

**SUBMITTERS – NOTICE OF REQUIREMENT – (ABBY ROAD)**

| Subm No | Submitter                   | Contact  | Address   |
|---------|-----------------------------|--|---|
| 1       | Horizons Regional Council   | Sarah Carswell,<br>Coordinator District Advice | Private Bag 11025, Manawatu<br>Mail Centre<br>PALMERSTON NORTH 4442 |
| 2       | Lynne Bishop                |  | 11 Woodgate Court<br>PALMERSTON NORTH                               |
| 3       | Powerco Limited             | Gary Scholfield,<br>Environmental Planner      | PO Box 13075<br>TAURANGA 3141                                       |
| 4       | Aokautere Land Holdings Ltd | Greg Woollaston                                | Dewhirst Law<br>PO Box 250<br>PALMERSTON NORTH CENTRAL<br>4410      |

17 February 2020

Attn: Democracy Support Officer  
Palmerston North City Council  
Private Bag 11-034,  
Palmerston North  
Email [submission@pncc.govt.nz](mailto:submission@pncc.govt.nz)

File ref: RAI 04 03  
2020  
SC

Dear Democracy Support Officer,

**HORIZONS SUBMISSION ON PNCC'S SERVICE OF NOTICE – NOTICE OF REQUIREMENT APPLICATION ABBY ROAD CONNECTION WITH JOHNSTONE DRIVE**

1. Thank you for the opportunity to make a submission on the Notice of Requirement (NOR) from Palmerston North City Council (PNCC) for a new road connection between Abby Road and Johnstone Drive.
2. Horizons Regional Council (Horizons) could not gain an advantage in trade competition through this submission.

**Specific parts of the NOR that our Submission relates to:**

1. Horizons' submission generally supports the decision being sought. We agree with the rationale for seeking to designate this area in order to provide an efficient and logical connection between Abby Road with Johnstone Road, Aokautere. Horizons wishes to provide advice in relation to natural hazards, Horizons One Plan and resource consents, and strategic transport priorities.
2. Horizons has ongoing communication and engagement with PNCC in regards to urban growth and the Aokautere structure plan. In regards to Horizons consent requirements, the Land Use Consent for earthworks has been approved by Horizons Consents Team. Further resource consents for piping the stream will be required. In October 2019 PNCC staff and their agents have met with Horizons Senior Policy Analyst, Manager of Investigations, District Advice Coordination, Manager of Investigations and Design and a Horizons Transport Planner. Horizons Transport Planning Team consult PNCC in regards to public transport services and priorities.

**Natural Hazards**

3. Objective 9-1 of the One Plan sets the overarching approach towards managing the effects of natural hazard events in the Region, as follows:  
*The adverse effects of natural hazard events on people, property, infrastructure and the wellbeing of communities are avoided or mitigated.*

Policy 9-4 (Other types of natural hazards) states that:

*the Regional Council and Territorial Authorities must manage future development and activities in areas susceptible to natural hazard events (excluding flooding) in a manner which:*

- (a) *Ensures that any increase in risk to human life, property or infrastructure from natural hazard events is avoided where practicable, or mitigated where the risk cannot be practicably avoided,*
  - (b) *Is unlikely to reduce the effectiveness of existing works, structures, natural landforms or other measures which serve to mitigate the effects of natural hazard events, and*
  - (c) *Is unlikely to cause a significant increase in the scale or intensity of natural hazard events.*
4. PNCC hold the best flood information for this area. This is the **PNC Rapid 1** in 200 year (0.5% Annual Exceedance Probability (AEP)) modelled information for flood and stormwater inundation. This information is a 'runoff' model which will show where water flows and gathers in a modelled 0.5% AEP year rainfall event. As the flood information for this property is based on PNCC's information and not that of Horizons models, Horizons cannot comment on its accuracy with respect to the flood risk to this designation. Please find enclosed a copy of a map which shows the **PNCC Rapid** modelled flood depths for a 0.5% AEP flood event. The key gives an indication of water depths. Please note that depths less than 50mm are not shown.
  5. Regional scale information from Landcare Research NZ suggests this location has poor draining soil. Poorly drained soils either have a water table close to the surface or a compact subsurface layer that limits the rate that water can drain through the soil.
  6. GNS Science's regional scale information shows there are no known active faults in the vicinity of this designation. If the panel requires more information about faults please contact GNS Science. GNS Science's fault database can be accessed here: <http://data.gns.cri.nz/af/>
  7. GNS Science has completed regional scale liquefaction susceptibility mapping and this area has no susceptibility class assigned, however, PNCC hold the best liquefaction information for the city.
  8. If the panel has any questions about faults or liquefaction please contact GNS Science.
  9. Horizons River Management's Manager of Investigations and Design has completed a technical assessment for the Land Use Consent (as discussed in paragraph 10 below) in regards to waterways and flooding. Horizons has an interest in the management of stormwater and floodwater flow paths and the extent of earthworks. However this designation is in the residential area and therefore PNCC will be responsible for the effective stormwater management including water quality. The NOR application states that the proposed works will be carried out in accordance with the principles set out in the National Policy Statement (NPS) Freshwater. If the panel requires more information about waterways, flooding, and water quality, please contact Horizons Coordinator District Advice.

### **Horizons One Plan and Future Consenting Requirements**

10. Horizons granted Aokautere Land Holdings with a Land Use Consent in 2016 to undertake earthworks to establish public network road and infill of related Gully associated with residential development at Johnstone Drive and Abby Road, Aokautere. The reference for the consent is ATH-2016200752.00. There are 38 conditions for this Land Use Consent. If you would like a copy of the conditions schedule please let me know.
11. The NOR application outlines that resource consent for the piping of a stream will be required at the time that earthworks are undertaken to form the road formed as a result of this NOR application. The NOR application also states that resource consent for the piping of the stream is not being applied for at this time.
12. The consent holder will need to ensure that the resource consent conditions are met and they continue to consult with Horizons consents during works in regards to piping the stream. Any other necessary resource consents will need to be obtained from Horizons for the construction of the new road.
13. Any resource consent requirements can be dealt with through Horizons Regulatory Team. For information on consents please contact the Regulatory Team on Freephone 0508-800-800 or email [consents.enquiries@horizons.govt.nz](mailto:consents.enquiries@horizons.govt.nz) alternatively visit our website: <http://www.horizons.govt.nz/managing-natural-resources/apply-for-consents>

### **Transport Priorities**

14. As already mentioned the Horizons Transport Planning Team consult with PNCC in regards to the Aokautere Structure Plan, and they have discussed bus routes and connectivity of the Aokautere residential areas. The Transport Team continues to consult PNCC with any public transport service reviews and priorities.
15. Horizons Transport Team would like to emphasise the value of enabling public transport networks to be developed in the Aokautere area. Provision of public transport in this area will contribute to providing a multi-modal system and provides transport choice to those residing in the area. Horizons in collaboration with PNCC, are currently undertaking a review of the current Palmerston North urban public transport services. This review will consider urban growth in Palmerston North, including in Aokautere and investigate any possible public transport demand in this area. With this in mind, we ask that development of the roading network in this area be designed in such a way that enables development of the public transport infrastructure so that growth of the network is not restricted by inadequate road layout or design. Horizons Transport are keen to continue to work with officers and provide guidance on the infrastructure needs of a public transport network.
16. In addition to the Massey/IPU No. 14 service as discussed in the NOR application, Horizons also have the Summerhill (No. 33) service which runs Monday-Friday. It follows an almost identical route to the No. 14 but without diversions to Massey. If you would like a copy of this route map, please let the Transport Planning team know. As discussed above, these services are being reviewed as part of the Palmerston North urban services review which is underway. The review is due to be complete around February 2021 and the new contract in place by November 2022.
17. At this stage Horizons have no certainty around any changes to the Summerhill services however Horizons are considering the need or demand for extended services for Pacific Drive to provide for the growing residential area there. PNCC staff and elected

representatives are part of an Advisory Group for this review and will therefore be involved as the review progresses.

18. Horizons Transport Team generally supports the NOR and it is aligned to the Regional Land Transport Plan 2015-2025 (2018 Review) (RLTP).
19. The RLTP recognises improving connectivity as a strategic priority. Horizons Transport Team support the inclusion of footpaths recognising the importance of enabling walking as a transport mode. This contributes (in part) to the following provisions from the RLTP (2018 Review):
  - **Objective 4 A:** *reliable multi-modal transport system with less modal conflict, including walking and cycling, that mitigates potential environmental effects and improves environmental outcomes; and*
  - **Strategic priority 5.4:** *an integrated walking and cycling network.*
20. In terms of cycling and pedestrian safety, if Abby Road is going to act as a connector road between Pacific Drive and Johnstone Drive then it can be expected that there will be increased foot and cycle traffic. Measures to ensure pedestrian and cyclist safety along Abbey Road and at the Pacific Drive and Johnstone Drive intersections should be considered as part of the NOR.
21. For further information on the matters raised in relation to the Transport Priorities section of this submission, please contact Horizons Transport Team ([transport@horizons.govt.nz](mailto:transport@horizons.govt.nz)) or call 0508 800 800 and ask to speak to the Transport Planner, James Miguel.

### **Closing Comment – Decision Sought**

Horizons does not seek any specific changes to this NOR application and generally supports this application. The consent holder will need to ensure that the resource consent conditions are met and they continue to consult with Horizons consents during works in regards to piping the stream. Any other necessary resource consents will need to be obtained from Horizons for the construction of the new road. Horizons has encouraged that measures should be considered to ensure pedestrian and cyclist safety along Abbey Road and at the Pacific Drive and Johnstone Drive intersections. Overall this project has alignment with Horizons One Plan and the Regional Land Transport Plan.

Horizons wishes to be heard in support of this submission. If others make a similar submission we will consider presenting a joint case with them at the hearing.

If the panel would like to discuss or clarify any aspect of this submission please contact Sarah Carswell (email: [sarah.carswell@horizons.govt.nz](mailto:sarah.carswell@horizons.govt.nz) or DDI: (06) 9522 908).

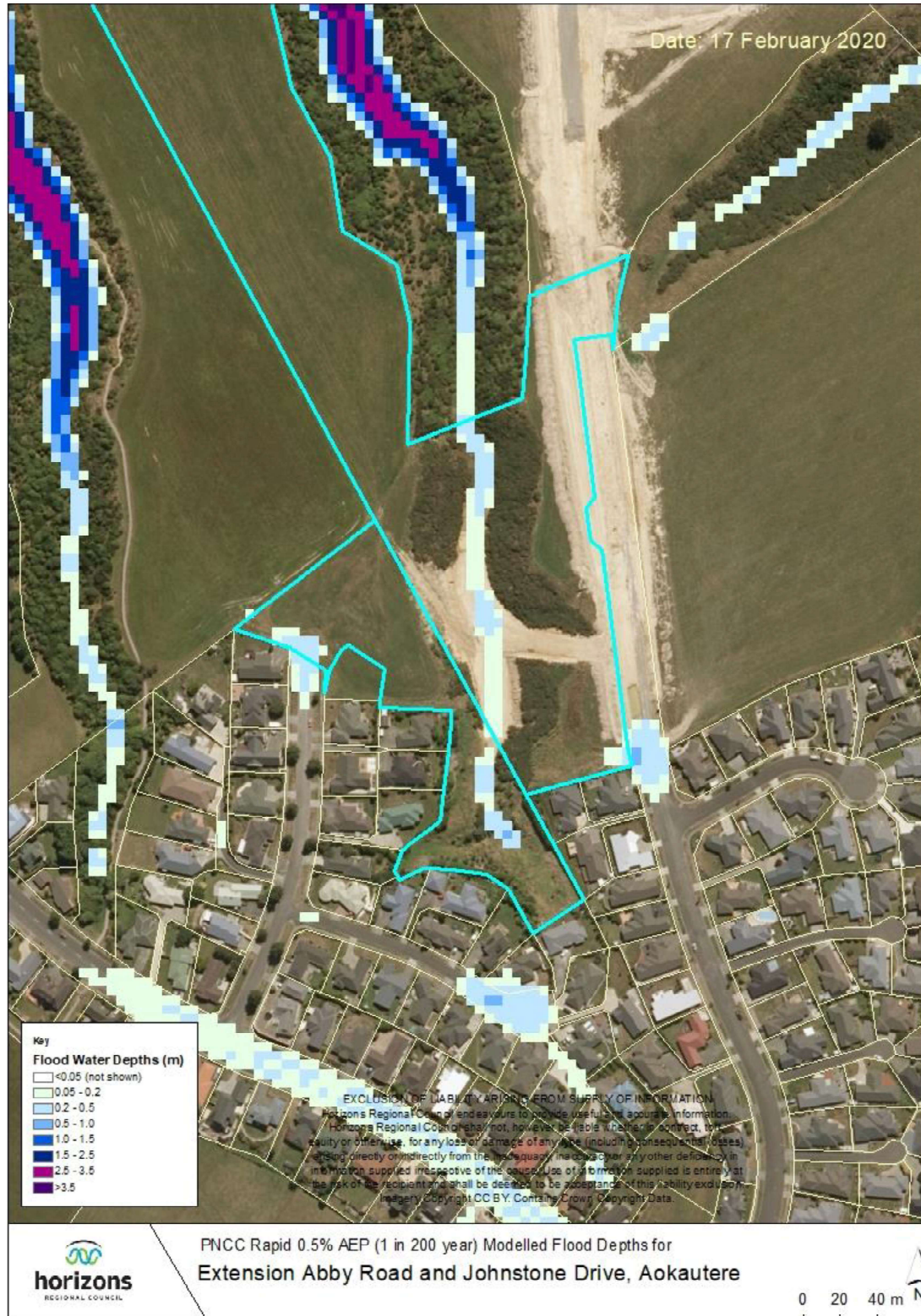
Yours sincerely



Sarah Carswell  
**COORDINATOR DISTRICT ADVICE**  
**HORIZONS REGIONAL COUNCIL**



Enclosed:  
Map of PNCC Modelled Flood Depths



Abby Road Submission:  
Lynne Bishop  
11 Woodgate Court  
Palmerston North  
Mobile: 022 691 0660  
[Bishop.family@inspire.net.nz](mailto:Bishop.family@inspire.net.nz)

This submission is to **oppose** the connecting Abby Road and Johnstone Drive

We do wish to be heard (speak) at a future hearing in the Council chambers in support of our submission.

### **Earthworks**

The proposed earthworks will cause a significant adverse effect in their own right:

- to us
- the uniqueness of the contours of the Abby Road Gully land

### **Resource Management Issues**

These adverse effects associated with the earthworks are:

- Landscape and visual effects
- Impact on amenity values of neighbouring residents

The actual impact of the earthworks effects will be significant, long term, and detrimental to us and the surrounding environment.

Our primary concern is the adverse impact on landscape values and visual amenity effects from the earthworks activities.

### **Earthworks (Policies of section – District Plan)**

#### **6.3.3 Objectives and policies**

##### **Objective 1:**

To provide for earthworks activities where the associated adverse effects are able to be avoided, remedied, or mitigated.

##### **Policies:**

1.1 To limit the location and scale of earthworks where adverse effects may result.

1.2 To ensure that any adverse effects on the environment from earthworks, including:

- Visual effects
- Effects on the natural land form
- Effects on adjoining properties
- Land stability
- Flooding effects

Are avoided, remedied, or mitigated

#### 6.3.4 Environmental Results Anticipated

- Development that contributes to a high quality environment for individuals and neighbourhoods.
- Development that takes account of, and is complementary to, the surrounding natural landforms.
- Earthworks construction is carried out in an appropriate manner for the surrounding area.
- Significant adverse effects of development are avoided, remediated, or mitigated.

#### 6.3.7 Rules: Restricted Discretionary Activities

- 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
- (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

#### Visual Effects 1.3

We have a good view of the gully, all the way up to Fitzherbert East Road, where the Manga o Tane Reserve is now. We would be significantly affected if a road was built across.

We were greatly affected when the top part of the gully was filled as this was advertised as a reserve. We have concerns that if the Abby Road is extended, the top part of Abby Road Gully will be filled in and built on.

#### Personal note / back ground information

We bought our section in Woodgate Court approximately 26 years ago. We were shown the section we bought by an employee of Bletchley Developments Limited. Who emphasised the gully as a reserve, views to Mount Ruapehu and the city. Our house was built to take advantage of the sun, gully (reserve) and the amazing views of the mountain.

We were told the gully would be planted and this was supported with the advertising sign showing the reserve going from Abby Road all the way up to Pacific Drive.

The facts are we would not have built here. We wanted the reserve, trees and the walkway behind our property.



However, we would be prepared to negotiate.

The Manga o Tane Reserve has limited accessibility to the public. We propose that the Abby Road gully be gifted to the PNCC and to join onto the Manga o Tane Reserve and make a looped walking track. Both sides of the gully could be planted in native trees this would lessen the visual impact of the road. If this could be negotiated, we propose minimal filling on the gully (less impact on the environment) and support the PNCC road proposal.

Yours faithfully

Lynne Bishop



**SUBMISSION BY POWERCO LIMITED ON THE NOTICE OF REQUIREMENT FROM  
PALMERSTON NORTH CITY COUNCIL TO DESIGNATE A NEW ROAD CONNECTION  
BETWEEN ABBY ROAD AND JOHNSTONE DRIVE**

**To:** Palmerston North City Council  
Private Bag 11034  
Manawatu Mail Centre  
Palmerston North 4442  
Attn: Team Leader – Democracy and Governance

**E-Mail:** submission@pncc.govt.nz

**Submitter:** Powerco Limited  
Private Bag 2061  
New Plymouth 4342  
(note - this is not the address for service)

1. This is a submission by Powerco Limited on the Notice of Requirement (*NoR*) from Palmerston North City Council (*PNCC*) for a designation of a new road connection between Abby Road and Johnstone Drive, Palmerston North.
2. The reasons for Powerco's submission are set out in attached Schedule 1. In summary, Powerco seeks to ensure its existing underground gas assets within the project area are appropriately protected during the site works anticipated by the *NoR*.
3. Powerco is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
4. Powerco does not wish to be heard in support of this submission.

**Signature of person authorised to sign on behalf of Powerco Limited**

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Gary Scholfield  
Environmental Planner

*Dated this 14<sup>th</sup> day of February 2020*

**Address for Service:**

Powerco Limited  
PO Box 13 075  
Tauranga 3141

Attention: Gary Scholfield

Phone: (07) 928 5659

Email: [gary.scholfield@powerco.co.nz](mailto:gary.scholfield@powerco.co.nz)

## **Schedule 1**

### **INTRODUCTION**

Powerco Limited (*Powerco*) is New Zealand's second largest gas and electricity distribution company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand. These consumers are served through Powerco assets including over 30,000 kilometres of electricity lines and over 6,200 kilometres of gas pipelines.

Powerco has both electricity and natural gas infrastructure within Palmerston North. As illustrated on the attached asset map (Attachment A), Powerco has existing underground gas assets at the end of Abby Road that extend into the area to be designated for the road connection.

### **POWERCO'S SUBMISSION**

Powerco is neutral as to whether or not the Notice of Requirement is confirmed. However, Powerco seeks to ensure that the earthworks associated with the road formation do not affect the ongoing operation, maintenance or access to its gas network. There are a number of standards and initiatives relevant to undertaking works around network utilities, in particular the 'Dial Before You Dig' service, which can be found online at [www.beforeudig.co.nz](http://www.beforeudig.co.nz). This service provides information on the location of underground services, so that such services can be identified on construction plans and / or marked out on site before works commence. Should the Notice of Requirement be confirmed, Powerco seeks the inclusion of a condition to ensure the protection of the underground gas assets in the area.

### **RELIEF SOUGHT**

Should the Notice of Requirement be confirmed, Powerco seeks the inclusion of the following condition:

- 1. Prior to the commencement of any site works associated with the project, the requiring authority shall accurately identify the location of existing underground network utilities ([www.beforeudig.co.nz](http://www.beforeudig.co.nz)). Construction plans must identify the locations of the existing network utilities and appropriate physical indicators must be placed on the ground showing specific surveyed locations. All construction personnel, including contractors, are to be made aware of the presence and location of the various existing network utilities which traverse, or are in close proximity to the project area, and the restrictions in place in relation to those existing network utilities.*

### **CONCLUDING COMMENT**

Powerco appreciates the opportunity to provide input to this Notice of Requirement. Through the suggested condition above, Powerco seeks to ensure that its existing assets that may be affected by the work are protected so that we are able to continue to operate, maintain and access them within the project area.

Powerco would be pleased to discuss any of the matters raised above. If you have any queries or require additional information please contact Gary Scholfield on (07) 928 5659 or via email [gary.scholfield@powerco.co.nz](mailto:gary.scholfield@powerco.co.nz).

Parcel

JOHNSTONE DRIVE

ABBY ROAD

LMP DN32 NB PE

LMP DN32 NB PE

LMP DN32 NB PE

LMP DN32 NB PE

Powerco Gas Asset Plan  
y Road, Palmerston North  
1:1,000 @ A4  
February 2020

A scale bar indicating distances in meters. The bar is marked with 30, 15, 0, and 30 Meters.



IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a proposal to designate Land via  
Notice of Requirement

BETWEEN AOKAUTERE LAND HOLDINGS  
LIMITED

As submitter

AND PALMERSTON NORTH CITY  
COUNCIL


Designating Authority

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SUBMISSIONS IN BEHALF OF AOKAUTERE LAND HOLDINGS LIMITED IN  
OPPOSITION TO DESIGNATION

Dated: 17 February 2020

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Signed:  Adam van Gemerden  
Date/time: 17/2/2020 1:38 pm

**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](mailto:Greg@dewhirstlaw.co.nz)

1. These submissions enter in behalf of Aokautere Land Holdings Limited (ALHL), same comprising a duly incorporated company having its registered offices situate at A R Short & Co Chartered Accountants, Level One, 38 The Square, Palmerston North 4440.
2. They relate to the Notice of Requirement – Extension to Abby Road between Pacific Drive and Johnstone Drive, issued by Palmerston North City Council dated 18 December 2019 (the NOR).

### **Background**

3. The NOR pertains to two parcels of land, entailing Lot 2 DP 484515, and Lot 1102 DP 519561.

### **Notice of Requisition Defective at Law**

4. The NOR purports to entail the land comprised in Lot 2 DP 484515, as being land contiguous to that land owned by our client company comprised in Lot 1102 DP 519561.
5. This is not the case; Lot 2 DP 484515 does not exist contiguous to our client companies land, and the notified requisition purporting to utilise that land premised upon its contiguous character is fundamentally defective accordingly.
6. The NOR ought be withdrawn, and if the requiring authority is minded to progress a proposal via designation, which pertains to land correctly specified at law, then that requisition ought to be notified and submission opportunity afforded as required at law.
7. These submissions enter without prejudice to our developer submitters position at law, that insofar as any purported designation, may at some future juncture be contemplated by council, pertaining to its land situate at and comprised in Lot 2 DP 484516, which land exists contiguous to ALHL's land entailed in Lot 1102 DP 519561, then same ought be notified, a notice of requisition entailing that land (Lot 2 DP 484516) issued and the requisite

statutory processes followed pertaining to notification, submission opportunity and hearing processes.

8. Any consideration of the NOR designation proposed, insofar as it entails land not notified (i.e. Lot 2 DP 484516) is invalid for want of compliance with the requisites of the Resource Management Act 1991, as to, inter alia, sections 168-168A, 169, 149ZCB, 149C-149E et seq.
9. The tendering of these submission is expressly upon the basis that the NOR does not confer any jurisdiction for consideration of designation pertaining to that land comprised in Lot 2 DP 484515.
10. Further the submitter says that designation can not proceed, even limited as to considerations related to Lot 1102 DP 519561 as no valid/statutorily compliant notice has been given in respect of that land, such notice as was given being materially deficient at law, identifying as it does a non-existent Lot 1102 DP 51956.
11. These submissions accordingly enter under protest as to jurisdiction; rights of relief predicated upon the gross operational deficits at law furthered by Palmerston North City Council, pertaining to such purported designation are reserved and may be exercised without further prior reference back.
12. The balance submissions entrained below pertain, by way of a courtesy to Council, in premise that were subsequent, validly specified and duly notified designation, at one time to come into consideration pertaining to the Land comprised in Lot 2 DP 484516, and Lot 1102 DP 519561, then it would prove useful to illustrate the cogent legal, and operational deficits (beyond those rendering the current NOR/purported designation fundamentally invalid, as specified above).
13. For ease of reference we have premised the below upon the basis that a notional NOR, duly specified, and validly notified pertaining to the land comprised in Lots 2 DP 484516, and Lot 1102 DP 519561 were under consideration; the below references to NOR are to such notional, valid exercise.

### The Notional NOR – Considerations

14. Lot 1102 DP 519561 comprises an area of 1.1063 ha and 5.1792 ha, total being 6.2855, contained in Record of Title 895646; this title also includes Lot 694 DP 500578 which is presently being developed for residential lots and Lot 695 DP 509873 which is assigned for future development. This title is bounded by council reserve proximate to Johnstone Drive itself (the Lot being road contiguous) and, to its southernmost point, it lies contiguous with Lot 2 DP 484516, which lot comprises some 1.1063 ha more or less. For ease of reference the Record of Title relevant to the Land, is annexured marked "A".
15. For ease of reference, and to orientate as to the interface between the Land and the council land adjoining, we record in respect of the Map comprising annexure "B" to these submissions that the areas depicted therein are as follows:
  - A is the Council Reserve land, 2.62ha
  - B is the Council land, being part of the 6.4ha lot which is zone Recreation
  - C is the Council land, being part of the 6.4ha lot which is zone Conservation and Amenity
  - D is the Council land, being part of the 6.4ha lot which is zone Residential. This part provides access to the 6.4ha
  - E is ALHL land
16. Prior to the promulgation of the NOR, ALHL had submitted an application for resource consent pertaining to the development of that component of the Land for residential section yield purposes, entailing that area specified in that resource consent application (the **Consent**). A copy of the consent is annexed hereto and marked with the **letter "C"** for ease of reference.
17. The works intended to be undertaken pursuant to the Consent entailed the creation of six (6) residential lots abutting the latest stage development concluded in respect of the adjoining Abby Road residential development.

18. The designation boundary specified in the NOR entails, insofar as it intersects with Lot 2 DP 484516, a significant component of the land intended to be developed to residential yield under the Consent.
19. In consequence upon the issue of the NOR, Palmerston North City Council has intimated that the Consent is unlikely to be able to be advanced, given the designation boundary/corridor proposed in relation to the extension of the Abby Road to intersect with Johnstone Drive, subsumes significant components of the land intended for such residential yield under it.

#### **Opposition to NOR**

20. ALHL, whilst conceding that negotiations have been commenced in an attempt to negotiate a co-funding basis for the delivery of a connection road, is compelled to oppose this designation proposal in its entirety.
21. ALHL's instructions are such that, it has been unable to secure satisfactory engagement by Palmerston North City Council, in the determination of value propositions attaching to the Land, and to the adjacent Council held land (presently entailing reserve) which sits contiguous to the northernmost point of the proposed designation boundary (the **Council Land**).
22. The Council Land comprises a parcel, of approximately 2.6267 ha more or less, which parcel of land presently entails use as council reserve, including being boarded, at its western point, by a public walkway/path.
23. The Council Land currently has a single vehicle access (of 3m width, approximately) off Aokautere Drive, but it is not otherwise serviced by the the existing of Abby Road, nor does the Council Land. The reserve has a right of way from Johnstone Drive at its southern end. From Aokautere Drive there is an unofficial entrance to the Council Reserve which is utilised for pedestrian access. There is also another unofficial pedestrian access to the gully in the Council land zoned Conservation and Amenity. The formal access to the Council land is from Pacific Drive. The unofficial entrance was only agreed to by NZTA as Council had blocked its own access from Pacific Drive by planting the gully in bush.

24. Past access from Abby Road was only by a gentleman's agreement but this was withdrawn by ALHL following use difficulties with Council, which effectively then left the Council land without any effective access.

**NOR predicate**

25. The purpose for which the designation is proposed, entails the construction of a road on the Land, entailing some 180m more or less in length, and comprising a two-lane road extending from the current terminus of the Abby Road, and joining Johnstone Drive, at an intended T intersection, as shown in Appendix A, Plan 1.

**The Consent – Consequences of Designation Corridor**

26. Necessarily the imposition of a designation subsuming the boundary/corridor specifications proposed in Appendix A, will have the effect of precluding the section development contemplated by the Consent. While this designation (if it had been validly specified/notified) would open the door to council development of it's own land, but it does so at the expense of the submitter, and at a far greater expense than would have arisen had ALHL's proposal under LU4085 been adopted/supported by council.
27. It is recalled that the Consent contemplated the development/making available of 6 residential sections, entailed within the land contained in Lot 2 DP 484516, with such sections being afforded access, via a right-of-way flowing from the terminus of Abby Road as extant; refer exhibit "C", the Consent, Page 18 (Plan 2043/192). This subdivision is a Controlled Activity
28. The estimated average section value attaching to each lot within the subdivision contemplated by the Consent, comprised \$250,000-300,000.00, reflecting anticipated section sales returns to the developer submitter in excess of \$1,500,000.00 gross revenue.
29. No further or other roading infrastructure, or substantive network utilities expenditure in behalf of Palmerston North City Council was necessitated, in consequence upon the residential development/utilisation of Lot 2 DP 484516 contemplated by the Consent, and to the extent that any costs of or



incidentals to such matters arose they would have been abated by virtue of DC levies applied.

30. If the designation corridor/boundary as proposed, is confirmed, the developer's capacity to utilise Lot 2 DP 484516, as contemplated in the Consent will be effectively, fully, curtailed.
31. Whilst it may remain, nominally open to the developer to secure the issue of the Consent upon the premise that should a designation corridor/boundary be confirmed, were those works not subsequently implemented, then the Consent may be advanced, as now contemplated.
32. However it is axiomatic, that were construction of the link roading contemplated in the NOR to be furthered, then not only would the immediately subsumed land area, and the sections otherwise entailed in it, be abrogated to the developer, likewise the proximate/ land would likewise be abrogated to development opportunity/be significantly depressed in terms of marketability/value yields.

#### **NOR – Access thesis**

33. The NOR is predicated upon perceived need for traffic throughput via Johnstone Drive to Abby Road.
34. The current transport environment entails Johnstone Drive being incomplete; as the NOR recognises the completion of Johnstone Drive is being undertaken as a component of further subdivision activity, and it is anticipated (the submitter developer being entailed in that subdivision/infrastructure works) that Johnstone Drive will be completed/vested and operable in the short term.
35. The coming into operation of Johnstone Drive will afford egress to Aokautere Drive, for those residents wishing to exit from Ron Place, and Lourie Way, and likewise to those situate in Stratford Court.
36. For Abby Road residents and Woodgate Court residents, the logical, extant egress path lies onto Pacific Drive, with there being nominal difference in travel duration, complexity or risk profile, to such commuters exiting via the

Pacific Drive interface to Aokautere Drive, or, were they to utilise Pacific Drive to Johnstone Drive, by way of linking back to Aokautere Drive.

37. Map 1, Appendix A, and Figure 16, page 17 (traffic report – Aokautere Drive option), usefully illustrate the extant, and intended transportation perspectives.

#### **Johnstone Drive – Commencement**

38. The coming into operation of Johnstone Drive, as an available link/through road between Pacific Drive, and Aokautere Drive, must logically serve to militate against the potential for additional traffic movements via Pacific Drive, particularly in respect of traffic originating from the Ron Place, Lourie Way and Stratford Court catchments/development areas.
39. The submitter's perspective is that the logical egress path from Abby Road, remains via Pacific Drive, vectoring back to Aokautere Drive, or via Johnstone Drive thereafter, with the preponderance of traffic movements, it being apprehended likely being destined to Palmerston North city, or Feilding city/commercial destinations.

#### **Roading designation**

40. The submitter acknowledges that the requiring authority, is seized of statutory empowerment to request designation for the purposes of the furtherance of roading works.

#### **NOR predicate – Council Land**

41. The premise for the NOR is the instatement of a link road between the current terminus of the Abby gully and Johnstone Drive.
42. The infrastructure intended to be created, comprises a two-lane road, with the anticipated link classification entailing "local" for the purposes of the performance characteristics/design standards promulgated at Section 20 of the Palmerston North District Plan and detailed in Table 3.1 of Council's Engineering Standards for Land Development.
43. Consequently, the requisite minimum reserve width, required for the purposes of the intimated link road comprises some 17.2m metres, with an

10.2m metre carriageway, for the purposes of the PNCC planning instrument (the **Carriageway Requirement**).

44. Whilst the Carriageway Requirement, in accordance with the plan specifications/requisites entails some 17.2 metres in width the proposed designation corridor/boundary, comprises an additional 10 metres in width, including some 400m<sup>2</sup>, which designation function appears to be reserved to creation of a commercial/development opportunity to that Council Land situate adjacent to Lot 2 DP 484516, as depicted in the plan diagram/drawings prepared by Price Consultants annexed hereto and marked with the letter "D".
45. The Council Land is not landlocked, insofar as it has an potential alternative access pathway available to it from Pacific Drive, or from State Highway Aokautere Drive, in respect of which such land is contiguous".
46. It is of concern to the submitter that in substantive part, the NOR appears to be predicated upon the curtailing of its development and commercialisation of the Land as entailed within the proposed designation corridor to the intent purpose and effect, that in curtailing the residential development contemplated in the Consent, the requiring authority is furthering the land access and development opportunities pertaining to this non-landlocked Council Land. Legally this is an instance of volenti non fit injuria; as council has created the problem of having difficult access to its land by way if its planting the gully and changing the zoning in the location of its available access.
47. Plainly, the instatement of the proposed designation corridor, operates, intentionally to abrogate the furtherance of the residential development entailed within the Consent and, further, the abrogation of the developer submitter's opportunity for utilisation for residential yield, by way of the Consent, is premised, as a material driver upon securing of access to permit utilisation/development of the Council Land; potentially in a competitive framework to that in which the developer participates.
48. ALHL expresses significant reservations as to the suitability of the utilisation of a designation mechanism, to procure what appears to it to be a commercial imperative/advantage, via expropriating access to Council

Land, via curtailing the development entailed in the Consent, where doing so is premised upon the necessity for a link road.

49. It is the submitter developer's understanding that Palmerston North City Council intends, by virtue of utilising the designation corridor/boundary proposed, to afford developable opportunity/status to the Council Land, and potentially thereafter to move forward to residential development/yield in respect of it; in this regard the submitter refers to those outline plans reflected in the valuation entailed in annexure "E".
50. It is the submitters understanding that the requiring authority contemplates 15 sections being viable from such land; this is highly questionable given the setback requirements and the shape of that land.
51. The developer submitter further estimates that to construct a road from the link road to service these sections is likely to exceed \$2,000,000.00 plus GST, in addition to which would be the expense of purchasing/acquiring land from the submitter so as to enable such road to come to the boundary. Additionally, again would be the (not insignificant) engineering and planning costs.
52. The above estimates are based on an actual costs incurred comparison for construction costs arising in its furthering a recent, nearby road development.
53. At its simplest the submitter's concern is that the designation process, and in particular the siting/orientation of the designation corridor, entailing as it does a significant over-width to that required for a two lane link road, of the type entailed in the purposive/requisition statement of the NOR, for the purpose of facilitating subdivisional development/land utilisation, to the advancement of the requiring authority and detriment of the developer submitter; fundamentally, the designation corridor/boundary proposed will curtail the development contemplated by the Consent, whereas as a direct, and it is anticipated intended consequence of the over-width/corridor alignment, the Council Land will be afforded developable/realisable status, via a designation process nominally directed at securing enhanced traffic movement opportunity as between Abby Road and Johnstone Drive.

54. The utilisation of the designation process, to curtail competitive development, to the advancement of the requiring authority's development opportunity/proposals, is not, the submitter says, an intended purpose of the designation mechanism; particularly not so where the motivating purpose is said to entail traffic movement enhancement.
55. The ancillary premise evident by the over-width/alignment determinations undertaken by Council represent an improper consideration, the submitter says.

### **Traffic movements**

56. As has been noted, the preponderance of egress from the Woodgate Court/Abby Road, is anticipated to flow to Pacific Drive, and thereafter to Palmerston North city/Feilding city. Johnstone Drive will shortly be operable as a connector road between Aokautere and Pacific Drives, accommodating the Stratford Court, Ron Place and Lourie Way traffic, and servicing the traffic from the Massey/Fitzherbert/Old West Road interface.
57. The submitter says that the cost entailed in the creation of the anticipated road link, is not commensurate with the traffic movement/utilisation requirements for the proximate and anticipated road users.
58. The proposal itself contemplates substantive cost loading; the land, which is the subject of the intended designation is not within Council ownership, or control, nor does the Council have an interest in the land sufficient to facilitate its undertaking of the works, absent its commercial or compulsory acquisition; premised upon a "willing buyer/willing seller" model, the value of the land subject to the designation corridor/effectively expropriated from commercial utilisation as a result of proximate planning blight is perceived to be well in excess of \$1,000,000.00; the preliminary yield estimates, in relation to the subdivision contemplated by the Consent, are such that anticipated revenue of or about \$1,500,000.00 would devolve to the developer, and, on a section 62 Public Works Act 1981 analysis, the loss of market utilisation calculations are proper for the purposes of determining compensation payable.

59. The compensation quantum itself, however, is the less substantive consideration of the anticipated costs of and incidental to furthering the roading development, insofar as it entails the part filling of the gully and associated structural works.
60. Whilst, preliminary in character as the developer had itself, at an earlier juncture, undertaken some consideration in respect of gully crossing/infrastructure requirements, the submitter is comfortable in suggesting that the minimum further expenditure (after acquisition, planning, engineering, and associated costs) in furthering the actual structural works would lie well in excess of \$2,000,000.00; pertaining to the hard construction components of the link road development (which exclude legal, planning/consultants, and analogous aligned operational expenditures).
61. Were the designated authority minded to advance the designation proposition, and in particular the land expropriation entailed in the affording of commercial access/development opportunity to the Council Land, upon the premise that subdivisional development will yield sufficient offset, the applicant submitter, as an experienced developer, respectfully questions such consideration. Even were the Council Land to yield approximately 15 lots, after the costs of internal infrastructure/roading and services, and aligned expenditures, the potential development yield is marginal at best.

#### **Prohibition of link road**

62. It is incumbent upon the submitter to note that Palmerston North City Council has, in respect of the developer submitter's request for its conferring a resource consent directed at the formation of a link road, between Abby Road, and Johnstone Drive declined such application/opposed the same, notwithstanding that one consequence of the developer submitter's proposal entailed in resource consent application LU 4085, would have been to instate, as a component of the development then to have been undertaken, a roadway/link road, from Abby Road to Johnstone Drive.
63. Simply, and noting that the Palmerston North City Council was invited to give consideration to exercising designation powers in that regard, were it



to have supported/cooperated in the furtherance of the Declined Consent, it would have devolved to the developer submitter to instate such road link at its cost.

64. That Council declined to further, the developer submitter's proposed link road, and declined to give consideration to the utilisation of designation powers (accepting that such link proposal, entailed earthworks within ALHL limited development zone). That consent process, which failed to yield a developer funded link road, entailed developer expenditure in excess of \$100,000.00.
65. Against that background it is thus of concern to the submitter that Council, as the requiring authority now intends/wishes to further the utilisation of a designation mechanism for the purpose of instating a link road, no more substantively advantageous to the traffic flow/movement pattern, particularly weighted for a comparative cost/benefit analysis, than that declined to the developer submitter.
66. Indeed, insofar as the developer submitter's link road/proposal entailed its sustaining the costs of such infrastructure, the cost benefit analysis, the submitter says, significantly militates against the instatement of the link road contemplated by the NOR. Annexed and marked with the **letter "F"** is the developer submitter's resource consent application, entailing its link road/development proposal. Summatively, the developer submitter's link road proposal lay between Abby and Johnstone Roads as depicted in plan/diagram 2043/176 which comprises Annexure "G" to these submissions.

#### **Link options**

67. It is the submitter's perspective that the proposal entails a significant cost to the ratepayer, and the traffic movement/additional utility afforded, as a consequence of the formation of the link contemplated by the NOR, is minimal.
68. It is noted that the option preferred by the requiring authority, entails negative traffic efficiency consequences (absent significant/cost intensive remediation, including by way of intersection

improvements/enhancements), negative safety considerations (with an increased crash risk profile), and a perceived moderate enhancement in accessibility profiles.

69. The accessibility profile the submitter developer says is less advantageous/substantive, to that afforded by way of its proposal entailed in the Declined Consent and, further, having regard to the anticipated destination pathways for the model catchment communities, it is not considered that the modelled enhancement of accessibility will be utilised/crystallised to the benefit of the commuter populace.
70. The roading corridor/boundary plans prepared in behalf of the applicant submitter by Pirie Consultants (comprised in 2043/176), specify what the applicant submitter proposes to comprise the beneficial alignment/pathway, should a link road be considered necessary for enhanced traffic capacity/traffic movement utility.

#### **Disposition negotiations**

71. The submitter had engaged, on a commercial in confidence basis, in negotiations with the requiring authority directed at achieving agreement as to the respective costs contribution of the roading proposal entailed in the NOR; it is not appropriate for the substance of those negotiations to be tabled via submissions in this forum, however, it is sufficient to say that the submitter entered into negotiations premised upon the potential for a component of the Council Land, sufficient to offset the value of the land expropriated by virtue of the designation corridor to be exchanged to it (and thereafter available for utilisation as residential developments/yard), and further upon the premise that the development opportunity presently afforded in relation to the Council Land needs to be recognised.
72. As extant, the Council Land, benefits from one 3m accessway exiting Aokautere Drive and accordingly, in terms of the council planning instrument/requisites it is available for utilisation/development as one lifestyle section (there being a prohibition on further subdivision, as a lifestyle lot can't be created as an access onto SH 57 does not exist, and the land is not zoned recreational not residential).

73. That utilisation potential/reality needs to be reflected in the value exchange propositions advanced by Council, were a land swap/set-off compensation mechanism to remain in contemplation.

### Summary

74. The submitter says the proposed purpose of the designation, will not afford significant utility/benefit to the ratepayer/community base.
75. The costs of furthering the link road proposal in the NOR are substantive; in addition to the compensatory requirements, and the development expenditure, the associated planning, and technical input necessary to further the filling of the gully (in part) render the link road pathway/designation contemplated particularly cost intensive/onerous in the developer submitter's expert assessment.
76. The utilisation of the designation mechanism via the NOR to curtail the opportunity for development, and residential expropriation of land, so zoned, by way of the Consent, is perceived to be highly problematic by the submitter developer.
77. The compensation/costs concomitant to the utilisation of the NOR to abrogate the development contemplated by the Consent are a significant consideration (being estimated to comprise a minimum of some \$1,500,000.00, having regard to the limited perceived utility, and advantages afforded by the infrastructure, and designation corridor contemplated by the NOR.
78. Further, the requiring authorities declination to cooperate/utilise designation for the purposes of facilitating the link road/development, contemplated in the Declined Consent (which infrastructure development/advancement would have been furthered at the submitter developer's cost, primarily, in all respects) is, ALHL says a relevant consideration; this consideration remains relevant as the developer submitter continues to wish to advance the proposals entailed in the Declined Consent, and, it is proper, that the requiring authority have regard to the extent of the works intended to be undertaken by the developer, and the traffic movement/traffic utilisation advantages afforded by that Declined Consent proposal - which consent

could equally be furthered by a designation process. That proposal would yield a significant cost reduction, and analogous traffic/link advantages to the ratepayer community.

79. ALHL's current proposal is that a road is formed from Johnstone Rd to Aokautere Drive; thus providing a further access onto State Highway 57. The traffic report annexed to the NOR supports the instatement of a further intersection to State Highway 57 however opines that there would needs be significant roading upgrade works adjacent to it, and potentially road widening. What the report does not contemplate however is that imposing a lower speed limit of 50kph (which is a logical future necessity given the expansion of the residential areas) may negate the need for the roundabout and associated expenditures incumbent in the NOR proposals.
80. The proposals entailed in the Declined Consent comprise a valid, and viable alternative site, route, and method, for satisfying the traffic movement/roading infrastructure objectives entailed in the NOR; as does ALHL's current proposal outlines in paragraph 66.

### **Disposition**

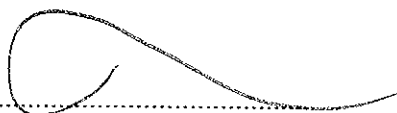
81. The submitter opposes the designation in its entirety; the benefits anticipated to be yielded from the furtherance of the works entailed in the NOR are not commensurate with the costs/commercial risk, entailed in furthering the designation process.
82. The cost benefits analysis, particularly following the coming into operation of the Johnstone Drive link between Aokautere and Pacific Drives, are not commensurate.
83. The furtherance of works culminating in a worsened risk/safety profile, where servicing a minor traffic catchment area, are such that they militate against the furtherance of the designation.
84. Of particular concern to the developer submitter is the utilisation of the designation process, and its interim effects, to curtail the advancement of commercial development, and residential yield, of those 6 lots entailed within Lot 2 DP 484516, as contemplated by the Consent.

85. The developer submitter reiterates its observations, as to the unsuitability of the utilisation of the designation process to afford commercial access/pseudo-competitive development in relation to the Council Land.
86. The developer submitter says the NOR/designation proposed ought be declined; substantially greater utility is afforded to the ratepayer, at significantly reduced expenditure/commercial exposure, by way of Council facilitating/designating in support of the roading/link contemplated by the Declined Consent. That proposal would have yielded, absent so substantive a cost loading to the requiring authority/council, the primary benefits of the infrastructure contemplated by the NOR, absent diminution of residential yield/utility to the submitter developer. The Declined Consent comprised a far preferable disposition method, which ought to be contemplated in lieu of the NOR designation.
87. The coming to fruition of the works contemplated in the designation process (entailing the resultant land purchase and construction works) will likely exceed \$3,000,000.00 in costs to the ratepayer base for marginal utility returns.
88. The submitter has endeavoured to cooperate in dialogue with Council; it acknowledges that there may be some utility to it were the link road to be constructed, and signals its ongoing willingness for dialogue, however says that it as this is primarily council infrastructure gains (the developers preferred link/consenting advancement has been set out above) then council ought to meet of 60% of the associated works costs, and the developer ought be compensated for any section losses/setback blight imposed as a result of its construction.
89. The coming into effect of the designation will curtail the ability to develop the land as contemplated in the Consent; such land will be rendered unsaleable (at pre-designation/non-injurious affected values) and thus the developer will be looking to its entitlements to relief under the Public Works Act 1981, to compel immediate compensation.

90. Compensation via a land swap, recognising for value propositions that the Council Land currently enjoys limited access and development opportunity.

Dated: February 2020

Signed:



**G J Woollaston**  
Counsel for the applicant





**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



R. W. Muir  
Registrar-General  
of Land

**Identifier** 895646  
**Land Registration District** Wellington  
**Date Issued** 14 June 2019

**Prior References**

|        |        |        |
|--------|--------|--------|
| 686764 | 745189 | 817001 |
| 845793 |        |        |

|                          |   |
|--------------------------|---|
| <b>Estate</b>            | Fee Simple  |
| <b>Area</b>              | 53.0378 hectares more or less   |
| <b>Legal Description</b> | Lot 2 Deposited Plan 484516 and Lot 694<br>Deposited Plan 500578 and Lot 695<br>Deposited Plan 509873 and Lot 1102<br>Deposited Plan 519561 |

**Registered Owners**

Aokautere Land Holdings Limited

**Interests**

Subject to a right to convey electricity, gas, water, telecommunications and computer media, a right to drain sewage and water and a right of way over part Lot 2 DP 484516 marked A on DP 484516 created by Easement Instrument 10155604.3 - 22.10.2015 at 1:27 pm

Subject to a right (in gross) to drain water over part Lot 695 DP 509873 marked H on DP 509873 in favour of Palmerston North City Council created by Easement Instrument 10244827.6 - 25.11.2015 at 4:23 pm

The easements created by Easement Instrument 10244827.6 are subject to Section 243 (a) Resource Management Act 1991

10292952.3 Encumbrance to Palmerston North City Council - 18.12.2015 at 12:57 pm (Affects Lot 1102 DP 519561)

Subject to a right to drain water over part Lot 695 DP 509873 marked B on DP 509873 created by Easement Instrument 10333191.4 - 15.4.2016 at 3:34 pm

10629133.1 CAVEAT BY PALMERSTON NORTH CITY COUNCIL (AFFECTS PART OF LOT 694 DP 500578) - 2.12.2016 at 10:50 am

Subject to a right (in gross) to drain water over part Lot 695 DP 509873 marked C on DP 509873 in favour of Palmerston North City Council created by Easement Instrument 10953783.4 - 18.1.2018 at 8:51 am

The easements created by Easement Instrument 10953783.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to drain sewage and convey water over part Lot 1102 DP 519561 marked B and D and over part Lot 694 DP 500578 marked E, a right to drain water over part Lot 1102 DP 519561 marked B, C and F and a right of way over part Lot 1102 DP 519561 marked A, B and C all on DP 519561 in favour of Palmerston North City Council created by Easement Instrument 11001594.4 - 14.2.2018 at 10:53 am

The easements created by Easement Instrument 11001594.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey telecommunications and computer media over part Lot 1102 DP 519561 marked B and D and over part Lot 694 DP 500578 marked E all on DP 519561 in favour of Chorus New Zealand Limited created by Easement Instrument 11001594.5 - 14.2.2018 at 10:53 am

**Identifier**

**895646**

Subject to a right (in gross) to convey gas and electricity over part Lot 1102 DP 519561 marked B and D and over part Lot 694 DP 500578 marked E all on DP 519561 in favour of Powerco Limited created by Easement Instrument 11001594.6 - 14.2.2018 at 10:53 am

Subject to a right (in gross) to convey electricity over part Lot 1102 DP 519561 marked C DP 519561 in favour of Powerco Limited created by Easement Instrument 11001594.7 - 14.2.2018 at 10:53 am

11299807.3 Mortgage to (now) First Mortgage Custodians Limited - 14.12.2018 at 3:34 pm

Subject to a right to drain water over part Lot 695 DP 509873 marked H on DP 529850 created by Easement Instrument 11342375.9 - 7.2.2019 at 5:42 pm

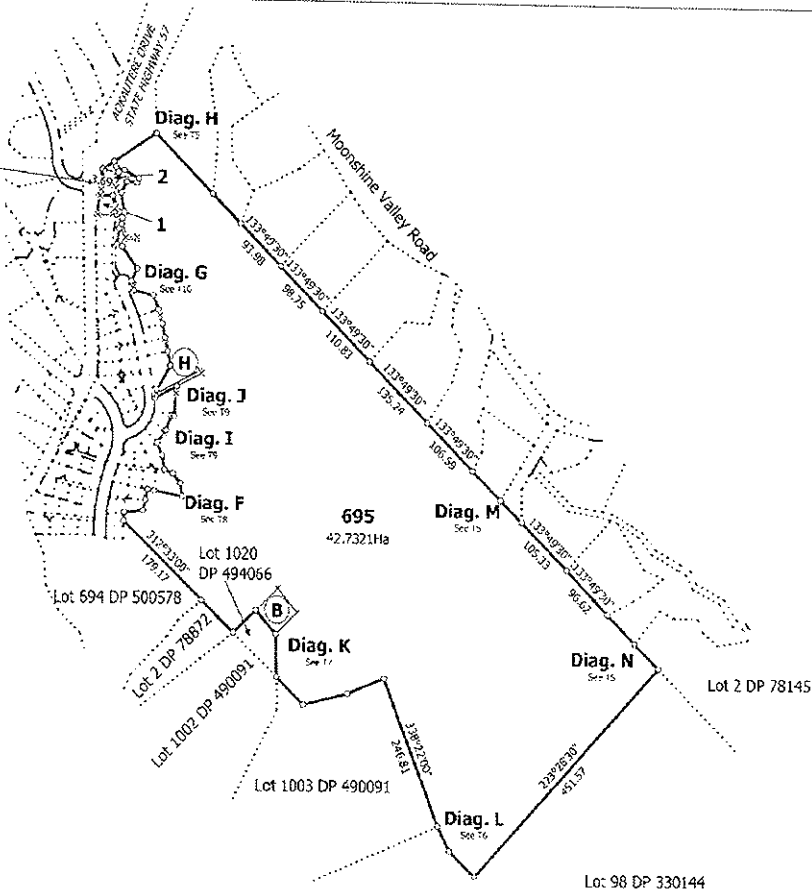
The easements created by Easement Instrument 11342375.9 are subject to Section 243 (a) Resource Management Act 1991

Identifier

895646



- Diag. B  
Sec 13
- Diag. C  
Sec 14
- Diag. A  
Sec 12
- Diag. D  
Sec 10
- Diag. E  
Sec 11



Our Ref: 3574

Land District: Wellington

Digitally Generated Plan

Generated on: 3/12/2018 15:00 Page 3 of 13

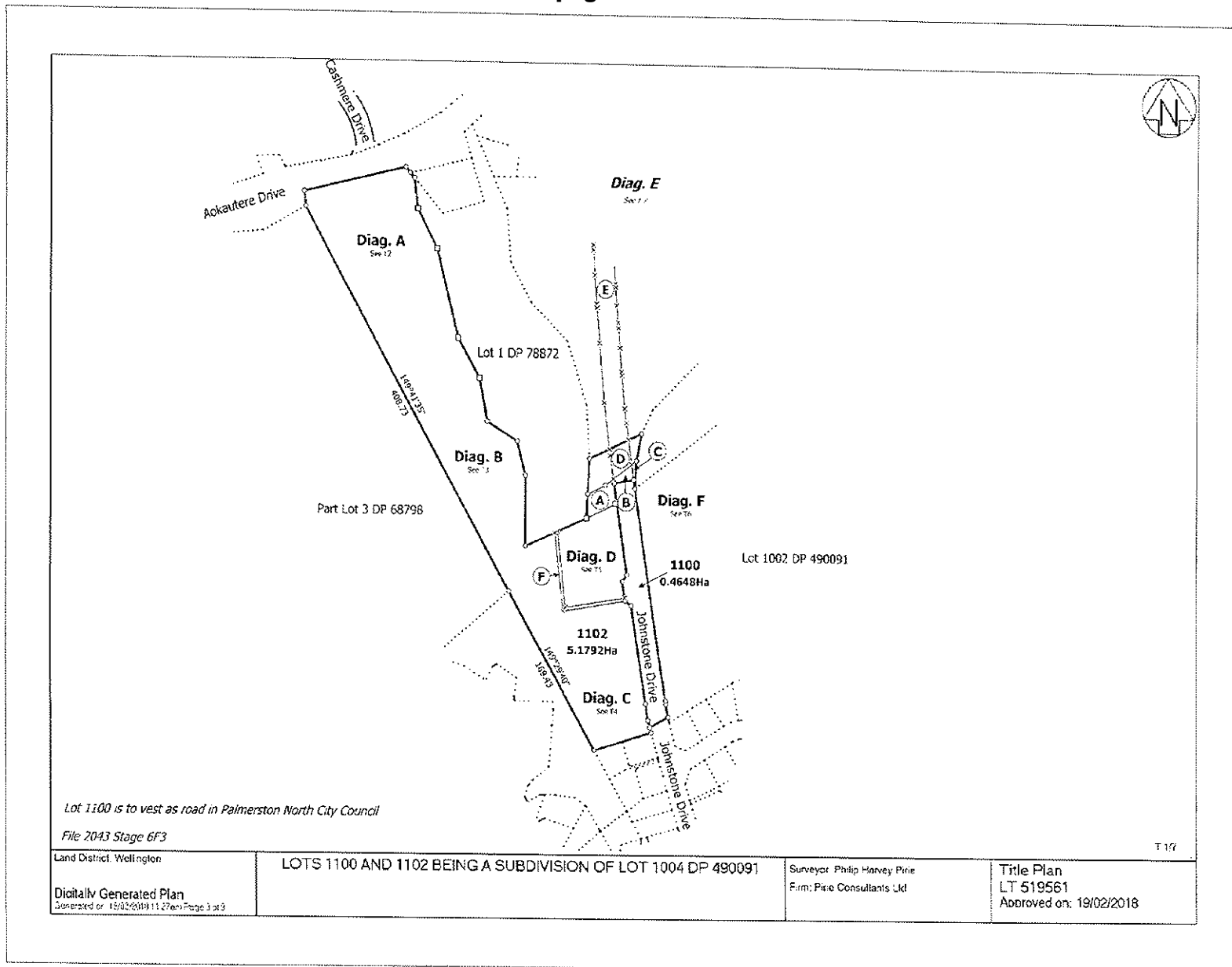
LOTS 1, 2 AND 695 BEING A SUBDIVISION OF LOTS 698, 699 DP 487580  
AND LOT 695 DP 517379

Surveyor: Philip Harvey Pine  
Firm: Pine Consultants Ltd

Title Plan  
LT 509873  
Approved on: 3/12/2018

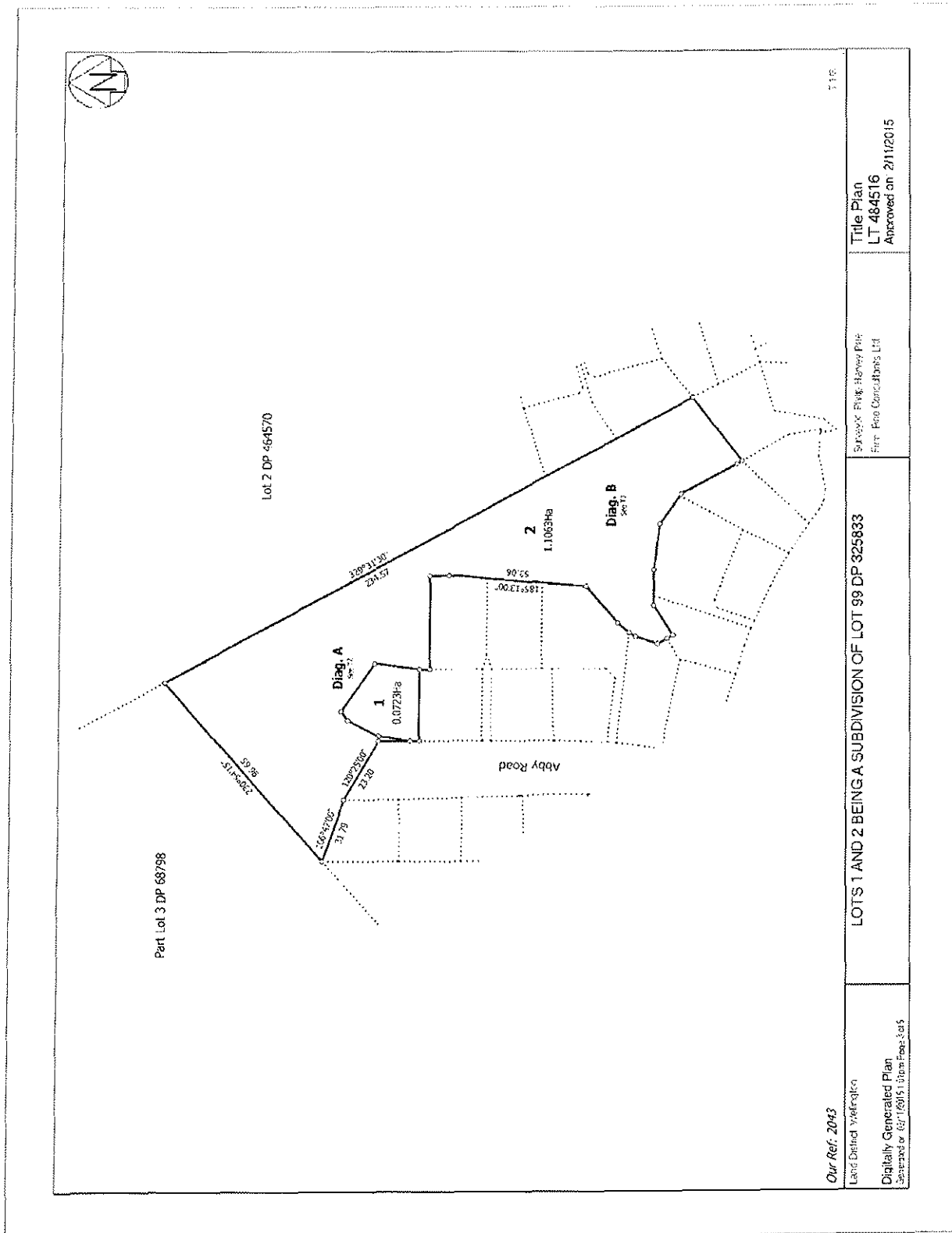
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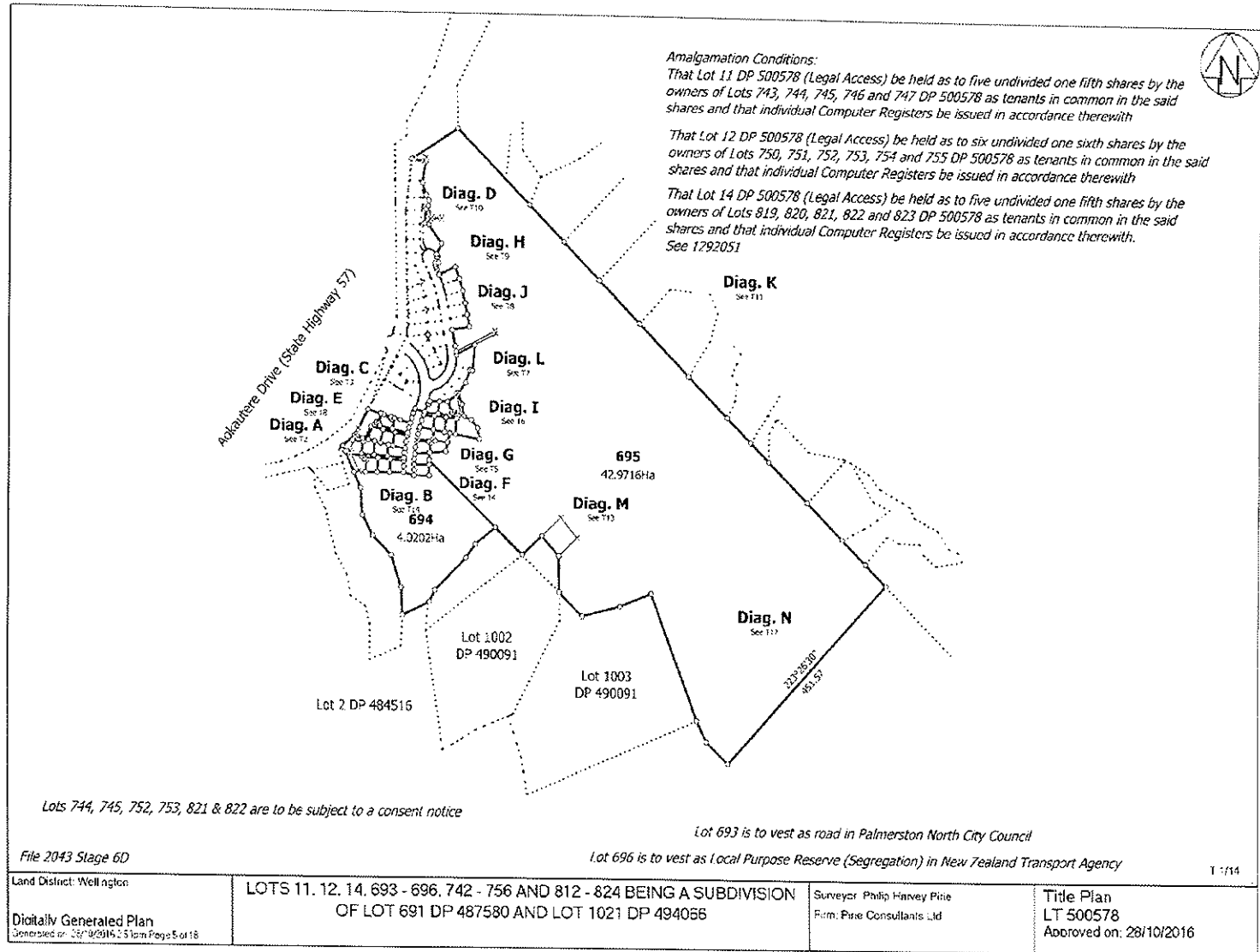
## Sub 4 - page 22



Identifier

895646



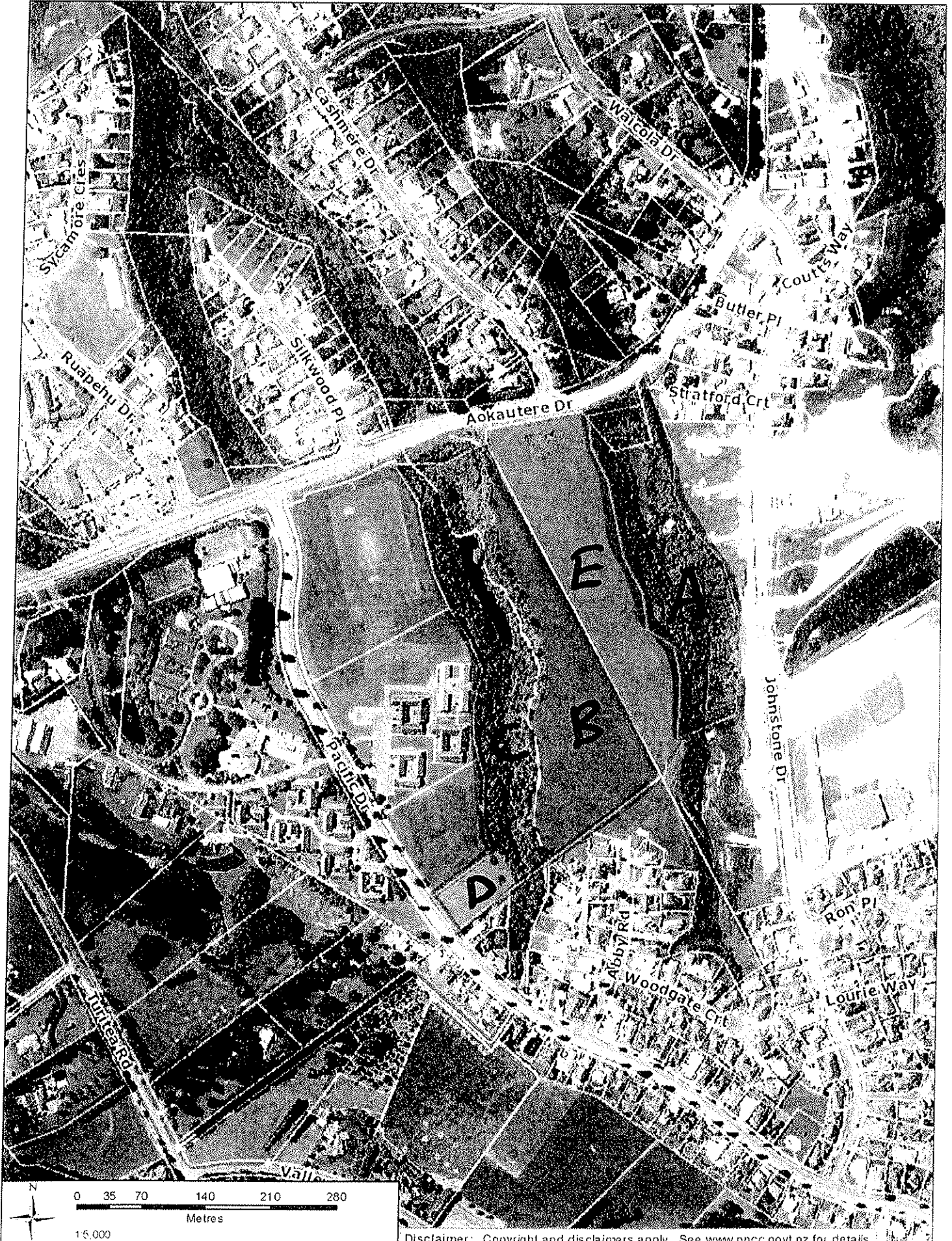


13

PALMERSTON NORTH  
CITY COUNCIL

# LocalMaps Print

13 February 2020





Our Ref: 2043 Stage 6F8-3 Consent Checklist

## SUBDIVISION CONSENT CHECKLIST

- ☒ Form 9
- ☒ Planning Report
- ☒ Copies of Consent Plan
- ☒ Certificate of Title
- ☒ Locality Plan
- ☒ ULUC Classifications (Aokautere Area only)
- ☐ Stability Report (Aokautere Area only)
- ☒ Environment Impact Assessment
- ☐ Presence of Rivers/Streams/Lakes/Sea.
- ☐ NZTA Report
- ☐ Building Line Restrictions
- ☒ Subject Easements
- ☐ Amalgamation Conditions Required
- ☐ Access Lot Document No. Required
- ☐ Building Plans
- ☐ Site Photographs
- ☒ Other Details Contamination report

### Payment of Planning Fees by

- ☒ Into Council's bank account
- ☐ Cheque
- ☐ Charge deposit fee to our account
- ☒ Charge all other fees to our Client at Box 96 Palmerston North





Our Ref: 2043 Stage 6F8-3 Application Resource Consent

City Contact  
Palmerston North City Council  
Private Bag  
Palmerston North

**APPLICATION FOR RESOURCE CONSENT UNDER  
SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991  
(Form 9)**

Pirie Consultants Ltd apply for the resource consent(s) described below

1. Owner and Occupier of any land to which the application relates.  
Aokautere Land Holdings Ltd  
C/- Pirie Consultants Ltd.
2. The location to which this application relates is  
30 Abby Road, Aokautere
3. The type of resource consent(s) sought is Subdivision
4. The activity to which the application relates is  
6 lot residential subdivision and the balance of the title being amalgamated with an adjoining property.
5. The following additional resource consents are required in relation to this proposal and have or have not been applied for  
Not applicable
6. An assessment of any the proposed activity may have on the environment in accordance to the Fourth Schedule of the Act is attached.

Signed

Dated 27/3/19



Our Ref: 2043 Stage 6F8-3 Consent Report

27 March 2019

City Contact  
P.N.C.C.  
Private Bag  
Palmerston Nth

Dear Sir,

**Proposed Subdivision Consent For Aokautere Land Holdings Ltd  
30 Abby Road, Aokautere**

**1.0 Introduction**

- 1.1 I forward plans and documents for your Council's consideration. Payment for the application deposit of \$1250 has been made into Council's bank account.

**2.0 Development Proposal**

- 2.1 My client wishes to subdivide their property to create 6 residential lots with the balance of the title. Lot 100, being amalgamated with an adjoining property.
- 2.2 A right of way is to be created to serve Lots 3, 4, 5 and 6.

**3.0 Planning Requirements**

- 3.1 The subdivision is considered to be a Controlled activity as there is full compliance with Performance Standards R7.6.1.1.  
The land is zoned Residential and is within the Aokautere Development Area. The lots being used for residential development are not within the area defined as Limited Developable Land. Lot 100 includes all of the Limited Developable Land in the current title and land to the west that is classified as developable land.
- 3.2 Performance Conditions R7.6.1.1 are complied with as follows:
- (a) Existing Buildings  
The site is vacant.
  - (b) Lot Size  
Lots 1, 2, 3, 4, 5 and 6 are to be used for residential purposes and are all within the developable land and therefore meet the criteria of containing at least 400m<sup>2</sup> of developable land for each lot. The average area of the lots for residential development is 666m<sup>2</sup>.
  - (c) Shape Factor  
Lots 1, 2, 3, 4, 5 and 6 which are to be used for residential purposes each contain a circle of 18m diameter which is entirely developable land.
  - (d) Access  
Each lot has access to Abby Road as follows:
    - Lots 1 and 2 have direct access onto the road. There is sufficient width to enable the construction of a compliant 3m wide vehicle crossing for each lot.
    - Lots 3, 4, 5 and 6 have access via a 6m wide right of way that is to be owned by Lot 4.

MEMBERS OF CONSULTING SURVEYORS OF NZ AND THE NZ INSTITUTE OF SURVEYORS

168 Grey Street PO Box 10050 Palmerston North 4441

ph: 06 357 5383 fax: 06 354 0240 ph: 0800 WE SURVEY (0800 93 76 78) e mail: reception@pirieconsultants.co.nz

SURVEYING

RESOURCE MANAGEMENT

LAND DEVELOPMENT

- Lot 100 does not require any form of access.

The proposed accesses to the lots fully comply with Land Transport Rule 20.4.2 and are therefore a Permitted Activity. Abby Road is defined as a Local Road with a posted speed of 50km/hr.

Performance Standards under Rule 20.4.2 are complied with as follows:

- a) Vehicle Access
  - i. Pedestrian Streets  
Not applicable
  - ii. State Highways  
Not applicable
  - iii. Limited Access Roads  
Not applicable
  - iv. Cashmere Drive  
Not applicable
  - v. Railway Lines  
Not applicable
  - vi. Vehicle crossings on Major Arterial, Minor Arterial and Collector Roads  
Not applicable
  - vii. Formation of permanent, dust free surface  
The proposed vehicle crossings comply as these will be constructed with concrete.
  - viii. Vehicle crossing widths etc  
The proposed vehicle crossings to the lots comply as
    - Lots 1 and 2 have direct frontage to Abby Road. The width of each vehicle crossing is 3m.
    - Lots 3 – 6 gain access by a 6m wide common access formed for its full width which is not longer than 80m.
  - ix. Access gradients  
All vehicle accesses have gradients which are less than 25%.
  - x. Design of rural vehicle crossings  
Not applicable
  - xi. Vehicle crossing movements in rural zone  
Not applicable
  - xii. Fire fighting requirements  
All building sites on Lots 1 – 6 are within 75m of a fire hydrant.
- b) Parking
  - (i) Disabled parking  
Not applicable.
  - (ii) Parking provision  
Each lot has space for at least one car park.
  - (iii) Parking provision in Inner Business Zone  
Not applicable.
- c) Car park landscape design  
Not applicable
- d) Formation of parking spaces  
Parking will be provided for each lot at the time the dwelling is established on the lot

- e) Load space provision  
Not applicable as the development is less than 20 lots and there is at least one space available for each lot.
- f) Load space design  
Not applicable
- g) Cycle parking  
Not applicable
- h) Cycle parking end of trip  
Not applicable

- (e) Essential Services  
All services are available in Abby Road and are located no further than 30m from the property boundary. Separate sewer, water and stormwater services are to be provided for Lots 1 and 2. Joint services are to be provided in the right of way for Lots 3, 4, 5 and 6. Services are not required for Lot 100.
- (f) Esplanade Reserve  
Not applicable.
- (g) Pacific Drive Extension Area  
Not applicable.
- (h) Street Trees  
There are not any street trees along the frontage of the property.
- (i) Earthworks  
The only earthworks required are for the construction of the right of way being an area of 300m<sup>2</sup> for a depth of approximately 500mm. These earthworks do not alter the level of the existing ground and fully comply with Rule 6.3.6.1(b).

- 3.3 Financial Contributions  
A development contribution is payable for five lots.

#### **4.0 Legal Description**

- 4.1 The property is described as Lot 2 DP 484516, contained in RT 686764 having a total area of 1.1063ha.
- 4.2 The property is subject to an easement for services, shown A, in favour of Lot 1 DP 484516 which is to remain.
- 4.3 There are not any other building restrictions or easements affecting the title.

#### **5.0 National Environmental Standards**

- 5.1 The property is not a HAIL site nor is there any likely form of contamination. Reports prepared for adjoining subdivision proposals on the same land have concluded that the land is not subject to any form of contamination. Confirmation of this is attached being the report for the proposed filling of the adjoining Abby Road Gully.
- 5.2 It is considered that a NES consent is not required.

**6.0 Assessment of Effects**

6.1 The proposal does not create any effects different from permitted residential activities and as expected by residential development within the residential zone.

6.2 It is therefore deemed that there are not any affected parties and that consent is not required from any party or that notification of any form is not required.

6.3 The relevant Objectives and Policies of the District Plan are assessed as follows:

6.3.1 City View Objectives 1, 3, 5, 9, 10, 11 and 19.

- Objective 1: The proposal conforms to the objective to encourage development within the residential zone.
- Objective 3: The proposal enables all new dwellings to have access to infrastructure services.
- Objective 5: The subdivision proposal enables the creation of high quality residential dwellings to be developed.
- Objective 9: The subdivision is designed to ensure that the development can occur without any adverse effects upon the health and safety of the residents.
- Objective 10: The visual appearance of the City is enhanced by the use of presently abandoned land for residential development.
- Objective 11: The development is in accordance with the requirements for residential subdivision by providing lot shapes and sizes that exceed the standards and enables a variety of designs to be engaged.
- Objective 19: The development is on land that is not subject to natural hazards. Those lots that are near the gully can be appropriately developed even if subject to a building line restriction.

6.3.2 Subdivision Objectives and Policies

- Objective 1 and Policies 1.1, 1.3 and 1.4  
Policy 1.1: The proposal is for residential development utilising undeveloped land zoned for that purpose.  
Policy 1.3: The creation of the lots does not create any adverse effects or non compliance with the rules for subdivision or the residential zone.  
Policy 1.4: The land being used for residential development is not subject to any actual or potential natural hazard being the possibility of any slope instability  
All land that has the potential for slope instability is contained within Lot 100. There is not any requirement to impose any building restriction or mitigation measures on Lots 1 – 6.
- Objective 2 and Policies 2.1, 2.1A, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9 and 2.10  
Policy 2.1: The size and shape of each lot is such that all lots can contain a dwelling with the necessary amenity in accordance with the permitted activity standards.  
Policy 2.1A: The shape and layout of lots enables dwellings and amenity areas to be orientated towards the sun.  
Policy 2.2: All lots have safe access from a formed legal road that complies with the access requirements of Rule 20.4.2. The lots are of a suitable size and shape to ensure sufficient room is available on site for vehicles to manoeuvre so as to enter and exit in a forward direction. All vehicle crossings are to be constructed in accordance with Council's ESDL for residential use. The common access to Lots 3 – 6 has a complying turning area at the end. The existing access of No 41 Abby Road is unaffected by any future access of the subdivision.  
Policy 2.3: The proposal does not involve the creation of or extension to any existing legal road as the property is at the end of a no exit road. Complying vehicle access is provided for each lot. Access to emergency vehicles is available for all lots from the end of the road and by the right of way. The proposal does not have any effects on the existing services or functionality of the existing road. Changes to the existing road and services are not required. Street lighting of any form is not required.

Policy 2.4: The development does not involve the disturbance of the natural landform or create any land instability. All lots have a safe building site with safe access and are not subject to any building restrictions. All stormwater is to be disposed of to the reticulated system. A geotechnical report is not required as there are not any earthworks or restructuring of land being required for the subdivision to be created.

Policy 2.5: Construction is limited to the building of the common access and services which is to occur without any adverse effects upon the property itself or any other adjoining property.

Policy 2.6: The subdivision does not require any alteration to the existing land form.

Policy 2.7: All lots are to be provided with lateral connections for sewage disposal from the Council main.

Policy 2.8: All lots are to be provided with a water supply connection from the Council main.

Policy 2.9: All lots are to be provided with a stormwater connection to the Council main. A secondary flow path exists along the right of way and into the adjoining gully. All lots are able to install stormwater retention tanks.

Policy 2.10: All lots are to be provided with electricity and telecom services from the utility services in the road.

### 6.3.3 Residential Objectives and Policies

- Objective 1 and Policies 1.1, 1.3 and 1.4

Policy 1.1: The development provides for residential housing on land that is undeveloped but zoned for that use.

Policy 1.3: The development uses existing services without the need to extend any of the public infrastructures.

Policy 1.4: The existing network infrastructure and services has sufficient capacity for the creation of an additional five lots.

- Objective 2 and Policy 2.1

The proposal enables residential development in accordance with the zone rules and not creating any adverse effects upon neighbouring or future properties.

- Objective 3 and Policies 3.1, 3.2 and 3.3

Policy 3.1: It is anticipated that the modern houses to be established on the lots will incorporate energy efficient design and water sensitive design techniques.

Policy 3.2: There is sufficient space on each lot for the on-site retention of stormwater runoff from impermeable surfaces at the anticipated rate of 3000 litres per 100m<sup>2</sup> of area.

Policy 3.3: The residential lots being created are on land that is not subject to any natural hazard.

### 6.3.4 Land Transport Objectives and Policies

- Objective 1 and Policy 1.5

The subdivision does not create any new roads. The vehicle accesses required for the subdivision fully comply with the standards as detailed in Item 3.2(d) of this application.

- Objective 3 and Policies 3.1, 3.2, 3.4

Policy 3.1: The traffic generated by the creation of 6 lots does not create any adverse effects upon the use of Abby Road.

Policy 3.2: The vehicle crossings for the proposed subdivision are able to be located in full compliance with the standards.

Policy 3.4: Each lot has ample space to provide at least one car park and manoeuvring space is available within the lot and/or in association with the right of way to ensure that all vehicles enter from and exit to Abby Road in a forward direction. A complying turning area is provided at the end of the right of way.

6.3.5 Natural Hazards Objectives and Policies

- Objective 1 Policy 1.1  
The development of the six lots is not within land that has been identified as having a natural hazard. Lot 100 contains all the land which may possibly be subject to a natural hazard being potential land instability of the Abby Road Gully that is identified as Limited Developable Land.
- Objective 2 Policies 2.1 and 2.2  
Policy 2.1: The subdivision of the six lots does not involve development on hazard-prone land as the land identified as Limited Developable land is entirely contained within Lot 100.  
Policy 2.2: Lots 1 – 6 do not involve any land which is subject to any land stability or is affected by any land identified as being Limited Developable Land. As Lots 1 – 6 are unaffected there is not any requirement for a geotechnical investigation or any mitigation measures being required.

6.4 An assessment on relevant matters to Part 2 of the Resource Management Act is provided as follows:

- The proposed subdivision is in accordance with s5 of the Act by enabling the development of the land in accordance with the objectives and policies of the District Plan while not creating any adverse effects.
- There is full compliance with the relevant matters identified in s7 of the Act as:
  - (a) Kaitiakitanga.  
The proposal is in accordance with intended use of the property.
  - (aa) The ethic of stewardship.  
The subdivision will not result in any change in use of the property from the existing residential purpose.
  - (b) The efficient use and management natural and physical resources.  
The subdivision is in accordance with the District Plan Policy for residential subdivision.
  - (ba) The efficiency of the end use of energy.  
Not applicable.
  - (c) The maintenance and enhancement of amenity values.  
The proposal will not result in any changes to the existing amenity of the adjoining dwellings or properties.
  - (d) Intrinsic values of ecosystems.  
Not applicable.
  - (f) Maintenance and enhancement of the quality of the environment.  
The proposal will result in an improvement to the existing environment by utilising land that is undeveloped.
  - (g) Any finite characteristics of natural and physical resources.  
Not applicable.
  - (h) The protection of the habitat of trout and salmon.  
Not applicable.
  - (i) The effects of climate change.  
Not applicable.
  - (j) The benefits to be derived from the use and development of renewable energy.  
Not applicable.

Overall the proposal achieves the sustainable management purposes of the Resource Management Act 1991.

**7.0 Other Matters**

- 7.1 The existing easement for services over the common access in favour of Lot 1 DP 484516, shown A, is to remain.
- 7.2 A minimum floor level for the new dwellings to be established on the property is not necessary as the Building Act 2004 requirements for floor levels to be at least 230mm above the ground provides adequate protection from any possible overland flow. Minimum floor levels have not been required for any other residential developments in the surrounding area.
- 7.3 An amalgamation condition is required to ensure that Lot 100 is amalgamated with Lot 1102 DP 519561.
- 7.4 Due to the shallow depth of the sewer main in Abby Road, Lots 3, 4, 5 and 6 will be required to install sewage pumps so as to discharge their sewage by a pressure lateral rather than conventional gravity drainage.
- 7.5 All stormwater from the lots is able to drain by gravity to the kerb or main in Abby Road. If deemed necessary Lots 1 – 6 have sufficient space for on site rainwater detention by tanks. These could have a capacity of 3000 litres per 100m<sup>2</sup> of impermeable surface per lot.

**8.0 Conclusion**

- 8.1 It is considered that Council must grant consent for the subdivision as the proposal is in full compliance with the District Plan objectives, policies and rules. Not granting the consent will lead to an inconsistency in the administration of or loss of public confidence in the District Plan.
- 8.2 Appropriate conditions to be imposed for the subdivision consent are considered to be as follows:
- 1) The proposed subdivision must be carried out in general accordance with the application received by Council on the 28 March 2019 including of the scheme plan by Pirie Consultants Ltd, Job N° 2043/192, Rev - stamped "Planning Approved" on the XX/XX/2019 and held on Council file SUB XXXX.
  - 2) 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 in the Cadastral Survey Dataset.
  - 3) Prior to requesting approval under Section 223 of the Resource Management Act 1991, the applicant must comply with the following:
    - (i) Submission of engineering plans in accordance with the Palmerston North Engineering Standards for Land Development (ESLD) prepared by a Chartered Professional Engineer or a Professional Surveyor with appropriate qualifications acceptable to Council. The plans must show all physical works including the construction of the access lot, stormwater, sewer and water supply services.
    - (ii) The Engineering Plans must be approved by Council.
    - (iii) The Consent Holder must appoint and have approved by Council a Technical Representative (being a Professional Surveyor or Chartered Professional Engineer) to monitor the construction of all approved works including the construction of any right of way, network and underground services in accordance with level CM3 of IPENZ construction monitoring set out in Council's ESLD.
    - (iv) The Consent Holder must ensure that the appointed Technical Representative contacts Council at the joint inspection points in accordance with Clause 1.21 (ESLD) Construction Monitoring.
    - (v) No physical works can be carried out until the above has been approved by Council.

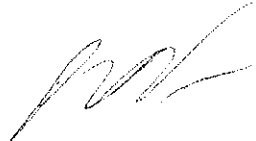


- (vi) The Consent Holder must ensure that an application is made to Council for the service connections to Council mains as this work must be performed by a Council approved contractor.
- 4) Prior to requesting approval under Section 224 of the Resource Management Act 1991 the Consent Holder must provide a written statement from the approved Technical Representative (under condition 3) confirming that:
- (i) The physical works have been completed in accordance with the engineering plans approved under Condition 3.
  - (ii) The physical works meet Council's Engineering Standards for Land Development 2015.
  - (iii) All requirements of Clause 1.31 of Council's Engineering Standards for Land Development 2015 have been provided to Council.
- 5) Prior to approval under Section 223 of the Resource Management Act 1991 and pursuant to Section 220(1)(b)(ii) of the Act 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 100 and Lot 1102 DP 510561 (CFR 817001) be held in the same Computer Register.  
See \*\*\*\*\*

8.3 I trust this is the information you require. Any queries please contact me.

Yours faithfully,



P. H. Pirie  
Consulting Surveyor



COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952

Search Copy



Identifier 686764  
Land Registration District Wellington  
Date Issued 22 October 2015

Prior References  
104249

---

|                   |                                 |
|-------------------|---------------------------------|
| Estate            | Fee Simple                      |
| Area              | 1.1063 hectares more or less    |
| Legal Description | Lot 2 Deposited Plan 484516     |
| Proprietors       | Aokautere Land Holdings Limited |

---

Interests

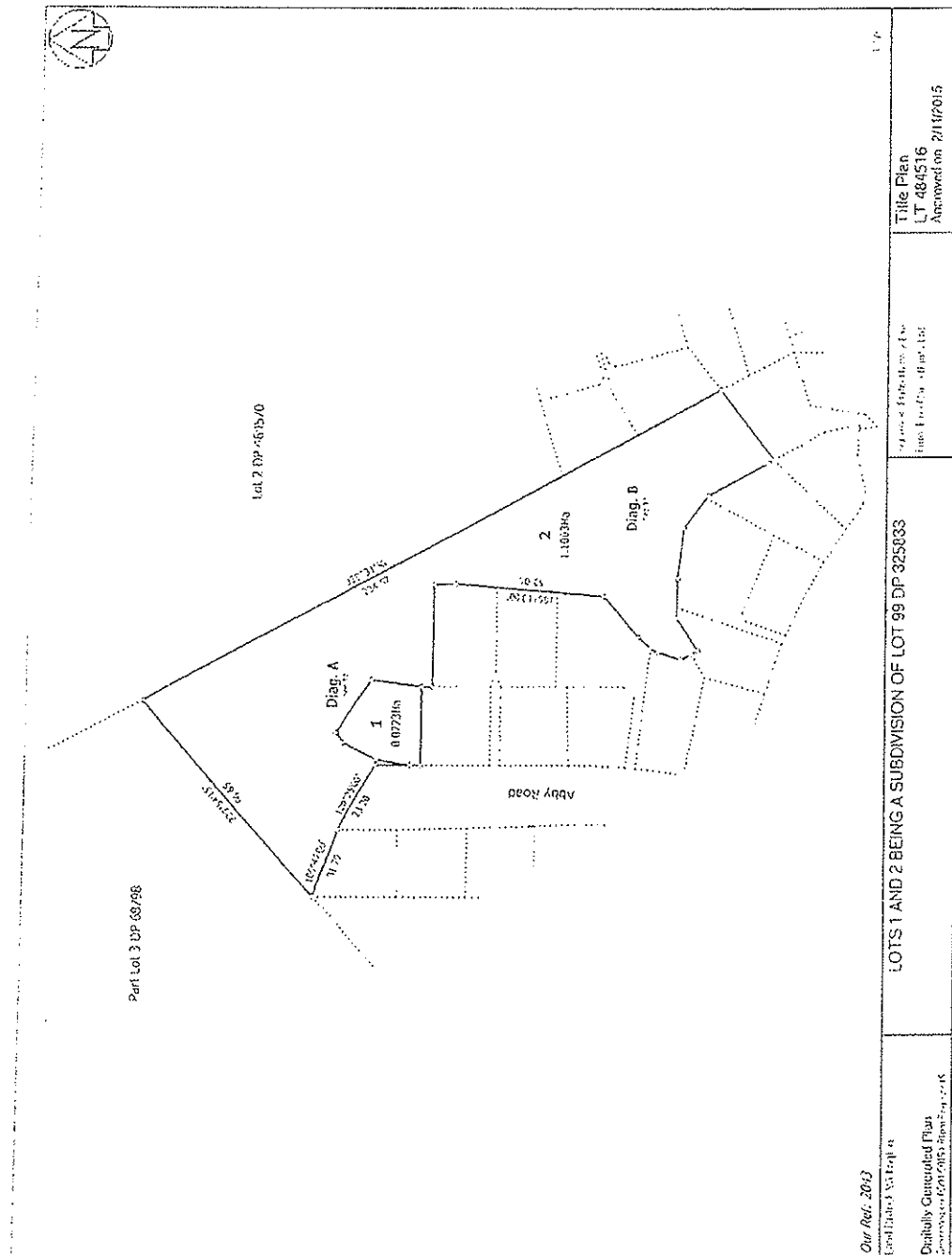
8927489.2 Mortgage to CTS Investments LLC - 1.12.2011 at 11:23 am

Subject to a right to convey electricity, gas, water, telecommunications and computer media, a right to drain sewage and water and a right of way over part marked A on DP 484516 created by Easement Instrument 10155604.3 - 22.10.2015 at 1:27 pm

10169351.2 Variation of Mortgage 8927489.2 - 17.11.2015 at 11:58 am

Identifier

686764





# COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Search Copy



Identifier **817001**  
Land Registration District **Wellington**  
Date Issued 14 February 2018

Prior References  
706790

---

|                                 |                                |
|---------------------------------|--------------------------------|
| Estate                          | Fee Simple                     |
| Area                            | 5.1792 hectares more or less   |
| Legal Description               | Lot 1102 Deposited Plan 519561 |
| Proprietors                     |                                |
| Aokautere Land Holdings Limited |                                |

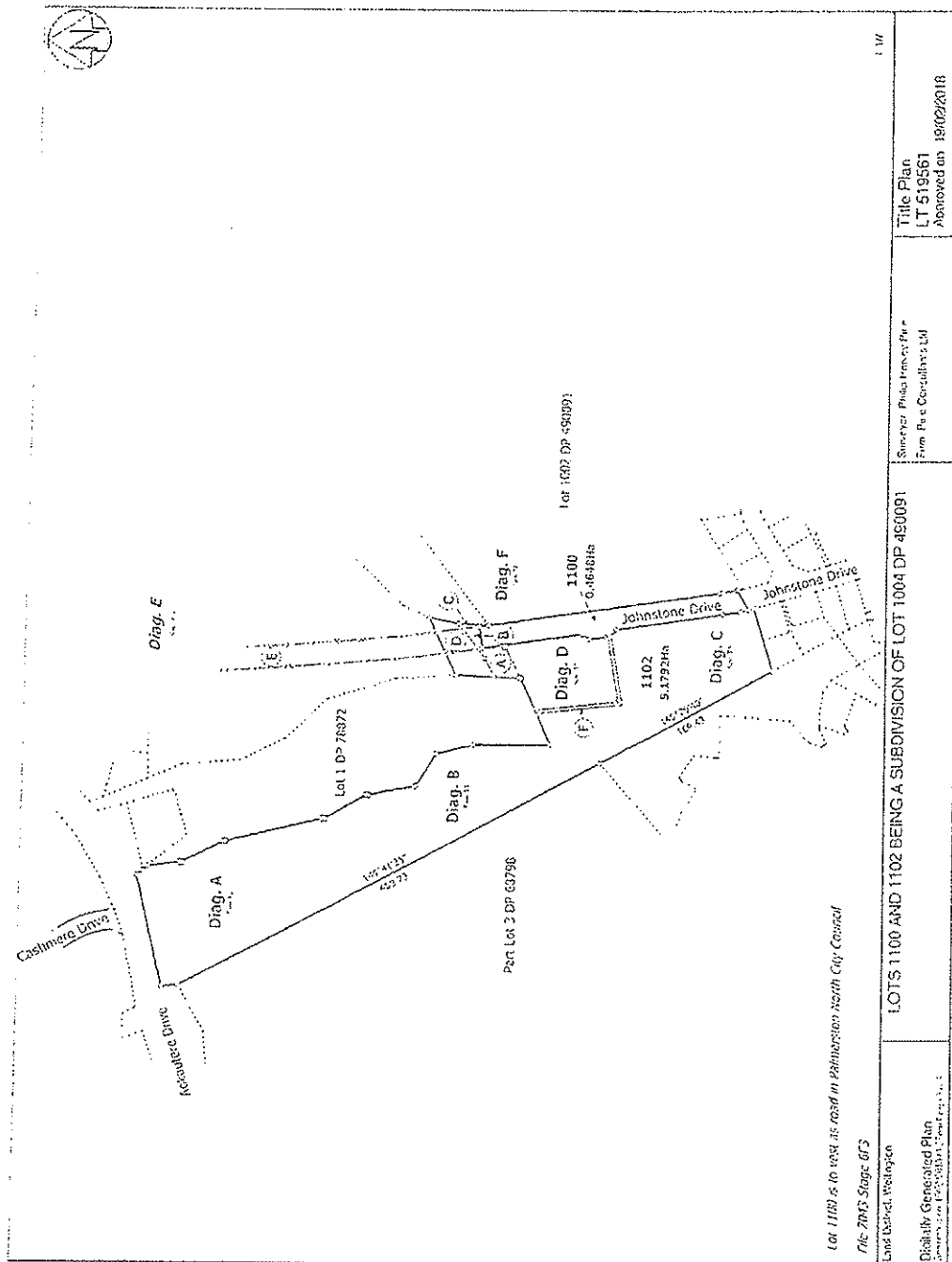
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## Interests

8927489.2 Mortgage to CFS Investments LLC - 1.12.2011 at 11:23 am  
 10169351.2 Variation of Mortgage 8927489.2 - 17.11.2015 at 11:58 am  
 10292952.3 Encumbrance to Palmerston North City Council - 18.12.2015 at 12:57 pm  
 10292952.5 Mortgage Priority Instrument making Encumbrance 10292952.3 first priority and Mortgage 8927489.2 second priority - 18.12.2015 at 12:57 pm  
 Subject to a right (in gross) to drain sewage and convey water over part marked B and D, a right to drain water over part marked B,C and F, and a right of way over part marked A,B and C all on DP 519561 in favour of Palmerston North City Council created by Easement Instrument 11001594.4 - 14.2.2018 at 10:53 am  
 The easements created by Easement Instrument 11001594.4 are subject to Section 243 (a) Resource Management Act 1991  
 Subject to a right (in gross) to convey telecommunications and computer media over part marked B and D DP 519561 in favour of Chorus New Zealand Limited created by Easement Instrument 11001594.5 - 14.2.2018 at 10:53 am  
 Subject to a right (in gross) to convey gas and electricity over part marked B and D DP 519561 in favour of Powerco Limited created by Easement Instrument 11001594.6 - 14.2.2018 at 10:53 am  
 Subject to a right (in gross) to convey electricity over part marked C DP 519561 in favour of Powerco Limited created by Easement Instrument 11001594.7 - 14.2.2018 at 10:53 am

Identifier

817001



## New Zealand Environmental Technologies Ltd



PO Box 40 339  
Upper Hutt, Wellington  
Ph: 04 526 4109  
Ph: 0274 492837

Email: [office@nzet.net.nz](mailto:office@nzet.net.nz)  
Web: [www.nzet.net.nz](http://www.nzet.net.nz)

### Abby Road Subdivision of Lot 523 -- Site Contamination Status

The National environmental standards for contaminated sites 2011<sup>1</sup>, require that sites which are known to have been occupied by activities on the HAIL list, or other sites on which similar activities are known to have occurred should be investigated to an appropriate standard commensurate with the activity<sup>2</sup>.

The fact that an activity or industry appears on the list does not mean that hazardous substances were used or stored on all sites occupied by that activity or industry, nor that a site of this sort will have hazardous substances present in the land. The list merely indicates that such activities and industries are more likely to use or store hazardous substances and therefore there is a greater probability of site contamination occurring than other uses or activities. Conversely, an activity or industry that does not appear on the list does not guarantee such a site will not be contaminated. Each case must be considered on its merits, considering the information at hand.

In applying the list, it must be remembered that particular activities are a small part of a particular industry, with the activity generally localised within larger sites. For example, animal dip sites are listed, but farming is not. This is because dip sites are only a small part of a farm and farming, and in general, do not have a high potential to spread contamination over the complete farm. Therefore, the possibility of contamination will only be for a part of the land.

The regulations require determinations and investigations to be undertaken by an appropriately experienced and qualified contaminated site practitioner. Stu Clark CP Eng has been investigating and reporting on contaminated sites since the mid 1980's, has reported and reviewed numerous sites and is considered an appropriate person.

A 2013 NZET report undertaken on the nearby Lot 691 DP407580, Stage 6C – Aokautere included site testing as there was a holding paddock where dipping / animal remedy treatment could have occurred. In that report samples were taken and came back with no contaminants found.

A later NZET report on stage 6.1C of the subdivision land involved sampling as the farm house and sheds were thought to have been used for storing farm chemical supplies. Some minor contamination was found but most likely related to historical paint removal from the house.

---

<sup>1</sup> Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

<sup>2</sup> Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand (Revised 2011), and for identifying sites for inclusion on local government land-use registers (see Contaminated Land Management Guidelines No. 4: Classification and Information Management Protocols).

NZET have now been asked to comment on the likely contaminated site status - need for investigation of the land associated within the proposed Abby Road Gully filling and creation of Lot 523 at the end of Abby Road.

Anecdotal evidence is that this land has always been in grazed pasture. Recent and older aerial photographs support this. Accordingly, in my professional opinion, there is no reason to infer any likelihood of contamination and not need to investigate this site further.

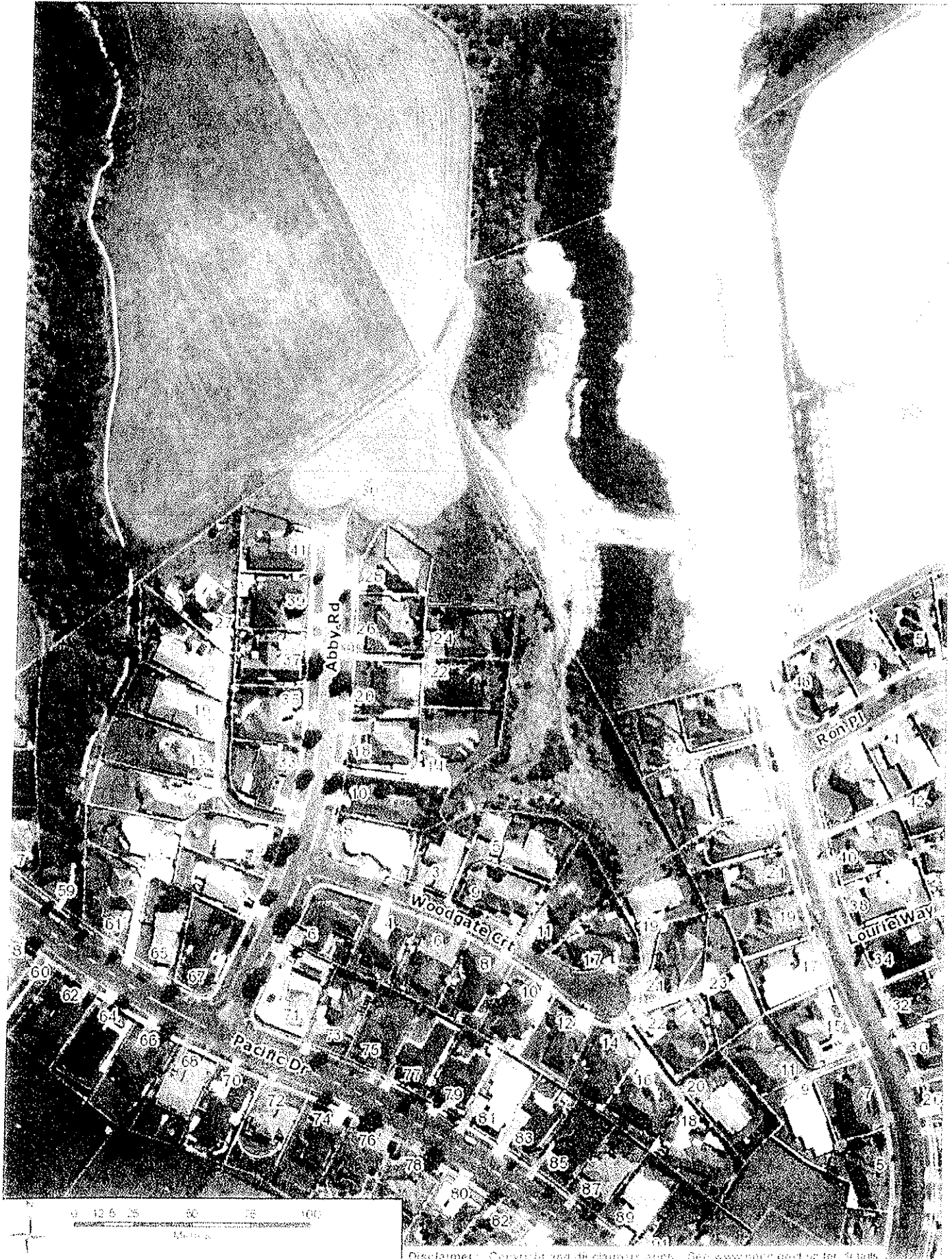
Stu Clark  
NZET (New Zealand Environmental Technologies Limited)

A handwritten signature in black ink, appearing to be 'Stu Clark', written in a cursive, looped style.

Stu Clark: C.P. Eng #548384  
29/3/2016

LocalMaps Print

PALMERSTON NORTH  
CITY COUNCIL



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Lot 100 to be Amalgamated with Lot 101  
 Area shown A is an existing easement  
 Contours at 1m interval

Legal Description:  
 Lot 100 DP 484516  
 CFE 686764  
 Total Area 1.1063ha

This document was prepared for the Client for the purpose of obtaining subdivision consent only and is not to be used for any other purpose by any other party without the written consent of the consultant. Areas and dimensions are to be confirmed by survey.



168 Grey Street  
 Palmerston North  
 PO BOX 10050  
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 0800 WE SURVEY  
 0800 93 78 78  
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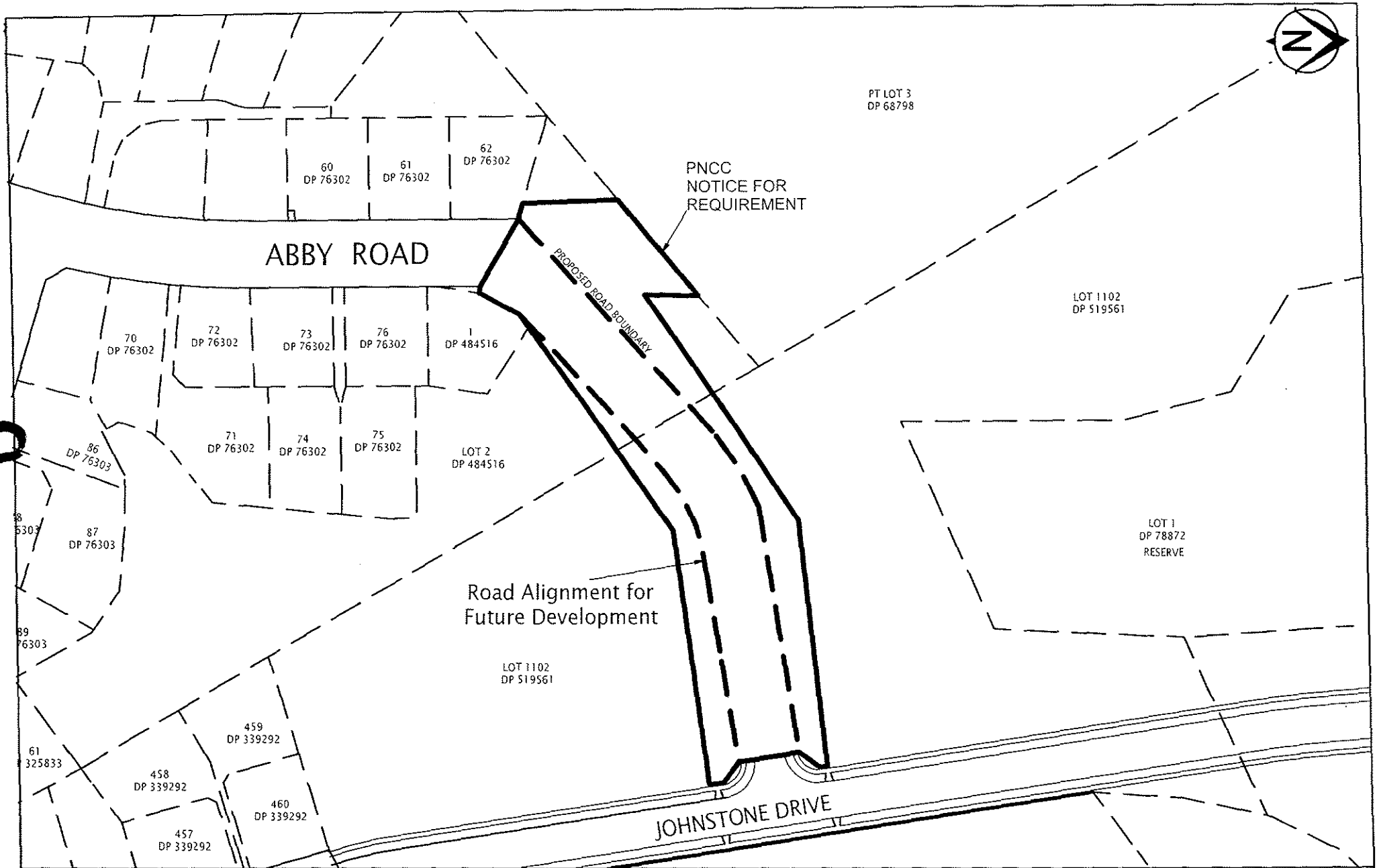
STAGE 6F8-3  
 PALMERSTON NORTH

SUBDIVISION CONSENT FOR  
 AOKAUTERE LAND HOLDINGS LTD

Date: MARCH 2019  
 Scale: (A3 size) 1:1000  
 Job No. 2043/192  
 SHEET 1 OF 1

REV -

110



168 Grey Street  
Palmerston North  
PO BOX 10050

Ph 06 357 5383  
Fax 06 354 0340  
0800 WE SURVEY  
0800 93 78 78

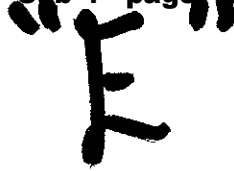
enquiries@pirieconsultants.co.nz  
www.pirieconsultants.co.nz

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AOKAUTERE LAND  
HOLDINGS LTD

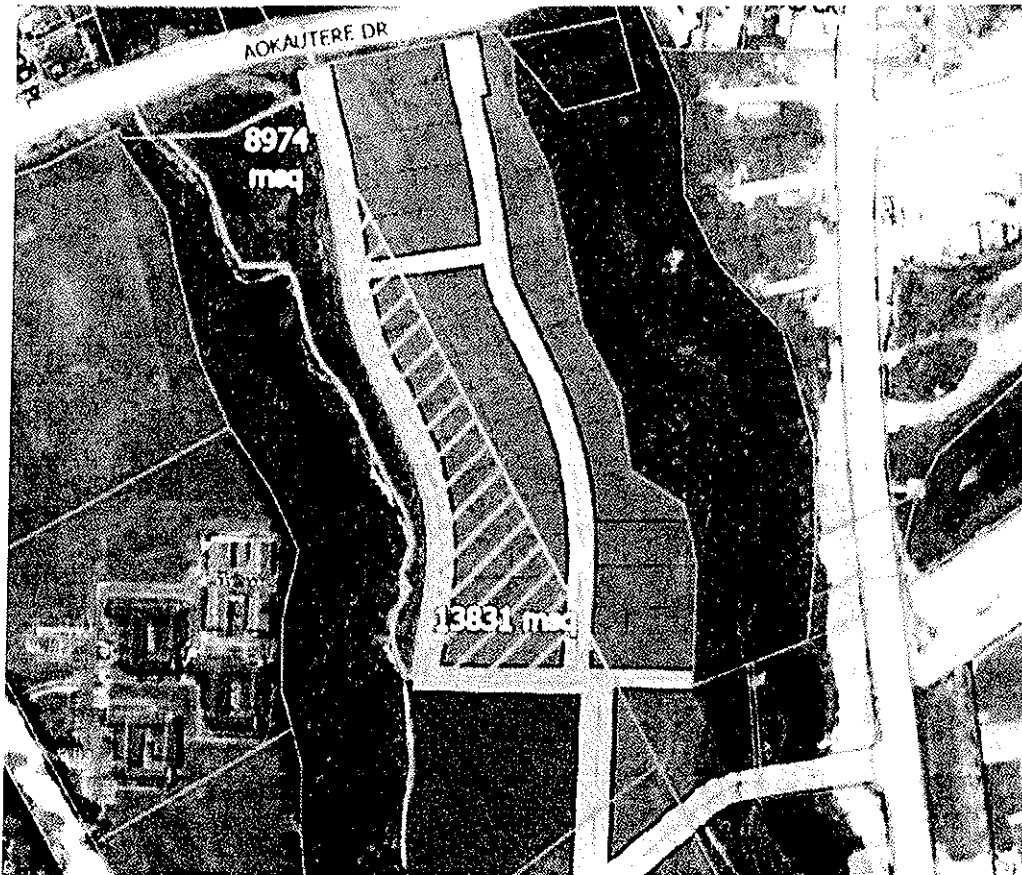
ABBY ROAD EXTENSION  
NOTICE FOR REQUIREMENT

|                    |                   |          |
|--------------------|-------------------|----------|
| Date               | FEBRUARY 2020     |          |
| Scale (if A3 size) | Job No.           | 2043-198 |
| 1:1000             | Sheet 1 of 1 Rev. |          |



## VALUATION REPORT

---



**Aokautere Drive, Palmerston North, 4471**

**Residential - Vacant Land Block**

---

CLIENT Palmerston North City Council

ATTENTION David Murphy

VALUATION DATE 12 November 2019

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## 2.0 DOCUMENT HISTORY

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|                             |                  |
|-----------------------------|------------------|
| <b>Blackmores Reference</b> | 63190            |
| <b>Issue Number</b>         | 1                |
| <b>Issue Date</b>           | 20 November 2019 |

### 3.0 EXECUTIVE SUMMARY

---

#### INSTRUCTIONS

|                      |                               |
|----------------------|-------------------------------|
| <b>Instructed by</b> | Palmerston North City Council |
| <b>Client</b>        | Palmerston North City Council |

#### PROPERTY DETAILS

|                          |   |
|--------------------------|---|
| <b>Property Address</b>  | <b>Aokautere Drive, Palmerston North, 4471</b>  |
| <b>Brief Description</b> | Under consideration is a vacant land holding, being part of a larger PNCC owned block, currently zoned Recreation, but assumed to be zoned Residential, as borders the reserve known as Adderstone Park located within the developing Fitzherbert suburb, some 5 kilometres south east of Palmerston North City Centre. On site improvements are currently limited to some post and wire fencing and pasture cover with a gently sloping near flat contour and being slightly elevated above neighbouring land with appealing outlook over reserve and to the north west the city. The proposed block adjoins a large residential block which presently lacks formed access though proposed access will be via Abby Road and also a link road off Johnstone Drive. Our valuation assumes adequate access can be gained at realistic cost. |
| <b>Type of Property</b>  | Vacant Block Land   |
| <b>Tenure</b>            | Fee Simple  |
| <b>Legal Description</b> | Part of Part Lot 3 Deposited Plan 68798   |
| <b>Record of Title</b>   | WN48B/598   |
| <b>Zoning</b>            | Assumed Residential - Palmerston North City Council Operative District Plan   |
| <b>Land Area</b>         | 1.3831 hectares   |

#### VALUATION SUMMARY

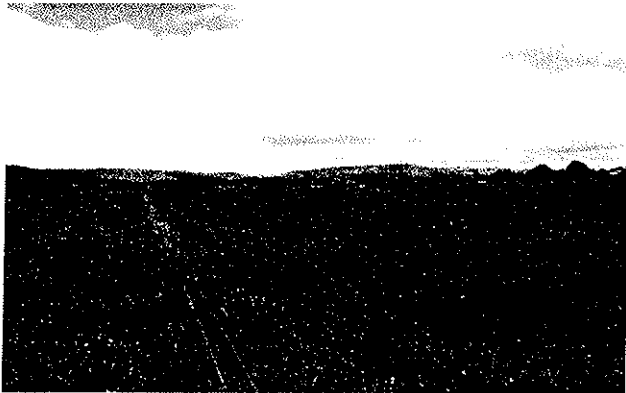
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|                                   |  |
|-----------------------------------|--|
| <b>Valuation as at:</b>           | <b>\$1,380,000 plus GST, if any</b>                        |
| 12 November 2019                  | <b>(One Million Eight Hundred Thousand dollars)</b>        |
| <b>Valuer and Qualifications:</b> | Bruce Lavender (FNZIV, FPINZ) Registered Valuer   Director |
| <b>Role in Valuation Report:</b>  | Property Inspection/Principal Valuer                       |

Details of Special Assumptions (if applicable) are referenced under the heading **5.0 Terms of Engagement**. Any significant risks with the property (if applicable) are outlined under the heading **10.0 Property Risk Analysis**.

## 4.0 PHOTOGRAPHS

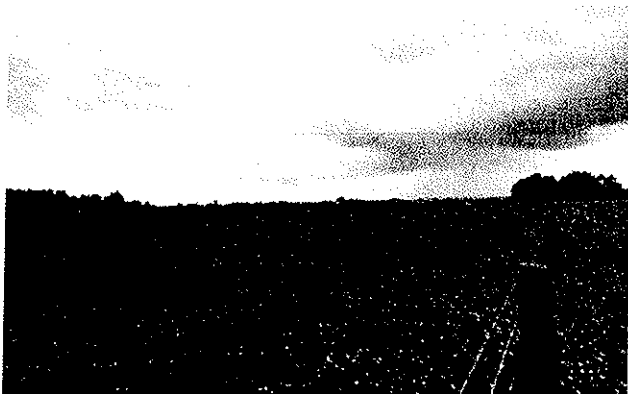
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Site from northern west boundary looking south



Site from northern west boundary looking north



Site from mid east boundary looking north



Site from mid east boundary looking south



Block from Southern End.



Block from southern end

## 5.0 TERMS OF ENGAGEMENT

|   |  |
|---|--|
| <b>Client</b>   | Palmerston North City Council  |
| <b>Property Address</b>                               | Aokautere Drive, Palmerston North, 4471  |
| <b>Purpose of Valuation</b>                           | Possible Sale  |
| <b>Inspection Date</b>                                | 12 November 2019   |
| <b>Valuation Date</b>                                 | 12 November 2019   |
| <b>Valuers Experience</b>                             | The principal signatory has a minimum of five years experience in valuing the subject class of asset, has all appropriate qualifications and registrations enabling them to practice as a Valuer and has not been subject at any stage to disciplinary action by the relevant professional governing body.   |
| <b>Independence</b>                                   | The signatory(ies) has no direct or indirect pecuniary or other interests in the property being valued, and is not aware of any other potential conflicts of interest.   |
| <b>Basis of Valuation</b>                             | <p>Market Value</p> <p>International Valuation Standards (IVS) 2017 define Market Value as: "the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing and where the parties had each acted knowledgeably, prudently, and without compulsion".</p>   |
| <b>Valuation Standards</b>                            | <p>Our valuation report has been prepared in accordance with International Valuation Standards (IVS) 2017, Australia and New Zealand Valuation Property Standards 2012, NZIV/PINZ Code of Ethics. In particular we have adhered to the following standards and guidelines:</p> <ul style="list-style-type: none"> <li>➤ IVS - Framework</li> <li>➤ IVS 101 - Terms of Engagement</li> <li>➤ IVS 102 - Investigations and Compliance</li> <li>➤ IVS 103 - Reporting</li> <li>➤ IVS 104 - Bases of Value</li> <li>➤ IVS 105 - Valuation Approaches and Methods</li> <li>➤ IVS 400 - Real Property Interests</li> <li>➤ ANZVTIP 11 - Valuation Procedures - Real Property</li> <li>➤ ANZRPNG 1 - Disclaimer Clauses &amp; Qualification Statements</li> </ul> |
| <b>Extent of Investigation</b>                        | An external inspection of the subject property is undertaken with a roadside viewing and analysis of comparable sales. This does not include a search of Council Records unless specifically requested.  |
| <b>Nature &amp; Source of Information Relied Upon</b> | Valuation data and information has been sourced from but is not limited to the Blackmores Inhouse Database, Real Estate Institute of New Zealand, Property Guru: CoreLogic New Zealand, Headway Systems Limited, relevant Local Authority(s) and local Property Professionals.   |
| <b>Special Assumptions</b>                            | Our valuation includes and is conditional upon the details outlined under the heading Special Assumptions. Reference is also noted you to details noted under the above heading Extent of Investigation and General Valuation Policies & Disclosures which form part of our valuation report.  |

## 6.0 THE PROPERTY

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### 6.1 LEGAL DESCRIPTION

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|   |   |
|---|---|
| <b>Tenure</b>                           | Fee Simple                              |
| <b>Appellation</b>                      | Part of Part Lot 3 Deposited Plan 68798 |
| <b>Record of Title (ROT)</b>            | WN48B/598                               |
| <b>Land Registration District (LRD)</b> | Wellington                              |
| <b>Land Area</b>                        | Proposed 1.3831 hectares                |

#### **Owner(s)**

Palmerston North City Council

#### **Registered Interests**

Our valuation is provided on the basis of Fee Simple property interest being available for transfer free of any mortgage or charge.

### 6.2 ZONING

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Assumed Residential - Palmerston North City Council Operative District Plan

Residential accommodation is a Permitted Activity within this zone subject to compliance with a number of specific performance conditions. Such performance conditions relate to matters such as building height, boundary separation distances, access and parking together with outdoor amenities. Valuation is provided on the basis that all onsite development has been legally established, that the property benefits from existing use rights, and in the case of an insured event could be satisfactorily reinstated.

### 6.3 RATING VALUATION

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The Rating Value does not relate to property given reduced size and proposed zoning.

### 6.4 RATES

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Not assessed under proposed area

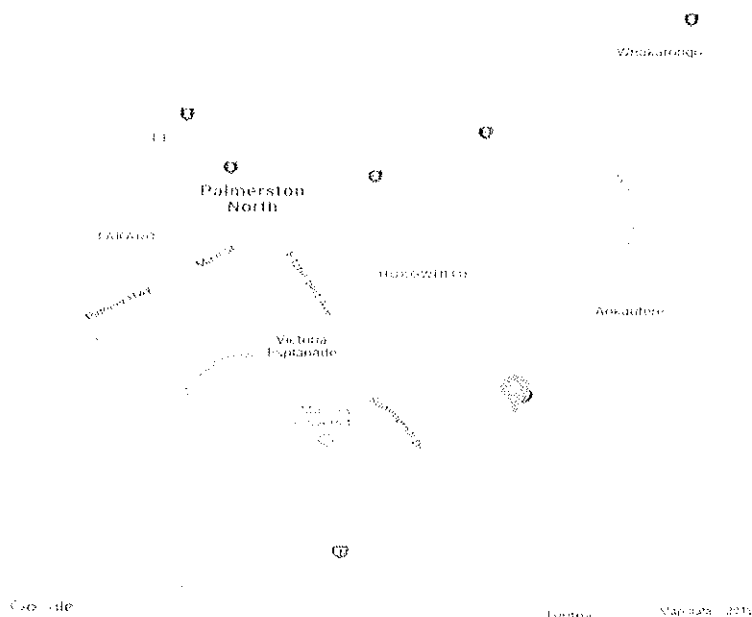


## 6.5 LOCATION

|                                |  |
|--------------------------------|--|
| <b>Suburb/Town</b>             | Fitzherbert  |
| <b>Distance CBD</b>            | 5.0 kilometres   |
| <b>Amenities</b>               | City amenities including social, cultural, recreational and commercial facilities all readily accessible, generally within 5-10 minutes drive. |
| <b>Surrounding Development</b> | Currently vacant residentially zoned land along with reserve to western boundary. Further afield are new residential sites and dwellings.      |

This area of the southern side of the Manawatu River is variously referred to as Fitzherbert/Aokautere. Development within this area predominantly occurred subsequent to the late 1950's, with significant new greenfield subdivision occurring from the 1990's through to the present day. Such include the Summerhill and Pacific Heights new subdivisions. Nearest schooling on this side of the river are Turitea and Aokautere Primary schools. Other schooling is in the City proper, although we do note a new Christian Intermediate/Secondary School has been constructed off Johnstone Drive. Also within the suburb is the International Pacific University and Massey University. The suburb benefits from a range of parks, reserves and local shopping.

Palmerston North with a population of some 89,000 has established itself as a major distribution hub for the lower North Island. Over the past 10 years significant commercial and industrial development has stimulated local economy growth. The City is in close proximity to Ohakea Airbase, Linton Military Camp, and has strong tertiary connections with Massey University, Universal College of Learning, and International Pacific University. Recently, a \$40 million relocation of the KiwiRail yards will further enhance Palmerston North Distribution Sector.



Source: Google Street Maps

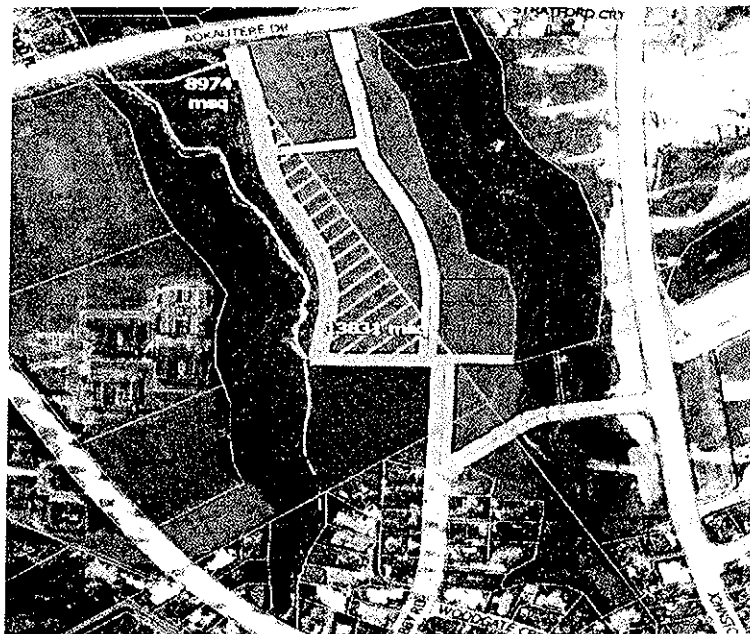
## 6.6 LAND

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|                  |   |
|------------------|---|
| <b>Contour</b>   | Gently sloping  |
| <b>Shape</b>     | Triangular  |
| <b>Land Area</b> | 1.3831 hectares   |
| <b>Access</b>    | Proposed road   |
| <b>Services</b>  | Proposed electricity, telecommunications, water, sewage, stormwater and gas   |
| <b>Views</b>     | Some over adjacent reserve  |
| <b>Other</b>     | The identified block currently forms a larger reserve block but is proposed to be rezoned Residential which will allow development in due course with formed access some distance away off either Abby Road or a link from Johnstone Drive. |

## 6.7 AERIAL PHOTO

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## 6.8 IMPROVEMENTS

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### Existing Improvements

Block as is is a vacant site with some post and wire boundary fencing and standard paddock cover.

## 7.0 VALUATION METHODOLOGY

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In establishing the Market Value of the property, we have used accepted valuation approaches including the following method(s):

- Direct Sales Comparison Approach
- Hypothetical Subdivision Approach

Our approach to direct sales comparison valuation involves an analysis of comparable open market sales, with appropriate adjustments for location, section size, contour, views, aspect, overall saleability etc made to reflect the characteristics of the subject property. Sales of similar properties are limited within the current market in Palmerston North. As such we have considered sales in the wider locality as well as some transactions which are now a little dated to assist in establishing market parameters.

Given block size and location we have also considered a hypothetical subdivision approach.

## 8.0 MARKET COMMENTARY & CONCLUSIONS

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### 8.1 MARKET OVERVIEW

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The Palmerston North property market has experienced considerable growth in the residential sector over the period from early 2016 through to the present day. The average house price increased from \$372,000 in October 2016 to \$504,000 in October 2019, with an average annual increase of 10.65% (Source: REINZ Statistics). To date there is no evidence to suggest that market growth is slowing, although some of the larger Cities in New Zealand appear to have passed the 'peak' of the market cycle. Real Estate Agencies continue to report a shortage of listings. Main demand remains under \$500,000, particularly from first home owners. We see little change to this situation in the short term.

The New Zealand economy remains steady with unemployment, inflation and the exchange rate all close to average or neutral levels. Late 2018 saw an economic slowdown although momentum is anticipated in the latter half of 2019 whilst some economists are predicting a slowdown in the early 2020's. New Zealand's annual net migration has been in the range of 48,000 to 64,000 since 2014, the highest levels seen since the early 2000's. Most recent estimates for year ending 2019 is some 56,000.

Whilst there is some global economic instability, Palmerston North and the wider Manawatu area has a strong local economy underpinned by investment revolving around such business activities as farming, education, research institutes, defence forces establishment and industrial activities. Significantly its strategic location in the lower North Island has led to the City becoming a major distribution and logistics hub over the past 15 years.

The official cash rate (OCR) is at historically low levels, having been stagnant at 1.75% since November 2016, before being decreased to 1.5% in May 2019, and most recently to 1% in August 2019. Both floating and fixed term interest rates have continued to drop in line with the changes to the OCR.

Loan to value ratio (LVR) restrictions were enforced by the Reserve Bank in 2013. These restrictions mean that only 20% of new lending for owner-occupied residential properties can have an LVR of more than 80% (20% deposit or less), with most investors requiring a minimum deposit of 30%. Exemptions do apply for new housing. Incentives and grants are also available to build new dwellings and existing properties for first home owners.

## VALUATION BASIS AND CONSIDERATIONS

Valuations of this type are amongst the most difficult a Valuer can undertake. There can be, and in this particular instance are, a significant number of factors, potential restrictions and/or costs which can ultimately influence realisable worth. Nonetheless we highlight, as best, those apparent issues and assumptions adopted when providing a considered assessment to the property worth.

1. TLA's eg Manawatu District and Palmerston North City have been far more active over recent years in identifying and protecting (though the district plan) peripheral land which may ultimately be suitable for residential or industrial subdivision. This process is in our view part driven by market demand or perhaps more importantly statutory requirement. Nonetheless we are experiencing an improving underlying market sentiment and uptake of all such property categories.
2. Developers have seen an increase in cost in realizing such land through in particular imposition of local authority development contribution and infrastructural cost. This coupled with risk around in relation to individual site realization can render such blocks as unsuitable for subdivision.
3. The bulk of this type of land within Palmerston North is held by a small number of developers where ownership motivation is driven by:
  - a. The desire to control the supply of land within each category of land type.
  - b. An attempt to maximize land development profit through the undertaking of full development packages (ie beyond the sale of land only)

Those factors requiring consideration when in viewing the subject property include:

- a. There has over the last 3-4 years been a significant uptake in residentially zoned land within Palmerston North and its environs particularly to its southern periphery.
- b. The land is now suitably zoned for development albeit there remain questions around services provision.
- c. There is land around Palmerston North identified for rezoning within the foreseeable future thus significantly increasing supply.
- d. The said land remains currently land locked but offers in some instances view/aspect which would assist individual realization of sites.

- e. We have not party to any TLA documentation around rezoning, in particular whether the land is susceptible to liquefaction ie it is assumed that the property is physically able to be subdivided (normal TLA consent issues aside) with each individual allotment providing a suitable building platform without undue cost or constraint.
- f. Determining residential development period and likely uptake of land and infrastructural costs would significantly influence property purchase and thus price.

With care, we have outlined considerations to valuation. The property given proposed zoning physically would appear to be suitable for subdivision whilst acknowledging there is now a steady supply of this property type in and around Palmerston North. The property market remains bullish however any market softening may render the land marginal for development albeit a developer may look to landbank this holding.

Valuation opinion must be market based ie what would a potential informed purchaser pay for this property retaining full market knowledge, understanding of progression costs and delays. Uncertainty around all these factors makes such exercise particularly difficult. As such this document should **not** be utilised for third party reliance.

It remains difficult to provide a definitive valuation upon subject land unless viewed solely from a rural context which is not, in our opinion, a correct viewing. Value lies between underlying rural worth and 'ripe' residential worth. To be clear there is no absolute evidence to support valuation opinion. We rely upon a limited quantum of sales relating to holdings purchased for immediate or pending development (residential/industrial) or landbanking. Particular care has to be undertaken with such sales with each land holding demonstrating individual traits influencing worth. Nonetheless sales of interest include the following for possible vacant sites, rural blocks and larger land holdings. We also note older sales considered still of relevance.

## 8.2 SALES EVIDENCE

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**21 Monaco Grove** **18 September 2019** **\$235,000**


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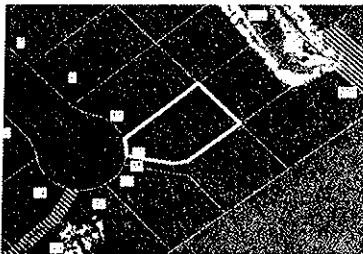


Land Area 916 m<sup>2</sup>  
 Contour Level  
 Services At road  
 General Comment Rear site off shared access in cul de sac bowl  
 Comparison Slightly inferior. Further distant and rear site

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**13 Cyprus Place** **28 February 2019** **\$235,000**


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Land Area 614 m<sup>2</sup>  
 Contour Level  
 Services Town services at boundary.  
 General Comment Vacant holding in new subdivision off Pacific Drive.  
 Comparison Inferior. Near power lines

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**12 Atlantic Drive** **29 May 2019** **\$239,000**


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Land Area 702 m<sup>2</sup>  
 Contour Level  
 Services At road  
 General Comment Standard front site in greenfield subdivision. Equates to \$340 psm  
 Comparison Slightly inferior. Further distant, no outlook

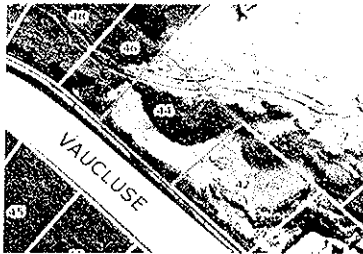
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**29 Vacluse Heights** **27 June 2019** **\$280,000**

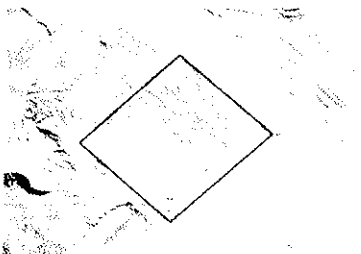

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Land Area 1,190 m<sup>2</sup>  
 Contour Level then falling  
 Services At road  
 General Comment Regular shaped front site in new subdivision with gully at rear  
 Comparison Similar. Larger but similar outlook

**34 Vaucluse Heights****3 May 2019****\$280,000**

|                 |   |
|-----------------|---|
| Land Area       | 752 m <sup>2</sup>  |
| Contour         | Level   |
| Services        | All town services at road boundary.   |
| General Comment | Levelled site in new greenfield subdivision in Fitzherbert with limited views. Equates to \$372 psm |
| Comparison      | Similar. Popular location   |

**10 Edenmore Terrace****10 June 2019****\$288,000**

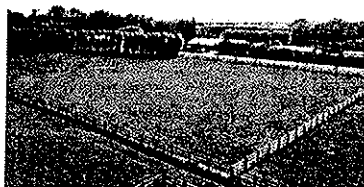
|                 |  |
|-----------------|--|
| Land Area       | 732 m <sup>2</sup>   |
| Contour         | Level  |
| Services        | At boundary  |
| General Comment | Vacant site in new Fitzherbert subdivision. Equates to \$393 psm |
| Comparison      | Similar. Nearby, lacks outlook                                   |

**36 Cyprus Place****15 May 2019****\$299,000**

|                 |  |
|-----------------|--|
| Land Area       | 1,068 m <sup>2</sup>                               |
| Contour         | Level  |
| Services        | At road  |
| General Comment | Rear site off shared access with wide valley views |
| Comparison      |  |

Above sales indicate likely vacant sites once developed would achieve an average price of \$275,000 including GST

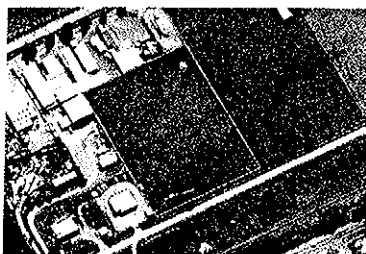
## Vacant Rural/Industrial Land Sales

**16 Pheasant Lane**                      **23 July 2019**                      **\$320,000**


|                 |   |
|-----------------|---|
| Land Area       | 5,508 m <sup>2</sup>  |
| Contour         | Level   |
| Services        | Electricity and telecommunications.   |
| General Comment | Vacant lifestyle/rural residential block in newly developed lifestyle subdivision in Aokautere. |
| Comparison      | Inferior. Vacant rural block. Equates to \$58.08 psm  |

**14 Flyers Line**                      **7 May 2019**                      **\$340,000**


|                 |  |
|-----------------|--|
| Land Area       | 1.0033 hectares  |
| Contour         | Level  |
| Services        | Part   |
| General Comment | Triangular shaped site fronting Flyers Line and corner of Milson Line. |
| Comparison      | Inferior. Rural zone block on fringe of city. Equates to \$33.89 psm   |

**36-44 Custom Street**                      **4 June 2019**                      **\$900,000**


|                 |  |
|-----------------|--|
| Land Area       | 1.3701 hectares  |
| Contour         | Flat   |
| Services        | At road  |
| General Comment | Regular shaped Industrial zoned site in Ashhurst. Equates to \$65.69 psm |
| Comparison      | Inferior. Fringe industrial land   |

Lifestyle and Industrial sales of similar size blocks reflect \$33 psm up to \$65 psm



## VACANT BLOCK SALES

**656 Pioneer Highway                      12 September 2017                      \$1,074,000**


|                 |   |
|-----------------|---|
| Land Area       | 4,279 m <sup>2</sup>  |
| Contour         | Flat  |
| Services        | All at road   |
| General Comment | Ex Palmers Garden centre, zoned residential includes 660 Pioneer Highway. Equates to \$250 psm. Previously sold June 2016 for \$550,000 |
| Comparison      | Superior. Smaller with road frontage and services. Older sale   |

**180 Ranfurly Road, Feilding                      22 November 2018                      \$1,390,000**


|                 |   |
|-----------------|---|
| Land Area       | 3.6705 hectares   |
| Contour         | Level   |
| Services        | At road   |
| General Comment | Large block of land in two titles on Western fringe of township. Equates to \$37.87 psm |
| Comparison      | Slightly inferior. Fringe Feilding location, higher development costs                   |

**108 Roberts Line                      24 October 2018                      \$2,300,000**


|                 |  |
|-----------------|--|
| Land Area       | 9,743 m <sup>2</sup>   |
| Contour         | Level  |
| Services        | At roads   |
| General Comment | Ex Westmont school site with frontages also to Peppertree and Daniel Place. Equates to \$236 psm |
| Comparison      | Superior. Similar size block but with services and access formed                                 |

We also note the following earlier sales of a mix of residential and industrial blocks

- **68 James Line, Palmerston North**

Sold May 2009

**\$1,000,000**

A flat slightly irregular shaped 1.6163 hectare holding. Subsequently subdivided into 25 residential standard sections. Analysed sale price \$55 per square metre. Individual site values approximate \$150,000. Older sale of interest

- **131 Atawhai Road, Palmerston North**

Sold March 2013

\$978,260

Provides for a 1.6163 hectare contoured block requiring earthworks. To provide for some 21 sites. Preferred residential location. Land sale equates to \$60.50 per square metre. Individual site values approximate \$180,000.

- **239-255 El Prado Drive, Palmerston North**

Sold December 2015

\$24,400,000

Provides the sale, to one entity, of the balance of the North East Industrial estate. Provides for a 43.165 hectare holding in several titles with full infrastructure availability. Analysed sale price \$56 psm.

- **Johnstone Drive, Palmerston North**

Sold July 2015

\$5,100,000

Provides for residentially zoned allotment purchased for development of school. Land sale price \$86 psm. Very useful comparison

As can be seen, sales are neither extensive nor compelling. Many of them are now dated and in circumstances where underlying retail land worth has changed considerably. Nonetheless these sales in our view do provide some assistance in determining land worth.

Older greenfield sales reflect rates from \$55 psm to \$86 psm while the more recent Ranfurly Road sale at \$37.87 psm reflects higher development levies and lower section prices in Feilding.

The two recent Palmerston North block sales enjoy road frontage and services with immediate development possibility reflecting prices paid at \$236 psm to \$250 psm.

### 8.3 VALUATION WORKINGS

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Based upon the following we provide the following valuation workings.

#### Subdivision Approach

##### Assumptions

- Optimum subdivision assumed say 15 sites
- Each lot provides suitable building platform
- Appropriate land covenant to be registered against titles
- Development Period 1 year
- Realisation Period 2.5 years

#### Gross Realisation (GST incl)

|                                  |             |             |
|----------------------------------|-------------|-------------|
| 15 @ \$275,000 (ave) \$4,140,000 | \$4,125,000 |             |
| GST Adjustment                   | \$538,043   |             |
|                                  | -----       |             |
|                                  | \$3,586,957 |             |
| Legal/Agency Fees                | \$177,188   |             |
|                                  | -----       |             |
|                                  | \$3,409,769 |             |
| Profit & Risk                    |             |             |
| 25/125 x outlay Adopt            | \$681,954   |             |
|                                  | -----       |             |
|                                  |             | \$2,727,815 |

#### Costs (estimates only)

|                                       |           |                    |
|---------------------------------------|-----------|--------------------|
| Infrastructure/Fees 15 @ \$55,000     | \$830,000 |                    |
| Development Contribution 14 @ \$9,000 | \$126,000 |                    |
| Interest                              |           |                    |
| Development Period                    |           |                    |
| ½ Realisation – say                   | \$326,000 |                    |
| Rates                                 | \$31,000  |                    |
| Purchase/Contingency                  | \$35,000  | \$1,348,000        |
|                                       | -----     | -----              |
|                                       |           | \$1,379,727        |
| <b>INDICATED VALUE</b>                |           | <b>\$1,380,000</b> |

(Indicated Value/psm \$99.78 psm)

## 8.4 RECONCILIATION

In determining our adopted value of \$1,380,000 we consider the property has a value range of between \$1,350,000 and \$1,400,000. Although we note there are a very limited number of recent directly comparable sales within the current market, there is sufficient evidence to reach valuation conclusion, along with subdivision approach.

Most comparable sale is the earlier Johnstone Drive block being a larger site and sold when section sale prices were significantly less than present. Certainly a unique block given shape, position and setting but one which would be desirable for future development upon road access being created.

By reference to these sales and in a wider viewing of sales activity within Palmerston North, we consider our assessment to provide a realistic market value.

## 9.0 VALUATION

We assess the Market Value of the subject property as at 12 November 2019:

|                                     |                    |
|-------------------------------------|--------------------|
| Improvements Value                  | \$0                |
| Land: 1.3831 hectares               | \$1,380,000        |
| Total Value – Land & Improvements   | \$1,380,000        |
| <b>Market Value plus GST if any</b> | <b>\$1,380,000</b> |

## SPECIAL ASSUMPTIONS

As noted there are a number of assumption within our valuation assessment. These include:

- land being rezoned residential and no underlying restrictions
- land enjoying some legal access if not amalgamated
- suitable building platforms and services available

## 10.0 PROPERTY RISK ANALYSIS

Risk Ratings represent the level of adverse impact each stated risk aspect may have on the Market Value of the subject property and/or marketability. A Risk Rating of 1-2 reflects no aspect requiring further addition comment. A Risk Rating of 3-4 are an indication of adverse aspect typically requiring further comment. A Risk Rating of 5 indicates a significant adverse aspect that could have a major impact on value and/or marketability. The Risk Assessment herein forms part of the full valuation report and must not be relied upon in isolation, and is limited to the Valuer's areas of expertise.

| Property Risk Rating*         | 1 | 2 | 3 | 4 | 5 | Market Risk Rating*       | 1 | 2 | 3 | 4 | 5 |
|-------------------------------|---|---|---|---|---|---------------------------|---|---|---|---|---|
| Location/Neighbourhood        |   | 2 |   |   |   | Recent Market Direction   |   | 2 |   |   |   |
| Land (incl. Planning & Title) |   |   | 3 |   |   | Market Volatility         |   | 2 |   |   |   |
| Environmental Issues          |   | 2 |   |   |   | Local Economy Impact      |   | 2 |   |   |   |
| Improvements                  | 1 |   |   |   |   | Market Segment Conditions |   | 2 |   |   |   |

Risk Ratings: 1 = Low, 2 = Low to Medium, 3 = Medium, 4 = Medium to High, 5 = High

### Property Risk Comment

We consider the property to be low to medium risk. Titles and subdivision with services is some way off.

### Market Risk Comment

The Palmerston North property market continues to see strong sales activity particularly in the lower middle price range with a shortage of listings reported by real estate companies. Increasing price levels continue.

## 11.0 GENERAL VALUATION POLICIES & DISCLOSURES

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|                                     |  |
|-------------------------------------|--|
| <b>Use of Report</b>                | This report and valuation are provided solely for the benefit of the addressee and the instructing party. No responsibility by Blackmore and Associates Limited and/or the writer is accepted to any third party for the whole or part of the content of this report.  |
| <b>Purpose of Valuation</b>         | This valuation report has been prepared for the specific purpose stated. Any party that relies upon it for an alternative purpose without reference to Blackmore and Associates Limited does so at its own risk.   |
| <b>Data Privacy</b>                 | For undertaking this valuation collection of some personal information is required, and in some instances, this is provided by third parties (with appropriate approval). Personal information will not be disclosed to any other party without prior written approval and will not be used for any unrelated purpose. All appropriate access controls and technological measures have been implemented to ensure personal information collected is protected from loss, misuse or unauthorised disclosure. Access to this information and request to correct this information will be available in accordance with the Privacy Act 1993.  |
| <b>Third Party Information</b>      | In the course of preparing the report, reliance may have been placed on information supplied by the instructing client, that client's advisors and/or third parties (including Government Agencies and Local Authorities). Unless otherwise stated we have relied upon the information supplied in the reasonable belief that it is complete and accurate. This may extend to supplied lease information. Where appropriate the valuation is subject to confirmation that full lease documentation generally reflects the understanding outlined in this report. No responsibility is accepted if any supplied information is subsequently proved to be incomplete or incorrect. |
| <b>Reporting Standards</b>          | We confirm that where appropriate this valuation will be completed in accordance with Professional Standards and Code of Ethics as prescribed by the New Zealand Institute of Valuers, Property Institute of New Zealand and International Valuation Standards 2017. Specific details of standards and guidelines will be outlined in our report.  |
| <b>Mortgage Recommendation</b>      | In accordance with the Australia and New Zealand Valuation and Property Standards, unless a lender expressly requests or has a stated policy requirement that such a recommendation be provided, no specific mortgage recommendation has been made as to either the suitability of the property as a lending security or the maximum loan as the amount or percentage value.   |
| <b>Compliance</b>                   | Unless otherwise stated in our report our valuation is on the basis that the property complies with the Building Act 2004, Health and Safety in Employment Act 1992, Evacuation of Buildings Regulations 1992 and Disabled Persons Community Welfare Act 1975 or that the legislation has no significant impact on the value of the property.  |
| <b>Goods and Services Tax (GST)</b> | <b>Non-residential:</b> Capital and rental valuations are (unless otherwise stated) carried out on the basis that the valuation is plus GST (if any).<br><br><b>Residential:</b> Capital and rental valuations of residential property are (unless otherwise stated) carried out on the basis that the valuation includes GST (if any).  |
| <b>Market Movement</b>              | This valuation is current as at the date of valuation only. The value assessed herein may change significantly unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of three months from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.        |
| <b>Forecasts</b>                    | Every effort has been made to ensure the soundness and accuracy of the opinions, information and forecasts expressed in this report. Information, opinions and forecasts contained in this report should be regarded solely as a general guide. While we believe forecast statements in the report are correct, no liability is accepted for any incorrect statement, information or forecast. Blackmore and Associates Limited disclaim any liability which may arise from any person acting on the material within. Readers should take advice from a professional staff member of Blackmore and Associates Limited prior to acting on any matter contained in this report.    |

|  |   |
|--|---|
| <b>Structural Survey</b>                   | <p>This report has been undertaken for valuation purposes only and is not a structural survey. The Valuer is not a building construction and/or structural expert and is therefore unable to comment as to the structural soundness of the improvements. We have undertaken a visual inspection of the building(s) but have not commissioned a structural survey or tested any of the services and are therefore unable to confirm that these are free from defect. We have not inspected the unexposed or inaccessible parts of the building(s) and are unable to certify that these are free from defect. Any elements of deterioration apparent to the general state of repair of the building(s) have been noted and reflected in our valuation. This report is prepared on the assumption that except where noted in this report:</p> <ul style="list-style-type: none"> <li>a) The building has been competently designed and built, is structurally sound and watertight.</li> <li>b) The building does not contain any latent or patent defects which could result in <ul style="list-style-type: none"> <li>(i) The building ceasing to be watertight.</li> <li>(ii) Gradual decay of the building including its structure.</li> </ul> </li> </ul> |
| <b>Title Boundaries</b>                    | As the survey pegs were not located at inspection, the boundaries have not been verified. Accordingly, it is assumed that all improvements are situated within the boundaries and that no encroachment has occurred.  |
| <b>Plant and Machinery</b>                 | The valuation is conditional upon any hot and cold water systems, drainage systems, electrical systems, air conditioning or ventilating systems and other installations being in proper working order and functioning for the purpose for which they were designed.   |
| <b>Site or Environmental Contamination</b> | Our valuation and report are conditional upon the property being free of any contamination or industrial waste problems unless otherwise noted. Substances such as asbestos or other chemicals, toxic wastes or other potentially hazardous materials could if present adversely affect the value of the property. The assessed value is on the assumption that there is no material on or in the property that would cause loss in value. No responsibility is accepted for any such conditions and the recipient of this report is advised that the Valuer is not qualified to detect such substances, quantify the impact upon values or estimate remedial cost.   |
| <b>Land Information Memorandum</b>         | A Land Information Memorandum has not been obtained from the Local Authority. Our assessment of value has been undertaken on the basis that all necessary building consents have been obtained for all improvements and that there are no outstanding requisitions on the said property; reporting is on the basis that the property benefits from existing use rights and in the case of an insured event could be satisfactorily reinstated.  |
| <b>Registrations</b>                       | Our investigation has included searching of the Certificate(s) of Title and, if appropriate and where available, the ground and/or building lease(s) and other relevant tenancy schedules and documents. Unless stated otherwise our report is subject to there being no detrimental or beneficial registrations affecting the value of the property other than those appearing on the Title(s) so valued in this report. Such registrations may include Wahi Tapu registrations and Historic Places Trust registrations.   |
| <b>Complaints Procedure</b>                | We maintain a procedure for handling any complaints promptly and fairly. If the valuation has been ordered through a Valuation Ordering Service, any complaints must be directed through the ordering service in accordance with their requirements. If you have a complaint regarding our services or fees you may refer your complaint to the valuer who has undertaken the valuation assignment or report. If you do not wish to refer your complaint to that person, or you are not satisfied with that person's response to your complaint you may refer your complaint to the Business Manager by letter, email at <a href="mailto:office@blackmores.co.nz">office@blackmores.co.nz</a> or telephoning 06 357 2700. Any complaint regarding matters for or to the Valuers Registration Board are passed directly to our insurer and no comment/communication will be made until advised by our legal counsel.   |

**PROFESSIONAL INDEMNITY**

We certify that Blackmore & Associates Limited holds professional indemnity insurance and that the Registered Valuer signing this report is covered by this policy. We confirm the Registered Valuer signing this report holds an Annual Practicing Certificate.

Yours faithfully

**BLACKMORES**



**Bruce Lavender**

Registered Valuer | Director (FNZIV, FPINZ)





## 12.0 APPENDICES

### 12.1 RECORD(S) OF TITLE



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Historical Search Copy**



*R. W. Mhu*  
Registrar-General  
of Land

Constituted as a Record of Title pursuant to Sections 7 and 12 of the Land Transfer Act 2017 - 12 November 2018

Identifier **WN48B/598**  
Land Registration District **Wellington**  
Date Issued 20 May 1996

**Prior References**  
WN47C/394

**Estate** Fee Simple  
**Area** 6.4127 hectares more or less  
**Legal Description** Part Lot 3 Deposited Plan 68798

**Original Registered Owners**  
Palmerston North City Council

**Interests**

Appurtenant hereto are water supply rights specified in Easement Certificate 646778.2 (affects part formerly contained in C1 WN25D/6084)

The easements specified in Easement Certificate 646778.2 are subject to Section 309(1)(a) Local Government Act 1974

Identifier WN4813/598

*Reference*  
 Pines, D. J. *J. Am. Chem. Soc.*  
**77**, 5701 (1955).  
 Transfer No.  
 Not Under Review.



## REGISTER

**CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT**

This Certificate dated the 20th day of May 1927, was prepared and qualified and attested under the seal of the District and Registry of the said District and Registry District of 1927, 1927, 1927.

WITNESSETH, that the PALMERBORN NORTH CITY COUNCIL,

is based on an estate in fee simple subject to such covenants, restrictions, encumbrances, liens, and interests as are needed to memorialize and/or enforce the interest in the land hereafter described. Differences will hold true, based on the plan herein, for the several measurements a little more or less, that it is to say: As the parcel of land comprising a 4.127 acre estate is shown as being adjacent to the West of Palmetto Avenue from the south end of the property to 17300 50th Avenue.

Approximately 10% of the *in vitro*  $\alpha$ -glucosidase activity of the *in vivo* M30 cells was due to the presence of  $\alpha$ -glucosidase in the brush border membrane vesicles (BBMV) of the M30 cells. The BBMV were prepared by the method of Kunitake and Kunitake (1978) and assayed for  $\alpha$ -glucosidase activity by the method of Kunitake and Kunitake (1978). The BBMV were assayed for  $\alpha$ -glucosidase activity by the method of Kunitake and Kunitake (1978). The BBMV were assayed for  $\alpha$ -glucosidase activity by the method of Kunitake and Kunitake (1978). The BBMV were assayed for  $\alpha$ -glucosidase activity by the method of Kunitake and Kunitake (1978).

Amateur Land Register

CONFIDENTIAL

Enter 2  
Amended

#### 4.4 Measurements and Metric

1. The first step is to identify the problem. This involves understanding the current situation and the goals that need to be achieved.

*Houston and Southern & Texas Railway 1971-1972* by the author, 1972, 2nd ed.

Identifier

WN48B/598

CERTIFICATE OF TITLE No. 48B/598

Transaction Id  
Client Reference: phbk150000000

Revised Search Copy Dated 19/11/19 5:01 am, Page 6 of 6

Resource Consent No: LU 4085

25 September 2017

Delegated Decision to the General Manager Customer Services  
PALMERSTON NORTH CITY COUNCIL

**NOTIFICATION REPORT PURSUANT TO SECTIONS 95A TO 95F  
OF THE RESOURCE MANGEMENT ACT 1991**

**RESOURCE CONSENT APPLICATION FOR EARTHWORKS TO CONSTRUCT  
JOHNSTONE DRIVE EXTENSION, TO RESHAPE LAND ADJACENT TO JOHNSTONE  
DRIVE AND TO FILL ABBY ROAD GULLY**

**THE APPLICANT:** AOKAUTERE LAND HOLDINGS LTD

**LOCATION:** JOHNSTONE DRIVE AND ABBY ROAD, PALMERSTON  
NORTH

**LEGAL DESCRIPTION:** LOT 2 DP 484516, LOT 1004 DP 490091, LOT 694 DP 500578,

**ZONING:** RESIDENTIAL, AOKAUTERE DEVELOPMENT AREA AND LIMITED  
DEVELOPMENT AREA

**ACTIVITY STATUS:** NON COMPLYING

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**THE PROPOSAL**

1. Aokautere Land Holdings (ALH) has lodged a resource consent application with the Palmerston North City Council (received 20 July 2017) for earthworks to develop land at Johnstone Drive, Aokautere, and to fill a gully at Abby Road, Aokautere.
2. The proposals involves two interrelated elements, earthworks **cutting** and **filling**:
  - (i) **Cutting** - approximately 34,200m<sup>2</sup> of earthworks at Johnstone Drive to create a formed roadway linking to two ends of Johnstone Drive which are already formed, and earthworks on either side of the road to reshape the land for a future subdivision, resulting in lowered ground level and removal of soil, and
  - (ii) **Filling** - Depositing approximately 500,000m<sup>3</sup> of soil excavated from the Johnstone Drive cutting site into a gully at the end of Abby Road (and adjacent to the Manga o Tane Reserve) to fill the gully up to a level consistent with the adjoining land at the top of the gully.

3. While the application signals that the earthworks are to prepare land for a future subdivision<sup>1</sup>, no application for subdivision has been made as part of this application.

#### **THE SITE AND SURROUNDING AREA**

4. The site where the cutting and filling earthworks are to be undertaken is adjacent to areas of existing residential development in Aokautere. Land in the surrounding area has been developed and houses built up to the extent of the currently formed roads. Beyond the formed road the land is undeveloped or in the process of being developed.
5. In the Johnstone Drive earthworks cutting area, some earthworks have already been undertaken, and some soil stockpiled.
6. The Abby Road gully fill site is currently undeveloped in rough pasture and some scrub and gorse, with a small area of previous earthworks at the base of the gully. The south and southwestern ends of Abby Road gully fill site (at the current head of the gully) are adjacent to existing residential development on Abby Road, Woodgate Court and Johnstone Drive.
7. The north end of the Abby Road gully is the council owned Manga o Tane reserve which has a small lake and extensive native plantings of trees. The reserve is accessible by the public, but there are no formed access tracks.

#### **FURTHER INFORMATION REQUEST**

8. On 8 August 2017 the council requested further information from the applicant in order to understand the potential adverse effects of the proposal, and the proposed measures to avoid, remedy or mitigate those adverse effects.
9. The applicant replied on 16 August 2017. This reply included additional information in an email<sup>2</sup>, provision of an engineering assessment<sup>3</sup> and drawings not provided with

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<sup>1</sup> Eg Application paragraphs 2.2 and 2.6

<sup>2</sup> Email from Phil Pirie to Peter Eathorne 'S92 Request Johnstone Dr' received 16 August 2017

<sup>3</sup> Aokautere Land Holdings Ltd Stage 6F2 Abby Road Gully Geotechnical Report, New Zealand Environmental Technologies, 26/05/2016

the original application and reference to photographs and engineering assessments provided to the council as part of another process<sup>4</sup>. I also sought and obtained information from Horizons Regional Council (HRC) on the regional consents that relate to the proposal, including the Erosion and Sediment Control Plan (ESCP).

10. On 21 August 2017 the applicant sought information about my assessment as to whether the information provided was adequate. I sent my assessment of the information to them on 22 August, noting areas where information was outstanding. The applicant replied with a further email on 23 August<sup>5</sup>, and undertook to provide further engineering response.
11. Further engineering assessment was received on 29 August 2017. The applicant was advised of two matters outstanding in this assessment on 7 September 2017<sup>6</sup> and clarification was received on those matters on 8 September 2017<sup>7</sup>.
12. A Landscape Management Plan<sup>8</sup> was received from the applicants landscape architect, Angela McArthur, on 7 September 2017, with an updated report received 12 September to update number and size of plants.
13. I reviewed the information provided by the applicant and HRC and sought independent geotechnical engineering advice from Hamish Peters. All of the information requested was provided appropriately.

#### **NOTIFICATION TESTS**

14. Sections 95 to 95F of the Resource Management Act 1991 outlines the consent authority's obligations and discretions in making a notification decision. The

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<sup>4</sup> referred to in s92 email 16 August 2017 paragraph f)(a)(ii), and photographs subsequently provided by Dropbox link by Phil Pirie 23 August 2017

<sup>5</sup> Email Phil Pirie to Helen Marr "S92 Info request ALHL Stage 6F" received 23 August 2017

<sup>6</sup> email from Helen Marr to Les Fugle and Phil Pirie "Re: ALHL consent application" sent 7 September 2017

<sup>7</sup> Letter from Phineas Burke NZET to Helen Marr "Response to Assessment of information received in response to s92" dated 8 September 2017

<sup>8</sup> Landscape Management Plan for the Restoration of Earthworks and Fill Batter Abby Gully, Prepared for Aokautere Land Holdings Limited. Angela McArthur Landscape Architect Date 6 September 2017

Palmerston North City District Plan (the Plan) is the relevant planning document in relation to the proposal.

**RMA - Section 95 – Is public notification required?**

15. Section 95A sets out the requirements relating to public notification.
16. Section 95A(1) provides that public notification of an application is at the Council's discretion. However this discretion is qualified by sections 95A(2) and 95A(3), and section 95C.
17. However, the Council must publicly notify an application when one of the following scenarios arises:
  - a) If the Council decides (under section 95D) that the activity will have or is likely to have adverse effects on the environment that are more than minor<sup>9</sup>;
  - b) The applicant requests public notification<sup>10</sup>;
  - c) A rule or national environmental standard (NES) requires public notification<sup>11</sup>; or
  - d) If further information<sup>12</sup> is requested from the applicant under s92(1) but the applicant does not provide the information<sup>13</sup>.
18. The applicant has not requested public notification, and the relevant rules in the plan do not require (or preclude) public notification<sup>14</sup>.
19. In this case, the council has requested further information, and the applicant has provided the information. The council is not required to publicly notify the application under section 95C(2).

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<sup>9</sup> s95A(2)(a)

<sup>10</sup> s95A(2)(b)

<sup>11</sup> s95A(2)(c)

<sup>12</sup> or a report is sought to be commissioned

<sup>13</sup> s95C(2)

<sup>14</sup> although I note that s95C(4) states that the requirement to notify if further information requested is not received applies despite a rule precluding public notification.

20. The consent authority may publicly notify an application if it decides that special circumstances apply<sup>15</sup>. I am not aware of any special circumstances that apply in this situation that indicate full public notification should be made.
21. s92A(2)(a) requires that the application must be notified if the effects are likely to be more than minor.

**Will the effects of the activity be, or are likely to be, more than minor?**

22. If the activity is a controlled or restricted discretionary activity, the assessment of whether or not the effects are minor is limited to considering matters over which the council has reserved control or discretion<sup>16</sup>. In this case there is disagreement between the applicant and the council as to the activity status of the activity, and so the next section of this report assesses the matter of activity status in some detail.

**District Plan - Rules and Activity Status**

23. The site is within the Residential Zone of the Palmerston North District Plan. It is also within the Aokautere Development Area overlay, and the land in the Abby Road Gully fill area is identified as 'Limited Development Area'<sup>17</sup>.
24. **Residential Zone**
25. Activities that are not related to residential dwellings are dealt with in Section 10.8 of the plan. This specifies a number of non residential activities and sets permitted activity standards for each of them. Activities in the **Limited Development Area** are covered by permitted activity Rule 10.8.1.7 – this identifies landscape works, public reserves and drainage and water supply works as permitted activities, with conditions. Bulk earthworks are not included in the list of permitted activities in the Limited Development Area. Earthworks are not included in the list of controlled, restricted discretionary or discretionary activity rules in this section. Any building, structure or activity not otherwise provided for is a non-complying activity under Rule 10.8.5.1.

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<sup>15</sup> S95A(4)

<sup>16</sup> s95D(c)

<sup>17</sup> Limited Development Area is explained in Section 22 of the District Plan, it identifies land which should be excluded from development or should be subject to particular controls due to risk of erosion and severe constraints to urban development and use.



26. Chapter 6 contains provisions for **Earthworks** in the Residential Zone. These rules provide for small scale earthworks (less than 500m<sup>2</sup> and less than 1.5m alteration of the existing ground level) as a permitted activity with conditions. The proposed earthworks exceed these permitted activity thresholds. Earthworks that do not comply with the permitted activity performance standards are Restricted Discretionary under Rule 6.3.7.1, with discretion restricted to:
- 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
27. The notes to plan users in this section of the plan refer the reader to Rule 10.8.1.7 (Limited Development Area, discussed above) and note that land restructuring in the Aokautere Development area is subject to rules in Section 22.9 'land instability' (discussed below).
28. The **Aokautere Development Area** is identified in Map 10.1 of the District Plan. Restructuring of the land through earthworks or other works to create land with improved slope and soil stability in this area is a restricted discretionary activity under Rule 22.9.2.1, *provided* it complies with the performances standards. The performance standards deal with the timing of the application and undertaking of earthworks and subdivision and subdivision works. It requires that the restructuring and subdivision consent be applied for at the same time, and that the restructuring and other subdivision works be carried out at the same time.
29. This application does not meet those performance conditions. The restructuring earthworks applied for at this time state they are a precursor to subdivision, but no subdivision application has been lodged. There is no stated intention in the application to complete roading and infrastructure works at the same time as the earthworks.

30. Works which do not meet these performance standards are considered under Rule 22.9.4.1 as a non-complying activity<sup>18</sup>.

31. I conclude that the earthworks for restructuring the land in this application, being the cutting earthworks in Johnstone Drive to recontour the land and the earthworks to fill Abby Road gully are a **non complying activity**<sup>19</sup>. As such, consideration of effects is not limited or restricted and all potential adverse effects must be considered.

**Potential Adverse effects**

32. When making a decision on whether or not the effects of the proposal on the environment are likely to be more than minor, the local authority must disregard a number of effects, including, of relevance to this activity, effects on persons who own or occupy land adjacent to the activity<sup>20</sup>. In making the following public notification assessment I have disregarded effects on people who own or occupy properties on Johnstone Drive, Abby Road and Woodgate Court that adjoin the earthworks sites ('neighbouring properties'). Effects on neighbouring properties are considered in a later section discussing limited notification.

33. I have considered effects on people who own or occupy properties that are near to, but not directly adjacent to the earthworks site ('nearby properties'). I have considered effects on the neighbouring Manga o Tane Reserve, as that is a public reserve with full public access and people beyond the immediate neighbours may be affected by effects on this reserve<sup>21</sup>.

34. The local authority may disregard effects if there is a rule or NES that permits an activity with that effect. In this case I do not consider that there is a relevant 'permitted baseline' as the proposed earthworks are well in excess of the permitted volumes in the District Plan.

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<sup>18</sup> Works for avoiding or mitigating any land instability hazard is a discretionary activity, under rule 22.9.3.1 however in this case the works are not to mitigate a land instability hazard, they are to reshape land to provide for subdivision, so this rule is not relevant.

<sup>19</sup> Under Rule 22.9.4.1 for the Johnstone Drive and Abby Road works (as they are both in the Aokautere Development Area) and also under Rule 10.8.5.1 for the Abby Road works (as this area is shown as Limited Development Land).

<sup>20</sup> 95D(a)(ii)

<sup>21</sup> In addition, the people affected by effects on the reserve do not 'own or occupy' this land and so are not covered by the exclusion in 95D(a)(ii)

### Noise, dust and vibration

35. Nearby properties on Johnstone Drive, Abby Road and Woodgate Court (ie those not immediately adjacent to the earthworks sites) could potentially be affected by noise, dust and vibration from the earthworks.
36. The applicant confirmed that it is not anticipated that there will be vibration from earthworks machinery during compaction, as rubber tyre scrappers and compactors will be used<sup>22</sup>. Adverse effects of vibration (if they occur) are likely to be less than minor.
37. The applicant has stated that the earthworks are anticipated to occur for approximately 50 days during the 2017/2018 constructions season commencing 1 October 2017<sup>23</sup>, with maximum working hours between 6.30am and 8pm and a maximum of 6 days per week (Monday to Saturday). The application documents were unclear as to what noise effects will be, or who will experience them or what noise standards will be complied with or exceeded<sup>24</sup>. In an email relating to the further information request<sup>25</sup>, the applicant stated that their machinery have noise throttles which will limit their noise to below constructions standards and that a condition limiting noise to 40dBA would be suitable. In a further email<sup>26</sup>, the applicant stated that construction noise would comply with NZS 6803:1999 (which has noise limits higher than 40dBA).
38. The District Plan requires<sup>27</sup> construction noise to be managed in accordance with NZS 6803:1999. This standard acknowledges that although the noise from construction may be undesirable, it is not necessarily unreasonable when all the relevant factors are taken into consideration. As noise from construction projects is generally of limited duration, people and communities will usually tolerate a higher noise level provided it is no louder than necessary, and occurs within appropriate hours of the day<sup>28</sup>. Section 7 of that standard sets 'desirable upper limits for construction noise

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<sup>22</sup> S92 response email paragraph b)

<sup>23</sup> As stated in the applicants further information response email received 16 August 2017

<sup>24</sup> The application referred to PNCC ESLD standards, which do not contain maximum noise levels

<sup>25</sup> email from Les Fugle to Helen Marr dated 22 August 2017

<sup>26</sup> Email from Phil Pirie to Helen Marr 23 August 2017

<sup>27</sup> R6.2.6.2(f)

<sup>28</sup> NZS:6803 1999 page 3

received by the community for the reasonable protection of health and amenity.' Duration of the proposed works as defined by the Standard<sup>29</sup> is 'typical' being more than 14 calendar days but less than 20 weeks.

39. If this standard is applied, and the duration of works is limited each day by prescribed hours of work and to a maximum number of days (50 days) then I consider the effect of noise on nearby properties will be managed in accordance with the direction in the District Plan and be less than minor.
40. The applicant states there will be no dust effects on nearby properties, that dust will be managed in accordance with the ESCP required by the regional council consent, and that dust will be controlled if necessary by a water cart.
41. The current ESCP will be required to be updated before works begin (this is required by the current regional council consent) and this update should include management of dust. With this type of appropriate management it is possible for dust to be managed on site to keep adverse effects from dust less than minor.
- 42. Stability of fill**
43. According to information provided with the application (including indicative scheme plans) the fill site at Abby Road gully (and surrounding land) is intended to be subdivided in the future to create approximately 30 lots for residential development and roads to service the lots and connect Abby Road with Johnstone Road. Approximately 10 of these residential lots, and part of the road will be on the filled land. It is important to understand potential hazard risk and land stability effects.
44. Three engineering reports have been provided. These identify risk of failure in an earthquake (there are known faults nearby) and the importance of avoiding moisture entering the embankment, as well as the requirement to meet good engineering standards when choosing and placing fill.
45. A setback for residential buildings from the top of the embankment is identified as an important mitigation option. The Napier engineering report<sup>30</sup> provided with the application identifies a 7 metre setback, based on a maximum fill height of 8 metres.

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<sup>29</sup> NZS:6803 1999 section 7.2.1

<sup>30</sup> Barthos Properties Abby Road Extension Fillin Assessment Report prepared by David Napier February 2005 provided as part of appendix E to application

The application is for a fill height of 11 metres. Further engineering calculations were requested from, and provided by the applicant<sup>31</sup>. This further assessment concludes no setback is required, however recommends a 3 metre setback line from all slopes exceeding 30 degrees. Based on this analysis, and the fact that further subdivision consent is required before the land is developed, I am satisfied that the adverse effects resulting from the stability of the embankment is likely to be less than minor.

46. The Napier engineering report identifies that minimising the opportunity for moisture to enter the fill, particularly at the final fill slope, is important to maintaining the integrity of the fill. A subsoil drain at the base of the gully with side laterals into small side gullies is recommended in that report to mitigate this risk on an ongoing basis.
47. The applicant states that the subsoil drain has been installed under a small area of fill that has already been placed. Other than some photographs, the applicant has not provided any evidence of the subsoil drain, how it has been constructed, its location and its design (for example engineering drawings or certification). It is not possible to know if this drain has been designed and installed in a way that will appropriately mitigate the risks associated with moisture entering the fill. Engineering advice from Hamish Peters is that this drain will need to be re-designed and re-installed to ensure its appropriateness. This design will need to ensure the drain is able to be maintained over its life.
48. Existing household stormwater pipes from neighbouring properties are also identified as a risk to the fill, and the Napier report recommends ensuring these are redirected away from the fill area. These stormwater pipes will need to be identified and redirected to manage this risk.
49. Appropriate installation, design and management of subsoil and stormwater drains can be managed through detailed conditions of the resource consent and should ensure that moisture entering the fill is appropriately managed and that the potential adverse effects of fill stability are less than minor.

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<sup>31</sup> Response to Assessment of Information received in response to s92 Request NZET 25 August 2017

**50. Suitability of existing fill**

51. A small area at the base of Abby Road gully has been scraped and refilled with soil. The extent of this existing fill is shown on plans 2043/170 in the application. The subsoil drain discussed above is underneath that existing fill. These earthworks were carried out without resource consent (the previous consent had lapsed) and is the subject of ongoing compliance action by PNCC. This existing fill will form part of the final finished fill area and it is important to understand whether this existing fill will form an appropriate base for the additional fill. Nuclear densometer tests are required to understand the suitability of the existing fill. This information will be required to be provided prior to works commencing. If the existing fill is unsuitable it must be removed and replaced with suitable fill. With these measures in place the potential adverse adverse effects will be less than minor.

**52. Landscape and visual amenity effects**

53. The earthworks site at Johnstone Road will significantly alter the existing ground level (up to 2.3 metres). The resulting landform will be consistent with the flat terrace in the vicinity. Any adverse visual effects of the cut at Johnstone Road will largely be temporary (when the soil is exposed and before it is regrassed) and overall will be less than minor.
54. The filling site at Abby Road gully will significantly alter the existing landform – from steep sided gully to flat land with a 3:1 batter slope (which is less steep than the existing gully) up to 11 metres above the existing ground level at the base of the gully.
55. The filling site is not visible from any nearby (excluding neighbouring) residential properties or from public viewing places. The gully itself does not have any particular landscape or amenity features that are identified in the district plan as requiring protection. The finished landform level will be consistent with the surrounding land. It has some visibility from some neighbouring properties and this is discussed below.
56. The batter slope will be visible from the adjoining council reserve. While public access to the reserve is allowed, the reserve has limited accessibility to the public – there is no clear public access point to the reserve, and there are no formed tracks in the reserve. Any potential adverse effects of visibility from the reserve to the fill site will be mitigated with appropriate design of the batter slope and planting with indigenous

species<sup>32</sup>. The batter slope will be less steep than the existing gully, but will be finished with a natural curve and planted with species in a similar way to the adjoining council reserve, which will mitigate any adverse visual effects when viewed from the council reserve. A landscape management plan was provided following requests for further information. This sets out the required species and management to address potential adverse effects. Landscape and visual effects of the proposal are likely to be no more than minor with appropriate landscape design and planting.

Recommendation on Public Notification

57. Adverse effects of the proposal, when managed appropriate through resource consent conditions, will be no more than minor. I recommend that public notification is not required.

RMA s95B – Is limited notification of the application required?

58. My recommendation set out above is that the application does not need to be publicly notified. Section 95B requires that if the application is not publicly notified, the consent authority must decide if there is any affected person and give those persons notification<sup>33</sup>. A person is considered affected if the activity's adverse effects on the person are minor or more than minor (but not less than minor)<sup>34</sup>. A person is not an affected person if they have given written approval to the activity<sup>35</sup>. No written approvals of affected persons was provided with the application.
59. Potential adverse effects of dust and vibration from construction are able to be managed as discussed above so that effects on nearby and neighbouring properties will be managed in appropriately and be less than minor.
60. Neighbouring residential properties adjacent to the Abby Road gully fill site are likely to experience noise from machinery working that will be higher than the usual sound level experienced in the residential zone. This effect will be temporary (only during construction) and should not reach 'unreasonable' levels when managed in accordance with the Standard. However, the noise will occur during the summer months when people are likely to be wanting to spend time in the outdoor areas of

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<sup>32</sup> McArthur landscape report paragraph 19

<sup>33</sup> s95B(2)

<sup>34</sup> s95E(1)

<sup>35</sup> s95E(3)(a)

their property, and there will be an effect on their amenity as a result. Overall I consider the effect of noise on neighbours adjacent to the Abby Road fill site will be minor. Those neighbours are required to be limited notified of the application. This effect on residential dwellings nearby (but not directly adjoining) is likely to be less than minor as discussed above, and owners of those nearby properties do not need to be limited notified.

61. The fill site in Abby Road Gully will be visible (either fully or partially) from several neighbouring residential dwellings. The filling will significantly alter the existing landform – from steep sided gully to flat land with a 3:1 batter slope. This will have at least a minor adverse effect on the visual amenity of the neighbouring properties that can view that gully. Those adjoining neighbours should be limited notified of the application. The Abby Road Gully fill site is not visible from nearby (but not adjoining) residential properties, as discussed above, and owners of nearby properties do not need to be limited notified.
62. Owners of some of the neighbouring properties have raised concerns with the proposal<sup>36</sup>. These concerns cover the types of effects (construction effects, stability and visual and landscape amenity) that are addressed above. In relation to amenity, some of the neighbours have raised the issue that they consider the gully should be fully planted in native trees and managed as a council reserve. Some of the neighbours state that this was their understanding of the future of the gully when they purchased their properties.
63. The area of the gully proposed to be filled is in private ownership, and is zoned residential. It is not a council reserve and, aside from the constraints posed by the stability of the gully recognised by the district plan overlays on the land, the area is zoned for residential development in the district plan. It would not be appropriate to characterise the effects of the activity as 'loss of a reserve' or to compare the visual effects of the future landform with some lost potential as a reserve. This type of effect (if it is an effect at all) is less than minor.

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<sup>36</sup> through letters and emails to the applicant and copied to PNCC



Recommendation on limited Notification

64. I recommend that the application be limited notified to the owners and occupiers of neighbouring properties adjoining the Abby Road fill area. These properties are:

29 Johnstone Road  
27 Johnstone Road  
23 Johnstone Road  
19 Woodgate Court  
17 Woodgate Court  
11 Woodgate Court  
5 Woodgate Court  
3 Woodgate Court  
8 Abby Road  
10 Abby Road  
14 Abby Road  
22 Abby Road  
24 Abby Road

NOTIFICATION RECOMMENDATION

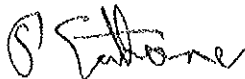
65. I recommend that the application is limited notified to the owners and occupiers of the residential properties adjoining the Abby Road fill site.

Helen Marr  
Consultant Planner

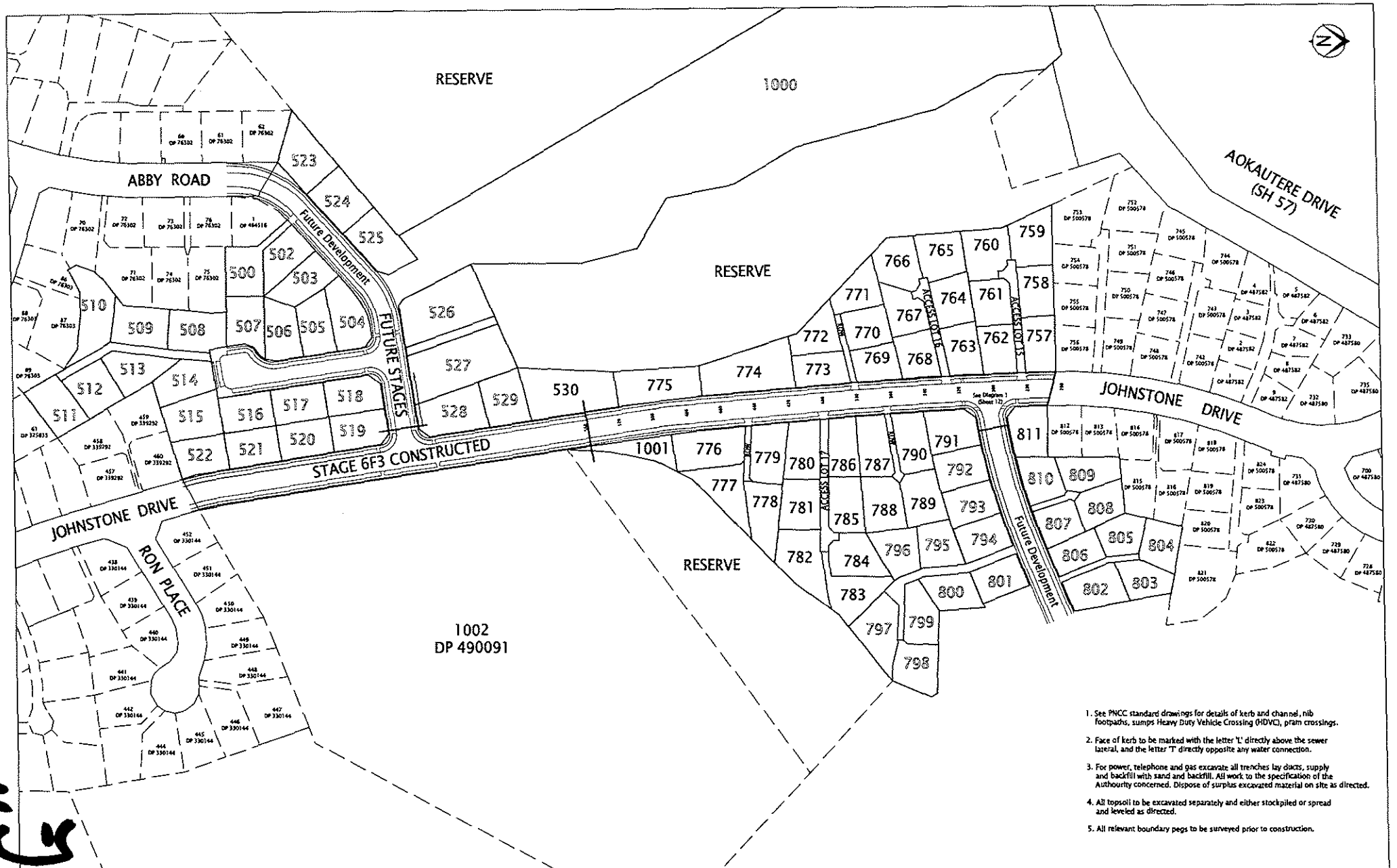
DECISION

That the above recommendation be adopted.

This decision is made on <sup>29</sup>~~21~~ September 2017 under delegated authority from the Palmerston North City Council by:



Peter Eathorne  
GENERAL MANAGER CUSTOMER SERVICES  
PALMERSTON NORTH CITY COUNCIL



1. See PNCC standard drawings for details of kerb and channel, nib footpaths, sumps Heavy Duty Vehicle Crossing (HDVC), pram crossings.
2. Face of kerb to be marked with the letter 'L' directly above the sewer lateral, and the letter 'T' directly opposite any water connection.
3. For power, telephone and gas excavate all trenches lay ducts, supply and backfill with sand and backfill. All work to the specification of the Authority concerned. Dispose of surplus excavated material on site as directed.
4. All topsoil to be excavated separately and either stockpiled or spread and leveled as directed.
5. All relevant boundary pegs to be surveyed prior to construction.

| Survey   | ML | F.S./L.R.    | REV | AMENDMENTS               | NAME | DATE   |
|----------|----|--------------|-----|--------------------------|------|--------|
| Design   | PP | JANUARY 2018 | A   | Pram crossing            | ML   | 21218  |
| Drawing  | ML |              | B   | Future development width | ML   | 310319 |
| Checked  | PP |              |     |                          |      |        |
| Approved | PP |              |     |                          |      |        |

**AOKAUTERE LAND HOLDINGS LTD**  
**JOHNSTONE DRIVE**  
**PALMERSTON NORTH**

**FORMATION**  
**STAGE 6F7**



|                |          |
|----------------|----------|
| ORIGINAL SCALE | 1:1000   |
| DRAWING NO.    | 2043/176 |
| SHEET 1 of 14  | Rev 8    |