



1-1

**Form 21 – Submission on a Notice of Requirement from Palmerston North City Council for a designation for a new road connection between Abby Road and Johnstone Drive, Palmerston North.**

**TO: Palmerston North City Council**

**IMPORTANT**

- Please read **ALL** instructions carefully.
- Please print clearly and complete **ALL** sections on both sides of this form.
- Please note - under the **PRIVACY ACT 1993** all information in your submission, including your personal information will be publicly available.
- This submission **MUST** be received by the Palmerston North City Council by **4pm, Wednesday 2nd December 2020**.

**Full Name of Submitter:BO YU**

**Postal Address:19 WOODGATE COURT**

**Phone (Home/Mobile):0212178222**

**Email:YUBOL@YAHOO.CO.UK**

**Signature:**

**Date2020,12.01**

*(Signature of the person making submission or the person authorised to sign on behalf of the person making submission. A signature is not required if you are making a submission by electronic means).*

**1. The specific parts of the notice of requirement my submission relates to are:**

ABBY ROAD CONNECTION WITH JOHNSTONE DRIVE

**2. My submission is: I AM OPPOSE THIS NEW ROAD APPLICATION**

*(Comment whether you support, oppose, or a neutral regarding the specific parts of the notice of requirement or wish to have them amended and reasons for your views. Use additional sheets of paper if necessary and attach them securely to this form).*

Whats the purpose of this new road application?

Is there any surveys or data's to support this application? ,

Who is going to pay for this new road construction?

Is there any environment impact research for the application?

Few years ago one of land developing company (AHL) try to apply filing the abby road gully for future development, but was turn down by the PNCC.

1-2

this new road application just another version of the filling gully attempts.

I see no one benefit from this new road idea except the developer itself. And it will cut the nature of the gully in two separate parts. Which will change the nature of the gully indeed.

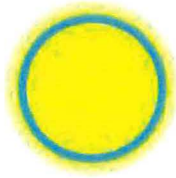
I believe If this new road application been approved, there are will be further application for filling the gully later. This new road application will give the developer an excuse for their new business adventures.

**3. I seek the following recommendation or decision from the Palmerston North City Council:**

*(Give precise details, including the general nature of any conditions sought).*

I am seriously doubt this new road application and wish to hearing more from PNCC

<b>4. Do you wish to be heard in support of your submission? YES</b>	Please indicate <b>Yes</b> or <b>No</b>
<b>5. If others make a similar submission, I will consider presenting a joint case with them at a hearing. YES</b>	Please indicate <b>Yes</b> or <b>No</b>
<b>6A. I am a 'trade competitor' for the purposes of Section 308B of the Resource Management Act 1991</b>  <div style="text-align: center;">No</div>	Please indicate <b>Yes</b> or <b>No</b> If <b>yes</b> , go to 6B;
<b>6B. I am directly affected by an effect of the subject matter of the submission that:</b> <ul style="list-style-type: none"> <li>▪ adversely effects the environment; and</li> <li>▪ does not relate to trade competition or the effects of trade competition.</li> <li>▪</li> </ul> <div style="text-align: center;">YES</div>	If <b>Yes</b> , comment below
<b>I AM DIRECTLY AFFECTED BY THIS NEW ROAD , FROM MY ROOM AND BACK YARD I CAN SEE THE ENTIRE GULLY. NEW ROAD will CUT THE GULLY IT WILL COMPLETE CHANGE THE NAUTRE.</b>	



**POWERCO**

2-1

14829387

**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 11-034  
Manawatu Mail Centre  
Palmerston North 4442  
Attn: Manager 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. Powerco is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
3. 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*.
4. Powerco does not wish to be heard in support of this submission.

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

Gary Scholfield  
Environmental Planner

*Dated this 1<sup>st</sup> day of December 2020*

2-2

**Address for Service:**

Powerco Limited  
PO Box 13 075  
Tauranga 3141

Attention: Gary Scholfield

Phone: (07) 928 5659

Email: [planning@powerco.co.nz](mailto:planning@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 440,000 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.

2-4

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 [planning@powerco.co.nz](mailto:planning@powerco.co.nz).



2-5

JOHNSTONE DRIVE

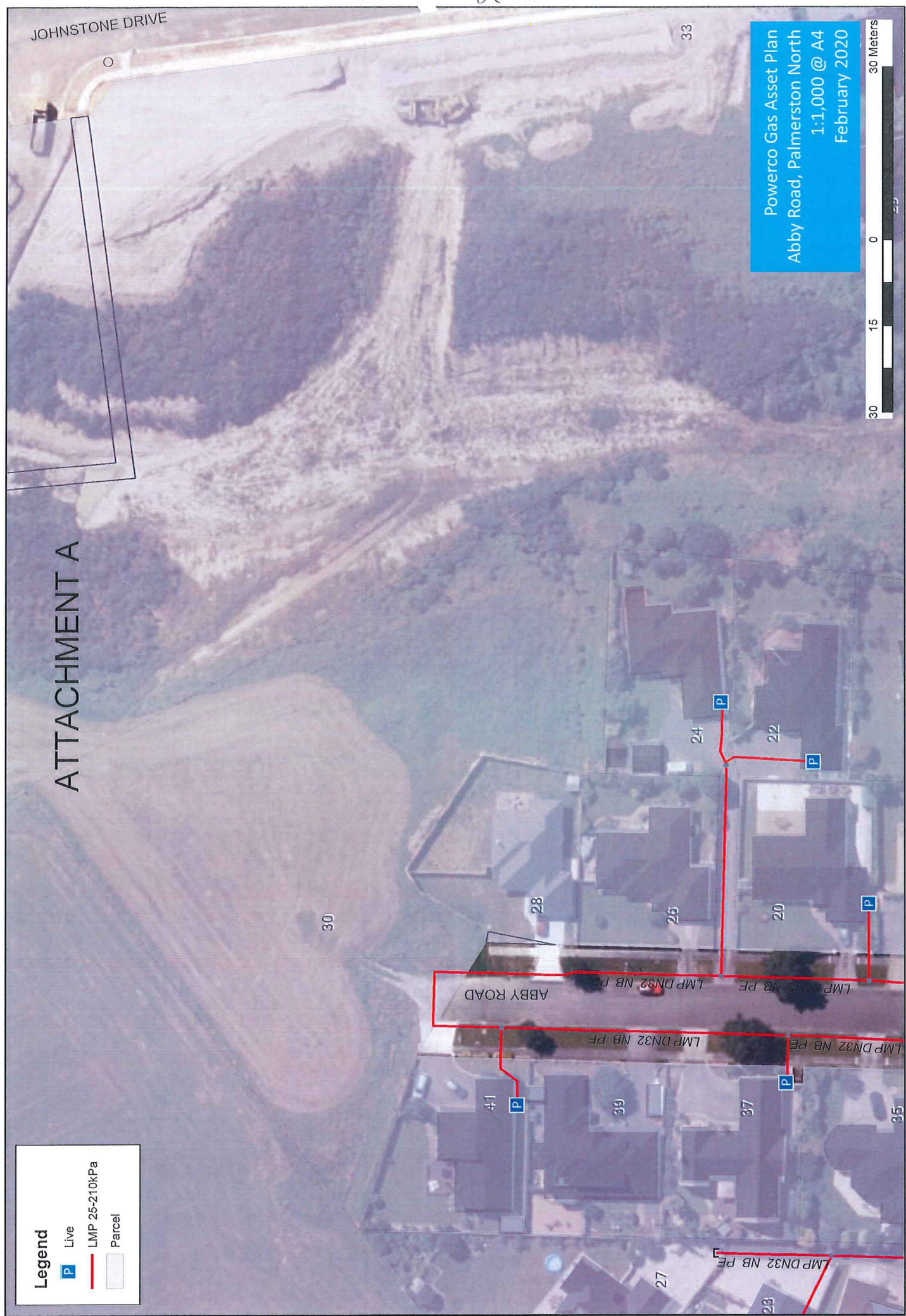
Powerco Gas Asset Plan  
Abby Road, Palmerston North  
1:1,000 @ A4  
February 2020



ATTACHMENT A

**Legend**

- Live
- LMP 25-210kPa
- Parcel





**DewhirstLaw**

3-1

14830731

2 December 2020

Palmerston North City Council

32 The Square,  
Palmerston North

By hand

Dear Sir/Madam:,

**ABBY ROAD – SUBMISSIONS IN BEHALF OF AOKAUTERE LAND HOLDING LIMITED IN  
OPPOSITION TO DESIGNATION**

Please find attached for filing;

1. Submissions in behalf of Aokautere land Holding Limited in opposition to designation.

I can confirm that these submissions have also been filed by email.

I trust the above is satisfactory, but please contact us if you require anything further.

Yours faithfully  
**DEWHIRST LAW**

**Royden Skeet**  
Legal assistant  
[pn@dewhirstlaw.co.nz](mailto:pn@dewhirstlaw.co.nz)

**Confirmation of Receipt**


I,  
received the above mention submissions.

, confirm that on 2 December 2020, at

, I

Signed

Dated 2 December

IN HOUSE	
02 DEC 2020	
PNCC	
Signed.....	

ORIGINAL TO FOR ACTION AND REPLY	
REC'D	- 2 DEC 2020
PNCC	
COPY TO	
1.	
2.	



3-2

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: 1 December 2020

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**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)

3-3

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 Abby Road Notice of Requirement relating to land situate between Pacific Drive and Johnstone Drive, issued by Palmerston North City Council dated 7 September 2020 (the **NOR**).

### **Background**

3. The NOR proposes the construction of a two land, local road, extending approximately 230 metres<sup>1</sup> between Abby Road and Johnstone Drive; the characterisation of the length of the link proposed to be formed as comprising 180m<sup>2</sup>, assuming Mr Hudson's assessment to be accurate as to length, appears to understate the length of the preferred option.

### **The LAND**

4. The NOR pertains to four lots, being Lot 2 DP 484516 Lot 694 DP 500578 Lot 695 DP 509873 Lot 1102 DP 519561; these lots now subsist within record of title 895646, and copy of which title is annexed marked "A".
5. 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

<sup>1</sup> Length predicated upon PNCC's preferred Norther Alignment, refer Hudson and Associates report of 4<sup>th</sup> September 2020, at page 6.

<sup>2</sup> At Part A Form 18; Part 2

6. 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.
7. 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.
8. 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.
9. In consequence upon the issue of an earlier NOR (being that NOR dated 18 December 2020), Palmerston North City Council declined the Consent sought by ALHL to instate its proposed residential subdivision, which declinature was premised upon the existence of that earlier NOR. That declinature is presently the subject of an appeal before the Environment Court.

#### **Opposition to NOR**

10. ALHL, whilst conceding that negotiations had, at the time of the earlier NOR been commenced in an attempt to negotiate a co-funding basis for the delivery of a connection road, those negotiations were unsuccessful (ALHL remains open to renewed dialogue) and ALHL is compelled to oppose this designation proposal in its entirety.
11. ALHL's instructions are such that, it has throughout 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**).
12. 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.



13. The Council Land currently has a single vehicle access (of 3m width, approximately) off Aokautere Drive, but it is not otherwise serviced by the existing extent 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.
14. 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**

15. The purpose for which the designation is proposed, entails the construction of a road on the Land, entailing some 230m more or less in length (on the Hudson assessment of the preferred Northern Alignment), 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 that plan at Part A, Figure 1.

#### **The Consent – Consequences of Designation Corridor**

16. Necessarily the imposition of a designation subsuming the boundary/corridor specifications proposed in the Northern Alignment (indeed either alignment canvassed by Hudson), will have the effect of precluding the section development contemplated by the Consent.
17. The current (Northern Alignment predicated) NOR would open the door to council development of its own land, but it does so at ALHL's expense, and at a far greater expense than would have arisen had ALHL's proposal under LU4085 been adopted/supported by council.
18. 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).

19. The estimated average section value attaching to each lot within the subdivision contemplated by the Consent, comprised \$300,000-350,000.00, reflecting anticipated section sales returns to the developer submitter in excess of \$2,000,000.00 in gross revenue.
20. 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.
21. 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 fully curtailed.
22. The construction of the local (link) road contemplated in the NOR, would subsume much of the developable land in Lot 2 sought to be committed to section yield and would likewise render the nearby land would likely undevelopable and at a minimum significantly depressed in terms of marketability/anticipated value yields.

**NOR – Access thesis**

23. The NOR is predicated upon perceived need for traffic throughput via Johnstone Drive to Abby Road.
24. 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.

25. 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.
26. 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.
27. 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**

28. 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.
29. 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**

30. 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**

31. The premise for the NOR is the instatement of a link road between the current terminus of the Abby gully and Johnstone Drive.

32. 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.
33. 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**).
34. Whilst the Carriageway Requirement, in accordance with the plan specifications/requisites entails some 17.2 metres in width, the proposed designation corridor/boundary comprises up to a width of 37 metres, and entails an additional 3340 m<sup>2</sup> in area, which designation function appears to be reserved at least in part to creation of a commercial/development opportunity to that Council Land situate adjacent to Lot 2 DP 484516.
35. 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".
36. 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 of its planting the gully and changing the zoning in the location of its available access.
37. 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.

38. 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, whilst curtailing the development entailed in the Consent, where doing so is premised upon the necessity for a link road.
39. 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; the submitter questions whether roading designation powers ought to be extended to utilisation for the purposes of securing alternative access to the council land, under the substantive premise of transport interconnectivity, where there is a pseudo-competitive function, as this regard the submitter refers to those outline plans reflected in the valuation entailed in annexure "D".
40. 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.
41. 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.
42. The above estimates are based on an actual costs incurred comparison for construction costs arising in its furthering a recent, nearby road development.
43. 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.

44. 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.
45. The ancillary premise evident by the over-width/alignment determinations undertaken by Council represent an improper consideration, the submitter says.

#### **Traffic movements**

46. 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.
47. 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.
48. 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.

49. 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.
50. 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).
51. 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 proposed by ALHL**

52. 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.

53. 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.
54. 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.
55. 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.
56. 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 "E"** is the developers submitter's resource consent application (limited to the core application and plans, associated reports are excised due to their size), 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 **"F"** to these submissions.



3-13

### Link options

57. 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.
58. 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.
59. 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.
60. 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.

### Summary

61. The submitter says the proposed purpose of the designation, will not afford significant utility/benefit to the ratepayer/community base.
62. 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 infrastructure instatement renders the link road pathway/designation contemplated particularly cost intensive/onerous in the developer submitter's expert assessment.

63. 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.
64. 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.
65. Further, the requiring authorities declinature 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.
66. 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.

67. 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**

68. 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.
69. The cost benefits analysis, particularly following the coming into operation of the Johnstone Drive link between Aokautere and Pacific Drives, are not commensurate.
70. Of particular concern to the developer submitter is the utilisation of the designation process, and its effects (under the earlier NOR, and thereafter by this NOR process) 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.
71. 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.
72. 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.
73. The coming to fruition of the works contemplated in the designation process (entailing the resultant land purchase and construction works) will likely

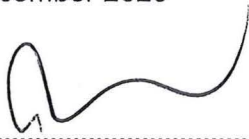


exceed \$3,000,000.00 in costs to the ratepayer base for marginal utility returns.

74. 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.
75. 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 compensation.
76. Compensation via a land swap, recognising the respective value propositions and the reality that the Council Land currently enjoys limited access and development opportunity is one option ALHL would be open to exploring which may mitigate the costs arising to all participants engaged in this NOR process.

Dated: 1 December 2020

Signed:



.....  
**G J Woollaston**  
Counsel for the applicant

"A"

3-17



**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

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<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 Deposited Plan 500578 and Lot 695 Deposited Plan 509873 and Lot 1102 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

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

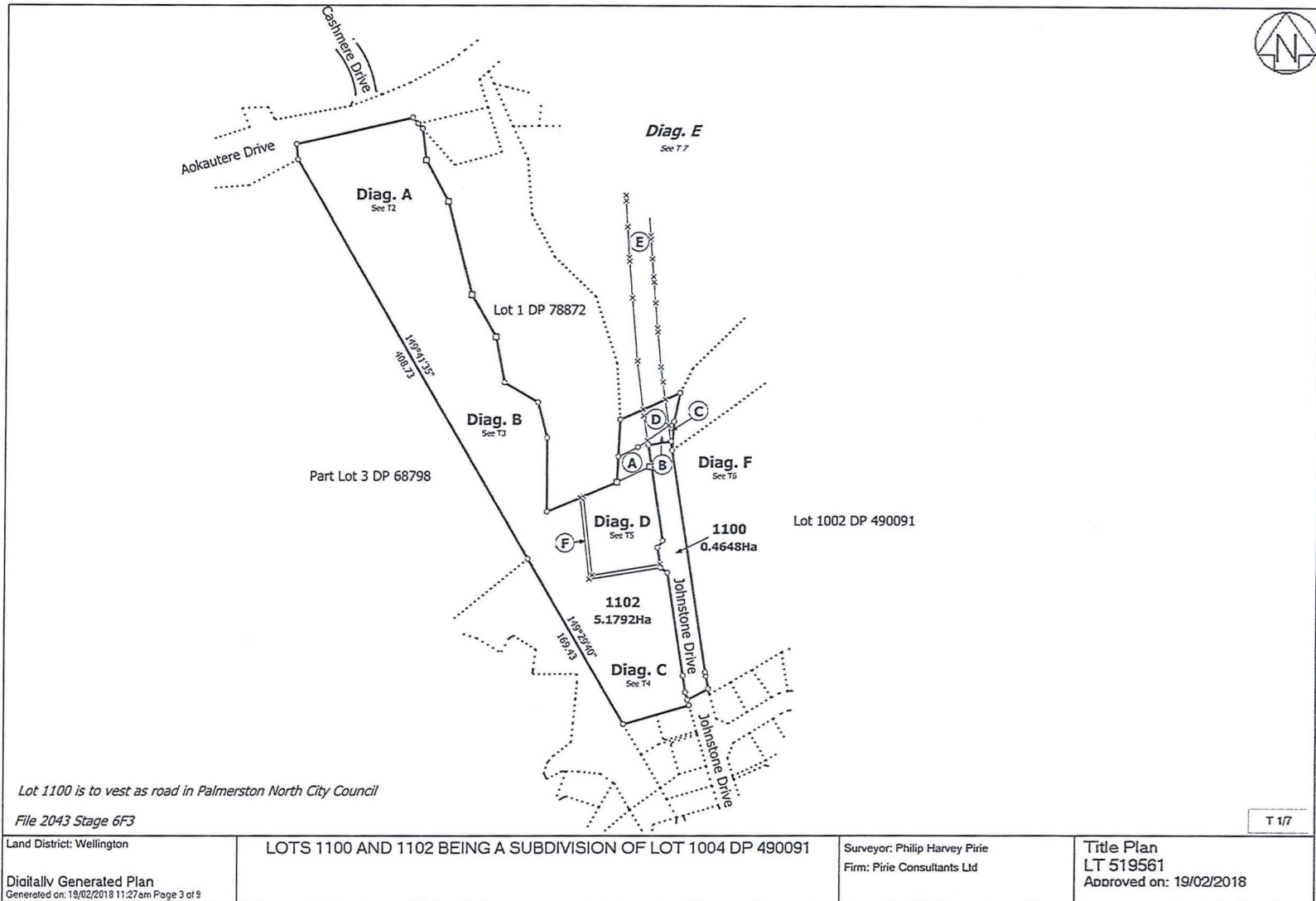
Subject to a right (in gross) to convey electricity over part Lot 1102 DP 519561 marked C DP 519561 in favour of Powerco Limited created by Easement Instrument 11001594.7 - 14.2.2018 at 10:53 am

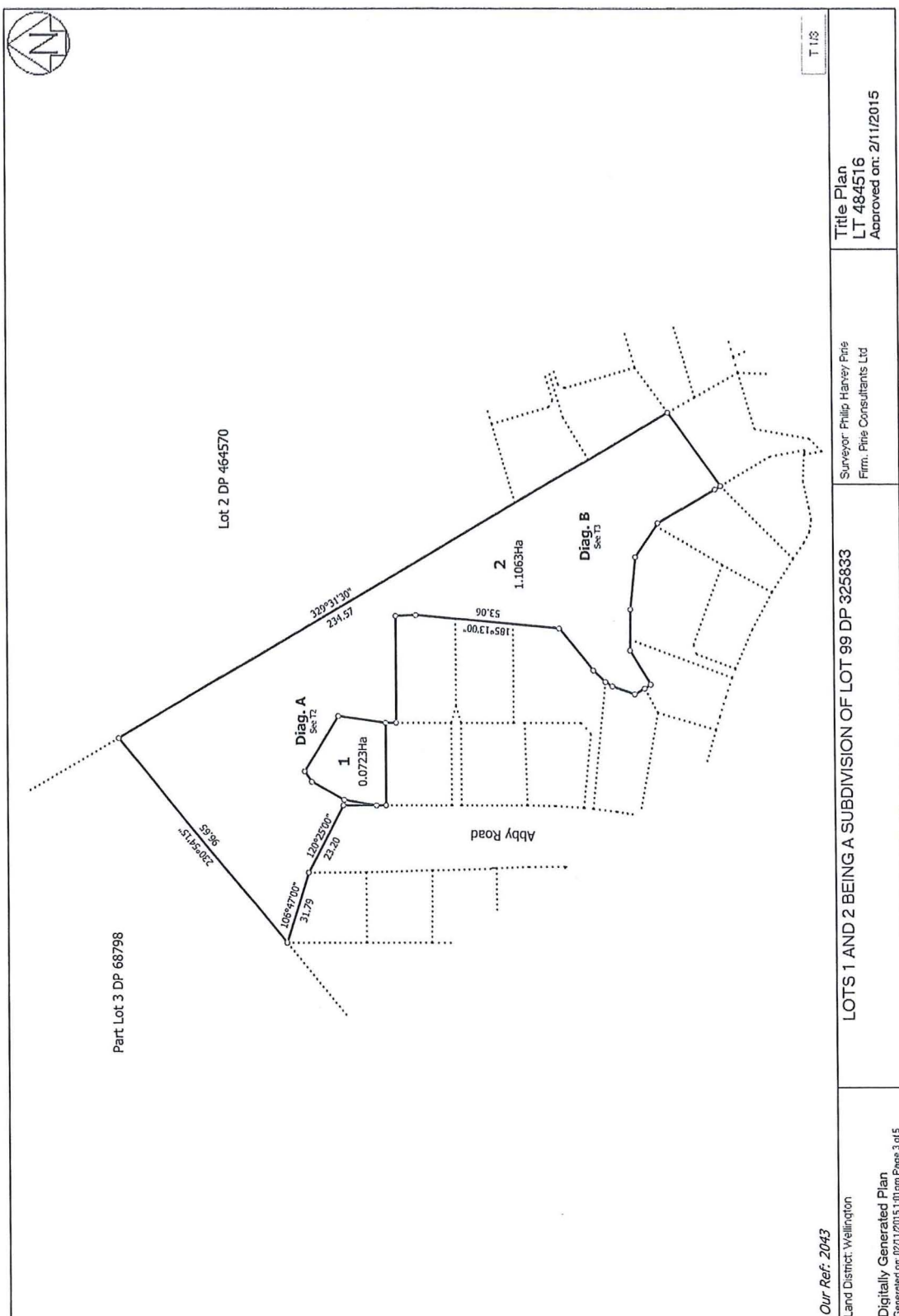
Subject to a right to drain water over part Lot 695 DP 509873 marked H on DP 529850 created by Easement Instrument 11342375.9 - 7.2.2019 at 5:42 pm

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

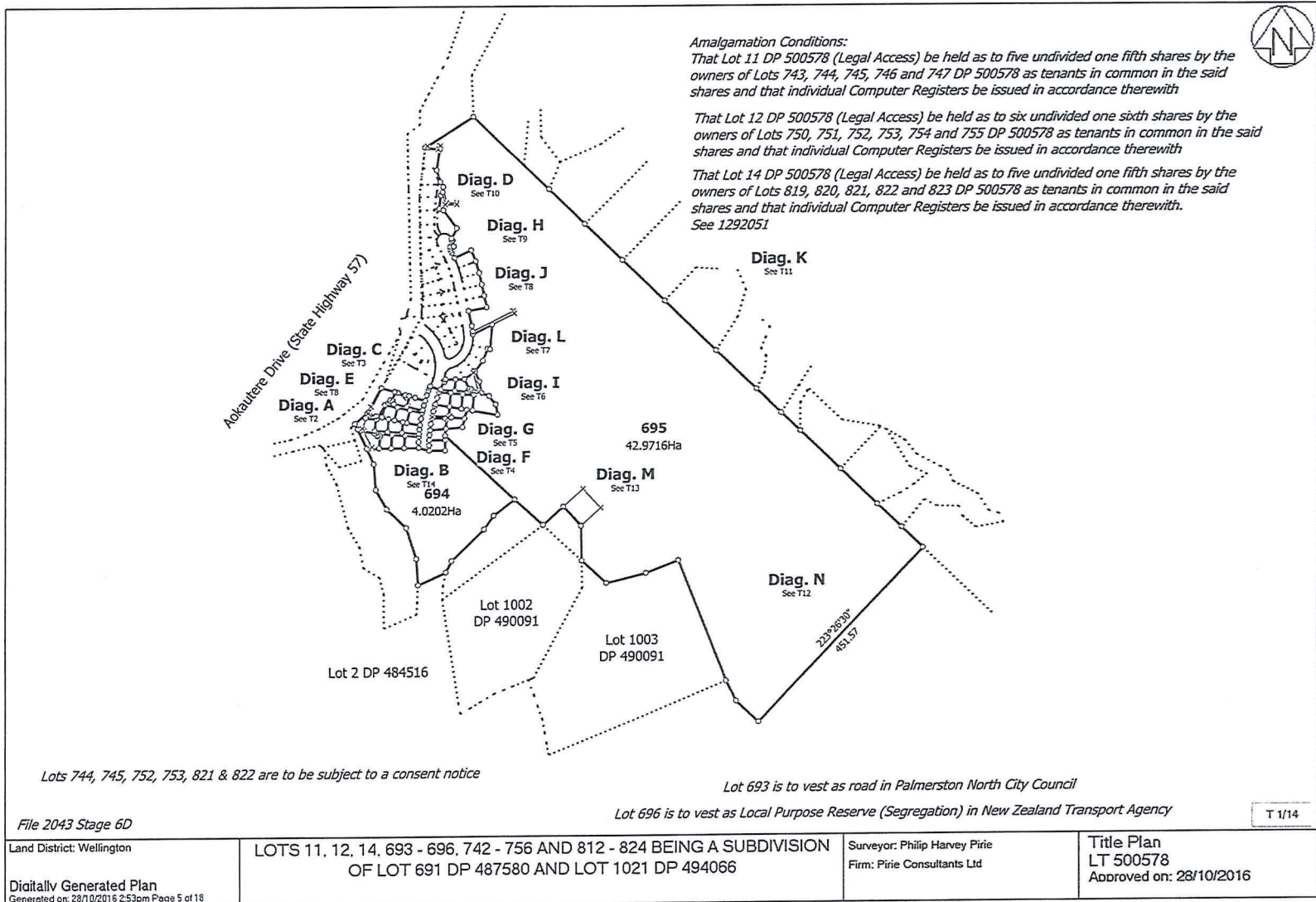




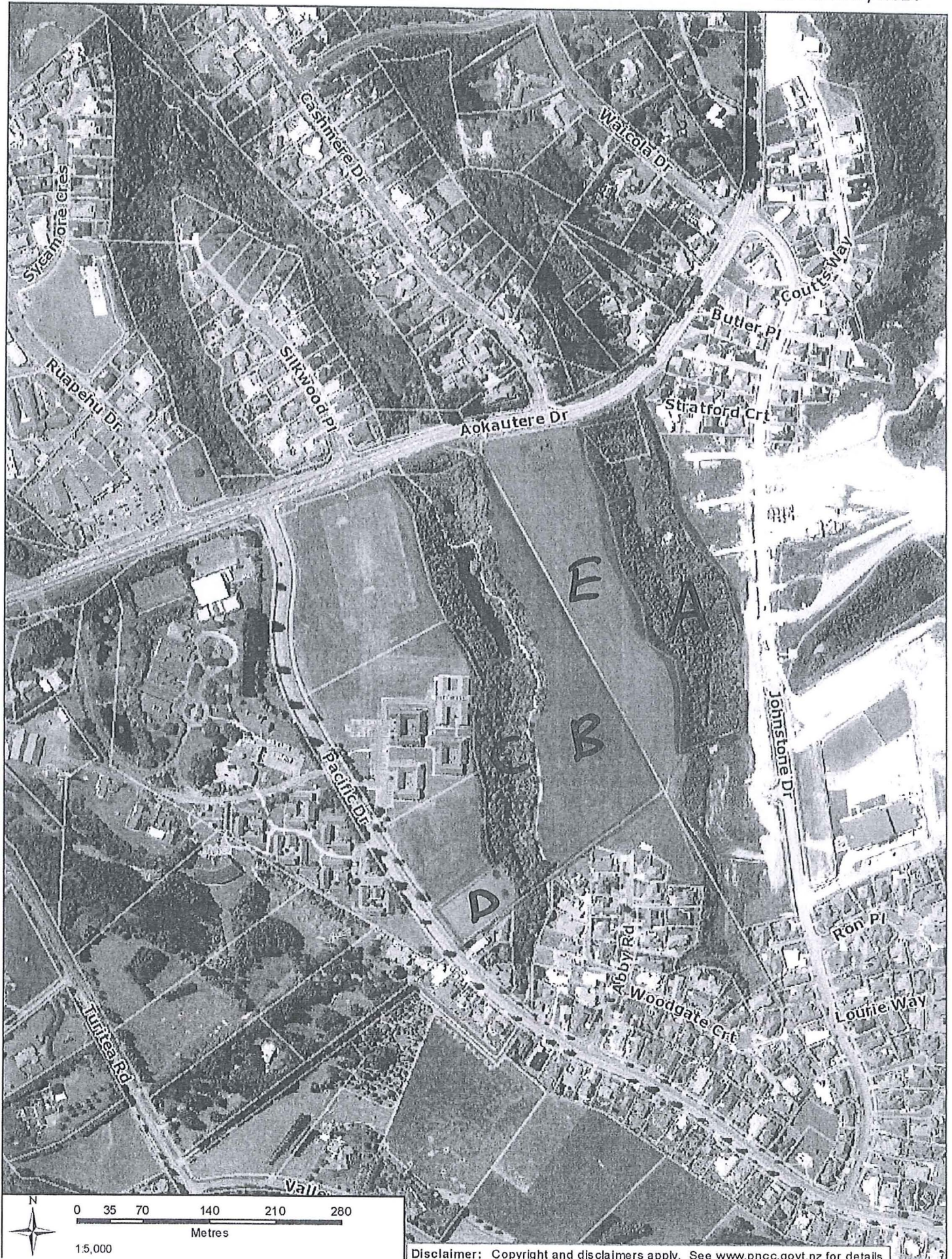














"C" 3-24



SURVEYING RESOURCE MANAGEMENT LAND DEVELOPMENT

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

MEMBERS OF THE CONSULTING SURVEYORS BOARD AND THE INSTITUTE OF SURVEYORS

168 Grey Street PO Box 10050 Palmerston North 4441  
ph 06 357 5303 fax 06 354 0340 ph 0800 WE SURVEY (0662 51 78 78) e-mail: reception@pireconsultants.co.nz

SURVEYING  
RESOURCE MANAGEMENT  
LAND DEVELOPMENT



3-25



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

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

168 Gray Street PO Box 16050 Palmerston North 4441  
ph 06 357 5383 fax 06 354 0340 pfr 0800 WE SURVEY (0800 93 78 78) e mail: reception@pirieconsultants.co.nz

SURVEYING  
RESOURCE MANAGEMENT  
LAND DEVELOPMENT

3-26



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 THE INSTITUTE OF SURVEYORS OF NEW ZEALAND AND THE INSTITUTE OF SURVEYORS

168 Grey Street PO Box 10050 Palmerston North 4441  
ph: 06 357 5383 fax: 06 354 0340 ph: 0800 WE SURVEY (0800 93 76 79) 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 ESLD 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.


3-33

- (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



3-34



COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952

Search Copy



Identifier 686764  
Land Registration District Wellington  
Date Issued 22 October 2015

Prior References  
104249

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

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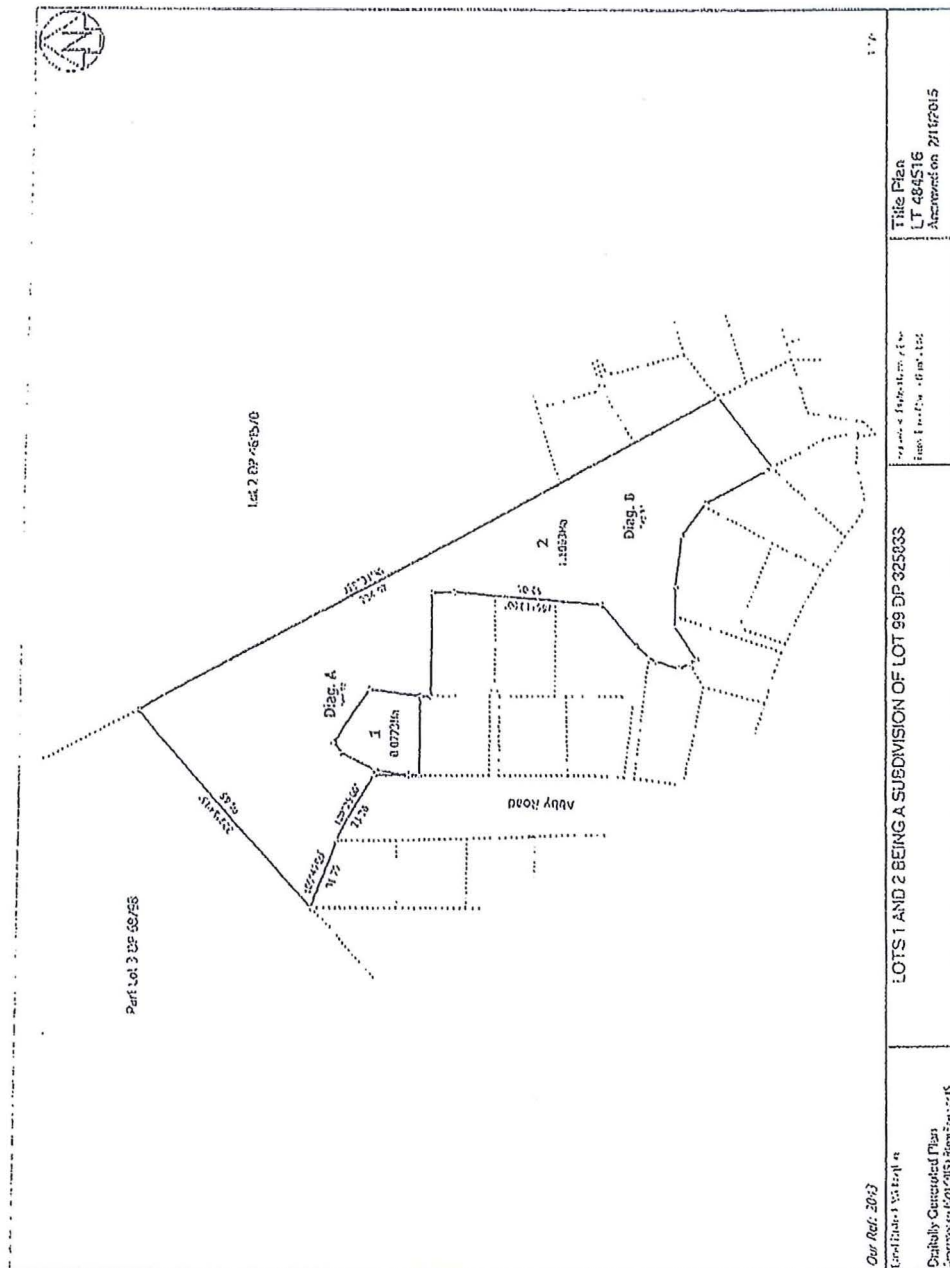
Interests

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

686764



3-36



COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952

Search Copy



R.W. Muir  
Registrar-General  
of Land

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	

---

Interests

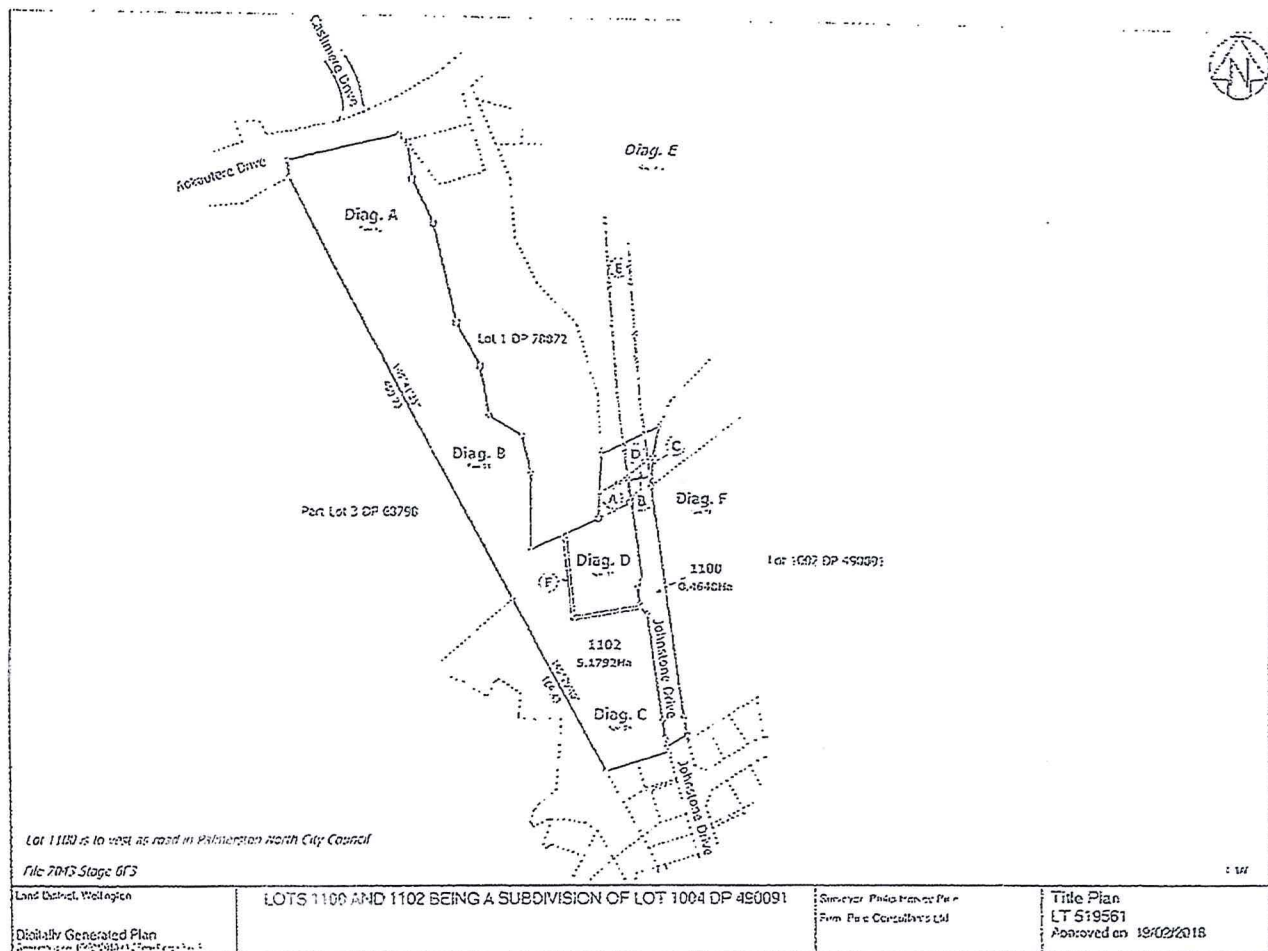
8927489.2 Mortgage to CTS Investments LLC - 1.12.2011 at 11:23 am  
 10169351.2 Variation of Mortgage 8927489.2 - 17.11.2015 at 11:58 am  
 10292952.3 Encumbrance to Palmerston North City Council - 18.12.2015 at 12:57 pm  
 10292952.5 Mortgage Priority Instrument making Encumbrance 10292952.3 first priority 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



3-37

Identifier

817001



Transaction Id

2013 078

Search Copy Date: 12/10/18 1:55 pm, Page 2 of 2  
Register Only

3-38

## 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.

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<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. 2: Classification and Information Management Protocols).

3-39

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 #548284  
25/5/2016



3-40

PALMERSTON NORTH  
CITY COUNCIL

LocalMaps Print







3-41

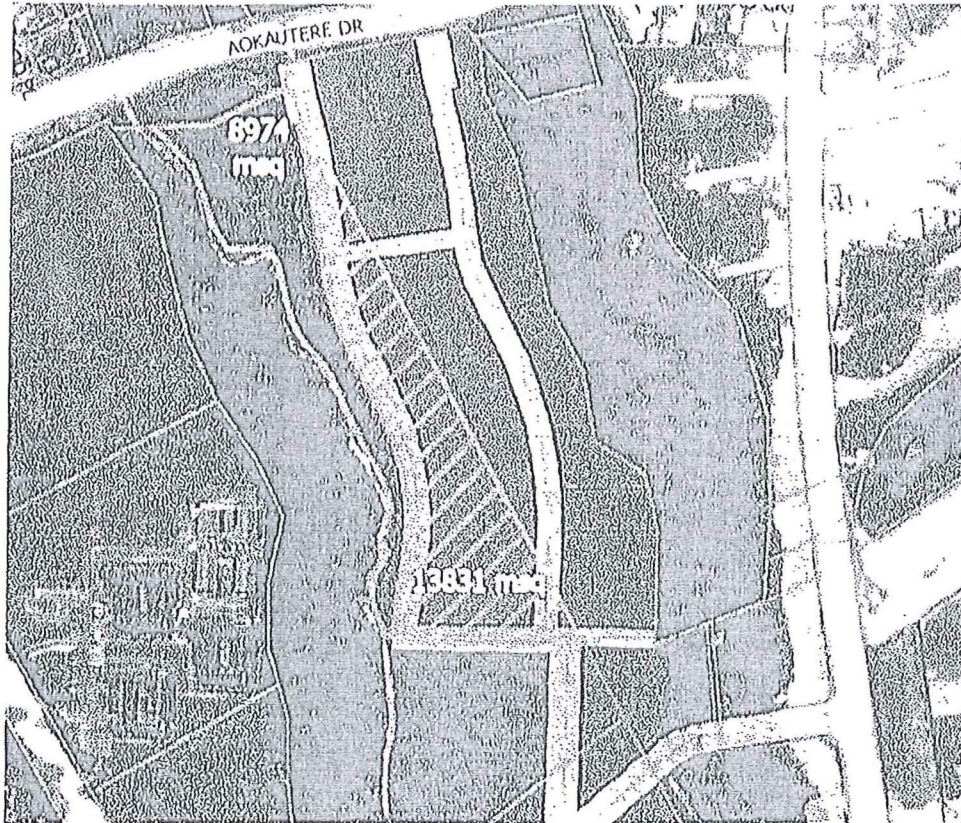


"D" 3-42

BLACKMORES  
FOR TRUSTED ADVICE IN PROPERTY

## VALUATION REPORT

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Aokautere Drive, Palmerston North, 4471

Residential - Vacant Land Block

---

CLIENT Palmerston North City Council

ATTENTION David Murphy

VALUATION DATE 12 November 2019



3-43

## 1.0 TABLE OF CONTENTS

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1.0 TABLE OF CONTENTS.....	2
2.0 DOCUMENT HISTORY .....	2
3.0 EXECUTIVE SUMMARY .....	3
4.0 PHOTOGRAPHS.....	4
5.0 TERMS OF ENGAGEMENT.....	5
6.0 THE PROPERTY.....	6
6.1 LEGAL DESCRIPTION .....	6
6.2 ZONING.....	6
6.3 RATING VALUATION .....	6
6.4 RATES.....	6
6.5 LOCATION .....	7
6.6 LAND .....	8
6.7 AERIAL PHOTO .....	8
6.8 IMPROVEMENTS.....	8
7.0 VALUATION METHODOLOGY .....	9
8.0 MARKET COMMENTARY & CONCLUSIONS .....	9
8.1 MARKET OVERVIEW.....	9
8.2 SALES EVIDENCE .....	12
8.3 VALUATION WORKINGS.....	17
8.4 RECONCILIATION .....	18
9.0 VALUATION .....	18
10.0 PROPERTY RISK ANALYSIS .....	19
11.0 GENERAL VALUATION POLICIES & DISCLOSURES.....	20
12.0 APPENDICES .....	23
12.1 RECORD(S) OF TITLE.....	23

## 2.0 DOCUMENT HISTORY

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Blackmores Reference	63190
Issue Number	1
Issue Date	20 November 2019

3-44

### 3.0 EXECUTIVE SUMMARY

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#### INSTRUCTIONS

Instructed by	Palmerston North City Council
Client	Palmerston North City Council

#### PROPERTY DETAILS

Property Address	Aokautere Drive, Palmerston North, 4471
Brief Description	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.
Type of Property	Vacant Block Land
Tenure	Fee Simple
Legal Description	Part of Part Lot 3 Deposited Plan 68798
Record of Title	WN48B/598
Zoning	Assumed Residential - Palmerston North City Council Operative District Plan
Land Area	1.3831 hectares

#### VALUATION SUMMARY

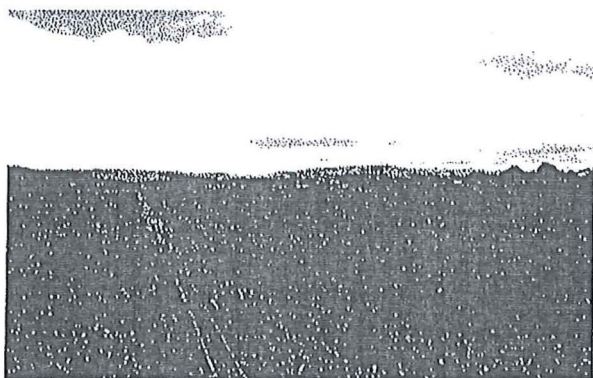
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Valuation as at:	\$1,380,000 plus GST, if any
12 November 2019	(One Million Eight Hundred Thousand dollars)
Valuer and Qualifications:	Bruce Lavender (FNZIV, FPNZ) Registered Valuer   Director
Role in Valuation Report:	Property Inspection/Principal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

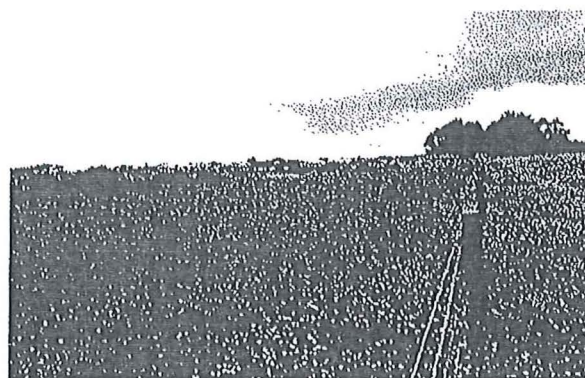
Details of Special Assumptions (if applicable) are referenced under the heading **5.0 Terms of Engagement**. Any significant risks with the property (if applicable) are outlined under the heading **10.0 Property Risk Analysis**.

3-45

## 4.0 PHOTOGRAPHS



Site from northern west boundary looking south



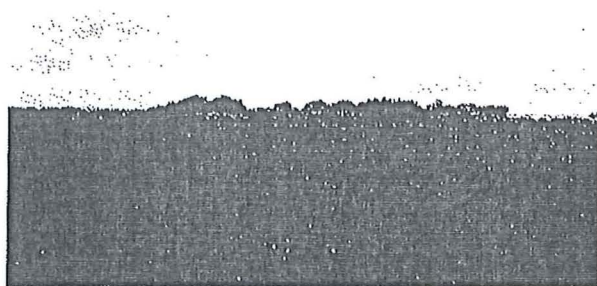
Site from northern west boundary looking north



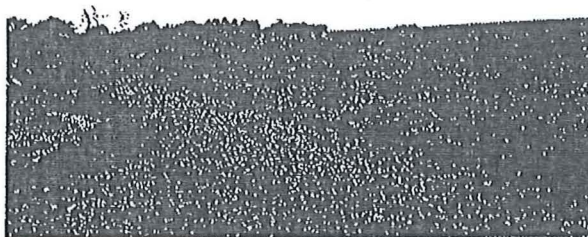
Site from mid east boundary looking north



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>	Market Value  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".
<b>Valuation Standards</b>	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: <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>➤ ANZRPGN 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.

3-47

## 6.0 THE PROPERTY

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### 6.1 LEGAL DESCRIPTION

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Tenure	Fee Simple
Appellation	Part of Part Lot 3 Deposited Plan 68798
Record of Title (ROT)	WN48B/598
Land Registration District (LRD)	Wellington
Land Area	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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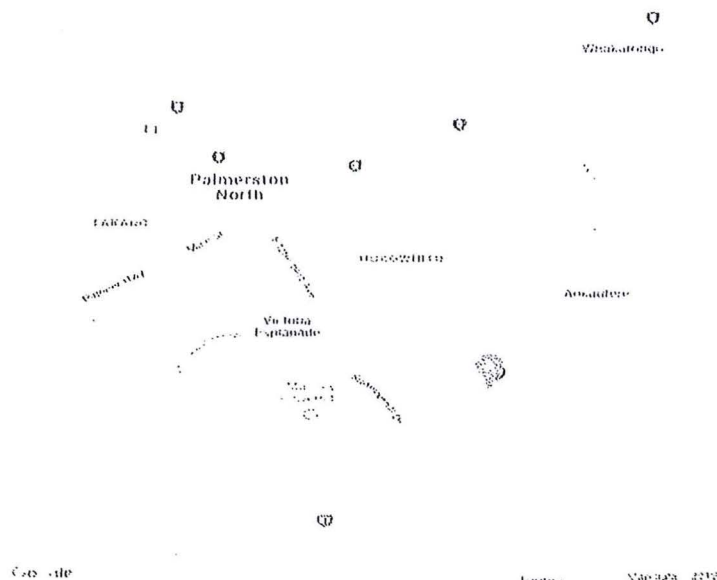
Not assessed under proposed area

## 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



3-49

## 6.6 LAND

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Contour	Gently sloping
Shape	Triangular
Land Area	1.3831 hectares
Access	Proposed road
Services	Proposed electricity, telecommunications, water, sewage, stormwater and gas
Views	Some over adjacent reserve
Other	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.

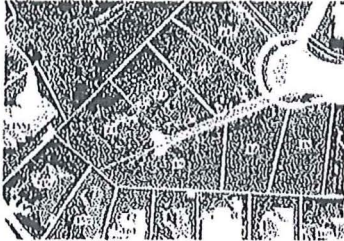
Valuation opinion must be market based ie what would a potential informed purchaser pay for this property retaining full market knowledge, understanding of progression costs and delays. Uncertainty around all these factors makes such exercise particularly difficult. As such this document should not be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

3-53

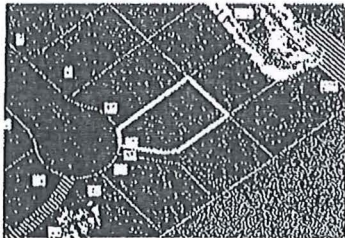
## 8.2 SALES EVIDENCE

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



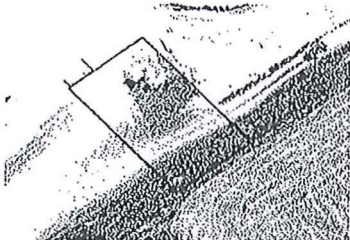
Land Area	916 m <sup>2</sup>
Contour	Level
Services	At road
General Comment	Rear site off shared access in cul de sac bowl
Comparison	Slightly inferior. Further distant and rear site

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



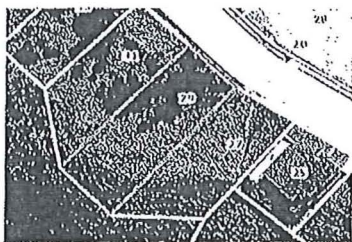
Land Area	614 m <sup>2</sup>
Contour	Level
Services	Town services at boundary.
General Comment	Vacant holding in new subdivision off Pacific Drive.
Comparison	Inferior. Near power lines

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



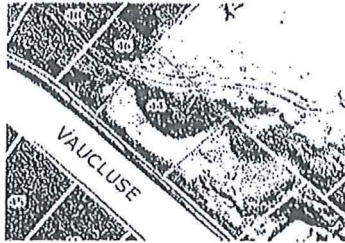
Land Area	702 m <sup>2</sup>
Contour	Level
Services	At road
General Comment	Standard front site in greenfield subdivision. Equates to \$340 psm
Comparison	Slightly inferior. Further distant, no outlook

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



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

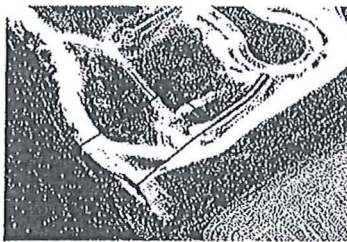
3-54

**34 Vaocluse 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



3-55

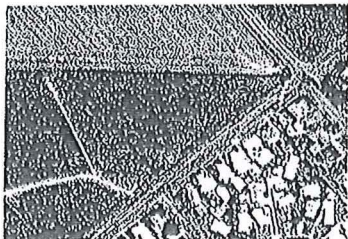
Vacant Rural/Industrial Land Sales

**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**



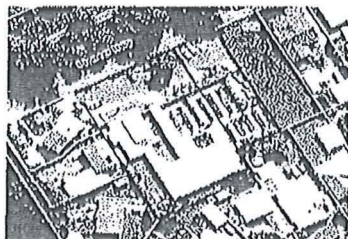
Land Area	1.3701 hectares
Contour	Flat
Services	All road
General Comment	Regular shaped Industrial zoned site in Ashhurst. Equates to \$65.69 psm
Comparison	Inferior. Fringe industrial land

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

3-56

# 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

3-57

- **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.



3-58

### 8.3 VALUATION WORKINGS

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)

3-59

#### 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.



4-1

Abby Road Submission:  
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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. This would be a major issue to us, the surrounding residences and the environment.

#### 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.

4-3

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