 1, Rev A, January 2018 and held on Council file SUB 4384.

HOURS OF OPERATION

2. The consent holder must ensure that the operation of machinery on the site is between the hours 6.30am and 8pm Monday – Friday and 7.30am to 6pm on Saturday only. No works are to be carried out on Sundays or Public Holidays.

DUST NUISANCE

3. The consent holder must ensure the land disturbed by earthworks or trenching is regularly wetted to ensure that dust nuisance is contained within the site.

MATERIAL ON THE ROAD

4. The consent holder must ensure that all vehicles and earthmoving machinery exiting the site do not carry earthworked materials onto the surrounding roading network. In the event material is tracked onto the road, the consent holder must be responsible for cleaning and repairing the road back to its original condition.

EROSION AND SEDIMENT CONTROLS

5. Prior to approval under Section 223 of the Resource Management Act 1991, an Erosion and Sediment Control Plan shall be submitted to the Council. The Erosion and Sediment Control Plan shall be designed in accordance with the Greater Wellington Regional Council document titled "Erosion & Sediment Control – Guidelines for the Wellington Region dated September 2002 & Reprint 2006."
6. Erosion and sediment control measures shall be implemented before commencement of any earthworks in accordance with the Erosion and Sediment Control Plan approved under Condition 5.
7. Prior to bulk earthworks commencing, the consent holder shall provide completed 'As Built' Certification from a suitably qualified person that all sediment controls structures have been constructed in accordance with approved Erosion and Sediment Control Plan. The certification statement shall be provided to the Palmerston City Council's Team Leader Developments within **5 working days** of completion of the structures concerned. Information contained in the certification statement shall include at least the following information;
 - i. Confirmation of contributing catchment areas;
 - ii. The location, capacity and design of each structure;

- iii. Position of inlets and outlets;
- iv. Stability of the structures;
- v. Measures to control erosion; and
- vi. Any other relevant matter.

Advice Note: Bulk earthworks includes cut and fill operations required to re-grade an area. It also applies to larger scale earthworks such as for building excavations, construction of temporary access tracks and earthworks.

8. All personnel working on the site shall be made aware of the Erosion and Sediment Control Plan and comply with its requirements. The approved Erosion and Sediment Control Plan shall be kept on site for inspection by the Council's Team Leader Developments.
9. The consent holder shall ensure that all erosion and sediment controls are inspected and in good working order at least once per week and within 24 hours of each rainstorm event that is likely to impair the function or performance of the controls. The consent holder shall further ensure that all erosion and sediment controls are maintained such that optimal sediment capture efficiency is achieved at all times.
10. The consent holder shall ensure those areas of the site where earthworks have been completed shall be stabilised against erosion as soon as practically possible and within a period not exceeding 14 days after completion of any works authorised by this consent. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural) that will minimise sediment runoff and erosion to the satisfaction of the Council's Team Leader Developments acting in a technical certification capacity. The consent holder shall monitor and maintain the site until vegetation is established to such an extent that it prevents erosion and prevents sediment from entering any water body.

STOCKPILES

11. The consent holder shall ensure that any stockpiled material is placed on stable ground and that erosion and sediment controls are installed to prevent the discharge of sediment to any watercourse.
12. That the stockpile associated with Stage D (140 metres long, 57 metres wide and 4 metres wide) shall be removed at a date no later than 20 December 2026.

ACCIDENTAL DISCOVERY PROTOCOL

13. If Taonga (treasured or prized possessions, including Maori artefacts) or archaeological sites are discovered in any area being earth-worked, the Consent Holder shall cease work within the immediate area of the discovery immediately and contact relevant iwi, the New Zealand Historic Places Trust and the Head of Planning at Palmerston North City Council. Works shall not recommence in that area until; a site inspection is carried out by relevant iwi representatives, relevant Council(s) staff and staff of the Historic Places Trust (if they consider it necessary); the appropriate action has been carried out to remove the Taonga and record the site, or alternative action has been taken; and approval to continue work is given by the Council. The site inspection shall occur within three working days of the discovery being made.

EXCAVATION OF KOIWI TANGATA REMAINS

14. If during construction activities, any Koiwi (skeletal remains) or similar materials are uncovered, works are to cease within the immediate area of the discovery immediately, and the Consent Holder shall notify the New Zealand Police, relevant iwi, the New Zealand Historic Places Trust

and the Head of Planning at Palmerston North City Council. Works shall not recommence in that area until a site inspection is carried out by relevant iwi representatives, relevant Council staff, and staff from the Historic Places Trust (if they consider it necessary); the appropriate ceremony has been conducted by relevant iwi (if necessary); the materials discovered have been removed by the iwi responsible for the tikanga appropriate to their removal and preservation or re-interment, or alternative action (e.g. works are relocated) has been taken; and approval to continue work is given by Council.

Advice Note: It is possible that archaeological sites exist within the area of works. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin of human burials. The consent holder is advised that in addition to any other notification requirements of this consent, it should contact the Historic Places Trust if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. If any activity associated with the quarry, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. The Historic Places Act 1993 contains penalties for unauthorised damage.

MONITORING

15. The Consent Holder shall pay a monitoring fee of \$310 (gst incl) at the time the resource consent is granted for the monitoring of the proposal. The \$310 charge covers two monitoring visits.

That a fee will be payable by the consent holder for any subsequent monitoring of the conditions of this consent. This fee is set in accordance with Section 36(1)(c) of the Resource Management Act 1991.

Note: The current fee for monitoring is set at \$155 per hour. This amount may alter in the future if fees are reviewed. The monitoring fee charged will be the fee applicable at the time of monitoring, and will be charged on each additional inspection or hour of work undertaken until full compliance with consent conditions is achieved.

DECISION:

Subdivision Consent SUB 4384 & Landuse Consent 4400 are **granted**. Consent is subject to the above conditions imposed under Sections 220, 221 and 108 of the Resource Management Act 1991.

This application was limited notified and notice was served pursuant to section 95B of the Resource Management Act. Council is satisfied that the effects of the proposed activity on the environment will be no more than minor and the only identified affected parties have given their written approval.

Consent is granted for the following reasons:

- (a) The site is zoned residential and the District Plan anticipates and provides for greenfields subdivision.
- (b) The application complies with the majority of the performance conditions.
- (c) The application is consistent with the policies and objectives of the District Plan.
- (d) With the imposition of conditions, any adverse effects will be mitigated.

Dated this 22nd day of June 2018

Simon Mori
HEAD OF PLANNING

NOTES TO THE APPLICANT

1. DURATION OF CONSENT

This resource consent expires if the consent has not been implemented within 5 years from the granted date.

2. RIGHT OF OBJECTION

Pursuant to Section 357 of the Resource Management Act 1991, if you disagree with this decision or any of the conditions of consent or the fees levied, you may lodge an objection in writing to The Head of Planning at the Palmerston North City Council. The objection must be received within 15 working days of the receipt of this written decision.

3. DEVELOPMENT CONTRIBUTION

Pursuant to section 198 of the LGA 2002, a development contribution, calculated in accordance with the methodology included in the Development Contributions Policy, is payable as this application involves the creation of one additional unit of demand. A summary of the different measures of a unit of demand for each of the community facilities is provided in Table 4 of the Development Contributions Policy.

Pursuant to section 198 of the LGA 2002, SUB 3118 is subject to the following development contribution:

The development contribution amount has been calculated at **\$231,757.20** (GST incl.), if paid within 12 months of the date this resource consent is approved. The development contributions amount payable includes contributions towards Roading, Water, and Wastewater.

In accordance with clause 5.2 of the Development Contributions Policy, the methodology provides that if the development contribution is not paid within 12 months of the date the assessment was made (the date this consent is approved), then the development contribution payable increases annually on 1 July each year by the amount of increase in the Producer's Price Index – Construction for that year.

Approval under Section 224 of the Resource Management Act 1991 will not be given until the development contribution payment is made.

4. STREET NUMBERING

LOT 757 – 85 Johnstone Drive
LOT 758 - 83 Johnstone Drive
LOT 759 – 81 Johnstone Drive
LOT 760 – 79 Johnstone Drive
LOT 761 - 77 Johnstone Drive
LOT 762 – 75 Johnstone Drive
LOT 763 – 73 Johnstone Drive
LOT 764 – 71 Johnstone Drive
LOT 765 - 69 Johnstone Drive
LOT 766 - 67 Johnstone Drive
LOT 767 - 65 Johnstone Drive
LOT 768 - 63 Johnstone Drive
LOT 769 - 61 Johnstone Drive
LOT 770 - 59 Johnstone Drive

LOT 771 – 57 Johnstone Drive
LOT 772 - 55 Johnstone Drive
LOT 773 – 53 Johnstone Drive
LOT 774 – 51 Johnstone Drive
LOT 775 – 49 Johnstone Drive
LOT 776 – 76 Johnstone Drive
LOT 777 – 78 Johnstone Drive
LOT 778 – 80 Johnstone Drive
LOT 779 – 82 Johnstone Drive
LOT 780 – 84 Johnstone Drive
LOT 781 - 86 Johnstone Drive
LOT 782 - 88 Johnstone Drive
LOT 783 – 90 Johnstone Drive
LOT 784 – 92 Johnstone Drive
LOT 785 – 94 Johnstone Drive
LOT 786 – 96 Johnstone Drive
LOT 787 – 98 Johnstone Drive
LOT 788 – 100 Johnstone Drive
LOT 789 – 102 Johnstone Drive
LOT 790 – 104 Johnstone Drive
LOT 791 – 106 Johnstone Drive
LOT 811 – 110 Johnstone Drive
LOT 530 – 47 Johnstone Drive
LOT 1001 – 74 Johnstone Drive

5 ACCEPTANCE OR APPROVAL OF WORKS

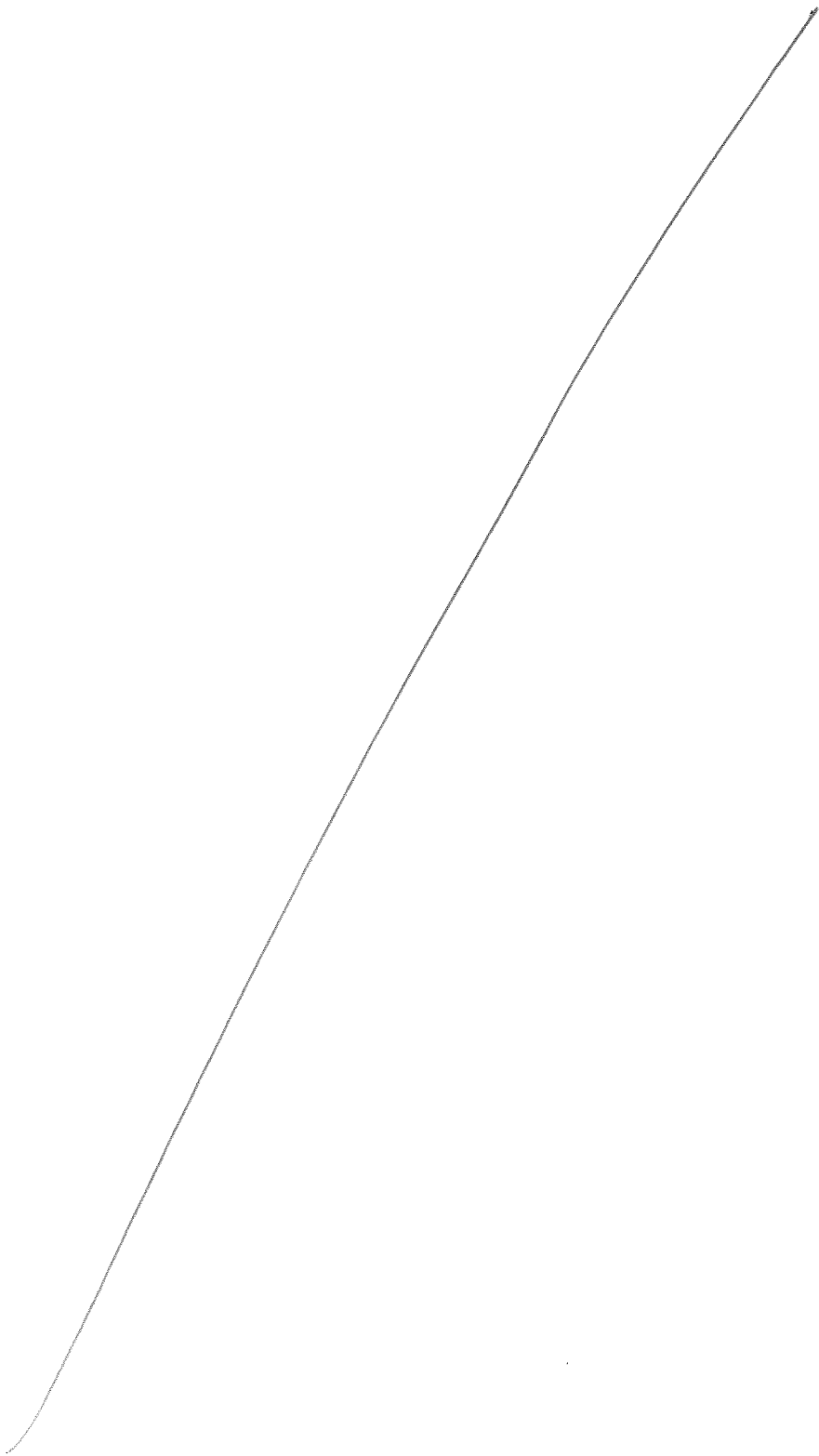
Prior to the issue of a Certificate of practical Completion, the Developer must supply to Council:

- (i) "As Built" drawings as detailed in clause 1.28.
- (ii) A certificate regarding earth fills and compaction. Refer Appendix 4.
- (iii) A certificate regarding water main disinfection after completion of water main construction. Refer Appendix 5.
- (iv) Certification that the construction works have been monitored in accordance with the clause 1.20 and have been carried out in accordance with sound engineering practice. Refer Appendix 6.
- (v) Formal advice from all network utility providers acknowledging that all works has been completed.
- (vi) The bond (if any) to cover any uncompleted work has been signed by all parties (see clause 1.30).
- (vii) CCTV records of sewer and stormwater pipelines in DVD standard format.

6 GEO TECHNICAL ASSESSMENTS AT BUILDING CONSENT

Some of the new allotments created by this subdivision are subject to a no build area or have an identified building platform. These areas have been identified through geotechnical assessments.

At the building consent stage further geotechnical assessments may be required depending on the size of the dwelling, materials used for construction or the location of the site.



**PLANNING REPORT TO ACCOMPANY RESOURCE CONSENT SUB 4384 & LU 4400
FOR A SUBDIVISION & LAND USE CONSENT
52 JOHNSTONE DRIVE, PALMERSTON NORTH
(Lot 1102 DP 519561, Lot 694 DP 500578 & Lot 695 DP 517379)**

1. APPLICATION & PROPOSAL

1.1 Subdivision

This application is for a residential subdivision for 38 allotments and the linking up of the two remaining unformed parts of Johnstone Drive.

The applicant would like the subdivision to proceed in four stages which would also include the staging of the road to vest. The length of the remaining road link to connect and complete Johnstone Drive is approximately 280 metres. The applicant would like to vest and construct approximately one third of this length of road as part of each stage, being Stages A, B and C of the subdivision. Specifically, 90 metres for Stage A, 60 metres for Stage B and 130 metres for Stage C.

The photograph below shows the current state of Johnstone Drive. The photo is taken from the direction of Pacific Drive towards Aokautere Drive. At the Aokautere Drive end and Pacific Drive end of the unformed part of Johnstone Drive are barriers preventing access to the public through Johnstone Drive.

Consequently, Lots 997 to 999 comprise the full extent of the road to vest as local purpose reserve (roading) in PNCC for the potential link.

Stockpiles of earth are shown on the subdivision plan, attributable to earthworks proposed for Stages A, B and D.

To the left of the photo below is the Abby Road gully and to the right is the Johnstone Drive gully. The proposed road and residential sections are on the flat land between the two gullies.

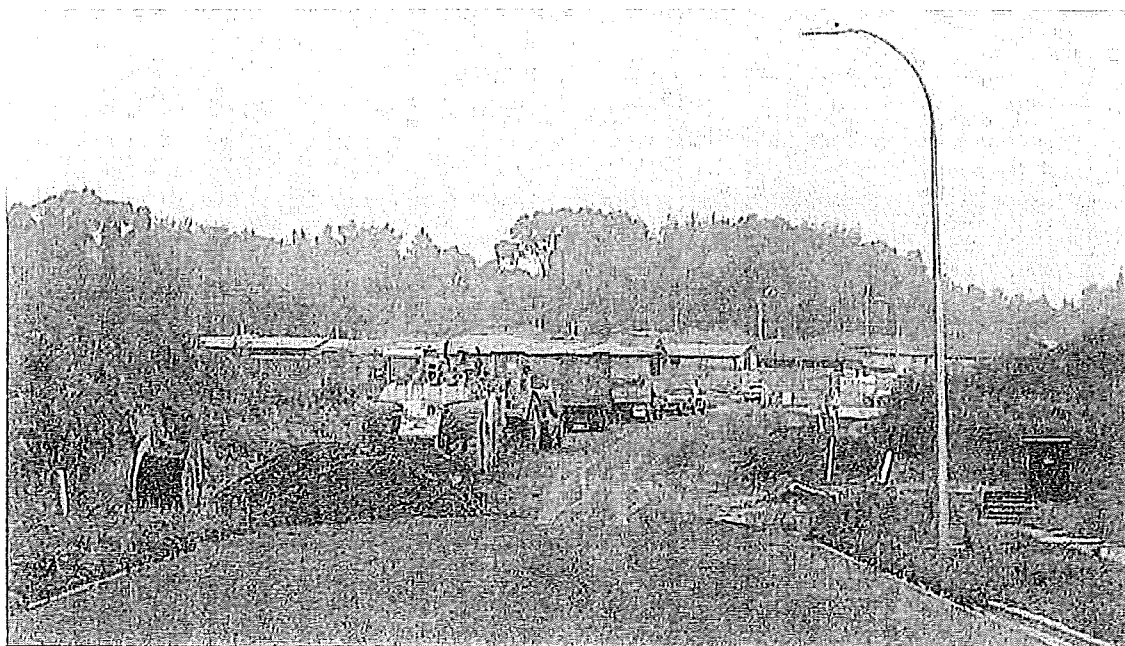


Figure One – The existing alignment and construction of Johnstone Drive. (April 2018).

1.2 Land Use

Land Use consent is required to carry out earthworks which will be greater than 500m² and will result in the alteration of the ground level by more than 1.5 metres.

Land Use consent has also been applied for, for the individual property accesses to the new lots.

2. DISTRICT PLAN RULES & ACTIVITY STATUS

Subdivisions within the Residential Zone are provided for as Controlled Activities, subject to compliance with the relevant Performance Conditions.

2.1 Subdivision

This proposed subdivision does not comply with the following Performance Conditions under Rule 7.7.1.2 as detailed below.

(d) Access

This requires compliance with the access provisions of Rule 20.3.9.1 in the Transportation section of the Plan.

The applicant has applied for land use consent for the various non compliances between vehicle crossings that will be created by the new lots seeking access onto Johnstone Drive which will be a Collector Road. The District Plan requires a 20 metre separation between crossing places.

(i) Earthworks

Land Use consent is required to carry out earthworks which will be greater than 500m² and will result in the alteration of the ground level by more than 1.5 metres.

Rule 7.7.2.1(3) provides for applications that do not comply with the performance conditions for residential subdivision in relation to access and earthworks as a Restricted Discretionary Activity.

Rule 7.7.2.1(5) provides for any subdivision which is not a Non Complying Activity and which involves the construction of a road as a Restricted Discretionary Activity.

Rules 7.7.2.1(3) and 7.7.2.1(5) are both engaged by this application.

2.2 Land Use

Rule 6.3.6.1(b) for the Residential Zone provides for earthworks of 500m² of land in any 12 month period and the alteration of the existing ground level by no more than 1.5 metres in vertical height.

Stockpiles are proposed as part of Stages A and B and a stockpile of 20500m³ is proposed as part of Stage D.

Rule 6.3.7.1 provides for any Earthworks that do not comply with the permitted activity performance conditions as a Restricted Discretionary Activity.

Rule 22.9.2.1 provides for the restructuring of land in the Aokautere Development Area as a Restricted Discretionary Activity.

The performance condition to Rule 22.9.2.1 requires that applications and works for restructuring land are carried out at the same time as works associated with the subdivision consent. This performance condition is met.

As detailed above, Rule 20.3.9.1 requires vehicle crossings on Collector Roads to be located 15 metres apart. The application has detailed in paragraph 6.3 how this rule cannot be met. Rule 20.3.11.1 is engaged.

In summary the land use component of the application is a Restricted Discretionary Activity.

2.3 Overall status

The application is a Restricted Discretionary Activity in relation to Rules 6.3.7.1, 22.9.2.1, 7.7.2.1 and 20.3.11.1.

3. NOTIFICATION

A notification decision has been made separately and is attached to this report. The decision concluded that limited notification was necessary on neighbouring property owners. The applicant has since provided the Council with written approvals of all notified persons.

Therefore, the application for resource consent can be considered on a non-notified basis.

4. SECTION 104 ASSESSMENT

4.1 Section 104 (1) (a) – Effects Assessment

4.11 Subdivision

Under Rule 7.7.2.1(3) discretion is reserved with regard to, "... *connectivity and the safe and efficient operation of the roading network*". This aligns with the discretions under Rule 7.7.2.1(5) which also addresses integration of essential services.

Section 7.2 of the Plan lists Resource Management Issues for Palmerston North City Council.

Resource Management Issue 6 states,

"The physical development aspects of subdivision have the potential to cause adverse effects on the ability of the roading network to operate safely and efficiently."

Resource Management Issue 7 states,

"The uncoordinated and inefficient provision of infrastructure and the effects that has on urban form and the sustainable and efficient operation of Council's infrastructure networks."

The 'Explanation' under Section 7.2 – Resource Management Issues states,

"Ad-hoc subdivision developments that have regard only for their own purpose can lead to a lack of road connectivity and the inefficient progression of essential services. Policies and rules need to be in place so that additional roads and essential services are developed to an appropriate urban standard, in an efficient and logical manner, and that they integrate well into the City's infrastructure."

Council's Senior Transportation Engineer commented as follows in relation to the above District Plan statements.

"Connectivity is stressed in the 'Explanation' as being necessary for an efficient and logical manner. Connectivity in this sense allows for a more direct route which provides for a shorter travelled distance, reducing both travel time and costs for all modes. The Plan also anticipates an intuitive network so that road users can travel to their destinations without specific guidance and/or arriving at a dead end and needing to back track. Services that are contained within the road corridor also need to be connected."

Johnstone Drive is a designated road in the District Plan between Pacific Drive and Aokautere Drive. It is also a Collector Road in the Council's roading hierarchy. The designation plainly anticipates a completed connection for Johnstone Drive.

In paragraph 9.2 of the application it states,

"All previous subdivision consents for Stages 6C, 6.1C1, 6.1C2, 6D, 6E and the initial subdivision of Johnstone Drive from Pacific Drive completed in 2004 were approved without any concern about the position of the road but rather the only matter being the assurance of a through road being created. The proposal fulfils the desire by Council for the completion of the road for its entire length in accordance with the deed of agreement between the Applicant and the Council."

The importance of the extension of Johnstone Drive has been recognised in a private deed of agreement executed by ALHL and PNCC. This deed is a document that is relevant and reasonably necessary to consider in evaluating the application under s.104 (1)(c) RMA.

The deed recognises that PNCC wishes to secure the full Johnstone Drive extension to the appropriate standards including all trunk services required to service the development by ALHL in the Aokautere area. Stage 1 of the deed, requiring ALHL to construct a small part of Johnstone Drive from the southern end to a site occupied by the Brethren Church, has been completed and is now vested in PNCC. This is identified in the agreement as Stage 1.

Stage 2 of the Deed requires ALHL to construct the remainder of Johnstone Drive. The Deed requires it to be completed by 31 December 2018. This is precisely the works that are contemplated by the application except the application does not propose to meet the deadline that ALHL has agreed to.

The proposal to stage the subdivision and construction of the completed Johnstone Drive connection may result in the full connection not being made for 5 to 10 years, or more, with zero certainty as to timing and entirely depending on the developer's motivation including demand for sections. The effect of the staging proposal creates uncertainty while frustrating and delaying the intended connectivity and efficiency of the roading network and the integration of services in this location.

Council's Senior Transportation makes the following comment.

"Safety is a key issue. The potential lack of connectivity that may occur as a result of staged development may require road users to travel out on the State Highway. This would be a longer route, which inherently has greater risk of an incident occurring. It also includes a higher, 70 kph speed limit on which two intersections present the greatest safety risk. The increased distance and higher speed environment of the unconnected network would also deter active transport, particularly walking and cycling."

A connected network would:

- Save travelling up to 2.5 km and the associated costs and resources.*
- Save travel time, up to approximately 3 minutes by car, and save up to 25 to 35 minutes if walking.*
- Allow travel within the local road corridor with a 50 kph speed limit.*

- *Better provide for public transport."*

In my opinion it is highly inefficient to upgrade and seal small portions of Johnstone Drive when for all intents and purposes it appears to be ready to be fully connected now. Construction traffic has already been using the planned road corridor to avoid the extra travel distance and time.

Not only is it highly inefficient, but a delay of several years does not meet the connectivity requirement in the District Plan when this could be achieved as part of Stage 1 and in circumstances where the applicant has separately agreed to complete the work by December 2018. If Stage C is delayed or does not proceed then there could be no connection which would be contrary to the District Plan provisions.

Council's Senior Transportation Engineer has also commented,

"Staged development is not unusual in a network however in a developing road network it is often practical to construct the road to allow for construction access and to create a framework on which further subdivision can develop. This is needed to provide connected services. The incremental cost of completing the road should therefore be modest in terms of the overall cost and no significant impediment to building a connected road facility.

Whilst some delay could be tolerated the road should be constructed as soon as practical to avoid unnecessary travel.

The connectivity and completion of Johnstone Drive is important. There is the potential for the developer to default or choose not to construct part of the road to provide the developer leverage. This could be problematic with potentially extended discussion and legal intervention resulting in significant delays and costs to the completion of Johnstone Drive. This should be avoided as it will be unproductive. The early completion and connection of Johnstone Drive has significant benefit and should be completed as soon as practical for the benefit of the wider community."

I consider that the proposed staging of Johnstone Drive construction will fail to provide for connectivity, efficiency and safety of the roading network and will result in a fragmented development without integration between the subdivision and its surrounding environment.

A more satisfactory course, in my recommendation, to mitigate potential adverse effects arising from the above is to impose a condition requiring the full connection of Johnstone Drive as part of Stage 1 of the consent. I consider that such a condition is appropriate and consistent with sustainable management in this environment. I recommend a condition accordingly.

In relation to the works required to complete the Johnstone Drive extension (including services) in Stage A (Stage 1), the Council requires an appropriate approved technical representative and contractor to carry out those works. The Council's recent experience with the applicant's nominated technical representative and contractors has resulted in various issues in relation to compliance with Council's engineering code of practice. This has limited Council's ability to inspect, test and verify the works and the Council's assessment of those works is that they are sub-standard. The portion of the road that has now vested in Council has since required significant remedial work at the cost of the Council to remedy.

I consider that it is appropriate for the Council to require its approval of technical representatives and contractors engaged to oversee and carry out those works and I recommend appropriate conditions accordingly. I consider these conditions are reasonable and consistent with the sustainable management purpose of the Resource Management Act.

4.12 Land Use

Earthworks

Rule 6.3.6.1(b) for the Residential Zone provides for earthworks of 500m² of land in any 12 month period and the alteration of the existing ground level by no more than 1.5 metres in vertical height.

According to the applicant, the earthworks involve the disturbance of 3.8 hectares and will require 34,200m³ to be moved.

This includes a large stockpile 140 metres long, 57 metres wide and 4 metres high.

Rule 6.3.7.1 provides the discretionary matters that Council can consider in relation to the earthworks.

These are:

- Landscape and visual impact
- Effects on adjoining properties including amenity values
- Impact on flood plains and flood flows
- Increase in hazard risk and effects on land stability
- Effects of erosion and sedimentation
- Effects on overland flow paths
- Effects on the National Grid

In addition, in determining whether to grant consent and what conditions to impose, Council will in addition to the City View objectives in Section 2, the Earthworks objectives and policies (Section 6) and the objectives and policies in the Residential Zone, assess any application in term so of the following further policies:

- (a) To ensure that earthworks do not adversely affect the residential amenity of adjoining neighbours.
- (b) Avoid earthworks that materially impact on the landscape and visual values associated with the land in its surrounding context.
- (c) Avoid material increases in the susceptibility of the land or adjoining land to flooding.
- (d) Ensure that all earthworks are carried out in accordance with the relevant technical standards.

Comment – Earthworks

The earthworks involve the disturbance of flat or gently sloping land between the Abby Road and Johnstone Drive gullies that is suitable for residential development.

In general, the nature of the earthworks such as those proposed are required for almost all residential subdivisions to ensure the land has a suitable shape to accommodate roading and services.

3 stockpiles are proposed, one of which is 140 metres long, 57 metres wide and 4 metres high. This is a significant stockpile of earth that appears to be proposed for an indefinite period of time. I consider that, proposed indefinitely, the large earth mound will materially impact the landscape and the visual values associated within it in its surrounding context, being areas of flat terraces intersected by a pattern of gullies.

I note that the only identified potentially affected property owners have provided their written approval to the development, including to the above, large stockpile and I have not considered

effects on those persons. Notwithstanding this, I consider that to achieve consistency with the policy a reasonable timeframe is appropriate, within which the consent holder must remove the stockpile.

Council's engineers have requested conditions for engineering plans for roads and services to ensure that any effects are mitigated.

Consequently, I consider that any potential effects of the earthworks are less than minor.

Overall, with earthworks conditions, in particular the one to limit the timeframe of the large stockpile and a condition requiring full construction of Johnstone Drive as part of Stage One of the development, the effects are acceptable.

Access

Rule 20.3.9.1 requires access crossings on a Collector Road to be 15 metres apart.

The non compliances are identified in paragraph 6.3.3 of the application and given the large number of them, I will not repeat them here.

The applicant has suggested the following mitigation measures for the access crossing non compliances,

- Require on-site manoeuvring areas within the lots;
- Prevent vehicle access onto the road by requiring access via an adjoining access lot;
- Stipulate specific positions for vehicle crossings;
- Ensure the notification of the access requirements by imposing a consent notice on the relevant title.

Council's Traffic Engineer (Developments) is satisfied that the measures suggested above will mitigate any adverse effects.

Consequently, with the imposition of appropriate conditions, the potential effects of the access non compliances can be mitigated and will be less than minor.

4.13 Positive Effects

The proposal will have positive effects by providing residential sections to satisfy demand for those people wishing to build their own house.

4.2 Section 104(1)(b) Relevant Planning Provisions

In considering this application the Council has had regard to provisions of the following planning documents.

- National Environmental Standards
- National Policy Statements
- The New Zealand Coastal Policy Statement
- The Regional Policy Statement (One Plan)
- The Palmerston North City District Plan

Higher Order Documents

I have given regard to the higher order planning documents specified at section 104(1)(b)(i) – (vi) of the Act. It is my opinion that there are no other National Policy Statements or NES that

are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of the Regional Policy Statement.

4.3 District Plan Objectives and Policies

Section 6 - Earthworks

Rule 6.3.7.1(b) states,

"Avoid earthworks that materially impact on the landscape and visual values associated with the land in its surrounding context."

Stage D includes a very large stockpile, 140 metres long, 57 metres wide and 4 metres wide that, as explained in the application, may be a permanent feature of the landscape.

In my opinion, such a large stockpile would certainly have a material impact on the landscape and visual values associated with the land in its surrounding context. Therefore the stockpile is contrary to the intent of the above policy. The policy directs avoidance in this circumstance.

The applicant has said that the stockpile is to be used as fill for the Abby Road gully or for the Johnstone Drive gully. The consent to fill the Abby Road gully has been declined by a commissioner but has been appealed to the Environment Court. The reality is that it is not known where the stockpile will be moved to.

Council is working with the applicant to design a structure plan for the Aokautere area that would allow rural land to be rezoned to residential and for some access across the Johnstone Drive gully.

So there is a potential end use for the large stockpile as a road connection across the Johnstone Drive gully in the future, although it would need to be consistent with the structure plan. Ultimately however I consider that the intention appears to be that the stockpile will be moved on and I am satisfied that it is not necessary for the Council to confirm at this stage that the final location is consented or appropriate. This will be the consent holder's responsibility.

The stockpile is still not consistent with the intent of the above policy, but with a condition limiting the time it can be on the land, the outcome is acceptable. I consider that allowing the stockpile without a time limit could contravene the policy and could potentially affect the integrity of the policy. Therefore I consider that it is appropriate to impose a condition with a time limit for the large stockpile to recognise that it is a temporary stockpile.

Section 7 – Subdivision

Objective 2 states,

"To ensure that subdivision is carried out in a manner which recognises and gives due regard to the natural and physical characteristics of the land and its future use and development and avoids, remedies or mitigates any adverse effects on the environment."

Policy 2.3 states,

"To ensure safe, convenient and efficient movement of people, vehicles and goods in a high quality environment with minimum adverse effect by providing that:

(1) The layout of the transport network shall, as appropriate for their position in the roading hierarchy, ensure that people, vehicles and good can move safely, efficiently and effectively, minimise any adverse effect on the environment, make provision for network

utility systems and make provision for amenity values. The layout of the transport network shall:

- *Provide adequate vehicular access to each lot;*
- *Link to, and provide for, and be compatible with the existing and future transport networks, taking into account orderly and integrated patterns of development and adjoining developments;*
- *Connect to all adjoining roads, providing for choice of routes where practicable;*
- *Identify significant destinations and provide for safe and convenient access to these by all modes;*
- *Encourage multi modal street links, providing pedestrian links; and*
- *Provide adequate access for emergency vehicles."*

Section 4.11 above discusses the proposal to stage the subdivision and in particular to stage the construction of the road.

To a layperson, the road looks like it is ready for the remainder of the required construction to be undertaken for the road to be a fully functioning road. In my opinion it is not convenient or efficient to construct parts of the road whilst leaving the rest of the road in its partially completed state.

Council's Senior Transportation Engineer has commented that road connectivity is important for people to be able to intuitively use the road network in an integrated manner without safety or efficiency problems.

If the roading was done in stages, there is a risk of not only considerable delay but also some risk that the link may not eventuate without Council intervention. Such an approach would result in a roading network that was not linked, was not compatible with the existing transport network, was not an orderly pattern of development and was unintegrated.

A condition requiring the road to be constructed as part of Stage One of the development will ensure that these issues do not arise. I have addressed this issue earlier in my report.

Objective 1

Objective 1 aims to ensure subdivision of land and buildings is undertaken with an integrated approach to developing, using and protecting natural and physical resources. Policy 1.1 provides that the subdivision of land be in general accordance with existing land use patterns and to ensure that the land within the urban area is fully utilised, whilst maintaining amenity values.

The application involves subdividing residential zoned land in a manner typical of new residential subdivision that allows for residential growth. The application meets the district plan performance conditions and is considered to be consistent with the above objective.

Objective 2

Objective 2 and associated policies aim to ensure that subdivisions recognise the natural and physical characteristics of the land and its future use and development, whilst avoiding, remedying and mitigating adverse effects on the environment.

The application is for a subdivision that will mould the land with relatively minor earthworks to prepare it for residential subdivision, apart from the large stockpile. The land is zoned residential where this type of subdivision is provided for and encouraged and therefore is consistent with Objective 2.

Section 10 – Residential Zone

Policy 1.2

To allow new residential development where this can be achieved by a progressive extension of services.

The subdivision is an extension of existing residential greenfields subdivision. A lack of an immediate link for Johnstone Drive may mean that the wastewater, stormwater and water supply services cannot be completed. The Johnstone Drive connection will allow a progressive extension of services.

I consider that with the imposition of a condition requiring the Johnstone Drive road link to be completed at Stage One of the development, the proposal will be consistent with the policies and objectives of the District Plan.

5 SECTION 106 RMA

The proposed allotments will be provided with adequate physical and legal access. There is nothing to suggest that the land to be subdivided is likely to be subject to material damage by erosion, falling debris, subsidence or slippage.

Consequently, I consider there to be no reason to decline the application under section 106 of the Act.

6 Part II Matters

The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Resource Management Act 1991 and it is considered that granting this resource consent achieves the purpose of the Resource Management Act 1991 as presented in section 5.

The development is using the existing residential zone land resource to enable the owners to benefit economically and potential buyers to benefit socially and culturally by owning their own land and building their own house.

Consequently it is considered that granting this resource consent achieves the purpose of the Resource Management Act 1991.

7 Other Matters

Development Contribution

The application says that a development contribution is required for 36 of the 38 lots due to 2 existing units of demand and that payment is only required for roading, sewage and water supply. This is because stormwater is going to adjacent gullies and the property has an existing reserves credit. After consulting with the Head of Planning who has a file on this matter, I agree with the applicant that there is a reserves credit and that stormwater goes to local gullies and not to the Council stormwater network.

Section 198 of the Local Government Act 2002 (LGA 2002) gives territorial authorities the power to require a contribution for developments. The proposal will create 36 additional units of demand on Council services. A development contribution of **\$231,757.20 (GST incl)** will be payable in accordance with the Development Contribution Policy.

DEVELOPMENT CONTRIBUTION CALCULATION SHEET: RESIDENTIAL DEVELOPMENT

Site Address/Land Parcel/File Number: 52 Johnstone Drive
 Resource/Building Consent Number: SUB 4384
 Date Of Assessment: 29/5/2018 - 2015 DC policy - 2017 PPI adjustment

1. What Development Contribution Area is the development in? Area Area L
2. Is the proposed development a Special Circumstance under clause 5.5 of the Policy?
If yes an individual assessment is required under clause 5.6 of the Policy. No
3. If the proposed development a multi-unit or communal residential development or accommodation motel?
If yes measure the final number of units of demand in accordance with clause 6.6.4 of the Policy No
4. Has any other form of Contribution been paid in the past?
If yes take these into account when assessing units of demand and the final development contributions amount payable (clause 11.2 of the Policy) No

Table 1: Demand for Community Facilities Formula: Row 1 - Row 2 = 3						
	MEASURE		Roading	Water	Wastewater	City Reserves
How many final units of demand will there be?	Per Additional Allocation or EIU	Row 1	38.00	38.00	38.00	38.00
How many current units of demand are there?	Per Additional Allocation or EIU	Row 2	2.00	2.00	2.00	2.00
How many additional units of demand will there be?	Per Additional Allocation or EIU	Row 3	36.00	36.00	36.00	36.00

6. Using Table 1 above enter the details into Table 2 below and apply the formula to work out the Development Contributions fees for Roading, Water, Wastewater, and City Reserves.

Table 2: Calculated Contribution for Water, Wastewater, Roading and City Reserves Formula: Column 1 x Column 2 x Column 3 = Total Contribution (Column 4)				
	Column 1	Column 2	Column 3	Column 4
Community Facility	Total Demand Created for Each Community Facility (see Table 1)	Unit of Demand Applicable (see Table 4 of the Policy)	Fee for Development Contributions Area	Total Contribution Payable
Roading	38.00	1	2,129.00	76,644.00
Water	36.00	1	2,029.00	73,044.00
Wastewater	36.00	1	1,440.00	51,840.00
Citywide Reserves	36.00	0	644.00	0.00

7. Enter the details into Table 3 below and apply the formula to work out the Development Contributions fees for Stormwater and Local Reserves with the following exceptions:
- For areas A, B, C: infill development; or where no additional demand is created enter values of 0 into Table 3 (below) and go to Question 8.
 - For areas D or E only a Local Reserves contribution is payable. In Table 3 enter a value of 0 for Stormwater but continue calculation for Local Reserves.

Table 3: Calculated Contribution for Stormwater and Local Reserves Formula: (Column 1/Column 2) x Column 3 x Column 4 = Total Contribution (Column 5)					
	Column 1	Column 2	Column 3	Column 4	Column 5
Community Facility	Total Area m being developed that units of demand are applicable to (Less area in roads)	See Measure in Table 4 of the Policy	Unit of Demand Applicable (See Table 4 of the Policy)	Development Contributions Area Fee (See Table 5 of the Policy)	Total Contribution Payable
Stormwater	1036	700	0	357	0.00
Local Reserves	1036	700	0	422	0.00

8. Add up the Total Development Contributions for the Community Facilities

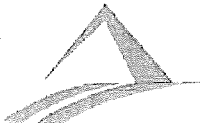
Table 4: Total Development Contributions Payable Formula: Column 1 x 1.15 = Column 2		
	Column 1	Column 2
Community Facilities	Total Contribution Payable (Excl. GST) (From Tables 2 & 3)	Total Contribution Payable (Incl GST)
Roading	76,644.00	88,140.60
Water	73,044.00	84,000.60
Wastewater	51,840.00	59,616.00
Citywide Reserves	0.00	0.00
Stormwater	0.00	0.00
Local Reserves	0.00	0.00
Total Development Contributions Payable (Including GST) (Sum Column 2)		231,757.20

Development Contribution Payable if paid within 12 months from the Date Of Assessment.

ASSESSING OFFICER _____

REVIEWER _____

"B"




New Zealand Environmental Technologies Ltd

Phone: (04) 526 4109, (04) 5267589; Fax: (04) 526-4190; Mobile: 0274 492 837
81 Gillespies Road, PO Box 40-339 Upper Hutt, Wellington
Email: office@nzet.net.nz; Internet Homepage: www.nzet.net.nz

5th March 2019

Phil Pirie
Pirie Consultants
168 Grey Street
Palmerston North
PO Box 10050

This is the Document marked "B" referred to in the annexed affidavit / affirmation of Leslie Wilson sworn / affirmed at Palmerston North this 2nd day of March 2019 before me


Deputy Registrar, High/District Court,
Palmerston North

Engineering Design Report

Johnstone Drive Subdivision Stage 6F7

Jordan Marr
Deputy Registrar
High/District Court
Palmerston North 4410

1 Introduction

NZET has been engaged by Pirie Consultants to provide engineering design services for the proposed Johnstone Drive Subdivision Stage 6F7. This engineering design report details some aspects of the design proposal for the works still to be completed for:

- Roading
- Water
- Sewer
- Stormwater

The design of Stage 6F7 is in keeping with the previous stages of overall subdivision, to maintain continuity, and is based on aspects of the Palmerston North City Council Engineering Standards for Land Development (ESLD); however, NZS 4404, Austroad Design Guides, and SNZ PAS 4509 have also been used where relevant.

All plans have been drafted by Pirie Consultants. The main set is numbered 2043/176 – Sheets 1 to 14, a secondary set, providing further detail on the ROW construction, is numbered 2043/185 – Sheets 1 to 3, and a third set, showing the construction detail of the stormwater discharge pipeline, are numbered 2043/191 – Sheets 1 to 3.

Water Treatment - Wastewater Treatment - Landfill Design - Structural Engineering - Peer Reviewing - Expert Witness
Resource Consent Applications - Staff Training - Project Management - Monitoring & Testing Reservoir Inspections &
Diving - Pipe Cleaning Products & Services

2 Roading

2.1 Johnstone Drive Extension

The proposed extension of Johnstone Drive from chainage 280.0 to 540.0 is detailed on the plans titled:

- Formation – Sheet 1 of 14
- Road Long Section Road Typical Cross Section – Sheet 3 of 14

The extension has been designed as per the overall requirements of the ESLD and specifically section 3.3.1:

Where if a proposed development involves or requires an extension of the primary road network, the design and construction must be to the same or better standard as that required for that part of the network.

In this case the design, construction and testing is to be of the same standard. This information has been stipulated in previous design reports completed by this office for the roading.

It is noted that under the current hierarchy status of Johnstone Drive as a collector road the design does not meet that of the minimum width requirements stipulated in Table 3.1 of the ESLD regarding street classification and width.

The overall carriageway geometry is somewhat fixed due to both ends of the road already being constructed. It is understood that the gradients and vertical and horizontal curves were designed and approved as part of an earlier stage of the subdivision.

2.2 Access Lots

Three ROWs servicing between 5-6 lots are proposed. These are annotated Access Lots 15, 16, and 17 and detailed on the plans titled:

- Access Lot 15 and 16 Sheet – Sheet 1 of 3
- Access Lot 17 – Sheet 2 of 3
- Long Section Access Lots – Sheets 13 and 14 of 14
- Typical Cross Section – Sheet 3 of 3

These roads are classified as private ROWs servicing less than 6 EDUC within the residential zone and have been designed according to section 3.19.4(ii) of the ESLD:

Form, metal and surface carriageway with a minimum width of 5.0 m for the full length of access. A maximum 3-point turning area in the common area must be provided of a size and in a location approved by the Manager.

The proposed 3-point turning area is to be dimensioned as per the L turning area specified by NZS 4404.

The pavement is to be constructed in accordance with standard detail 3.28.

2.3 Rights of Way

Three ROWs servicing between 2-3 lots are proposed. These are annotated as ROW servicing lots 770-772, 788-789 and 777-778 and detailed on the plans titled:

- Lot 770-227 Right of Way – Sheet 1 of 3
- Lot 770-778 & 788-789 Right of Way – Sheet 2 of 3
- Formation – Sheet 1 of 14
- Long Section Access Lots – Sheets 13 and 14 of 14
- Typical Cross Section – Sheet 3 of 3

These roads are classified as private ROWs servicing less than 6 EDUC within the residential zone and have been designed according to section 3.19.4(i) of the ESLD:

Form, metal and surface carriageway with minimum width of 3.5 m for the full length of the shared accessway. Turning heads are not required in the common area where it can be shown that an adequate turning area is available within each lot.

The pavement is to be constructed in accordance with standard detail 3.27.

2.4 Johnstone Drive to Future Development Intersection

The intersection (refer to Intersection Diagram 1 – Sheet 12 of 14) has been designed with regard given to the process in Austroads Guide to Road Design Part 4.

The intersection curvature complies with Table 3.9 of the ESLD with a specified radius of 10.5m, this meets the minimum requirement regardless of the classification of the future road, provided the zoning is to remain residential.

3 Water

The water system layout is shown on Sheet 11 of 14.

The principal main along Johnstone Drive has already been constructed and is controlled by Council.

A 63mm MDPE rider main has been proposed to service the properties accessed off the western side of the road. This pipe size is compliant with section 5.9.3 of the ESLD which specifies a minimum of 50mm for rider mains servicing residential zones.

Diameters of the service lines are larger than required as per Table 5.5 of the ESLD if based on one dwelling per lot. 63mm MDPE lines are provided for up to 4 lots and 32mm MDPE lines are provided for up to 3 lots. Master tobles / valves are shown on the street boundary for each service line.

All lots are shown to be serviced with a 20mm MDPE manifold toby.

Valves are provided as per Standard Drawing 5.1 along the rider main; spaced at no more than 350m.

4 Sewer

The sewer system layout is shown on Sheet 7 of 14.

The 150mm sewer main along Johnstone Drive has already been constructed and is controlled by Council.

The remaining sewerage works are the ROW mains and laterals. The ROW mains are sized as per Table 4.2 of the ESLD at 100mm and 150mm. It is noted that a 100mm main is not included in Table 4.2; however, if the table is extrapolated the 100mm mains will easily be able to meet their loading demands. Additionally, section 4.13.2 allows up to five residential lots to be serviced by a single 100mm lateral.

The laterals are all sized at 100mm and are to be installed as per section 4.13 of the ESLD.

5 Stormwater

The stormwater system layout is shown on Sheet 9 of 14.

The stormwater system has been design with the primary objective to manage storm surface water run-off to minimise flood damage and adverse effects on the environment as per the ESLD.

As shown on the plan it is proposed to use the roading as a conduit to capture all overland flows. To facilitate this the lots, berms and footpaths will be graded down towards the nearest road / ROW. Once the flow has been captured by the roading it will flow through the gutters and drain into various sumps. From the sumps the flow will be conveyed through the piping network that discharges to the main Johnstone Drive Gully below the site.

Sumps along the Johnstone Drive Extension are positioned as required by the ESLD. Sumps are correctly provided at the ends of all ROWs and Access Lots.

The stormwater pipes have been sized at 300mm and 450mm NB and are based on the attached calculations. These calculations were undertaken in accordance with the Palmerston North City Council Stormwater Manual. Pipe material specified is uPVC SN8.

Minimum cover requirements as per Table 6.2 of the ESLD have been complied with, minimum cover shown on design plans is approximately 1.20m.

1050mm manholes are provided at regular intervals, and significant changes in grade and direction to allow access for inspection and maintenance.

The design of the discharge pipeline is detailed on the plans numbered 2043/191 – Sheets 1 to 3. Calculations supporting the design are attached. The pipeline will terminate in the Johnstone Drive Gully where it will discharge to a manhole type energy dissipating structure similar to that depict below.

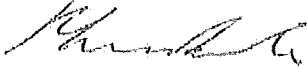


Figure 1: Example of a manhole type energy dissipating structure

6 Attachments

- Stormwater Design Calculations

Report prepared by:



Phineas Burke

05th March 2019

Revision 3

Report reviewed by:



Stuart Clark CP Eng 58384



Date: FEBRUARY 2019
 Scale @ A3 size: 1:700
 Job No: 2043/191
 Sheet 1 of 3

**AOKAUTERE LAND HOLDINGS LTD
 STORMWATER LOCATION, STAGE 6F7**

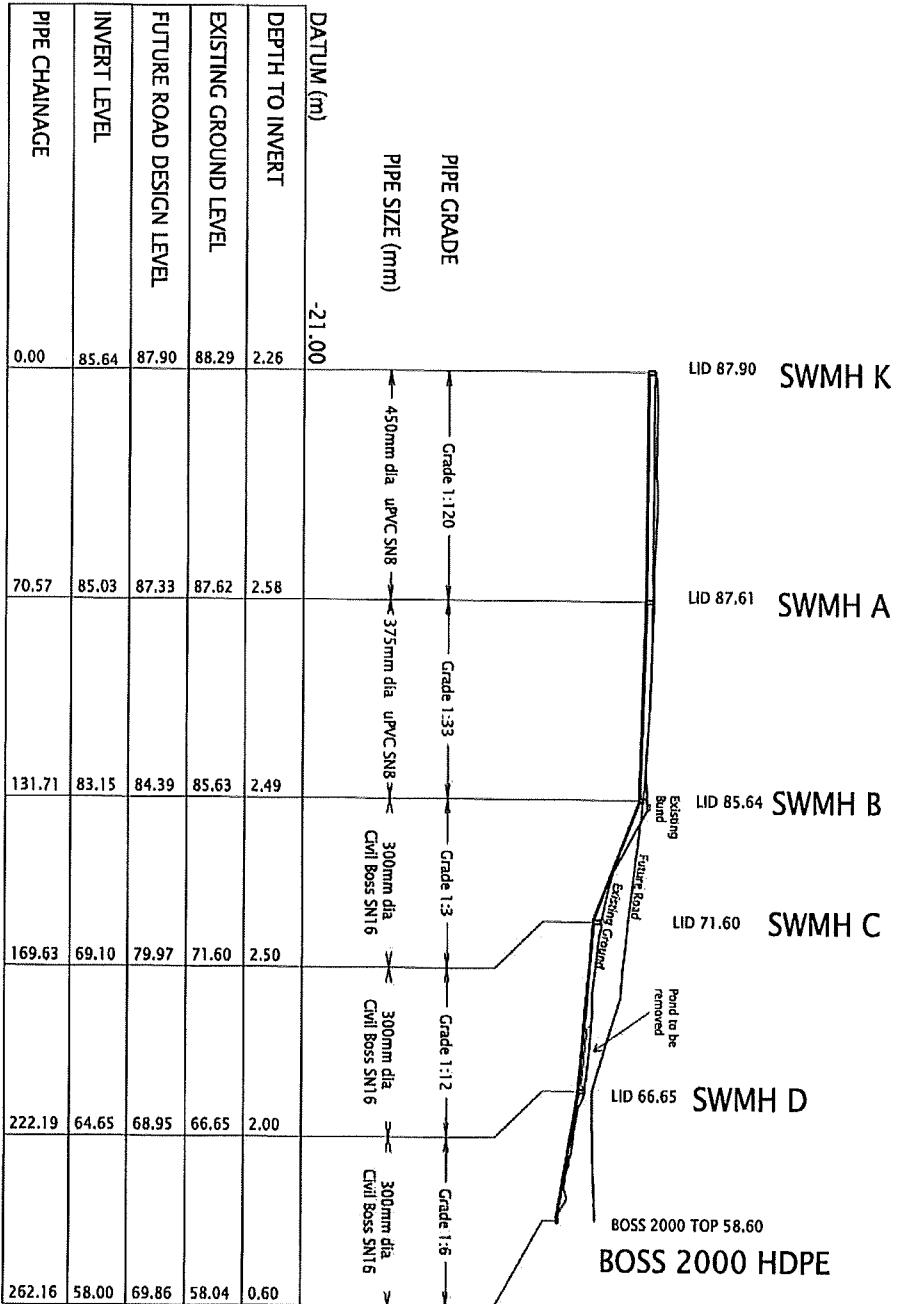
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- Notes:
1. Water stops required at 6m centers between SWMH B and SWMH C due to 1:3 grade. Install water stops at joints to strengthen joint. See Subdivisional Standard Drawing 4.2 for details. Manholes double as water stops.
 2. Civil Boss is to be installed as per manufacturers instructions.



SWMH K - BOSS 2000

Scale
Horizontal 1:1500
Vertical 1:1500



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Engineering, Surveying, Planning and Construction

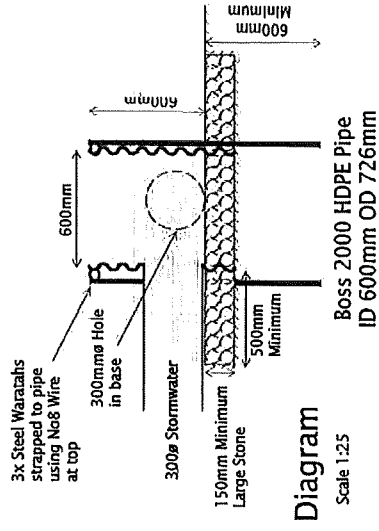
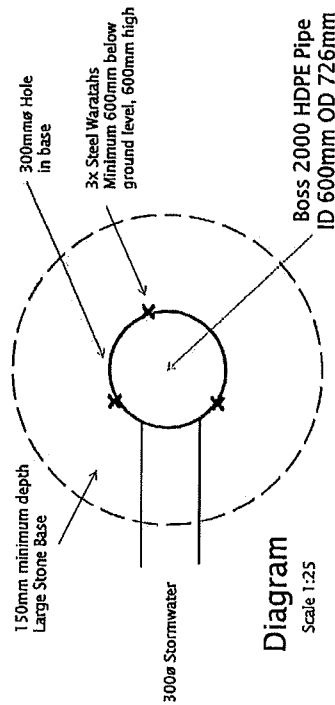
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STORMWATER LONG SECTION, STAGE 6F7

Date: **FEBRUARY 2019**
Scale (@ A3 size):
1:1500
IDP No.: 2043/191
Sheet 2 of 3



Date: FEBRUARY 2019
 Scale (P A3 size): 1:25
 Job No: 2043/191
 Sheet 3 of 3

AOKAUTERE LAND HOLDINGS LTD STORMWATER DIAGRAM, STAGE 6F7

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Rev A

Stormwater Runoff Calculations for Pipe Line - Stage 6F7

Calculations by: Phineas Burke B Eng Tech
 Reviewed by: Stuart Clark CP Eng
 Date: 5/03/2019

Parameter	Value	Unit	Notes
Peak discharge flow	0.313	m ³ /sec	
540 to chainage 320			
Areas			
Residential lots	20020	m ²	Provided by Pirie Consultants
Road	4400	m ²	Provided by Pirie Consultants
ROWS	1170	m ²	Provided by Pirie Consultants
Total	25590	m²	Catchment size is less than 5Ha in area
Combined C factor	0.68		
TOC	14.86	min	
Rainfall intensity	64.4	mm/hr	
540 to chainage 407	0.143	m ³ /sec	For a 1 in ten year return period event
Areas			
Residential lots	6754	m ²	Provided by Pirie Consultants
Road	2621	m ²	Provided by Pirie Consultants
ROWS	1170	m ²	Provided by Pirie Consultants
Total	10545	m²	
Combined C factor	0.70		
TOC	12.66	min	
Rainfall intensity	69.20	mm/hr	
540 to chainage 448	0.090	m ³ /sec	For a 1 in ten year return period event
Areas			
Residential lots	4225	m ²	Provided by Pirie Consultants
Road	1828	m ²	Provided by Pirie Consultants
ROWS	120	m ²	Provided by Pirie Consultants
Total	6173	m²	
Combined C factor	0.70		
TOC	8.39	min	Use 10 minutes minimum
Rainfall intensity	75.0	mm/hr	For a 1 in ten year return period event
C factors	0.65		As per Table 3.2 of the PNCC SW Design Manual for Winter
Residential lots	0.80		Assumed for sites being fully developed
Road	0.80		
ROWS	0.80		
Time of concentration			

Overland	8.39 min
length	29.53 m
slope	5.00 %
n	0.04
Gutter	4.27 min
length	132.17 m
slope	0.60 %
pipe	2.20 min
length	131.98 m
velocity	1.00 m/s
slope	1.00 %

Based on Friend's equation

Grassed surface
Standard TOC gutter equation
As per Sheet 3 of the drawings

As per Table 3.3 of the PNCC SW Design Manual

300mm @ 1:100 pipe capacity check

Flow in pipe	0.150 m3/sec
velocity	2.16 m/s
slope	0.010 m/m
Dia	0.300 m
d	0.285 m
A	0.069 m ²
P	0.807 m
R	0.086 m
n	0.009

From SWMH Z to SWMH M conveys flow from 540 to chainage 448
OKAY - higher than design flow for pipe flow 95% full
OKAY - maximum allowable is 3m/s
Minimum grade okay under ESLD, Table 6.1
300mm uPVC pipe specified as per Sheet 10 of the drawings

300mm @ 1:100 pipe capacity check

Flow in pipe	0.150 m3/sec
velocity	2.16 m/s
slope	0.010 m/m
Dia	0.300 m
d	0.285 m
A	0.069 m ²
P	0.807 m
R	0.086 m
n	0.009

For smooth plastic pipes
From SWMH M to SWMH L conveys flow from 540 to chainage 407
OKAY - higher than design flow for pipe flow 95% full
OKAY - maximum allowable is 3m/s
Minimum grade okay under ESLD, Table 6.1
300mm uPVC pipe specified as per Sheet 10 of the drawings

450mm @ 1:120 pipe capacity check

Flow in pipe	0.369 m3/sec
velocity	2.70 m/s
slope	0.008 m/m
Dia	0.450 m
d	0.36 m
A	0.14 m ²
P	1.00 m
R	0.14 m

For smooth plastic pipes
From SWMH K to SWMH A conveys flow from 540 to chainage 320
OKAY - higher than design flow for pipe flow 80% full
OKAY - maximum allowable is 3m/s
Minimum grade okay under ESLD, Table 6.1
450mm uPVC pipe specified as per Sheet 2 of the drawings

	n	0.009	For smooth plastic pipes
<u>375mm @ 1:33 pipe capacity check</u>			
Flow in pipe		0.433 m3/sec	From SWMH A to SWMH B conveys flow from 540 to chainage 320
velocity		4.56 m/s	OKAY - higher than design flow for pipe flow 80% full
v @ design Q		4.32 m/s	NOT OKAY - maximum allowable is 3m/s check v at design flow
slope		0.030 m/m	Does not meet maximum allowable criteria
Dia		0.375 m	Minimum grade okay under ESLD, Table 6.1
d		0.30 m	375mm UPVC pipe specified as per Sheet 2 of the drawings
A		0.09 m2	
P		0.83 m	
R		0.11 m	
n		0.009	
<u>300mm @ 1:3 pipe capacity check</u>			
Flow in pipe		0.792 m3/sec	For smooth plastic pipes
velocity		13.02 m/s	From SWMH B to SWMH C conveys flow from 540 to chainage 320
v @ design Q		10.69 m/s	OKAY - higher than design flow for pipe flow 80% full
slope		0.333 m/m	NOT OKAY - maximum allowable is 3m/s check v at design flow
Dia		0.300 m	Does not meet maximum allowable criteria
d		0.24 m	Minimum grade okay under ESLD, Table 6.1, steepness requires water stops @ 6m
A		0.06 m2	300mm boss pipe specified as per Sheet 2 of the drawings
P		0.66 m	
R		0.09 m	
n		0.009	
<u>300mm @ 1:12 pipe capacity check</u>			
Flow in pipe		0.396 m3/sec	For smooth plastic pipes
velocity		6.51 m/s	From SWMH C to SWMH D conveys flow from 540 to chainage 320
v @ design Q		6.29 m/s	OKAY - higher than design flow for pipe flow 80% full
slope		0.083 m/m	NOT OKAY - maximum allowable is 3m/s check v at design flow
Dia		0.300 m	Does not meet maximum allowable criteria
d		0.24 m	Minimum grade okay under ESLD, Table 6.1, steepness should have water stops @ 12m
A		0.06 m2	300mm boss pipe specified as per Sheet 2 of the drawings
P		0.66 m	
R		0.09 m	
n		0.009	
<u>300mm @ 1:6 pipe capacity check</u>			
Flow in pipe		0.560 m3/sec	For smooth plastic pipes
velocity		9.21 m/s	From SWMH D to discharge struct conveys flow from 540 to chainage 320
v @ design Q		8.26 m/s	OKAY - higher than design flow for pipe flow 80% full
slope		0.167 m/m	NOT OKAY - maximum allowable is 3m/s check v at design flow
Dia		0.300 m	Does not meet maximum allowable criteria, steepness should have water stops @ 6m
			Minimum grade okay under ESLD, Table 6.1
			300mm boss pipe specified as per Sheet 2 of the drawings

D	0.24 m	
A	0.06 m ²	
P	0.66 m	
R	0.09 m	
n	0.009	For smooth plastic pipes

Notes:
 Exceedance of maximum allowable velocity in pipeline is likely to be okay provided sumps are well maintained and coarse grain material does not enter the stormwater system. Soils in the area are fine grained and the only source of grit will be from the road. Boss pipe is considered to be resistant to abrasion.

11

PLANNING SERVICES

Fees & Charges

All fees and charges shown are GST inclusive unless indicated.



Planning Services charges listed below are imposed under the Resource Management Act 1991 to recover the cost to Palmerston North City Council for processing applications, monitoring consents and for Notice of Requirements Designations and Private District Plan Changes.

Section 36 of the Resource Management Act enables the Council to charge additional fees to recover actual and reasonable costs when the fixed fee is inadequate. This means that applications that exceed standard processing times or which involve a hearing may incur additional charges. Consultants and solicitors fees associated with all work types are also included. We may also refund part of the fee if the work required to process the application is minimal.

The deposits specified in the tables below are required up front and no action will be taken in accordance with Section 36AAB(2) until paid. That does not mean that the Council is required to complete the activity upon payment of the deposit. The costs incurred will be monitored and additional amounts up to the total of the fixed charge may be required. Then additional charges may also be required before completion of the task if the fixed charges are inadequate to cover the Council's actual and reasonable costs.

All fees and charges shown are GST inclusive unless indicated.

FIXED CHARGES

Charges payable by applicants for resource consents, for the carrying out by the local authority of its functions in relation to the receiving, processing and granting of resource consents (including certificates of compliance [and existing use certificates] (Section 36(1)(b)).

ACTIVITY TYPE	Fixed Charge from 1 July 2020	Deposit from 1 July 2020
Instant resource consents	\$215	\$215
Boundary Activity	\$300	\$300
Temporary or Marginal Breaches	\$300	\$300
Non notified land use consents (minor, see note (d)(b))	\$1,100	\$800
Non notified land use consents (other than minor)	\$3,400	\$2,500
Limited notified land use consents	\$14,000	\$10,000
Notified land use consents (full notification)	\$20,000	\$15,000
Non notified subdivision consents (Controlled Activity)	\$2,100	\$1,600
Non notified subdivision consents (Discretionary Restricted)	\$3,000	\$2,200
Non notified subdivision consents (other)	\$5,000	\$3,600
Notified subdivision consents for up to and including 20 lots in total (full and limited notification)	\$22,300	\$16,700
Notified subdivision consents for more than 20 lots (full and limited notification)	\$39,000	\$29,000
Certificates of compliance	\$460	\$345
Town Planning Certificate (Alcohol)	\$400	\$300
Existing use certificates	\$890	\$660
Outline Planning Approval	\$1,110	\$840
Waiver for requirement for Outline Plan	\$380	\$280
Notified notice of requirements, heritage orders, designation alterations	\$16,800	\$12,500
Non notified notice of requirements, heritage order, designation alterations	\$2,550	\$1,900
District Plan changes	\$26,000	\$20,000

Planning Services Fees & Charges

This is the Document marked "11" referred to in the annexed affidavit / affirmation of Leslie William Hughes sworn / affirmed at Palmerston North this 24th day of March 2021 before me.

Jordan Marr
Deputy Registrar
High/District Court
Palmerston North 4410

Deputy Registrar, High/District Court,
Palmerston North



Jordan Marr
Deputy Registrar
High/District Court

PLANNING SERVICES

Fees & Charges

FIXED CHARGES

Charges payable by holders of resource consents, for the carrying out by the local authority of its functions in relation to the administration, monitoring and supervision of resource consents (including certificates of compliance [and existing use certificates], and for carrying out its resource management functions under Section 35 (Section 36(1)(c)).

ACTIVITY TYPE	Fixed Charge from 1 July 2020	Deposit from 1 July 2020
Monitoring of non notified resource consents	\$330 per consent for inspections and monitoring (2 hours)	N/A
Monitoring of notified resource consents	\$660 per consent for inspections and monitoring (4 hours)	N/A
Variations to conditions (Section 127 and 221 - subdivision and land use)	\$1,350	\$1,000
Extensions of time (Section 125)	\$1,100	\$850
Cancellation of building line restrictions (under Local Government Act 1974)	\$1,100	\$850
Adjustment of easements	\$1,100	\$850
Subdivision certificates (Including Section 223, 224)	\$380	\$285
Subdivision certificates (Section 226)	\$1,350	\$1,000
Subdivision inspections for up to and including 5 lots, or staged, in total	\$800	\$600
Subdivision inspections for between 6 lots and up to and including 10 lots, or staged, in total	\$1,600	\$1,200
Subdivision inspections for between 11 lots and up to and including 20 lots, or staged, in total	\$3,200	\$2,400
Subdivision inspections for more than 20 lots un-staged	\$4,800	\$3,600
Removal of designations	\$265	\$265
Purchase of District Plan & District Plan updates	At cost	At cost

Charges payable by holders of resource consents, for the carrying out by the local authority of its functions in relation to reviewing consent conditions if:

1. the review is carried out at the request of the consent holder;
2. the review is carried out under Section 128(1)(a);
3. the review is carried out under Section 128(1)(c)

ACTIVITY TYPE	Fixed Charge from 1 July 2020	Deposit from 1 July 2020
Review at the request of the consent holder	\$1,670	\$1,250
Review pursuant to Section 128 (1) (a)	\$1,670	\$1,250
Review pursuant to Section 128 (1) (c)	\$5,000	\$3,750

Charges for supply of documents payable by the person requesting the document (Section 36 (1) (f)).

PLANNING SERVICES

Fees & Charges

ACTIVITY TYPE	Fixed Charge from 1 July 2020
Replacement copies of certificates	\$110
Replacement copies of resource consents	At cost of officer's time per hour + disbursements
Other documents	\$1 per page
Additional copies of order papers	\$40

Notes:

- A. The number of lots in a subdivision includes the balance lot
- B. The fixed charges do not include other charges that may be imposed under the Resource Management Act or other legislation such as:
- (i) Additional charges (Section 36(5));
 - (ii) Bonds;
 - (iii) Monitoring and supervision charges expressly provided for in a resource consent;
 - (iv) Development contributions
- C. If the fixed charges are not sufficient to meet the Council's actual and reasonable costs then additional charges may be payable. Note this may include but not be limited to charges for consultants, solicitors, independent Commissioners and Council officers' time.
- D. Fees Methodology:
- (a) Land use and subdivision consents have been based on an average costs of consents issued. Deposits have generally been set at 75% of the average unless the difference between the deposit and the total of actual and reasonable costs is of such a minor nature it is not cost effective to recoup the difference from an applicant. In such a case the deposit is set at the same value as the Fixed Charge. In terms of the Fixed Charge they are set at 100% of the average fee. Final charges will be charged at staff hourly rates, technical officer or consultant time and any standard fees applicable.
 - (b) Minor non notified land use consents usually applies to:
 - (i) Applications for a dwelling, or a minor dwelling, dependent dwellings, accessory buildings, home occupations and access in the residential and rural zones.
 - (ii) Applications for signage in the business and industrial zones.
 - (c) Monitoring and inspection charges are based on staff hourly rates to complete. For non notified resource consents the inspection fee of \$330 is for 2 hours of inspections by the Monitoring Officer. For notified consents the inspection fee of \$660 is for 4 hours of inspections by the Monitoring Officer. In terms of dealing with compliance issues this is based on the actual time spent by the Monitoring Officer based on the hourly rate for the Monitoring Officer.

OTHER CHARGES

Advisory Service – Applies where staff provide information in response to customer queries

Pre lodgement meetings – Applies where staff vet information prior to the lodgement of an application

Objections considered by a Hearings Commissioner (section 36 (1) (af))

For queries received by Front of House staff - no cost for an individual enquiry up to 30min (whether in person or in writing), where an individual enquiry is for a period longer than 30min, charged at cost based on the relevant officer's hourly rate.

For any queries received by staff not based at Front of House - to be charged at cost based on relevant officer's hourly rate

Charged at the relevant officer's hourly rate

At cost plus disbursements of the Hearings Commissioner

PLANNING SERVICES

Fees & Charges

CONSULTANT CHARGES

WORK TYPE	Rate Per Hour from 1 July 2020
Consultants and Solicitors fees associated with all work types, including the processing of a consent or certificate (including specialist technical or legal advice where a consent involves creating legal instruments) and new notice of requirements, heritage orders, designation alterations, removal of designations and District Plan changes.	At cost plus disbursements

CHARGES FOR HEARINGS

WORK TYPE	Rate Per Hour from 1 July 2020
Hearings for all applications, designations, notice of requirements private District Plan changes, development contributions and remittance fees and associated work by relevant staff	At cost of officers time per hour as per rates listed below
Production of Order Papers	At cost plus disbursements

The following hourly rates for Council Officers and Decision Makers will be charged for the processing of consents, hearings, designations etc. that do not have a fixed charge or where the fixed charge is inadequate to cover the actual and reasonable costs of the Council.

COUNCIL OFFICERS HOURLY RATES	Rate Per Hour from 1 July 2020
Planning Officers/Graduate Planning Officer	\$190
Monitoring and Enforcement Officer	\$170
Senior Planner	\$203
Head of Planning Services	\$221
City Planning Manager	\$221
Senior Business Support Officer	\$165
Administration/Committee Administration Staff	\$117
Technical and Professional Staff from all other Council units	\$190
General Manager	\$241
Commissioner	At cost plus disbursements
Hearing Committee Chair and Members	At cost (\$100 per hour for Chair & \$80 per hour for members) plus disbursements

From: Simon Mori <simon.mori@pncc.govt.nz>

Date: 1 December 2020 at 5:09:01 PM NZDT

To: Les Fugle <fugle@xtra.co.nz>

Cc: Phil Pirie <phil@pirieconsultants.co.nz>, Tony McGlynn <tony.mcglynn@pncc.govt.nz>, Chris Dyhrberg <chris.dyhrberg@pncc.govt.nz>

Subject: SUB 4384 - 223/224 fees

"D"

Hi Les

Please find attached all outstanding invoices that need to be paid prior to 223/224 certificate being issued.

1. \$965.50 – Interim processing for 4384
2. \$7827.50 – final 4384 processing
3. \$330 – monitoring
4. \$1843.95 – variation to 4384
5. \$170 – additional inspection
6. \$48940.48 – 223/224 processing

Total to pay = \$60077.43

Please also find attached the breakdowns relating to the 223/224 processing.

Regards

SIMON MORI | Head of Planning Services

Palmerston North City Council | Private Bag 11034 | Palmerston North
P: +64 (6) 3568199 | F: +64 (6) 3514471 | www.pncc.govt.nz

1

This is the Document marked "D" referred to in the annexed affidavit / affirmation of Les Fugle sworn / affirmed at Palmerston North this 1st day of December 2020 before me

Deputy Registrar, High/District Court,
Palmerston North

Jordan Marr
Deputy Registrar
High/District Court
Palmerston North 4410

From: Les Fugle <fugle@xtra.co.nz>

Sent: Tuesday, 1 December 2020 4:30 PM

To: Simon Mori <simon.mori@pncc.govt.nz>; Chris Dyhrberg <chris.dyhrberg@pncc.govt.nz>; stu@nzet.net.nz; Phil Pirie <phil@pirieconsultants.co.nz>

Subject: Re: SUB 4384 - 223/224 approval

This is first have heard of this fee (have seen no breakdown) please provide urgently

Sent from my iPad

On 1/12/2020, at 3:40 PM, Simon Mori <simon.mori@pncc.govt.nz> wrote:

Hi Les

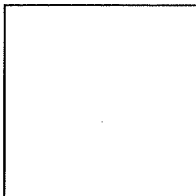
We are ready to issue the 223/224 certificates once the outstanding processing fees of \$45,000 have been paid.

Once it has been confirmed that the \$45,000 has been paid we will issue the certificates immediately.

Regards

SIMON MORI | Head of Planning Services

Palmerston North City Council | Private Bag 11034 | Palmerston North
P: +64 (6) 3568199 | F: +64 (6) 3514471 | www.pncc.govt.nz

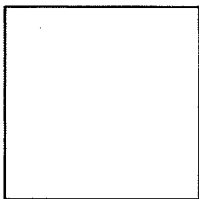


Simon Mori
Head of Planning Services

Palmerston North City Council
Te Marae o Hine – 32 The Square
Private Bag 11034, Palmerston North 4442

06 356 8199

pncc.govt.nz



Simon Mori
Head of Planning Services

Palmerston North City Council
Te Marae o Hine – 32 The Square
Private Bag 11034, Palmerston North 4442

06 356 8199

Dated: 23 March 2021

1 INTRODUCTION

- 1.2 My name is Simon Mori and I am the Head of Planning Services at the Palmerston North City Council. I have been directly involved throughout the processing of subdivision consent SUB 4384 and the section 223/224 processing.
- 1.3 This statement of evidence is intended to assist the Hearings Committee in making a decision on Aokautere Land Holdings Limited's ("**ALHL**") objection to charges for SUB 4384 under section 357B the Resource Management Act 1991 ("**RMA**").

2 BACKGROUND

- 2.2 On 1 December 2020, Simon Mori sent an email to Les Fugle (on behalf of ALHL) which included all outstanding invoices payable by ALHL in relation to SUB 4384. ALHL was directed to pay all invoices prior to the issue of the section 223/224 certificates (Appendix A).
- 2.3 On 1 December 2020, Les Fugle responded to Simon Mori objecting to all Council's invoices in the 1 December 2020 email (Appendix A). While the email stated that it was an objection pursuant to the 357B RMA, no reasons for the objection were provided.
- 2.4 On 2 December 2020, a letter from ALHL's solicitor, Dewhirst Law, was sent to Simon Mori and CR Law (Appendix B). This letter expounded on ALHL's 1 December 2020 objection and indicated that the invoices would be paid under duress. The invoices were subsequently paid.
- 2.5 On 11 December 2020, CR Law, on behalf of Council, wrote to Dewhirst Law seeking clarification of what invoices were being objected to, the reasons for the objection and the relief sought (Appendix C).
- 2.6 On 16 December 2020, CR Law received a response from Dewhirst Law (Appendix D) sustaining the objection and providing reasons.
- 2.7 On 18 December 2020, after considering the objection,¹ Simon Mori wrote to Les Fugle (Appendix E) explaining that Council does not agree that ALHL's objection be upheld, providing reasons.
- 2.8 Mr Fugle subsequently requested a hearing be set for the objection.

3 STATUTORY FRAMEWORK

- 3.2 Section 36 enables Council to charge applicants for carrying out statutory functions under the RMA, such as receiving, processing, granting consents;² and for administering, monitoring and supervising consents.³ Administrative charges are identified as either fixed charges or additional charges.

¹ RMA, section 357C(4).

² RMA, section 36(1)(b)

³ RMA, section 36(1)(c).

- 3.3 Fixed charges are those fixed under section 36 and are either specific amounts or determined by reference to scales or other formulae. The Council has set fixed charges, following the procedure in section 36(3), which are published in the document "Planning Services Fees and Charges" (the "**Fees Schedule**"). Council has set and published its Fees Schedule for the 2018/19, 2019/20 and 2020/21 financial years.
- 3.4 Additional charges may be charged where a fixed charge is, in any particular case, inadequate to enable Council to "*recover its actual and reasonable costs in respect of the matter concerned*".⁴ For reasons outlined in sections 6 and 7 of this statement of evidence, the actual and reasonable costs of processing the 223/224 certificates exceeded the fixed charge specified in the Fees Schedule. Additional charges were therefore invoiced to ALHL to recover these costs.
- 3.5 Section 36AAA states that the sole purpose of a charge (whether it be additional or fixed) is to recover the reasonable costs incurred by the local authority in respect of the activity to which the charge relates.
- 3.6 Section 36AAB gives Council absolute discretion to remit the whole or any part of any charge of a kind imposed under section 36 that would otherwise be payable. The applicant has not specified the extent of fees sought to be remitted for the processing of the 223/224 certificates or the variation to SUB 4384.
- 3.7 Section 357B(b) provides a right of objection for a person who has been required by a local authority to pay an additional charge under section 36(5). There is no right of objection to a fixed charge set under section 36.⁵
- 3.8 ALHL has objected to the additional charge and now, on the hearing the objection, the Hearings Committee may:⁶
- (a) Dismiss the objection; or
 - (b) Uphold the objection in whole or in part; or
 - (c) Remit the whole or any part of the additional charge over which the objection was made.

4 SCOPE OF THE OBJECTION

- 3.1 The scope of this objection is limited to:
- 3.1.1 Invoices that were objected to within the 15 working day timeframe for lodging objections under section 357C(1), which states "*an objection under section 357, 357A, or 357B must be made by notice in writing not later than 15 working days after the decision or requirement is notified to the objector, or within any longer time allowed by the person or body to which the objection is made*";
- 3.1.2 The additional charge portion (not the fixed portion) of invoices pursuant to s 36(7), which states "*sections 357B to 358 (which deal with rights of objection*

⁴ RMA section 35(5).

⁵ RMA, section 35(7).

⁶ RMA, section 357D(1).

and appeal against certain decisions) apply in respect of the requirement by a local authority to pay an additional charge under subsection (5)."

- 4.2 Despite Les Fugle objecting to all invoices in Simon Mori's email of 1 December 2020 (Appendix A), there are only two invoices within the 15 working day timeframe that could be objected to and the Hearings Panel make a decision on.⁷
- 4.3 The first is invoice no. 1123018 dated 27 November 2020 (Appendix F), which is for the variation to SUB 4384. The total cost of processing the variation was \$2,843.95. A deposit of \$1,000 was paid and the outstanding amount is \$1,843.95. The fixed charge amount in the Fees Schedule for a variation is \$1,350. Therefore, there are additional charges of \$1,493.95 which can be objected to.
- 4.4 The second invoice is no. 1123682 dated 1 December 2020 (Appendix G), which is for the section 223/224 processing. The total cost of the 223/224 processing was \$48,940.95. No deposit was paid. The fixed charge amount in the fees schedule for subdivision inspections for more than 20 lots is \$4,800. Therefore, there are additional charges of \$44,140.95 which can be objected to.

5 BREAKDOWN OF COSTS INVOICED

- 5.2 Appendix H contains the following breakdown of the consultant hours spent on the variation to SUB 4384.
- 5.3 Appendix I contains the breakdown of the planners' time to sign off the section 223 and 224 certificates.
- 5.4 Appendix J contains the breakdown of the PNCC City Networks/Infrastructure officers' time in processing the section 223 approval.
- 5.5 Appendix K contains the breakdown of the PNCC City Networks/Infrastructure officers' time in processing the 224 approval.
- 5.6 Appendix L contains the breakdown of the GHD consultants time for processing the section 223 and 224 certificates.

6 THE OBJECTION

- 6.2 In Mr Fugle's 1 December 2021 email (Appendix A), no reasons were provided for the objection. Through CR Law Council sought clarification on what invoice is being objected to, the reasons for the objection and the relief sought (Appendix C).
- 6.3 A response from Dewhurst Law was provided on 16 December 2020 (Appendix D). This response put forward the following summarised grounds for objection:

(a) ALHL contend there is no lawful basis upon Council can delegate its functions to GHD.

(b) The charges imposed are not commensurate with the nature and extent of work undertaken. There is a suggestion that significant duplications,

⁷ The Council has declined to extend this period of time to accept objections to invoices outside this timeframe.

redundancies, errors, processing inefficiencies and operational inadequacies have occurred.

(c) Charges fixed were not in a manner which was compliant with the Local Government Act/RMA.

7 CONSIDERATION

7.2 In relation to (a), the Fee Schedule, under the hearing "Consultant Charges" at page 4 (Appendix M), states:

"Consultants and Solicitors fees associated with all work types, including the processing of a consent or certificate including specialist technical or legal advice where a consent involves creating legal instruments) and new notice of requirements, heritage orders, designation alterations, removal of designations and District Plan changes."

7.3 In this case, Council has engaged GHD consultants to help process the engineering component of the section 223/224 processing for SUB 4384. It is common practice for Council to engage consultants to process applications on its behalf and then on charge the consultants costs.

7.4 It was necessary to obtain engineering advice in this case to resolve disagreements between ALHL and Council regarding certification of infrastructure. For example, engineering advice would be obtained to clarify (and resolve disagreement) whether infrastructure plans submitted by ALHL complied with required engineering standards.

7.5 With regard to (b), ALHL has not provided any detail explaining why the additional charges are not commensurate the nature and extent of work undertaken. In the breakdowns by Council officers and consultants provided in my Appendices it is clearly evident that many hours were spent processing the section 223/224 component of the subdivision.

7.6 They are Council's actual and reasonable costs of processing the section 223/224 component of SUB 4384 and were incurred as a result of ALHL varying SUB 4384 and considering various infrastructure plans submitted by ALHL.

7.7 With regard to (c) the Fees Schedule was set in accordance with the requirements of the RMA (including the rates for additional charges) and it is not within scope of this objection, which is restricted to additional charges charged to ALHL.

7.8 In my opinion, the invoices charged for processing the variation to SUB4384 and the processing of the 223/224 certificate represent actual and reasonable costs; and the sole purpose for charging ALHL is to recover those reasonable costs. The breakdown of time provided in Appendices G, H, I J and K represents all of the time spent processing and approving the variation and the 223/224 certificates.

7.9 Additional time (and therefore additional charges) was required to process the variation to SUB 4384, for the following reasons:

(a) The nature of the variation involved and number of changes that required consideration and assessment beyond a typical variation. The variation

was to provide for two additional residential lots, and the creation of one additional reserve lot (to vest in Council). This required changes to the general accordancy condition, consent notice condition and the vesting of assets condition.

- (b) As a result of the new reserve layout existing right of way easements needed to be cancelled.
- (c) A consent notice condition removal was sought in relation to two lots regarding vehicle access.

I consider that the time spent to process the variation was fair and reasonable in light of the reasons above.

7.3 Additional time (and therefore additional charges) was required to process the section 223/224 certificates, for the following reasons:

- (a) PNCC engaged GHD consultants to assess the open drain proposal submitted by Pirie Consultants, which then had to be endorsed by NZET's Stu Clark. After further correspondence with NZET on the open drain proposal it became apparent that the proposal was not acceptable to PNCC and it was requested that the stormwater discharge be piped.
- (b) Numerous proposed pipe designs followed with the developer proposing to use a smaller diameter pipe downstream of the pipes in Johnstone Drive. This complicated the design and lead to months of correspondence between Council, ALHL's technical representative and GHD consultants on the design requirements. The engineering plans were finally approved on the 3rd of September 2020.
- (c) During the construction phase the developer then decided to change the design. This required months of correspondence with amended engineering plans being approved on 13 November 2020. Time for work on the amended engineering plans is recorded in the 224 worksheet (Appendix K).

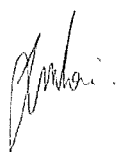
8 CONCLUSION

8.2 Additional time was required to process the variation and section 223/224 certificates. This time has been accurately recorded as evidenced in Appendices G, H, I, J and K.

8.3 I consider this time and cost charged is actual and reasonable.

9. RECOMMENDATION

That there is no reduction to the additional charge component of invoice no. 1123018 (the additional charge being \$1,493.95) and invoice no. 1123682 (the additional charge being \$44,140.95) for the processing of the variation to SUB 4384 and for the section 223/224 processing.



Simon Mori
HEAD OF PLANNING SERVICES

Appendix A.

Simon Mori

From: Simon Mori
Sent: Wednesday, 2 December 2020 4:27 PM
To: Hanna Braddock
Subject: FW: SUB 4384 - 223/224 fees

Hi

Please load this objection

Cheers
Si

From: Les Fugle <fugle@xtra.co.nz>
Sent: Tuesday, 1 December 2020 6:04 PM
To: Simon Mori <simon.mori@pncc.govt.nz>
Cc: Phil Pirie <phil@pirieconsultants.co.nz>; Tony McGlynn <tony.mcglynn@pncc.govt.nz>; Chris Dyhrberg <chris.dyhrberg@pncc.govt.nz>
Subject: Re: SUB 4384 - 223/224 fees

Hello Simon.

Pursuant to the Resource Management Act 1991 section 120 and 357B and 357C Aokautere Land Holdings Limited hereby objects to Council fees imposed attached to this email. Please have this matter set down for consideration before Council's Hearing Committee at member's earliest convenience.

Submission will be tabled prior to hearing. Please have fixture date provided.

Should Council require further information then please do not hesitate to contact me.

Regards
Les Fugle
On behalf of
Aokautere Land Holdings Limited

Sent from my iPad

On 1/12/2020, at 5:09 PM, Simon Mori <simon.mori@pncc.govt.nz> wrote:

Hi Les

Please find attached all outstanding invoices that need to be paid prior to 223/224 certificate being issued.

- \$965.50 – Interim processing for 4384
- \$7827.50 – final 4384 processing
- \$330 – monitoring
- \$1843.95 – variation to 4384

- \$170 – additional inspection
- \$48940.48 – 223/224 processing

Total to pay = \$60077.43

Please also find attached the breakdowns relating to the 223/224 processing.

Regards

SIMON MORI | Head of Planning Services

Palmerston North City Council | Private Bag 11034 | Palmerston North
P: +64 (6) 3568199 | F: +64 (6) 3514471 | www.pncc.govt.nz

From: Les Fugle <fugle@xtra.co.nz>

Sent: Tuesday, 1 December 2020 4:30 PM

To: Simon Mori <simon.mori@pncc.govt.nz>; Chris Dyhrberg <chris.dyhrberg@pncc.govt.nz>;
stu@nzet.net.nz; Phil Pirie <phil@pirieconsultants.co.nz>

Subject: Re: SUB 4384 - 223/224 approval

This is first have heard of this fee (have seen no breakdown) please provide urgently

Sent from my iPad

On 1/12/2020, at 3:40 PM, Simon Mori <simon.mori@pncc.govt.nz> wrote:

Hi Les

We are ready to issue the 223/224 certificates once the outstanding processing fees of \$45,000 have been paid.

Once it has been confirmed that the \$45,000 has been paid we will issue the certificates immediately.

Regards

SIMON MORI | Head of Planning Services

Palmerston North City Council | Private Bag 11034 | Palmerston North
P: +64 (6) 3568199 | F: +64 (6) 3514471 | www.pncc.govt.nz

Simon Mori
Head of Planning Services



Palmerston North City Council
Te Marae o Hine – 32 The Square
Private Bag 11034, Palmerston North 4442

06 356 8199

pncc.govt.nz

DewhirstLaw

Appendix B

2 December 2020

Cooper Rapley
Lawyers
PO Box 1945
Palmerston North 4440

Attention: Nicholas Jessen
By email: njessen@crlaw.co.nz

AOKAUTERE LAND HOLDINGS LIMITED – SUB4384 – 223/224 FEES

1. We hold instructions in behalf of Aokautere Land Holdings Limited.
2. Our client developer has placed us with a copy of correspondence between Mr Mori, and Mr Fugle, in behalf of our client company, dated 1 December 2020, pertaining to processing fees and associated charges levied by Council, sought to be recovered prior to the release of the 223/224 certificates.
3. Our client developer has instructed us to record, that whilst it will attend to payment of the fees demanded, it does so under protest; our client considers that the fees and charges which have been accrued, are in no way commensurate with the complexity of the work undertaken, and in particular questions the extensive reliance upon external consultants for matters which ought probably be constrained within the Council's processing functions. In making that observation we are cognisant of correspondence received from your offices, by which PNCC purports to appoint GHD in that regard; we are unclear on the legislative basis for that appointment.
4. We ask, pursuant to the Local Government Official Information and Meetings Act, that your client provide us with a copy of all documentation, in any way pertaining to the quantification, calculation, for all works said to have been undertaken in the furtherance of the processing of 4384 to the extent that such charges are encapsulated within the fees now sought. We ask that this request is treated as a matter of urgency.

Yours faithfully
DEWHIRST LAW



Greg Woollaston
greg@dewhirstlaw.co.nz

cc: Simon Mori, Head of Planning Services, PNCC

11 December 2020

Dewhirst Law
478 Main Street
PALMERSTON NORTH 4410

Attention: Greg Woollaston
By email: greg@dewhirstlaw.co.nz

RE: ALHL JOHNSTONE DRIVE STAGE 6F7 – OBJECTION TO FEES

1. We refer to the email of Les Fugle (on behalf of Aokautere Land Holdings Limited (“ALHL”)) dated 1 December 2020 and your letter of 2 December 2020.
2. Mr Fugle’s email states that he “objects to Council fees imposed” for the invoices attached to the email of Mr Simon Mori dated 1 December 2020, which include:
 - \$965.50 – Interim processing for 4384 (dated 14 May 2018);
 - \$7,827.50 – final 4384 processing (28 June 2018);
 - \$330 – monitoring (dated 15 January 2020);
 - \$1,843.95 – variation to 4384 (dated 27 November 2020);
 - \$170 – additional inspection (dated 5 November 2020); and
 - \$48,940.48 – 223/224 processing.
3. All invoices, with the exception of the invoice for section 223/224 processing (\$48,940.48) and for the variation to 4384 (\$1,854.95), were previously issued to ALHL and remain unpaid. The Council does not accept these objections because 15 working days have passed since those invoices were notified to ALHL.¹
4. To the extent the objection is relevant to the section 223/224 processing invoice and the additional charge for the variation to 4384 (\$493.95),² Mr Fugle did not provide reasons for the objection as required by s 357C(2) of the Resource Management Act 1991 (“RMA”). The 2 December 2020 letter relates to Mr Fugle’s objection but does not provide “reasons for the objection” on behalf of ALHL, as required.
5. Please clarify:
 - a. Whether an objection is being made to the invoice for section 223/224 processing;

¹ Resource Management Act 1991, s 357C(1).

² There is no right of objection to a fixed charge: *Schwartzfeger v Northland Regional Council* [2016] NZEnvC 96. The fixed charge for a variation is \$1,350. Therefore, the objection can only be for the charge additional to the fixed charge of \$493.95 (\$1843.95 - \$1,350).

- b. The reasons for the objection; and
 - c. The relief sought, for example, the amount that ALHL says the invoices should be reduced.
6. A breakdown for the section 223/224 invoice, previously provided to Mr Fugle on 1 December 2020, is **attached** to this letter.

Yours faithfully

CR LAW



Nicholas Jessen / Elliot Maassen

Partner / Solicitor

njessen@crlaw.co.nz / emaassen@crlaw.co.nz

DewhirstLaw

16 December 2020

Appendix D

Cooper Rapley
Lawyers
PO Box 1945
Palmerston North 4440

Attention: Elliot Maassen / Nick Jessen
By email: emaassen@crlaw.co.nz; njessen@crlaw.co.nz

AOKAUTERE LAND HOLDINGS LIMITED – PNCC – STAGE 6F7 – 223/224 CERTIFICATES

1. We refer to our earlier correspondence, note your letter correspondence of 11 December 2020.
2. You have sought clarification as to the grounds upon which our client contends that the 223/224 processing invoicing is amenable to objection.
3. We thank you for your correspondence in that respect; by way of clarification, our client's grounds of objection are, inter alia:
 - (a) ALHL contends that there is no lawful basis upon which the delegation to GHD, of its statutory functions reserved to Council pursuant to the schema of the Resource Management Act 1991 has been undertaken, or where undertaken, it says that the same was undertaken in a manner that was not compliant with the requisites for such delegations pursuant to the Act's schema.
 - (b) Our client developer further says that the charges which have been imposed are not commensurate with the nature and extent of the work properly undertaken, or which ought properly have been undertaken in the furtherance of the 223/224 processing, including by way of the same entailing significant duplications, redundancies, errors, processing inefficiencies, and operational inadequacies. The quantum, and the work product underscoring the quantum of such fees is challenged in its entirety.
 - (c) ALHL further says that the charges fixed or purported to have been fixed by your client Council, were not fixed in a manner which was compliant with the requisites of the Local Government Act/Resource Management Act, and that the same are therefore ultra vires its functioning and invalid ab initio.

4. Our client company requests the matter be placed before the determination of the Council, and that leave be reserved to it to be heard in these regards.

Yours faithfully
DEWHIRST LAW



Greg Woollaston
greg@dewhirstlaw.co.nz

18 December 2020

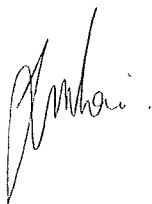
Attention: Les Fugle

SUB 4384

Email: fugle@xtra.co.nz

CONSIDERATION OF OBJECTION TO FEES SUB 4384 – 52 JOHNSTONE DRIVE, PALMERSTON NORTH

1. This letter records the Palmerston North City Council's (the "**Council**") decision in response to the Aokautere Land Holdings Limited's ("**ALHL**") objection dated 2 December 2020 and further correspondence provided by Dewhirst Law dated 16 December 2020.
2. On 2 December 2020 Council received an email from Les Fugle objecting to the fees for the processing of subdivision consent SUB 4384.
3. On 11 December 2020, CR Law on behalf of the Council asked for clarification regarding the objection via email from Les Fugle dated 2 December 2020.
4. On 16 December 2020 CR Law received a response from Dewhirst Law.
5. In accordance with s 357C(3)(a), the Council has considered the objection and the grounds stated. The Council does not agree that the objection should be upheld.
6. Please confirm in writing whether ALHL wishes to pursue the objection further. If the objection is pursued, a Council hearing for the objection will be arranged.
7. Council can only accept the objection insofar as it is within the statutory time period¹ and is an additional charge.² ALHL's assertion that the charges fixed is ultra vires is acknowledged. However, a right of objection applies only in respect of a requirement to pay an additional charge.³
8. If the objection is sustained, only the invoices for section 223/224 processing (\$48,940.48) and to the additional charge component for the variation to 4384 (\$493.95) can be put to the hearings panel.



Dated: 18 December 2020

Simon Mori

Head of Planning Services

Palmerston North City Council

¹ Resource Management Act 1991, section 357C(1).

² RMA, sections 36(7) and 357B(a).

³ As above.

Appendix F

TAX INVOICE

GST REGISTRATION NO. 11-213-081

AOKAUTERE LAND HOLDINGS LIMITED
 5 COUTTS WAY
 FITZHERBERT
 PALMERSTON NORTH 4410

Invoice No: 1123018
 Date: 27 Nov 2020
 Your Reference: 4384*01

DETAILS

QTY UNIT AMOUNT

RESOURCE CONSENTS APPLICATION

Site Address: 52 JOHNSTONE DRIVE – Palmerston North

Consent Description: Variation to Stage from 4 lots to 5 lots in stage 6F7 with 2 lots being vested

Administration	0.75	114.00	85.50
Checking Report & Documentation	0.75	215.00	161.25
Vetting & Allocation	0.75	197.00	147.75
External Consultant – BECA see attached	1.00		2265.45
Internal Technical Advice - Infrastructure	1.00	184.00	184.00

Less deposits paid
 2020 348232 1,000.00

EFT: (Internet) Payments only to:
 PNCC Bank Account: 030726-0330770-00
 Customer # and Invoice # are essential for allocation purposes
 Remittance by email: remittance@pncc.govt.nz or fax to: 06 351 4311

Payment due:	INVOICE TOTAL	1,843.95
	This includes G.S.T of	240.51
	TOTAL NOW DUE	1843.95

REMITTANCE ADVICE: Please detach and return with your payment:
 PNCSI0797782020001012301810000184395

Palmerston North City Council
 Private Bag 11034
 PALMERSTON NORTH



Did you know
 you can now
 pay ON LINE
 @pncc.govt.nz

CUSTOMER:

CONSENT: 4384*01

INVOICE NO: 1123018

TOTAL DUE: \$1843.95

PAYMENT MADE: \$

TAX INVOICE

GST REGISTRATION NO. 11-213-081

 AOKAUTERE LAND HOLDINGS LIMITED
 5 COUTTS WAY
 FITZHERBERT
 PALMERSTON NORTH 4410

 Invoice No: 1123682
 Date: 01 Dec 2020
 Your Reference: 4384*
DETAILS**QTY UNIT AMOUNT****RESOURCE CONSENTS APPLICATION****Site Address:** 52 JOHNSTONE DRIVE – Palmerston North**Consent Description:** 38 residential lots & road to vest. Earthworks and access non-compliance. (Connected to LU 4400)

Administration	0.25	117.00	29.25
Assessment & Referrals	1.75	190.00	332.50
223 & 224 Certificate Preparation	0.25	190.00	47.50
Issue 223 & 224 Certificate	0.25	190.00	47.50
Assessment & Referrals	3.00	221.00	663.00
Internal Technical Advice – Infrastructure 18/19	47.88	178.00	8522.64
Internal Technical Advice – Infrastructure 19/20	28.25	184.00	5198.00
Internal Technical Advice – Infrastructure 20/21	52.25	190.00	9927.50
Retic Manager CCTV Review	1.000		925.22
External Charges - GHD	1.000		23247.37

EFT: (Internet) Payments only to:

PNCC Bank Account: 030726-0330770-00

Customer # and Invoice # are essential for allocation purposes

Remittance by email: remittance@pncc.govt.nz or fax to: 06 351 4311

Payment due:	INVOICE TOTAL	48,940.48
	This includes G.S.T of	6,383.56
	TOTAL NOW DUE	48940.48

REMITTANCE ADVICE: Please detach and return with your payment:

PNCSI0797782020001012368210004894048

 Palmerston North City Council
 Private Bag 11034
 PALMERSTON NORTH

 Did you know
 you can now
 pay ON LINE
 @pncc.govt.nz
CUSTOMER:

CONSENT: 4384*

 INVOICE NO: 1123682
 TOTAL DUE: \$48940.48
 PAYMENT MADE: \$

♥ΠNXΣH0797782020001012368210004894048Ω→

Appendix H

Task Name	EVC Name	Transaction Date	Description	Hours/Qty	Effort
SUB 4384-01 52 Johnstone Drive	David Forrest	12/5/2020	Assess and read application history and consider effects of changes proposed.	2.75	471.08
		20/5/2020	Discuss with Simon Email Kathy Dever-Todd for confirmation of written approval	0.5	85.65
		21/5/2020	Preparation of planners report	3.25	556.73
		22/05/2020	Complete report Email Adam for Street Numbers Proof Read Report	5	856.50
SUB 4384-01 52 Johnstone Drive Total (excl GST)				11.50	1,969.96

SUB 4384 52 Johnstone Drive 223/224 Cert PNCC Planning Team Charges Breakdown							
Consent #	Date	Time Spent	Hourly Rate	Amount Charged	Type	Description	Staff Member
4384	11-Nov-20	0.25	\$117.00	\$29.25	Administration	load 223/224 cert, allocate payment, save application	Hanna Braddock
4384	1-Dec-20	1.75	\$190.00	\$332.50	Assessment & Referrals	Drafting consent notices, meeting with Tony and Simon about fulfillment of conditions, review of updated schedule 2A & consent notices	Eamon Guthrie
4384	1-Dec-20	0.25	\$190.00	\$47.50	223 & 224 Certificate Preparation	prepared certificate	Eamon Guthrie
4384	1-Dec-20	0.25	\$190.00	\$47.50	Issue 223 & 224 Certificate	issued certificate	Eamon Guthrie
4384	27-Nov-20	1.5	\$221.00	\$331.50	Assessment & Referrals	going through conditions and consent notice check	Simon Mori
4384	30-Nov-20	0.5	\$221.00	\$110.50	Assessment & Referrals	condition sign off and 2A cert email to Stu Clark	Simon Mori
4384	1-Dec-20	1	\$221.00	\$221.00	Assessment & Referrals	final checks, review of amended 2A schedule	Simon Mori
Total Planning Team Hours				\$1,119.75			

Appendix J

PNCC CITY NETWORKS ROADING & DEVELOPMENTS TEAM JOB COSTING BREAKDOWN RECORDING SHEET

, DL – Dora Luo, HL – Heather Liew, PB – Phil Burt, RB – Reiko Baugham, ; TM – Tony McGlynn,

Note: Time recorded includes travel, time on-site, emails, phone calls and recording file notes.

Job: SUB 4384 Johnstone Drive Stage 6F7

Site inspection (s)				Description
Date	Officer	Time Spent		
		223	224	
18/10/18	TM	2		Received engineering plans, printed plans and prepared for processing. Checked plans and passed on to asset managers for assessment. Stormwater proposed open drain forwarded to GHD In Wellington for assessment.
26/10/18	RB	0.5		v1 of the engineering plans submitted. Passed on to GHD 25 October 2018 for review. GHD review completed 2 November 2018. Email of response items provided 8 November 2018.
5/11/18	RB	1		GHD review of engineering plans
6/11/18	RB	8.2		GHD review of engineering plans
7/11/18	RB	0.75		GHD review of engineering plans
8/11/18	RB	0.25		GHD review of engineering plans
9/11/18	TM	1		Collated response from asset managers and emailed request for amendments to NZET Stu Clark.
10/12/18	TM	1		Received response to 9/11/2018 email. Response only covered stormwater open drain issues and none of the other amendments required. Sent email to NZET regarding other items that required amendments. Stormwater open drain response sent to GHD in Wellington for reassessment.
11/12/18	RB	0.5		v2 of the engineering plans submitted with calculations. Calcs updated and open drain size adjusted to suit. GHD review completed 13 December 2018.
12/12/18	RB	1.25		v2 of the engineering plans submitted with calculations. Calcs updated and open drain size adjusted to suit. GHD review completed 13 December 2018.
13/12/18	RB	0.75		v2 of the engineering plans submitted with calculations. Calcs updated and open drain size adjusted to suit. GHD review completed 13 December 2018.
13/12/18	TM	1		Received amended plans for other items not responded to email 9/11/2018. Printed of plans and prepared for reassessment.
17/12/18	TM	0.25		Received email from NZET (Phin) requesting comment on alternatives for open drain. Discussed this with asset managers.
18/12/18	TM	0.25		Checked with 3 Waters team, staff required away on sick leave. Sent email advising NZET.
21/12/18	TM	0.25		Received email from NZET enquiring on updates. Email arrived after 12 noon. Council had shut down for Christmas holiday.
8/01/19	TM	1		Discussed alternatives with Robert van Bentum. Responded to email (21/12/18) and advised that a temporary system was not acceptable!
8/01/19	TM	0.5		Received email from NZET (Stu Clark) Responded to Stu's email advising a permanent

				pipework must go all the way to the gully.
14/01/19	TM	0.5		Received email from Stu Clark, stating that the pipework will be difficult to construct. Met with Robert van Bentum and discussed email.
15/02/19	RB	0.5		Review proposed piped design
15/01/19	TM	0.5		Responded to Stu Clark email advising that while the construction may be difficult a permanent system is still required.
12/02/19	TM	1		Received email from NZET (Phineas) with revised engineering plans. Printed plans and discussed with Robert Van Bentum.
13/02/19	TM	0.5		Composed response email and sent to NZET (Phineas) also requested why it appeared on PNCC 's GIS aerial photography that work had been carried out.
14/02/19	TM	0.5		Received emails from NZET (Phineas). One email requesting justification on pipe sizing. The second email advising that Les Fugle advised that ALHL had carried out earthworks. Discussed these emails with Robert van Bentum and agreed that proposed engineering plans be reviewed by Reiko Baugham (GHD Consultant)
15/02/19	TM	0.25		Forwarded NZET email (Phineas 14/02/19) to Reiko Baugham for review.
18/02/19	TM	0.25		Email to NZET (Phineas Burke) requesting stormwater Calc's to support proposal.
19/02/19	TM	0.25		Response email from NZET (Phineas Burke) agreeing to provide Calc's and requesting justification for PNCC not allowing nexus Pipe!
20/02/19	TM	0.25		Email to NZET (Phineas Burke) advising that Nexus pipe is not considered to be a permanent pipe!
25/02/19	TM	0.25		Email form NZET (Phineas Buke) Suggesting that if development did not occur within 5 years, the consent holder would then replace Nexus pipe with a permanent pipe.
25/02/19	TM	0.25		Email from NZET (Phineas Burke) regarding the road reserve, stating that the width of 17m has been shown on all plans since development began. The intention is for the road to widen out again once over the gully.
5/03/19	TM	1		Email from NZET (Phineas Burke) submitting engineering plans. Stating that plans were being submitted under protest and that Council should have advised on not accepting a temporary system earlier. Discussed this email with Robert van Bentum.
6/03/19	TM	0.25		Emails form NZET (Phineas Burke) recalling email of the 5/03/19 and resending same email with correction! Forwarded email for comment to Robert van Bentum.
6/03/19	TM	2		After discussing email (6/3/19) it was decided to engage Council's lawyers CRLaw to review response. Met with Nick Jessen and Tom Gilchrist at CRLaw offices and discussed response.
6/03/19	RB	0.75		v3 of the engineering plans submitted, with the open drain removed. Queries on the above were therefore not addressed, and the open drain design was not completed and therefore

				not approved.
7/03/19	RB	1.25		v3 of the engineering plans submitted, with the open drain removed. Queries on the above were therefore not addressed, and the open drain design was not completed and therefore not approved.
8/03/19	RB	2.5		Email from Reiko Baugham with review of Stage 6F Rev 3, v3 of the engineering plans submitted, with the open drain removed. Queries on the above were therefore not addressed, and the open drain design was not completed and therefore not approved.
12/03/19	TM	1		Finalised response to email (6/03/19) and emailed NZET (Phineas Burke).
18/03/19	TM	1		Emails from NZET (Phineas Burke) email one requesting Reiko to call him once she returns from her conference. Email two Phineas advised that he had been speaking to the client and he wants to explore options for an alternative discharge location. Would I be able to give you a call to discuss this tomorrow to see what PNCC would allow?
21/03/19	TM	0.25		Phone conversation with Phineas Burke NZET regarding alternative proposal for stormwater discharge. I advised that any proposals be put in writing and submitted for consideration.
26/03/19	TM	1		Email from NZET (Phineas Burke) proposing alternative discharge point for stormwater. Forwarded email to Reiko Baugham and Robert van Bentum.
28/03/19	TM/RB	2		Received response email from Reiko Baugham, discussed response and emailed response to NZET (Phineas Burke).
28/03/18	RB	0.5		Review of new concept design to reserve
2/04/19	TM	0.25		Email from Chris Dyhrberg Hi guys Apparently Les Fugle has an application pending relating to some engineering issue with a Johnston Drive subdivision. I believe it was lodged last year sometime. Can you please find out for me who has this and what the status is? I have a meeting with Les on Monday. _____ I responded to Chris with email below. Hi Chris, I believe Les is referring to Johnstone Drive stage 6F7 and is waiting for engineering plan approval. We received the engineering plans in October 2018 and have been working with his consultants NZET (Upper Hutt) to resolve issues with stormwater design.

				<p>They have not yet designed a system that satisfies PNCC's requirements.</p> <p>Regards Tony</p>
8/04/19	TM /	1+		Received Grievances Letter to Les Fugle from NZET via email from Chris Dyhrberg.
10/04/19	RB	0.75		Phone call with Phineas of NZET discussing concept design and agreement of a best way forward.
10/04/19	TM/	0.5 +		Email from Reiko outlining her conversation with Phineas Burke on the stormwater design
15/04/19	TM	0.25		Email to Chris Dyhrberg regarding status of engineering plan approval. Chris forwarded this email to Les Fugle!
17/04/19	TM/RB	0.25 + 0.25		<p>Email from Chris Dyhrberg requesting I call NZET to clear up misunderstanding on who is waiting for information.</p> <p>Reiko Baugham emailed Phineas to check if NZET were waiting on any information from her.</p>
18/04/19	TM	0.25		<p>Email from Chris Dryhberg to check were things are at. I replied advising that I have phoned Phineas, but got no reply. His answer service requested a text message, so I have sent a text message requesting an update on the design!</p> <p>Email response from Phineas, Hi Tony</p> <p>I am not quite either but we are not waiting on anything extra from PNCC at this stage. We are currently progressing the design and will have something to Reiko and yourself on Wednesday to look at, not a full design but it will have a general outline of what we are proposing, including the treatment option, trenching details down the slope and an outfall structure. We would be looking for PNCC opinions and thoughts on this before progressing to a full design with detailed plans and calculations and an updated version of the Subdivision Design Report.</p> <p>Before progressing with this, could you please confirm the engineering reasons of why the temporary solution was rejected? The current reason I have been provided with is that PNCC will not accept any temporary solution, but no technical explanation of why, has been given.</p> <p>Cheers</p> <p>Phin</p> <p>Email from Les Fugle,</p> <p>Afternoon Tony, I note your below comment to Phin. It is simply nonsense to suggest future development cannot be guaranteed given the land is zoned Residential and, over size services already installed for future stage.</p> <p>I'm I correct that there is no engineering rationale for not allowing a temporary discharge</p>

				<p>pipe (reasons why such is asked is already before you) ? If council is concerned about access to the line once vested then simply answer is easement. Council holds additional confidence given they can impose a condition that line is permanent come next stage. Please reply. Rgds</p> <p>Sent from my iPhone</p>
19/04/19	TM	0.25		<p>Email from Chris Dyhrberg, Hi</p> <p>I think we need to talk about offering Les paying a bond with a temporary solution. Les says he is prepared to pay a bond that would be the sum of paying for the full cost of upgrading the temporary solution to a permanent one. I really don't see how we can reasonably not consider that option...</p> <p>Can we please have a chat about this ASAP?</p> <p>Email from Tom Williams, OTY - to discuss with Chris.</p> <p>My 2 cents - if the bond would really cover the cost of implementing a permanent solution then I feel it would be acceptable</p>
24/04/19	TM/RB	0.25		<p>Email from NZET Gerard Malan to Reiko Baugham. Hi Reiko,</p> <p>Hope you are well?</p> <p>As per your's and Phin's telephone conversation we have progressed the stormwater discharge design proposal to an intermediary design. Please find attached the latest.</p> <p>The design used the following documents/specifications:</p> <ul style="list-style-type: none"> • Trenching NZS 4404-2006 • Energy dissipator: HEC 14 (Chapter 12) (Stilling Well) • Erosion Control: TP 10 • Thrust Block based on first principles (Rough Calculation on approximate size) (Based on the pressure of 30m and FOS of 1.5 was incorporated) • Stormwater Treatment System: Down Stream Defender according to the Hynds website should be adequate for removing settleable solids, oil and general waste. • Anti-Scour Blocks: NZS 4404: 2006. <p>We hope this proposal is satisfactory and meets the requirements. Please let us know if anything needs to change. Upon your response, we will make any changes as required and produce the final design including all supporting documentation, calculations, finalised plans,</p>

				<p>revised design report etc.</p> <p>Enjoy the rest of your day.</p> <p>Best Regards Gerard Malan</p>
29/04/19	RB	0.46		<p>Progression of option 2 and further development of concept design submitted by NZET for review.</p>
30/04/19	RB	1.41		<p>Progression of option 2 and further development of concept design submitted by NZET for review.</p> <p>Email response from Reiko Baugham to NZET Gerald Malan, Hi Gerard,</p> <p>Thank you for the update. I was unfortunately sick at the end of last week, so I will look at the proposal today. We should have some comments back to you either this afternoon or early tomorrow.</p> <p>Thanks, Reiko</p> <p>Reiko forwarded NZET email to Killian Spain (GHD) in wellington for review.</p> <p>Email from Chris Dyhrberg,</p> <p>Thanks Tony</p> <p>FYI - David and I met with Les this afternoon to discuss a process to "co-create" the Abby Rd to Johnstone Dr connection. I think that conversation went quite well and Les has agree to follow the process we suggested - I'm actually feeling quite hopeful at this stage!</p> <p>He also asked whether there was any progress on the stormwater and I mentioned that you would be sending him an email shortly. I outlined in brief what this issues were (noting that he needed to wait and see you email). He got one of his engineers (Phineas' colleague) on the phone and I outlined to him what the view was. They are encouraged and thought they could work to that general plan as long as they had a very clear understanding on what our requirements would be. I noted that he should talk directly to you on that Tony.</p> <p>Cheers</p> <p>Chris</p> <p>Email from Les Fugle,</p> <p>Hello Tony. To avoid this going in circles further; \$10,000 cash bond in place for three years is on the table. The line shall follow the existing land</p>

				<p>contour i.e from the gravel carriageway down the embankment face and discharge at the bottom into the JD gully.</p> <p>Please confirm above in order design plan can be resubmitted.</p> <p>Rgds Les</p>
1/05/19	TM			<p>Email from Chris Dyhrberg,</p> <p>Hi Tony</p> <p>In response, I think we need to provide a more extensive outline of our requirements for the temporary solution and the bond conditions.</p> <p>Cheers</p> <p>Chris</p> <p>Email from Robert van Bentum,</p> <p>Hi Chris</p> <p>I have spoken with Tony and we are happy to prepare a more detailed response which sets out the requirements for a solution which meets an acceptable timeframe to Council circa 5 years as well as a bond amount which covers the cost of installing a permanent solution as well as an allowance for remediation. We will need to make use of consultancy resources to provide this information and we would be seeking to recover this cost from the applicant.</p> <p>I however do not feel it is appropriate or useful for Tony to meet with Les, given the matters are technical and ones in which Les has no expertise.</p> <p>We would however welcome the opportunity to meet with Les's Technical Representative NZET in order to ensure there is understanding of Council's requirements.</p> <p>Regards Robert</p> <p>Email from Chris Dyhrberg,</p> <p>Sounds good thanks Robert. I agree that there is no value in Tony meeting with Les. I think it's the engineer that wanted to connect to understand the requirements, not Les.</p> <p>Cheers</p>
3/05/19	RB	1.81		<p>Progression of option 2 and further development of concept design submitted by NZET for review.</p>
3/05/19	TM			<p>Email from Les Fugle,</p>

				<p>Morning Tony; I have been sent a video clip (can't seem to attach) taken during last week's rain that shows heavy sediment laden water discharging from the stage works which is waiting on council's consent out onto Johnstone Drive. To stop this reoccurring the stormwater pipes require installing - when will consent be issued?</p> <p>(will get video clip to you upon my return to Palmy early next week) Rgds</p> <p>Sent from my iPhone</p>
6/05/19	TM			<p>Email from Chris Dryhberg,</p> <p>Hi guys – FYI.</p> <p>What's the status?</p> <p>Cheers</p> <p>From: fugle@xtra.co.nz [mailto:fugle@xtra.co.nz] Sent: Sunday, 5 May 2019 8:14 PM To: Chris Dyhrberg <chris.dyhrberg@pncc.govt.nz>; ahlcontracting@gmail.com Subject: Fwd: Stage 6F7 RFI Reply</p> <p>Hello Chris below is that sent to Tony back in early Dec for the temporary discharge - as you will see full design & calculation had been submitted.</p> <p>Tony did email me (he coupled you in) on Tuesday to which I replied and have heard nothing since ?</p> <p>On Tuesday afternoon have meeting with Brevo's at which time gonna feel them out whether would support road link between Abby Rd & Johnson Drive - their support would be critical.</p> <p>They will no doubt ask when JD road is going to be finished as currently students need to enter school from long way around. They will no doubt remind me that they had been given assurance by Council/me JD road would be finished last year - holdup being consent.</p> <p>It would be helpful all round if I'm able to tell them when the consent will be out. I am likely to produce any reply at the meeting.</p> <p>Regards.</p>
6/05/19	TM			<p>Email from Les Fugle, in response to Councils request for NZET and consultant engineers to meet in person.</p> <p>Meeting is unnecessary (given engineer is wght based) any issue can be dealt via phone. Council is more than aware JD discharge is</p>

			<p>what we see (and have said thought out) is the most practical discharge point. All design and calculation for this has been provided - what exactly do you require.</p> <p>Sent from my iPhone</p> <p>On 6/05/2019, at 5:50 PM, Tony McGlynn <tony.mcglynn@pncc.govt.nz> wrote:</p> <p>Hi Phineas,</p> <p>Please see attached letter regarding proposed stormwater design options.</p> <p>Regards</p> <p>Tony</p>
7/05/19	TM		<p><i>Email from Chris Dyhrberg,</i></p> <p>Hi gents</p> <p>Just to keep you all in the loop. I know you're all working diligently on this but it would be good to close all this stuff out asap. It would be a shame to let the opportunity to put Johnstone Drive and the Abby Rd link road behind us slip away!</p> <p>Please let me know if there's anything I can do to help, particularly with managing the conversation with Les!</p> <p>Cheers</p> <p>Chris</p> <p>-----Original Message----- From: Chris Dyhrberg Sent: Tuesday, 7 May 2019 1:57 PM To: fugle@xtra.co.nz Subject: RE: Johnstone Drive</p> <p>Hi Les</p> <p>I've spoken to Tony - he does need to talk to your engineer, which was exactly what we discussed last week when we called him.</p> <p>I'll keep an eye on things at my end but the reality is that Tony needs to get a crystal clear agreement with your team on what will happen. I believe there have been issues at both ends so we all need to let the respective teams getting this sorted not. I believe there is good will on both sides for that to happen.</p> <p>Let's not throw the baby out with the bathwater here! I think we've made really good progress on all fronts in the last week.</p> <p>Cheers</p> <p>Chris</p>

				<p>-----Original Message----- From: fugle@xtra.co.nz [mailto:fugle@xtra.co.nz] Sent: Monday, 6 May 2019 6:12 PM To: Chris Dyhrberg <chris.dyhrberg@pncc.govt.nz> Subject: Johnstone Drive</p> <p>Hello Chris - as you will have picked up from my last email to Tony (you copied in) I'm over this nonsense & delay. If consent not sorted out immediately then shall shut down JD which will also see an end to Abby discussions. It has been months and now Tony wants meeting !!! Sent from my iPhone</p>
7/05/19	RB	0.5		Timeline of reviews put together
8/05/19	TM			<p><i>Email from Les Fugle,</i> Chris, it's disappointing I need to continually disturb your valuable time over what is effectively a minor unresolved issue.</p> <p>Below is latest in from Tony that does no more than raise ones hair, My first grip, why is email on without prejudice. Second, full design and supporting calculating have been with Council for months. If your staff simply got on and process then point 1 would not require reference. The alternative design to discharge into Abby gully came about due to staff not accepting discharge into Johnstone gully but having alternative plans prepared that discharge point is not feasible. Thirdly, request for two quotes. I'm not going to abuse fellow contractors time/cost - Council can do that.</p> <p>Tony refers to ESLD - there is no requirement for alternative pricing. I also note that if required compliance with that document then we are back to square one ESLD does not permit a bond beyond six months.</p> <p>Putting a stormwater pipe down a bank is standard - it is not complex. The two design issues being a) suppose structure i.e pipe want move, and b) pipe size can handle water volume yet staff make out my want is something unusual and requires close review. To this extent staff have not said my engineer's design is wrong but rather simply say there is no guarantee pipe will be upgrade when time comes. I have repeatedly said this view is short of lateral thinking as council can force upgrade by not approving next stage. To suggest there is no assurance of further stage is equally shortsighted given the land is zone for urban expansion.</p> <p>I was reminded at yesterday's meeting that PNCC/ALHL have given WGT an assurance (via signed deed) JD would become a trough road by 31 Dec.2018. That breach is caused by Council staff mindset OTT wants,</p>

				<p>Happy to take a call should you require further information.</p> <p>Rgds</p> <p>> Hi Les, > > Thanks for your email. > > Without prejudice, to consider a bond, Council must have the following: > > 1. An acceptable design must be approved. > 2. Two (2) quotes for the proposed bonded work must be submitted. > > I have attached a copy of ESLD Clause 1.32 Bonds, for your information. > > Regards > > Tony</p>
9/05/19	RB	0.75		Timeline of reviews put together
5/07/19	RB	1.25		Meeting with Les Fugle
11/06/19	RB	0.75		Rev 4 review
18/06/19	RB	1.75		Site visit
19/06/19	RB	0.5		Meeting with NZET
4/07/19	RB	0.25		Review of farm track discharge (alignment only)
11/07/19	RB	0.25		Farm track revision 2 review (incl GPT req't)
15/07/19	RB	0.5		Farm track revision 2 review (incl GPT req't)
22/07/19	RB	0.5		Farm track revision 2 review (incl GPT req't)
23/07/19	RB	0.25		Farm track revision 2 review (incl GPT req't)
24/07/19	RB	1.25		Farm track revision 2 review (incl GPT req't)
25/07/19	RB	0.5		Farm track revision 2 review (incl GPT req't)
29/07/19	RB	0.5		Farm track revision 2 review (incl GPT req't)
30/07/19	RB	0.25		Farm track revision 2 review (incl GPT req't)
31/07/19	RB	0.5		Farm track revision 2 review (incl GPT req't)
5/08/19	RB	0.25		Revision C drawing review
9/08/19	RB	0.25		Revision C drawing review
				<i>Sub Total: 57.38</i>
				TOTAL

**PNCC CITY NETWORKS ROADING & DEVELOPMENTS TEAM
JOB COSTING BREAKDOWN RECORDING SHEET**

DL – Dora Luo, GF – Garth Flores, , , RB – Reiko Baugham; RH – Regan Hunt, TM^oG – Tony McGlynn, TW – Tom Williams, MA – Michael Assenmacher, GM – Grygoriy Mikhyeyev, HS – Harman Sandhu, AM- Ariunaa Mendtsoo, SC - Stuart Cartwright

Note: Time recorded includes travel, time on-site, emails, phone calls and recording file notes.

Job: 224 SUB 4384 Johnstone Drive Stage 6F7

Date	Name	224	Description
11/09/2019	RG/MA	1	Site visit to inspect laying of Stormwater. Instructed connections into SWMH K need 2 x flexible joints. Sump outside lot 791 is acceptable as is. Line out of SWMH L to be confirmed with Tony McGlynn for Flexible joints. Instructed all PVC pipes require 2 x flexible joints into and out of chambers as per ESLD. Sump lead out of Sump 780 to be confirmed. This lead into SWMH M requires 2 x flexible joint. Instructed slip couplers are not acceptable and short pipes required.
11/09/2019	RH/TM	0.25	Discussed the 2 outlets and these were agreed to be acceptable.
11/09/2019	RH	0.25	<p>Email to Stu. Good Afternoon Stu,</p> <p>Just following up your conversation with Tony and my conversation on site. The existing joint set ups below are accepted to PNCC</p> <ul style="list-style-type: none"> - Out of the sump outside Lot 780 - Out of the sump outside Lot 791 - Outlet pipe for SWMH L (due to the short length and difficulty to rectify). <p>As discussed onsite the following will need to be rectified to double flexible joints (short/"rocker" pipes)</p> <ul style="list-style-type: none"> - Both pipes going into SWMH K (from sump outside Lot 791 & Pipe from SWMH L) - Pipe into SWMH M (from sump outside Lot 780) <p>Please ensure going forward that double flexible joints are installed as per PNCC ESLD standards using the short/"rocker" pipe not using slip couplers.</p> <p>Note if future lines are found to not follow these standards the work will need to be rectified.</p> <p>Regards</p> <p>REGAN HUNT Development Engineer Palmerston North City Council Private Bag 11034 Palmerston North P: +64 (6) 3569199 www.pncc.govt.nz</p>
12/09/2019	RH/MA	1	Site inspection of line between SWMH L & SWMH M – Line incomplete waiting for shorts to connect into MH's
12/09/2019	RH	0.25	Emailled Stu – Confirming request for second inspection of the day
12/09/2019	RH/MA	1	Site inspection of Line between SWMH M & SWMH Z – Line incomplete waiting for shorts to connect to MH. It was mentioned by Scott that the SW sump leads connecting to this MH required to be lifted
16/09/2019	RB	0.25	Review letter and formal variation for change of engineering plans
17/09/2019	RB	0.25	Review letter and formal variation for change of engineering plans
23/09/19	RH/MA	1.5	Site inspection, witnessing kerb and channel being poured. Air test on stormwater main witnessed and passed
1/10/2019	RB	0.75	Discuss current construction and proposal to not install pipe and meeting with lawyer
8/10/2019	RB	0.25	Review letter from lawyer
9/10/2019	RB	0.75	Outline open drain assessment

25/10/2019	RB	0.5	Follow up open drain assessment
6/12/2019	GM EK MS	3	Site visit to take water samples second time for testing as it failed for chlorine content in first time testing. 5 ROWs were done. - ROW Access Lot 15 - ROW Lot 16 - ROW (769 and 773) - ROW (between lots 776 and 779) - ROW for Access Lot 17 Pressure test on one of the pipes at ROW between lots 776 and 779.
13/12/2019	HS GM	1.5 1.5	Site visit to inspect 5X ROW connections and one lateral service connection to the water main on Johnstone Drive. Met Nick Pedley (approved contractor), Scott, Steve Cardiff and Kevin Pene on site. Steve and Kevin were there to switch off the water main. Nick carried out the physical works to connect the connections to the main. Following connections were inspected: - Service connection to lot 757 - ROW connection to main for Access Lot 15 - ROW connection to main for Access Lot 16 - ROW connection to main (between lots 769 and 773) - ROW connection to main (between lots 776 and 779) - ROW connection to main for Access Lot 17 Service Lines for ROW's were flushed post connection.
18/12/2019	RB	0.25	Go over comments from LF on proposed SW
19/12/2019	RB	0.5	Go over comments from LF on proposed SW
1/04/2020	RB	1.5	Review SMP
2/0/4/2020	RB	1.5	Review SMP
3/04/2020	RB	1	Review SMP
17/07/2020	RH GM	1 1	Site meeting with contractors and Japac Paul Haydock. Discussion on approval of design and construction of SW line and water line. Record of the meeting with signages was done with all details.
13/08/2020	TM	.5	Received amended engineering plan for stormwater discharge from Stu Clark. Checked plans and forwarded to Regan to Process.
17/08/2020	TM	1	Regan was seconded to the EOC on Friday 14 th August (I was on leave) and he did not have time to start processing the plans. I discussed the proposed plans with Veni Demado and it was agreed to have GHD (Reiko Baugham) review the plans. I also forwarded a second email with the Calcs sent to Regan on Friday the 14 August from Stu Clark.
17/08/2020	RB	1.25	Review revised engineering plans
18/08/2020	RB	4	Review revised engineering plans
18/08/2020	TM RB TB	1 1 1	Meet with Reiko to review and discuss the proposed amendments. Reiko advised that Thomas Biagioli (GHD Wellington Office) was reviewing the plans and calcs. Thomas had reviewed the previous approved plan.
19/08/2020	RB	1	Review revised engineering plans
19/08/2020	TM	1	Received response from Thomas Biagioli. Reviewed Thomas's email with Reiko and prepared response to Stu Clark. Response sent to Stu Clark.
24/08/2020	RB	0.5	Review revised engineering plans
20/08/2020	GM HS	0.5 0.5	Site Inspection on the installation of sewer manhole, connected to city main. Photos and video attached in folder.
25/08/2020	RB	1.25	Meeting with Stu Clark
25/8/2020	TM	1	Without prejudice meeting with Stu Clark (NZET) and Scott Stratford (ALHL) to discuss amended design of stormwater

	TS	1	discharge pipe and other sign off requirements for sign off stage 6F7.
28/08/2020	TM RB	1 1.25	Email request to inspect installation of a 460mm stormwater pipe. Emailed NZET advising that approval had not been issued for the the proposed amended engineering plans. Numerous emails were to follow.
31/08/2020	TM	.5	Read and forwarded latest email from Reiko Baugham to Stu Clark at NZET.
3/09/2020	RB	0.5	Review Rev D of drawings; review of Boss Pipe vs Eurflo Pipe
3/09/2020	TM	.5	Received amended engineering plans from Phineas Burke NZET. Sent email to Phineas Burke requesting confirmation that the 350mm pipes are Civil Boss N16.
4/09/2020	TM	.5	Received email from Phineas Burke NZET confirming that the 350mm pipes are Civil Boss N16. Forwarded email to Reiko At GHD to proceed with assessing the amended engineering plans. Rang Reiko to check that she was able to work on the assessment today. Reiko advised that she was reviewing the engineering plans but need to confirm the design with Thomas Biagioli (GHD) Thomas is now working from the USA and there are restraints due the time difference.
4/09/2020	RB	1	Review Rev D of drawings; review of Boss Pipe vs Eurflo Pipe
7/09/2020	RB	1.75	Review Rev D of drawings; review of Boss Pipe vs Eurflo Pipe
7/09/2020	TM	.5	Email from Reiko Hi Tony, Are you happy with his response about the grated lids? Monday is a holiday in the US, so Tom won't be able to look at it until early Wednesday. Do you want him to have a look? Otherwise it seems our queries were addressed, correct? Aside from the fact that the d/s pipe says "350 ID pipe to PNCC ESLD". As you know the ESLD doesn't mention civil boss so I'm not sure what they are trying to say. Thanks, Reiko
8/09/2020	TM	.5	Email exchange between NZET and myself.
9/09/2020	RB	3	Review Rev D of drawings; review of Boss Pipe vs Eurflo Pipe
9/09/2020	TM	1	Met and discussed design with Reiko. Prepared approval letter and emailed it to NZET. Emails from NZET re: work commencing.
11/09/2020	TM	.5	Emails from Scott Stratford arranging site inspections.
11/09/2020	GM	0.5	Site Inspection for SW discharge pipe and manhole installation. Photos of inspection are attached in folder.
11/09/2020	HS	0.5	Site Inspection for SW discharge pipe and manhole installation. Photos of inspection are attached in folder.
14/09/2020	AM	0.5	Site Inspection for SW discharge pipe and manhole installation. Photos of inspection are attached in folder.
14/09/2020	GM	0.5	Site Inspection for SW discharge pipe and manhole installation. Photos of inspection are attached in folder.
17/09/2020	GM	0.5	Site Inspection for SW discharge pipe and manhole installation. Photos of inspection are attached in folder.
17/09/2020	AM	0.5	Site Inspection for SW discharge pipe and manhole installation. Photos of inspection are attached in folder.
21/09/2020	TM	2	Received email from Stu Clark requesting pre-seal inspections for RoW's. Reviewed request and found all Benkelman Beam tests to be out of date. Prepared and sent response email to Stu Clark.

24/09/2020	TM/RB	1	Liaise with Reiko Baugham (GHD) re: response to NZET Phineas Burke on Stormwater discharge pipe change to accept pipe installed without approval.
25/09/2020	TM/RB	1	Liaise with Reiko Baugham (GHD) re: response to NZET Phineas Burke on Stormwater discharge pipe
29/09/2020	RB	1.25	Design check of SN4 pipe
29/09/20	TM	.5	Liaise with Reiko Baugham (GHD) re: response to NZET Phineas Burke on Stormwater discharge pipe
29/09/2020	RB	0.75	Discuss GHD support moving forward and technical review with TM
05/10/2020	TM/RB	1	Liaise with Reiko Baugham (GHD) re: response to NZET Phineas Burke on Stormwater discharge pipe
06/10/2020	TM/RB	.5	Liaise with Reiko Baugham (GHD) re: response to NZET Phineas Burke on Stormwater discharge pipe
08/10/2020	TM/RB	1	Meet with Reiko Baugham (GHD) re: response to NZET Phineas Burke on Stormwater discharge pipe
9/10/2020	GM/SC	1	Visual inspection of ROWs, patching
14/10/2020	GM/SC	1	Checking on the remedial works on the ROWs and main road patching. Inspection of the part of road being chip sealed. Inspection of the SW works material available on site, pipes type, manholes.
19/11/2020	GM	2.5	Final inspection on the development done. Record of the inspection and photos are attached in subdivision folder.
24/11/2020	GM	1	Completed site visit report, uploaded photos, final inspection report filled with notes and photos and uploaded to file and to the Oasis subdivision folder.
25/11/2020	TS	0.5	Upload CCTV to Retic Manager- two runs of footage were missing . Scott dropped it into pncc
26/11/2020	Retic Manager Invoice	\$925.22	http://oasis/otcs/lisapi.dll?func=ll&objaction=overview&objid=14820487 Receipt: 358695
26/11/2020	TM	1	Discussion around a bond agreement with internal staff and clients representative.
27/11/2020	GM	1.5	Johnstone Drive reinspection of the remedial works done. Photos and comments uploaded in subdivision folder.
30/11/2020	TS	0.25	Create bond document
1/12/2020	TM	0.5	Bond payment received. Had Robert counter sign document. Send completed bond document back to client .
			<i>Sub Total: 71 Hours + Retic Manager Invoice \$925.22</i>
TOTAL			



Appendix L

GHD Limited
GHD Centre Level 3 27 Napier Street Freemans Bay Auckland 1011
PO Box 6543 Wellesley Street Auckland 1141 New Zealand
T +64 9 370 8000

GST Registration No: 063-101-095

Tax Invoice

Attention: accounts@pncc.govt.nz
Palmerston North City Council
Private Bag 11034
Manawatu Mail Centre
PALMERSTON NORTH 4442
New Zealand

Invoice : 227-019918
Invoice Date : 27/10/2020
Due Date : 16/11/2020
Project : 12541171
Project Name : PNCC Engineering Support for RC
4384
Purchase Order # : 255759

GST : 063-101-095

For Professional Services Rendered Through 24/10/2020

Engineering support for Johnstone Drive subdivision. Includes review of engineering plans, site visits, and handling all correspondence.

DEL - Delivery

Labour breakdown: refer to backsheets for personnel.
Tasks include: correspondence with NZET and contractor;
review of Rev D engineering drawings; pre-seal inspection;
site inspections.

Expenses breakdown: Tom Biagioli design review - 2 hrs

Unit Rate Expense breakdown: mileage for site inspections

Rate Labor	8,562.50
Expenses	420.05
Unit Rate Expense	56.05
Total Expense	476.10

Current

Billings

9,038.60

Current Billings		9,038.60
NZ 15% GST	15.0000%	1,355.79
Amount Due This Bill	NZD	10,394.39

Payment via bank transfer to:

Bank name Westpac Banking Corporation
Branch Manukau City, Auckland, New Zealand
Account name GHD Limited
Account number 03-1506-0110332-000
BSB 031506
SWIFT Code WPACNZ2W

Please email remittance to:
accountsreceivableNZ@ghd.com

DEL - Delivery

Rate Labor

<i>Employee</i>	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
Reiko Baugham	12.25	225.00	2,756.25
Stuart Doidge	0.75	225.00	168.75
Stuart Cartwright	16.25	250.00	4,062.50
Clive Welling	5.25	300.00	1,575.00
Total Rate Labor			8,562.50

Expenses

<i>Account</i>	<i>Cost</i>	<i>Multiplier</i>	<i>Amount</i>
Subconsultants - International RP	420.05	1.000	420.05
Total Expenses			420.05

Unit Rate Expenses

<i>Account / Unit</i>	<i>Quantity</i>	<i>Rate</i>	<i>Amount</i>
Company Car Mileage Recharge			
Company Vehicles	35.00	0.95	33.25
Total Company Car Mileage Recharge			33.25
Employee - Mileage			
Mileage	24.00	0.95	22.80
Total Unit Rate Expenses			56.05

Total Bill Task: DEL - Delivery **9,038.60**

Total Project: 12541171 - PNCC Engineering Support for RC 4384

9,038.60



GHD Limited
GHD Centre Level 3 27 Napier Street Freemans Bay Auckland 1011
PO Box 6543 Wellesley Street Auckland 1141 New Zealand
T +64 9 370 8000
GST Registration No: 063-101-095

Tax Invoice

Attention: accounts@pncc.govt.nz
Palmerston North City Council
Private Bag 11034
Manawatu Mail Centre
PALMERSTON NORTH 4442
New Zealand

Invoice : 227-020587
Invoice Date : 1/12/2020
Project : 12541171
Project Name : PNCC Engineering Support for RC
4384
Purchase Order # : 255759

Company Registration
GST : 063-101-095

For Professional Services Rendered Through 30/11/2020

Engineering support for Johnstone Drive subdivision. Includes review of engineering plans, site visits, and handling all correspondence.

	<u>Fee</u>	<u>Billings</u>		
		<u>To Date</u>	<u>Previous</u>	<u>Current</u>
DEL - Delivery	20,215.10	20,215.10	9,038.60	11,176.50
Refer to attached breakdown				
				Current Billings 11,176.50
			NZ 15% GST 15.00%	1,676.48
		Amount Due This Bill	NZD	12,852.98

Payment via bank transfer to:

Bank name Westpac Banking Corporation
Branch Manukau City, Auckland, New Zealand
Account name GHD Limited
Account number 03-1506-0110332-000
BSB 031506
SWIFT Code WPACNZ2W

Please email remittance to:
accountsreceivableNZ@ghd.com



Palmerston North City Council

PNCC Engineering Support for RC 4384

GHD Job Number: 12541171

PNCC Order Number: 255759

Invoice to: 27/11/2020

Employee / Vendor / Client	Transaction Date	Project Description	Bill	Bill Effort	Cost Basis	Effort Rate
Clive Welling	9/11/2020	working through Aokauetere 6F7 SW line inspection and first defender issue	1.00	300.00 Hours		300.0000
Clive Welling	11/11/2020	review email between ghd and tech for contractor	0.50	150.00 Hours		300.0000
Clive Welling	13/11/2020	review proposed acceptance tech docs	0.50	150.00 Hours		300.0000
Clive Welling	20/11/2020	review lawyers letter, discuss with Rieko	1.00	300.00 Hours		300.0000
Clive Welling	25/11/2020	Johnston Drive, review memos	0.50	150.00 Hours		300.0000
Reiko Baugham	25/10/2020	Invoicing	0.25	56.25 Hours		225.0000
Reiko Baugham	28/10/2020	Draft NZET response	1.50	337.50 Hours		225.0000
Reiko Baugham	30/10/2020	Respond to email from NZET	0.75	168.75 Hours		225.0000
Reiko Baugham	2/11/2020	Misc emails and phone calls regarding change in pipe diameter and inspection	0.50	112.50 Hours		225.0000
Reiko Baugham	3/11/2020	Queries and request for inspection; discuss outlet configuration	0.25	56.25 Hours		225.0000
Reiko Baugham	4/11/2020	Discuss site visit and implications; look into GPT query and previous emails noting requirement	0.50	112.50 Hours		225.0000
Reiko Baugham	5/11/2020	Respond to NZET email on GPT; mtg w/ PNCC to discuss GPT; respond to NZET on survey levels; respond to emails from ALHL	2.00	450.00 Hours		225.0000
Reiko Baugham	9/11/2020	Phone call w/ NZET to discuss way forward; call maintenance contractor to discuss feasibility of cleaning deep GPT	0.75	168.75 Hours		225.0000
Reiko Baugham	10/11/2020	Timesheet	1.00	225.00 Hours		225.0000
Reiko Baugham	11/11/2020	E-mail to TM re. as-builts and missing info	0.50	112.50 Hours		225.0000
Reiko Baugham	12/11/2020	Review Rev E dwgs and emails; submit engineering plan approval with conditions	1.00	225.00 Hours		225.0000
Reiko Baugham	18/11/2020	Response to lawyer's letter	1.00	225.00 Hours		225.0000
Reiko Baugham	20/11/2020	Catch-up w/ CW re. leaving pipe in place	0.50	112.50 Hours		225.0000
Reiko Baugham	1/12/2020	Final invoicing	1.00	225.00 Hours		225.0000
Stuart Cartwright	28/10/2020	Assisting Reiko on review of intended correspondence to NZET	0.25	62.50 Hours		250.0000
Stuart Cartwright	2/11/2020	Site inspection - storm water discharge bot of gully & correspondence issues	2.00	500.00 Hours		250.0000
Stuart Cartwright	3/11/2020	correspondence with NZET bottom of gully stormwater issues / consult with Reiko / review PNCC standards	1.75	437.50 Hours		250.0000
Stuart Cartwright	4/11/2020	Teams chat with client on direction, and instruction to NZET on stormwater inspection halt / road compliance issues.	1.50	375.00 Hours		250.0000
Stuart Cartwright	5/11/2020	review / comment on various email correspondent	1.50	375.00 Hours		250.0000
Stuart Cartwright	18/11/2020	review correspondence and meet Tony McGlynn to discuss issues relating to Johnstone Drive	2.00	500.00 Hours		250.0000
Stuart Cartwright	19/11/2020	pre plans / site inspection / photo download	3.25	812.50 Hours		250.0000
Stuart Cartwright	20/11/2020	down load photo's / comment right up of site visit sightings / correspondence with Reiko. Separate site visit to conform photo's but Les Frugle was on site planting trees, so returned to office.	4.00	1,000.00 Hours		250.0000
Stuart Cartwright	23/11/2020	write up site inspection report and submit to PNCC	3.00	750.00 Hours		250.0000
Stuart Cartwright	25/11/2020	review final report sent to NZET, meet up with Tony McGlynn to discuss correspondence protocol.	1.25	312.50 Hours		250.0000
Stuart Cartwright	26/11/2020	Correspondence with Tony McGlynn and Stu Clark & reporting back to parties.	2.50	625.00 Hours		250.0000
Stuart Cartwright	27/11/2020	site inspection and write up report	2.50	625.00 Hours		250.0000
Stuart Cartwright	2/11/2020	- site inspection	12.00	11.40 Units		0.9500
Stuart Cartwright	19/11/2020	Mileage for MBM873_Stuart Cartwright_19.11.2020	11.00	10.45 Units		0.9500
Stuart Cartwright	20/11/2020	Mileage for LQS817_Stuart Cartwright_20.11.2020	12.00	11.40 Units		0.9500
Stuart Cartwright	27/11/2020	Mileage for MBM873_Stuart Cartwright_27.11.2020	12.00	11.40 Units		0.9500
Stuart Cartwright	30/11/2020	Meeting with Tony McGlynn for final signoff, correspondence with Stu Clark, review Stu Clark emails against PNCC standards	2.00	500.00 Hours		250.0000
Tom Biagioli	13/10/2020	Review of updated embedment calcs for pipes (developer updated the trench parameters). Comments and calculations returned.	1.00	206.4500 Hours		206.4500
Tom Biagioli	15/10/2020	Further review of calcs and responses to council comments on developers plans, specifically manholes and compaction %	1.00	206.4500 Hours		206.4500
Tom Biagioli	19/10/2020	Discussion with and response to Clive's queries on the stormwater hydraulic design.	1.00	206.4500 Hours		206.4500
				11,176.500		

PLANNING SERVICES

Fees & Charges

CONSULTANT CHARGES

WORK TYPE	Rate Per Hour from 1 July 2020
Consultants and Solicitors fees associated with all work types, including the processing of a consent or certificate (including specialist technical or legal advice where a consent involves creating legal instruments) and new notice of requirements, heritage orders, designation alterations, removal of designations and District Plan changes.	At cost plus disbursements

CHARGES FOR HEARINGS

WORK TYPE	Rate Per Hour from 1 July 2020
Hearings for all applications, designations, notice of requirements private District Plan changes, development contributions and remittance fees and associated work by relevant staff	At cost of officers time per hour as per rates listed below
Production of Order Papers	At cost plus disbursements

The following hourly rates for Council Officers and Decision Makers will be charged for the processing of consents, hearings, designations etc. that do not have a fixed charge or where the fixed charge is inadequate to cover the actual and reasonable costs of the Council.

COUNCIL OFFICERS HOURLY RATES	Rate Per Hour from 1 July 2020
Planning Officers/Graduate Planning Officer	\$190
Monitoring and Enforcement Officer	\$170
Senior Planner	\$203
Head of Planning Services	\$221
City Planning Manager	\$221
Senior Business Support Officer	\$165
Administration/Committee Administration Staff	\$117
Technical and Professional Staff from all other Council units	\$190
General Manager	\$241
Commissioner	At cost plus disbursements
Hearing Committee Chair and Members	At cost (\$100 per hour for Chair & \$80 per hour for members) plus disbursements

