

Principal Planner  
PALMERSTON NORTH CITY COUNCIL

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

**1. THE APPLICATION**

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

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

**2. THE PROPOSAL**

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

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

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

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

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

### 3. THE DISTRICT PLAN

#### 3.1 Subdivision

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

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

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

- a) **Existing Buildings** – All lots are currently vacant.
- b) **Minimum Lot Area** – Both Lots are in excess of the 400m<sup>2</sup> as required in the Aokautere Development Area.
- c) **Shape Factor** - Not applicable to this proposal.

**Access** – Access to both Lot 500 and 501 will be via its Abby Road frontage. The applicant is not seeking to apply for access onto a State Highway for Lot 1000 and access can be via its Johnstone Drive frontage.

- e) **Essential Services** - All services are within 30m of the nearest point of the land being subdivided
- f) **Esplanade Reserves** - Not applicable to this proposal.
- g) **Pacific Drive Extension Area** – Not applicable to this proposal.

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

#### 3.2 Landuse Consent

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

Rule 22.9.2.1 states:

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

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

Provided it complied with the following performance conditions:

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

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

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

**4. THE RESOURCE MANAGEMENT ACT**

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

**4.1 Public Notification Assessment**

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

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

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

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

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

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

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



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

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

## 4.2 Matters to be Considered

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

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

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

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

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

## 5. SUBDIVISION CONSIDERATION

### Section 7 Objectives and Policies

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

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

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



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

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

## 6. LANDUSE CONSENT

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

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

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

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

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

#### **Comment**

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

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

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

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

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

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

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

### **Services and Easements**

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

### **Development Contribution**

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

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

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



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

## **7. RECOMMENDATION**

### **7.1 Subdivision Consent**

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

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

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

##### **General Accordance**

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

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

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

##### **Engineering Works**

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



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

**Technical Representative**

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

**Engineering Works Completed**

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

**Statement of Suitability**

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

**Consent Notice Requirement**

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

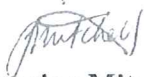
**Completion Condition**

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

**7.2 Landuse Consent**

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

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



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

**NOTES TO THE APPLICANT**

**1. ARCHAEOLOGICAL ADVISORY NOTE:**

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

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

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

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

## **2. DEVELOPMENT CONTRIBUTION**

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

## **3. TRAFFIC MANAGEMENT**

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

## **4. AVOIDENCE OF DUST**

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



DECISION: GRANTED

**Subdivision Consent**

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

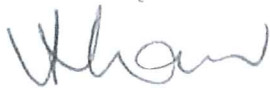
This application was not publicly notified and notice was not served pursuant to section 93 and 94 of the Resource Management Act as the consent is for a controlled activity and Council is satisfied that the effects of the proposed activity on the environment will be no more than minor, and no potentially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

**Landuse Consent**

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

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

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



Virginia Shaw  
PRINCIPAL PLANNER



**PIRIECONSULTANTS**

SURVEYING RESOURCE MANAGEMENT LAND DEVELOPMENT

Our Ref:2043 Subd Checklist.doc

## SUBDIVISION CONSENT CHECKLIST

- ☒ Form 5
- ☒ 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.
- ☐ Transit NZ Report
- ☐ Building Line Restrictions
- ☒ Subject Easements
- ☐ Amalgamation Conditions Required
- ☐ Access Lot Document No. Required
- ☐ Payment of Planning Fees by
  - ☐ Cheque
  - ☒ Charge deposit fee to our account
  - ☒ Charge all other fees to our Client at Box 96 Palm. Nth.
  - ☐ Building Plans
  - ☐ Aerial Photo
  - ☐ Other Details

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

PALMERSTON NORTH 334 Rangitikei Street PO Box 10050 Palmerston North 4441 ph: 06 357 5383 fax: 06 354 0340  
FEILDING 41 Fergusson Street Feilding 4702 ph/fax: 06 323 5020 e mail: enquiries@pirieconsultants.co.nz

SURVEYING

RESOURCE MANAGEMENT

LAND DEVELOPMENT



**PIRIECONSULTANTS**

SURVEYING RESOURCE MANAGEMENT LAND DEVELOPMENT

Our Ref: 2043 Application Resource Consent.doc

City Contact  
Palmerston North City Council  
Private Bag  
Palmerston North

**APPLICATION FOR RESOURCE CONSENT UNDER  
SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991  
(Form 5, Reg 8(1))**

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

1. Owner and Occupier of any land to which the application relates.  
Pacific Farms Ltd  
C/- Pirie Consultants Ltd.
2. The location to which this application relates is  
Aokautere Drive, Johnstone Drive, Abby Road being part of the Woodgate Subdivision
3. The type of resource consent(s) sought is Subdivision
4. The activity to which the application relates is  
Multi lot residential subdivision
5. The following additional resource consents are required in relation to this proposal and have been applied for  
Landuse consent for the restructuring of land
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.....13/12/06.....

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

PALMERSTON NORTH 334 Rangitikei Street PO Box 10050 Palmerston North 4441 ph: 06 357 5383 fax: 06 354 0340  
FEILDING 41 Fergusson Street Feilding 4702 ph/fax: 06 323 5020 e mail: enquiries@pirieconsultants.co.nz

SURVEYING

RESOURCE MANAGEMENT

LAND DEVELOPMENT





13 December 2006

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

Dear Sir/Madam,

**Proposed Subdivision Consent For Pacific Farms Ltd  
Johnstone Drive, Abby Road, SH 57 Aokautere**

- 1.0** I forward plans and documents for your Council's consideration. Please charge the deposit fee to my account and charge other fees to my client.
- 2.0 Development Proposal**
- 2.1** My client wishes to continue with the subdivision and creation of new residential lots for the Woodgate Subdivision. Historically all of the development has occurred by extensions to Pacific Drive and the side roads of Johnstone Drive and Abby Road for the maximum length that services permit.
- 2.2** Due to servicing requirements any further development of the land is required to occur from SH 57 thereby ensuring gravitational servicing of the new lots.
- 2.3** The development is to occur in stages and will involve the construction of roading and services from SH 57 and connecting to the existing parts of Johnstone Drive and Abby Road. Provision is also being made for access to adjoining land to the northeast and for future extension of the roading into the balance of my clients land.
- 2.4** The development of these next stages is limited to land owned by my client and will not involve any land currently held or zoned as reserve. The gully between Johnstone Drive and Abby Road is to be filled as part of the development.
- 2.5** A possible future development pattern is shown for part of the balance of the land.
- 3.0 Planning Requirements**
- 3.1** The subdivision is considered to be a Controlled Activity in terms of the District Plan. The restructuring of the land by filling of the gully is a Discretionary (Restricted) Activity in accordance with Rule 22.9.2.1  
The land is zoned Residential and is within the Aokautere Development Area.
- 3.2** Performance Conditions R7.7.1.2. are complied with as follows:
- (a) Existing Buildings  
The site does not contain any buildings. The only structure on the property is a set of stock yards located in the northern corner.
- (b) Minimum Lot Area  
All lots include at least 400 m<sup>2</sup> of developable land. The land classified as Undevelopable is to be restructured.

(c) Shape Factor

All lots can contain a circle of 18m diameter.

(d) Access

All lots will have access to the future public road. The minimum width of access to ear lots is 3.5m, which increases to 5.0m for any access that serves 4 – 6 lots.

The location of Johnstone Drive is in the position of Designation 93 as shown on the District Plan. As the intersection of this road is with SH 57, Transit NZ is responsible for the engineering requirements. The matter has been discussed with Transit NZ, who are presently considering the type of intersection that is required.

All new roads are of the required width, with turning circles at the ends of cul de sacs and comply with the sight distance requirements.

(e) Essential Services

All essential services are within 30m of the site, being at the existing road frontages. All services are contained within the future roads except for:

- The stormwater in the gully that is to be filled between Johnstone Drive and Abby Road.
- Services at the end of the cul de sac (Lot 701) that are required to be laid through the lots to SH 57 and the adjacent gully. These are expected to affect Lots 523, 524, 527 and 528.

(f) Esplanade Reserve

Not applicable.

3.3 Financial Contributions

A development contribution is required to be paid for each lot of each stage, however the property has two existing units of demand based upon Catchment A from the existing titles.

**4.0 Legal Description**

4.1 The land is described as Lot 99 DP 325883 and Lot 97 DP 330144, contained in CsT 104249 and 123780, having a total area of 25.8673 ha.

4.2 CT 123780 is subject easements for right of way connecting the two reserve areas, which are to be relinquished as part of this development.

**5.0 Restructuring of Land**

5.1 The subdivision requires the filling of the gully between Abby Road and Johnstone Drive to enable the creation of Lots 500 – 507 and 545 – 558. This work is a Discretionary Activity (Restricted) as per Rule 22.9.2(a) of the District Plan.

5.2 The filling of the gully is part of the overall subdivision works and will occur in the first stage of the work. The full extent of the gully is to be filled thereby eliminating any land instability by creating a level platform between the existing gully edges.

5.3 Full engineering details of the restructuring are to be provided as part of the engineering design details for the subdivision. The existing stormwater disposal system is to be rerouted through a new pipe system as shown on the attached plan 2043/10. Easements will be created in favour of Council for the public parts of this stormwater line.

5.4 The filling of the gully will not have any effects upon adjoining properties, which will be able to continue to discharge their natural runoff. The overland flow will be along the new pipeline and associated easement.



- 5.5 Filling of the gully will not extend beyond the site boundaries or into the adjoining reserve. The proposed filling has been discussed with David Napier and Associates, who have advised that the batter slopes are not to exceed 3:1. This will ensure that there are safe building sites available on Lots 507 – 509 and that the lots need not be subject to any building restrictions.
- 5.6 The filling of the land will be performed in such a manner that there will not be an adverse environmental effects by instigating the following:
- Silt control measures will be utilised.
  - Measures will be instigated for the control of dust during the earthworks.
  - The area will be topsoiled after completion of the filling.
  - There will not be any impact upon the neighbouring reserve as all activities will occur outside the area of the reserve.
  - All earthworks control measures such as silt traps will be removed once construction is complete.
- 5.7 The restructuring will eliminate all of the land stability issues that affect the land under survey and the neighbour adjacent properties. Discussions will be held with the owners of N° 19 Woodgate Court (Lot 61 DP 325833) and N°s 27 & 29 Johnstone Drive (Lots 458 & 459 DP 339292) regarding the extent of the filling and whether they wish part of their land to be included which would eliminate the need for the existing building line restriction.
- 5.8 The appropriate Natural Hazard Objective and Policy for this proposal is Objective 2, Policy 2.2. The proposal restructuring will eliminate the hazard and provide land suitable for residential development when non currently exists.
- 5.9 Furthermore the proposal is fully complying with the all of the relevant City View Objectives.
- 5.10 The effects of the restructuring on adjoining properties will only be temporary, existing for the construction period only. These affects are considered to be:
- Noise from machinery
  - Ground vibration from compaction
  - Loss of amenity and disturbance due to construction works
- These effects will be minimised as much as possible by working methods but cannot be eliminated due to the construction requirements that are required.
- 5.11 Although the effects stated above will affect neighbours it is not considered appropriate to seek consent from these property owners as the works are entirely on the applicant's land and the effects are not of a permanent nature. The restructuring is in accordance with the District Plan's intent to improve slope and soil stability, by removing the hazard altogether.
- 5.12 Restructuring of other parts of the applicant's land will not be occurring as part of Stage 10 of the development. If the detailed geotechnical report requires extensive earthworks and/or a building line that serious impinges upon the usability of the lot, then the affect lot(s) will not be included in the development at this time. Further land structuring work is proposed to occur as part of the development of the remaining land at a future date. The lots that are potentially affected are Lots 648, 649, 653, 654, 657, 658, 660 and 662.



## **6.0 Staging of Development**

6.1 The development is to occur in stages, the extent of which is yet to be finalised as this is dependent upon engineering matters, however it is most likely that the land transfer plan will be prepared in the following order:

- Stage 10A Lots 500 & 501
- Stage 10B Lots 502 – 504, 509 – 543, Roads 701 and part of 700
- Stage 10C Lots 562 – 590, 593 – 618 and that part of Road 703 that provides frontage
- Stage 10D Lots 591, 592 and the balance of Road 703
- Stage 10E Lots 505 – 508, 544 – 561, 619 – 629, Road 702 and the balance of 700
- Stage 10F Lots 630 – 676, Roads 704 - 705

6.2 The order of the staging may differ from that listed above. Stage 10F maybe divided into three further stages based around the lots fronting each of the three roads.

6.3 The balance land remaining in either title at each stage of preparation of the land transfer plans will be shown as Lot 100.

6.4 All roads are to be vested in Council. Roads have yet to be decided.

6.5 Stage 10A has been requested as these are the only two lots that can be created and serviced from existing mains and do not require any construction of roading. As part of this stage the gully is also to be filled, however the filling does not affect Lots 500 and 501.

## **7.0 Conclusion**

7.1 It is considered that Council can grant consent with the following conditions appropriate to each stage:

- (1) The proposed subdivision, including easements for services shall be in general accordance with the information submitted and as shown on Plan 2043/9 dated November 2006 as prepared by Pirie Consultants Ltd.
- (2) Prior to approval under Section 224 of the Resource Management Act 1991 all services shall be confined to their respective lots or provision made for suitable easements to be created or reserved and endorsed in a Memorandum on the Land Transfer Plan prior to approval under Section 223 of the Act.
- (3) Prior to approval under Section 223 of the Resource Management Act 1991, the owner shall appoint as Technical Representative, a registered surveyor, registered engineer or other person with qualification acceptable to the Council to monitor the construction of all services in accordance with level CM3/4 of IPENZ construction monitoring attached as Appendix 3 to Council's Engineering Standards for Subdivision.
- (4) Prior to approval under Section 223 of the Resource Management Act 1991 the applicant shall submit to and have approved by Council engineering plans for roading, access lots and services construction.
- (5) Prior to approval under Section 223 of the Resource Management Act 1991 a Geotechnical Specialist acceptable to Council is to be engaged to prepare a site assessment report of the proposed subdivision area in terms of Council's Policy Document "Development of Land which is, or is likely to be, subject to slippage" with the view of establishing building line restrictions and/or land restructuring proposals. Engineering Plans for such proposals are to be submitted to Council and endorsed by the Geotechnical Specialist.

- (6) Prior to approval under Section 224 of the Resource Management Act 1991 all engineering work as approved by Council pursuant to condition 4 and 5 shall be completed to at least Palmerston North City Council minimum standards. All work resulting from the recommendations of the site assessment report relating to Condition 5 above, shall be certified by the Geotechnical Specialist and a completion report be submitted to Council with the appropriate recommendations for affected lots.
- (7) Prior to approval under Section 224 of the Resource Management Act 1991 Council requires a statement confirming that those lots which have had earth fill placed on them and the retaining thereof, are suitable for residential development. The statement shall be made in terms of NZS 4431 Appendix 2. The statement shall include any retaining structures and be accompanied by compaction test results for the area of fill and be certified by a suitably qualified registered engineer acceptable to Council.
- (8) Prior to approval under Section 224 of the Resource Management Act 1991 the water supply disinfection procedure shall be certified to comply with the Disinfection Code of Practice and Good Water Supply Practices by a suitably qualified registered engineer acceptable to Council in the form annexed to this report.
- (9) Prior to approval under Section 224 of the Resource Management Act 1991 the applicant shall provide a schedule of assets to vest with Palmerston North City Council in the form of the attachment contained in Appendix D.  
Note: The Inland Revenue Department (IRD) have ruled that the vesting of land or services in Council is subject to GST and the supply of a resource consent by Council is a supply of services and also subject to GST. The two transactions are for the same value and the Palmerston North City Council shall issue the invoices to account for both transactions. (Palmerston North City Council has IRD approval to self invoice for GST purposes.)
- (10) Pursuant to Section 220 and Section 221 of the Resource Management Act 1991 Council resolves that a consent notice shall be issued in respect of this subdivision to the effect that:
1. The erection or relocation of any building or accessories thereto, or structure of what so ever nature (with the exception of appropriate fencing) on over or within any no build or restricted areas identified in the Geotechnical Report required in Condition 5 above be prohibited without prior consent from the Palmerston North City Council.

In order to give effect to this requirement the following conditions shall apply:

- i) Prior to approval under Section 223 of the Resource Management Act 1991 it shall be stated on the Land Transfer documents those lots that are subject to a Consent Notice.
- ii) That any building restriction areas identified in the Geotechnical Report required in Condition 5 above be clearly identified on the Land Transfer Plan prior to approval under Section 223 of the Resource Management Act 1991.
- iii) The consent notice shall be prepared by the City Solicitor at the cost of the applicant.

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

Yours faithfully,



P. H. PIRIE.  
Registered Professional Surveyor





Legal Description:  
Lots 10, 11, 12 & 13 of DP 330144  
CST 104249 & 133780  
Total Area 75.8673 ha

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

Survey Design Drawing Checked Approved	F.B./L.B. FEBRUARY 2007 <small>THIS PLAN IS SUBJECT TO CORRECTION AND IS NOT VALID FOR CONVEYANCE UNTIL THE CORRECTIONS ARE MADE AND THE CORRECTIONS ARE MADE AND THE CORRECTIONS ARE MADE</small>	REF	AMENDMENTS	NAME	DATE	PIRE CONSULTANTS LTD	
						SURVEYING RESOURCE MANAGEMENT LAND DEVELOPMENT	
						31, BROADFIELD ST, FITZHERBERT NORTH, AUCKLAND Ph: 06 357 5383 Fax: 06 357 5320 Email: enquiries@pireconsultants.co.nz	
						ORIGINAL SCALE 1:1500 DRAWING NO 2043/11 SHEET 1 of 1 REV.	

SUBDIVISION FOR PACIFIC FARMS LIMITED  
WOODGATE - PALMERSTON NORTH





THIS PLAN IS PREPARED FOR SUBDIVISION CONSENT ONLY. AREAS AND DIMENSIONS ARE TO CONFIRMED BY SURVEY.

SUBDIVISION CONCEPT FOR PACIFIC FARMS LIMITED  
WOODGATE SUBDIVISION - PALMERSTON NORTH

	F.B./L.B.	REF	AMENDMENTS	NAME	DATE
Survey					
Design		NOVEMBER 2006			
Drawing			REVISIONS TO BE MADE BY THE CONTRACTOR. NO MOD., ANY RETROSTRUCTURE ONLY		
Checked			PURSUABLE AFTER APPROVAL		
Approved			THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS ON SITE BEFORE PROCEEDING WITH CONSTRUCTION		