



**PAPAIOEA
PALMERSTON
NORTH
CITY**

PALMERSTON NORTH CITY COUNCIL

AGENDA

HEARING BY COMMISSIONER

9.30AM, TUESDAY 7 MARCH 2023

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

MEMBERS

Independent Commissioner Robert Schofield

AGENDA ITEMS, IF NOT ATTACHED, CAN BE VIEWED AT

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

Waid Crockett

Chief Executive | PALMERSTON NORTH CITY COUNCIL

Te Marae o Hine | 32 The Square
Private Bag 11034 | Palmerston North 4442 | New Zealand
pncc.govt.nz

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PAPAIOEA
PALMERSTON
NORTH
CITY

HEARING BY COMMISSIONER

Tuesday 7 March 2023, 9.30am

ORDER OF BUSINESS

1. **Hearing of an Objection from Woodgate Limited, under section 357 of the RMA in relation to a decision by the Palmerston North City Council under section 88(3) of the RMA that resource consent application RC LU6923 was incomplete.**

Hearing Procedure Sheet Page [5]
Minute #1 of Commissioner and Correction Notices Page [9-12]

To consider the following:

(i) Woodgate Limited (Objector)

- a) Application for Land Use Consent for a Retirement Village: 131, Pacific Drive Palmerston North, 12 July 2022 Page [95-170]
- b) Letter (email) of Objection from Woodgate Limited, dated 10 August 2022 Page [13-14]
- c) Statement of Les Fugle, Director of Woodgate Limited, dated 16 February 2023 and submitted on 17 February 2023 Page [15-84]

(ii) Palmerston North City Council (Respondent)

- a) Report of Phillip John Hindrup (Planner) on behalf of Palmerston North City Council, dated 8 February 2023 Page [85-405]

a) Evidence in Reply of Phillip John Hindrup
(Planner) on behalf of Palmerston North City
Council, dated 24 February 2023

Page [406-408]

(iii) Right of Reply of Objector

2. Exclusion of Public

The Commissioner will reserve the right to make the decision with the public excluded.



INFORMATION CONCERNING PROCEDURE FOR A HEARING

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

1. Engagement of Counsel
You can present your own case, but if you wish you can engage legal counsel or any other person to appear on your behalf.
2. Public Hearings
All hearings are public and the media and any member of the public is entitled to be present. The Commissioner has the power, however, to make an order to protect sensitive information. (See *paragraph 14 below*).
3. Commissioner Conducting the Hearing
The Council has delegated the conduct of the Hearing and the power to make a final decision to the Commissioner.
4. Agenda
An agenda for the Hearing will be sent to you before the Hearing. The agenda lists generally the order of the day although there may be some variation to this. The agenda will also include pre-circulated evidence. (See *paragraph 6 below*).
5. Attendance of Parties
Unless you have previously sought and been granted an adjournment of the hearing, if you do not or are unable to attend the Hearing, the Commissioner may proceed and make decisions in your absence.
6. Preparation of Evidence
Important requirements for the preparation and circulation of reports and evidence are set out in the letter giving you notice of the hearing.

For all reports and evidence that are pre-circulated before the Hearing, the Commissioner may decide that the evidence be taken as read or that you may elaborate on principal points. In this case, there would be no need for this evidence read in full. You will not be obliged to elaborate any further unless asked to.
7. Content of Evidence
Parties may elaborate on points they have already raised in their original or further submission.



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

8. Venue for the Hearing

The Hearing will be held at the Palmerston North City Council in the Council Chamber which is situated on the first floor of the Civic Administration Building, 32 Te Marae o Hine - The Square, Palmerston North (unless otherwise stated). Please note that access is via the automatic doors on Te Marae o Hine - The Square side of the roadway where our Customer Service Centre is situated. There are stairs and a lift to the first floor on the right as you enter the building.

9. Evidence

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

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

10. Cross Examination

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

11. Conduct of the Hearing

At the start of the Hearing the Commissioner will briefly outline the Hearing procedure.

The following order of appearance will usually apply:

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

12. Tikanga Maori

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



If you wish to speak in Maori at the Hearing, please contact the Democracy & Governance Administrator within seven days of the date you receive the letter notifying you of the Hearing. This is to enable arrangements to be made for a certified interpreter to attend the Hearing, (Section 4(5) Maori Language Act 1987)

13. Visual Aids

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

14. Sensitive Information

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

15. Adjournment of the Hearing

The Commissioner has the power to adjourn the Hearing.

16. Decision of the Hearing

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

17. Additional Information

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

18. Appeals against Council Decision

Any person who has made an objection has a right of appeal to the Environment Court. Such appeal may be against the whole or any part of the decision. The time within which the right of appeal to the Environment Court must be exercised is within 15 working days of notice of the decision being received in accordance with the Resource Management Act 1991.

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



19. Variation of Procedure

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

20. General

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

* * * * *

Directions/Minutes of Commissioner #1

Section 357 Objection – Woodgate Limited RC6923 131-153 Pacific Drive, Aokautere, Palmerston North

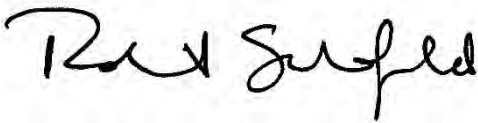
1. Pursuant to section 34A of the Resource Management Act 1991 (RMA), independent commissioner Mr R Schofield has been appointed by Palmerston North City Council (PNCC) to hear and determine an objection under section 357 of the RMA from Woodgate Limited in relation to a decision by the City Council under section 88(3) of the RMA that resource consent application RC 6923 was incomplete. The resource consent application is to authorise the construction, operation and maintenance of a retirement village complex and associated infrastructure in the residential zone, including associated earthworks and a three-lot subdivision at 131-153 Pacific Drive, Palmerston North.
2. A hearing has been set down for **Tuesday 7 March 2023**. The hearing will commence at 9.30am. The hearing is scheduled to be held at the PNCC Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North. A formal hearing notice will be issued by PNCC, confirming the time, date and location of the hearing. At this stage, the hearing is scheduled for one day.
3. The Commissioner has considered whether any orders are appropriate under sections 42A and 41B of the RMA to direct the provision of an officer's report and expert evidence within time limits prior to the hearing. The purpose of the pre-circulation of an officer's report and expert evidence is to allow the information to be read and assimilated by all parties to the hearing to ensure an efficiently run hearing process.
4. In this case there are two parties, Woodgate Holdings Limited, the applicant and objector, the Palmerston North City Council (PNCC), as the respondent.

Accordingly:

5. Pursuant to section 42A of the RMA, the Commissioner instructs the respondent (PNCC) to prepare a report to respond to the objection, outlining the reasons for the s88(3) decision and any other relevant associated matter. A copy of this report is to be circulated by PNCC to all parties by email no later than 3pm on **Thursday 10th February 2023**.
6. Pursuant to section 41B of the RMA, the Commissioner directs that if Woodgate Limited intends to present expert evidence at the hearing, including expert planning evidence, then Woodgate Limited is to provide any written brief/s of that evidence to Ms Susana Figlioli, Democracy & Governance Administrator at PNCC no later than 3pm on **Thursday 17th February 2023**, for circulation by email before the close-of-business on the following working day.
7. Further, pursuant to section 41B of the RMA, the Commissioner directs that if PNCC (as the Respondent) intends to present expert evidence at the hearing, including expert planning evidence, then PNCC is to provide written brief/s of that evidence to Ms Susana Figlioli, Democracy & Governance Administrator at PNCC no later than 3pm on **Thursday 23rd February 2023**, for circulation by email before the close-of-business on the following working day.
8. Pursuant to s41C(1) of the RMA, the Commissioner directs that the hearing will be conducted in the following manner:
 - The report and expert evidence will be taken as read, and no cross-examination shall be allowed
 - Following introductory and procedural remarks by the Commissioner, the applicant will be invited to talk to their objection
 - If pre-circulated expert evidence has been circulated by the applicant, the applicant is to call the witness(es) in person, who will be asked to confirm their qualifications and experience and be given an opportunity to draw to the attention of the Commissioner the key points in their brief(s). No new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated briefs of evidence supplied by the

PNCC – in such cases, the new evidence shall be presented in written form as an Addendum to the primary brief of evidence and it may be verbally presented by the witness

- The witness may then be questioned by the Commissioner
 - The respondent will then be invited to talk to their response to the Objection
 - If pre-circulated expert evidence has been circulated by the respondent (PNCC), the respondent is to call the witness(es) in person, who will be asked to confirm their qualifications and experience and be given an opportunity to draw to the attention of the Commissioner the key points in their brief(s). Again, no new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated briefs of evidence supplied by the applicant.
 - The witness may then be questioned by the Commissioner, and
 - The applicant will then be given the opportunity to provide a right-of-reply in responding to any matters arising during the hearing
9. Non-expert evidence, including any lay evidence or legal submissions, should be tabled and read aloud at the hearing.
10. The hearing will be conducted in a manner which is appropriate and fair, but without unnecessary formality. Subject to adequate notice, the Commissioner will receive written or spoken evidence in Te Reo Māori. If any party wishes to present evidence in Te Reo Māori, they are requested to advise Ms Susana Figlioli, Democracy & Governance Administrator at PNCC, no later than **3pm on Wednesday 8th February 2023**.
11. Any correspondence to the Commissioner should be directed through Ms Susana Figlioli, Democracy & Governance Administrator at PNCC at susana.figlioli@pncc.govt.nz



Robert Schofield (Chair)
Independent Commissioner
27 January 2023

CORRECTION NOTICE

TO: WOODGATE LIMITED (OBJECTOR)
PALMERSTON NORTH CITY COUNCIL (RESPONDENT)

FROM: INDEPENDENT COMMISSIONER MR R SCHOFIELD

SUBJECT: HEARING OF OBJECTION UNDER SECTION 357 RMA – WOODGATE
LIMITED RC6923

This correction notice is issued in relation to Minute # 1 of Commissioner distributed on 27 January 2023 to clarify that reference to 'Thursday' in paragraphs 5 and 6 should read 'Friday' (Friday 10 February 2023 and Friday 17 February 2023).

Should you have any queries please contact me on 356 8199 extension 7518 or email susana.figlioli@pncc.govt.nz.



Susana Figlioli
DEMOCRACY & GOVERNANCE ADMINISTRATOR
PALMERSTON NORTH CITY COUNCIL

On behalf of Independent Commissioner Mr R Schofield

9 February 2023

CORRECTION NOTICE

TO: WOODGATE LIMITED (OBJECTOR)
PALMERSTON NORTH CITY COUNCIL (RESPONDENT)

FROM: INDEPENDENT COMMISSIONER MR R SCHOFIELD

SUBJECT: HEARING OF OBJECTION UNDER SECTION 357 RMA – WOODGATE
LIMITED RC6923

This further correction notice is issued in relation to Minute # 1 of Commissioner distributed on 27 January 2023 to clarify that reference to 'Thursday 23rd February 2023' in paragraph 7 should also read 'Friday 24 February 2023'.

Should you have any queries please contact me on 356 8199 extension 7518 or email susana.figlioli@pncc.govt.nz.



Susana Figlioli
DEMOCRACY & GOVERNANCE ADMINISTRATOR
PALMERSTON NORTH CITY COUNCIL

On behalf of Independent Commissioner Mr R Schofield

23 February 2023

Susana Figlioli

From: Phillip Hindrup <Phillip@stradegy.co.nz>
Sent: Wednesday, 10 August 2022 4:14 pm
To: Phil Hindrup
Subject: Fwd: Return of incomplete resource consent application pursuant to section 88 of the Resource Management Act, Woodgate Limited, 131-153 Pacific Drive, Palmerston North
Attachments: image001.png; RC 6923 131-153 Pacific Drive - Woodgate Limited S88 Letter.Final.pdf

PHIL HINDRUP BRP

PRINCIPAL PLANNER | DIRECTOR

MOBILE 0212477335

WWW.STRADEGY.CO.NZ



This email is intended solely for the use of the addressee and may contain information that is confidential or subject to legal privilege. If you receive this email in error please immediately notify the sender and delete the email.

Begin forwarded message:

From: Les Fugle **S7(2)(a) Personal Privacy**
Date: 10 August 2022 at 15:03:54 NZST
To: Phillip Hindrup <Phillip@stradegy.co.nz>, Paul Thomas <paul@thomasplanning.co.nz>
Subject: **Fwd: Return of incomplete resource consent application pursuant to section 88 of the Resource Management Act, Woodgate Limited, 131-153 Pacific Drive, Palmerston North**

On behalf of applicant and pursuant to the RMA 1991 s357 please treat this as an Objection to the return of the application.

The reason for objection is matters raised were capable of addressing via s92 request for further information or via fixing consent condition(s)

Please request Council administrator set hearing down at the Hearing Committee earliest availability

From: Phil Hindrup <phil@phocusplanning.co.nz>
Sent: Tuesday, August 9, 2022 2:17 PM
To: Paul Thomas <paul@thomasplanning.co.nz>
Cc: Swastika Nadan <swastika.nadan@pncc.govt.nz>; Emma Somerville <Emma.Somerville@pncc.govt.nz>
Subject: Return of incomplete resource consent application pursuant to section 88 of the Resource Management Act, Woodgate Limited, 131-153 Pacific Drive, Palmerston North

Good afternoon.

Please find attached a letter setting out Council's decision to determine the application to construct, operate and maintain a retirement village complex and associated infrastructure in the residential zone, and including associated earthworks, and a three-lot subdivision at 131 – 153 Pacific Drive, Palmerston North, incomplete in accordance with section 88 of the RMA.

If you would like to discuss the contents of the attached decision, please feel free to contact me.

Regards

This email is intended solely for the use of the addressee and may contain information that is confidential or subject to legal privilege. If you receive this email in error please immediately notify the sender and delete the email.

BEFORE PNCC HEARING COMMISSIONER

Pursuant to the RMA 1991 s357 and Woodgate Limited objection dated 10 August 2022

Hearing before Commissioner Mr R Schofeld set down for 7 March 2023

SUBMISSION

My name is Les Fugle – Director of Woodgate Limited (“Woodgate”).

1. On 13 July 2022 Woodgate filed before Council an application seeking approval for a 3-lot subdivision together with a land use consent (Appendix “A” and “B” within Council’s hearing report). The latter activity involved filling a section of a gully that had previously been partially earth-filled under an earlier resource consent issued by Council - RM2553 (copy to be provided)
2. Council has allocated the application behind this Objection reference RC 6923

Purpose of the consent application:

3. Woodgate was seeking planning approval to construct a retirement village that would create some 160 jobs during the build phase and thereafter employment of 120 full-time operational staff. The \$130m construction cost shall inject substantial revenue into and across a wide range of local supply merchants.

Council officer’s position on the application:

4. Pursuant to the RMA 1991 s88(3) Council returned RC 6923 as ‘incomplete’ on the 19th working day after filing being on the 9th August 2022. The reason why Council did not accept RC 6923 is canvassed within (Appendix “C” of the Council’s hearing report).

The matters for Commissioner’s consideration:

5. a) were there special circumstances to justify the s37A time extension, if not, is the return notice stale by having been issued outside the available time clock

b) what information specified within s88/Schedule 4 was not included with the application, thereafter, was that shortfall of a degree that warranted a s88(3) notice or was the shortfall of the nature that capable of being addressed via s92 and/or by setting consent conditions thereby avoiding the return.

c) should Council have informed Woodgate of its concerns thereby giving an opportunity to respond ahead of invoking s88(3)

d) should the s88(3) letter be revoked.

In summary, Woodgate says; a) Council ought to have advised what information was missing enabling the chance to comment before making s88(3) discussion, b) Council invoked s37 improperly, and c) there is no matter raised within the return letter incapable of readdress via s92 and/or by fixing consent condition thereby avoiding the return.

6. To support Woodgate's submission the Commissioner's attention is drawn to the contents of LU 7013 (link to be provided) The reason is that this consent application retained many of the same issues that are central to this objection yet under that consent were dealt with via s92
7. The incomplete letter (Appendix "D" of Council's hearing report) lists a number of reasons why the return was necessary; I shall address those matters by way of that letter paragraph number sequence, before turning to that letter:

First, the level of information that must accompany a subdivision consent application is controlled by that described within s88(2) and Schedule 4 of the RMA 1991 – importantly, Schedule 4(1) defines "information must be specified in sufficient detail to satisfy the purpose for which it is required"; Thereby the starting point becomes was sufficient information provided to understand the project intent and effects, if so, section 88(3) ought not to have been used.

Secondly, one needs to be mindful that a territorial authority has discretion whether to accept an application even if some information specified within the Schedule 4 has not been provided i.e. when the information is not considered relevant or necessary to assess the effects of the activity on the environment.

Thirdly, MFE website purports less than 1% of applications are subject to s88(3). This enforces the view only applications that are lacking fundamental information should be returned. This also supports that there must be more than a minor shortfall in information before using s88(3). It is not necessary for every conceivable detail associated with the consent to be provided with an application, that is why the Act empowers Council other information gathering power ahead of a decision making whether to decline or approve an application with or without conditions.

Geotechnical:

(i-xi) I do not intend to canvass each subparagraph but am open to answering any questions from the bench. The reason for not addressing each point is that the return letter retains no matter under this heading that is not addressed in LU 7013 i.e., Council has thereby acknowledged issues here are capable of being addressed via s92. That said, the application contained sufficient detail as required by s88(2) to enable the consent to be accepted for processing.

Landscape and urban design:

(i) these types of issues are considered at the building design stage nor are matters to warrant the application be deemed incomplete, however, if there were missing information then such is minor and capable of being addressed via s92 request

ii) the criteria laid out under r10.7.4.6 were addressed within the application; should there be a shortfall in that provided then such matters can be addressed via s92 and/or consent condition

iii) – iv shading is not a matter Council has reserved control over but if so that information is capable of supply upon s92 request

v) this is not a Council control matter but if were could simply be addressed via s92 request

vi) not a Council matter as not a public path but if were then capable of being addressed via s92

vii) not a council matter as the project is a private development but if public a statement could be provided pursuant s92 request for further information

Three Waters:

3. Same issue raised in LU 7013 and dealt with via s92 thereby confirming capable of addressing s92.

4. Any uncertainty around this matter was able to be addressed via s92 or fixing a consent condition.

5. Sufficient information has been provided within the application to satisfy schedule 4

6. This is an engineering matter. The availability of water and backflow devices is a matter to be considered upon submitting engineering design/working plans to Council for approval.

7. This is a minor inconsistency brought about due to Council imposition over design/position of roading network, it is not a reason that warrants the application return.

8. Council is aware the road fronting the retirement village is to be vested while internal roads remain private – this is not a reason to return the application

9. This is a consent condition matter.

General:

10. This is an engineering design matter addressed at the time engineering plans are submitted for council approval.

11. Woodgate Limited.

Traffic Management:

- i. Village recreation vehicles are those electric vehicles retained for onsite use and will be stored next to a charging station
- ii. 60
- iii. The facility for safety reasons will be gated with gates located on private land with entry via swipe card and/or via administrative office control. Gates are likely to remain open during day.
- iv. These are matters more than capable and more appropriate to have been addressed if deemed necessary, via s92 request
- v. Speed bumps
- vi. Capable
- vii. Dish channels
- viii. Cycle parking and location shall be determined once build plans are drafted. This is not a consent issue and if we're capable of addressing via s92 request.

Mr Hindrup's report dated 8 February 2023:

Paragraph 39 refers to stormwater matter and earlier unfinished earthworks as being of concern to justify the return yet RC 7013 was accepted, and processed, by Council with the same issues as that on hand. Should Commissioner require further information on these matters background I shall address those questions verbally.

Paragraph 41 is wholly misleading. Council was more than aware of the project, in fact, there were many discussions with Council over time starting when Council was given a copy of the retirement proposal some 2 years prior when Woodgate applied via the Covid-19 fast track process which Council blocked, a link to these documents will be provided. The issues raised by Council encircling that application were addressed when preparing RC 6923, an application prepared by Resource Management Commissioner Mr Paul Thomas. I draw attention within RC 6923 at his introduction paragraph 6 that pre-application discussion had occurred.

Was s37 excised for genuine purpose:

Section 88 requires Woodgate to be notified 'within' 10 working days if the application is to be treated as incomplete. Section 37 empowers Council to extend the time up to 20 working days should special circumstances exist.

Council's reason for the need to call upon the time extension is outlaid in (Appendix "E" of Council's report). Woodgate does not accept there were special circumstances to warrant any, let alone full utilization of available time extension. Mr Thomas's application went beyond the information required by Schedule 4(1); Council has provided no detail on how the interest of Woodgate was considered as required by s37A(1)(a); Whilst the project is large it is not complex nor unique, the villa's mirror each other.

In conclusion, the requirements of s88(2) had been satisfied, however, (if) not then was not mandatory to return Woodgate's application as Council is empowered to use discretion whether to return for want of insufficient information.

In this case, any issue Commissioner determines is missing from the application are matters more than capable of being responded to via s92 request and/or the setting of consent conditions thou avoiding the need for the return.

At the hub of the Council's position RC 6923 retained insufficient information to satisfy Schedule 4(1) yet thereafter Council accepted RC 7013 which encircles the same parcel of land and the same issues.

Woodgate asks the s88(3) notice be quashed to enable RC 6923 to continue with its processing path.

Does the Commissioner have any question(s).

Dated: 16/02/2023

APPENDIX 1

The Principal Planner
PALMERSTON NORTH CITY COUNCIL

**PROPOSED SUBDIVISION OF LOT 97 AND 98 DP 330144
AND RESTRUCTURING OF LAND LANDUSE CONSENT
AT PACIFIC DRIVE (JOHNSTONE DRIVE GULLIES),
PALMERSTON NORTH
FOR PACIFIC FARMS LTD
RM 2553**

1. THE APPLICATION

Pirie Consultants Ltd, on behalf of their client, Pacific Farms Ltd, have submitted an application for a resource consent to subdivide Lot 97 and 98 DP 330144. The land is comprised within Certificate of Titles 123780 and 104249 and located at Pacific Drive, Palmerston North.

The application is made in terms of the Resource Management Act 1991 and was received on 25 June 2007. The application was not accepted and further information was requested regarding the extent of fill under Section 88 on the 27 June 2007.

The application was resubmitted on the 4 July 2007. A geotechnical feasibility report was provided by David Napier and Associates as part of the application. Additional information was requested on the 20 July 2007 under Section 92 of the Resource Management Act 1991. The applicant responded with some further information.

A meeting was held between Council Officers and the applicant on the 15 October 2007 which specifically addressed Council's requirement for the final engineering plans and certification to be undertaken by a recognised geotechnical specialist and clarified the staging of the earthworks proposed.

Horizons Regional Council confirmed resource consents were required for the clearance of vegetation, discharge permit, drainage works and water permit and these were approved on the 24 October 2007.

2. THE PROPOSAL

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

Proposed Lot 800 is to be 755m² and proposed Lot 801 is to be 728m². The balance land is Lot 999 and has an area of 64.535ha.

Proposed Lot 998 is to vest in Council as road. This is shown as road 10 on the scheme plan.

Access to Lots 800, 801 and 999 are via the proposed new road.

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

The applicant proposes to carry out earthworks which involve the filling of several gully systems. There are two main gullies the applicant wishes to fill. The western gully runs in a southern direction along the adjoining residential properties of Ron Place, and Lourie Way. This gully is approximately 300m long and joins with the second main gully.

The eastern gully is also proposed to be filled. This gully runs in a north west – south east direction. The gully extends to the southern point of Lot 98 DP 330144. The proposed filling of this gully is approximately 1050m long.

The total area to be filled is approximately 90,000m² (provided by the Geotechnical Report prepared by David Napier and Associates Ltd.). The expected volume of fill is approximately 650,000m³ of fill. The proposed finished level of the fill is to coincide with the existing surrounding ground level. This will result in an area of relatively flat continuous land.

The application does not include the filling of a major gully on the eastern part of the property which runs towards Moonshine Valley Road.

3. THE DISTRICT PLAN

Subdivision

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

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

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

- a) **Existing Buildings** – All lots are currently vacant.
- b) **Minimum Lot Area** – All allotments are in excess of the 400m² of developable land as required in the Aokautere Development Area.
- c) **Shape Factor** - Not applicable to this proposal.

- d) **Access** – Access to Lots 800 and 801 is to be via a new road with access onto Pacific Drive.
- e) **Essential Services** – As part of the application, services will need to be run via the new road providing services to the new allotments.
- f) **Esplanade Reserves** - Not applicable to this proposal.
- g) **Pacific Drive Extension Area** – Not applicable to this proposal.
- h) **Roads** – The applicant is proposing to construct and vest a new road. This is able to meet Council requirements.

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

Landuse Consent

The applicant has applied for a land use consent to carry out earthworks primarily the filling of the gullies at the same time as this subdivision consent.

Rule 22.9.2.1 states:

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

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

Provided it complied with the following performance conditions:

(a) Timing of Application and Undertaking of Works

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

The applicant has applied to carry out the earthworks at the same time as subdivision consent therefore the application will be considered as a Discretionary (Restricted) Activity with the more restrictive category being applied using the bundling principle.

4. THE RESOURCE MANAGEMENT ACT

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

4.1 Public Notification Assessment

A separate Notification Decision has been released. Below is a summary of the basis for the notification decision by the Principal Planner.

Section 93(1) indicates that a consent authority must notify an application for a resource consent unless:

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

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

In terms of the Discretionary (Restricted) Landuse Consent, ‘Restructuring of Land in Aokautere Development Area’ Council’s discretion is restricted to:

‘The avoidance or mitigation of any natural hazard’

A geotechnical feasibility assessment has been provided by David Napier and Associates which confirms the proposed works required to be carried out to create stable building platforms. In relation to the restructuring of land (earthworks) consent Council’s discretion is restricted to the avoidance or mitigation of any natural hazard. Visual amenity and landscape effects are not matters that Council can have regard to and considered. Therefore the neighbouring property owners who will have a view of the earthworks are not considered to be potentially affected parties. The preliminary geotechnical report confirms that engineering works can be undertaken to restructure the land and improve the land instability therefore the effects which Council has discretion over are considered to be no more than minor.

In addition the site is zoned residential, as such there should be an expectation that residential subdivision will occur in this area. The filling of the gullies is in land in the Aokautere Development Area identified as ‘undevelopable’ in the District Plan on Map 10.1. This term does not mean the land cannot be developed. The definition of ‘undevelopable land’ in the District Plan is:

Means any land in Aokautere which is not identified as developable land on Map 10.1.

The definition of ‘developable land’ in the District Plan is

Means land in Aokautere identified as developable on Map 10.1 or for which a valid, restructured land resource consent exists.

Council considers that the development of residentially zoned land for residential purposes is appropriate and that with appropriate geotechnical design and supervision that, any adverse effects associated with the subdivision and proposed earthworks can be mitigated by appropriate conditions and thus adverse effects are considered to be no more than minor.

The Notification Report provides further details of the reasons why no parties are considered to be adversely affected and why no special circumstances are considered to exist.

Council has received a number of complaints from adjoining land owners in Johnston Drive and Ron Place concerned with the unlawful earthworks taking place, the prospect of the gullies being filled and further subdivision of the site. Council has taken enforcement action over the earthworks that have been undertaken without the necessary consents.

In view of the above, with any adverse effects considered to be no more than minor, there have been no potentially affected parties identified and with no special circumstances considered to exist, it has been decided that the application be considered without notification or service of notice.

4.2 Matters to be Considered

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

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

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

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

Section 104C of the Act states that when considering an application for a resource consent for a restricted discretionary activity, a consent authority –

- (a) *must only consider those matters specified in the plan or proposed plan to which it has restricted the exercise of its discretion; and*
- (b) *may grant or refuse the application; and*
- (c) *if it grants the application, may impose conditions under section 108 only for those matters specified in the plan or proposed plan over which it has restricted the exercise of its discretion.*

Sections 108 and 220 outline the nature of conditions that can be placed on resource consents.

5. SUBDIVISION CONSIDERATION

Section 7 Objectives and Policies

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

The Plan establishes standards for subdivision in the residential zones of the City to provide allotments for residential development meeting minimum lot areas of developable land and providing access, services and links to the roading network.

The objectives and policies reflect the environmental outcomes sought for the zone, being a compact, well connected urban area that is efficiently serviced and with safe access to the roading network.

Objective 1

To ensure that subdivision of land and buildings is consistent with integrated management of the use, development and protection of land and other natural and physical resources.

Policy 1.1

To enable that subdivision of land and buildings for residential, commercial, industrial and other purposes generally in accordance with existing land use patterns, and to promote sustainable management of the City’s resources by ensuring that the land within the urban area is fully utilised consistent with maintaining amenity values.

The Explanation notes that “ Policy 1.1 is intended to ensure that orderly growth takes place in the interests of sustainable management of natural and physical resources, within the existing urban area by way of consolidation. This policy reinforces the convenient community objective by making provision for subdivision to facilitate further use of land within the urban area ”

The methods used to implement the policies are the Plan rules. Accordingly applications for subdivision in the residential zone which meet the specified performance standards are Controlled Activities for which consent must be granted.

The proposed subdivision meets all the performance conditions in the Subdivision Section of the Plan for a Controlled Activity subdivision in the Residential Zone. However as is required by Rule 22.9.2.1, the applicant has contemporaneously applied for a land use consent to carry out earthworks primarily the filling of the gullies at the same time as this subdivision consent. The subdivision consent application lodged is however only to create two residentially sized allotments, one short road allotment and a balance allotment. A further subdivision consent application will be required for subdivision of the balance of the site, for which there is the potential for approximately 100 additional allotments on the site.

Of importance is the fact that development of this site by way of subdivision and associated earthworks fits comfortably within the planning strategy of the District Plan. It is a residentially zoned site within the existing urban area of the City. Services can be provided from the existing services to the area and roading links are proposed to provide good connections to the existing roading network. The key effect which must be mitigated is the identified land instability in the area and this is proposed to be achieved by filling of the gully systems as discussed in the land use section below.

Provided this is undertaken by appropriately qualified experts and stable building sites provided, the relevant objectives and policies of the Plan will be met.

In this case I am of the opinion that because the application complies with the Performance Conditions for Controlled Activities, and because of what is discussed in Section 6 below, the proposal is consistent with relevant District Plan objectives and policies, and the effects generated will be no more than minor.

6. LANDUSE CONSENT

Restructuring of Land in Aokautere

Due to the identified land instability hazards within the Aokautere Development Area, a further land use consent is required in relation to the earthworks which include the filling of the gully systems.

R 22.9.2.1 Restructuring of Land in Aokautere

6.1 Consideration of Effects

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

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

Comment

The proposal involves the restructuring of the existing landform through earthworks. The applicant has provided a preliminary Geotechnical Assessment that has been prepared by David Napier and Associates Ltd. This report provided more specific detail regarding the extent of the earthworks. The proposed filling is to occur in an area of approximately 90,000m² to a depth of 15m and it is estimated that there will be 650,000m³ of fill placed within this area.

There are two main gully systems the applicant wishes to fill. Off these main gullies there are also minor gullies which are to be filled. The applicant provided an initial plan showing the extent of the fill. A further plan was provided to Council on the 15 October 2007. This provides a more accurate representation of the extent of fill. As part of the application there are to be two main gullies filled. The main gully (being the eastern gully) runs in a northwest to southeast direction. There is proposed to be an embankment near the northern boundary of Lot 98 DP 330144 to contain the fill.

The application involves two stages. The first stage is the stripping of the gullies and the second being the proposed filling of the gullies. The consent holder will be required to engage a suitably qualified registered geotechnical engineer to design, monitor and certify the proposed filling.

The following is an outline of the process that will be followed and the conditions of the consent will be set to ensure this occurs which the applicant has agreed to:

1. The applicant may excavate the existing gully by stripping the soil to investigate the sub-base prior to obtaining engineering plans for the filling of the gully.
2. The applicant must appoint a suitably qualified person that is acceptable to Council, being a MIPENZ (Geotechnical Specialist) CPEng, must confirm the sub-base is suitable for the proposed fill.
3. The MIPENZ (Geotechnical Specialist) CPEng must design and submit full engineering plans of the proposed fill to the Council. This must include certification the land is suitable for filling.
4. The MIPENZ (Geotechnical Specialist) CPEng must monitor the proposed works and testing of the site. This must be carried out to at least CM 4 of IPENZ construction monitoring setout in Council's Engineering Standards.
5. The MIPENZ (Geotechnical Specialist) CPEng must certify that the proposed fill prior to placement is acceptable for the proposed works.
6. On completion of all works the MIPENZ (Geotechnical Specialist) CPEng must prepare a completion certificate in accordance with Schedule 2A of NZS 4404 and must include a completion report. This report must confirm the land is suitable for residential development and identifies any restrictions or limitations that may occur.

The above steps will be incorporated into conditions of consent to ensure the proposed works are carried out to an acceptable standard and that the site is suitable for residential development including further subdivision and construction.

During the earthworks phase there is the potential for adverse effects to occur which include dust, noise, additional traffic movements and possible short term erosion from natural elements. Access to the site is via a public road which the consent holder is entitled to use. To ensure that safe access is still available for existing residents and visitors to the area, the consent holder will be required to submit and have approved a traffic management plan. Vehicle movements and the operation of machinery associated with the approved earthworks will also be restricted to the hours of 7am to 6pm Monday to Saturday. This will help ensure that disruption to leisure time/sleep time for the residents in the area is minimised.

In addition under Section 17 of the Resource Management Act 1991 every person does have a duty to avoid, remedy or mitigate any adverse effects that may arise from an activity. This will be included as a note to the applicant.

6.2 Objectives and Policies

Section 22: Natural Hazards

Objective 2:

To control the type of development on land which is or might be affected by natural hazards.

Policies

- 2.1 To exclude development on hazard-prone land where the hazard cannot be effectively avoided, remedied or mitigated.*
- 2.2 To establish appropriate controls to avoid remedy or mitigate the effects of natural hazards.*

Section 2: City View Objectives

The Healthy Community

To avoid, remedy or mitigate the adverse effects of natural hazards.

The above objectives and policies provide for the development of land which is identified as having a natural hazard. In this case the land is identified as being ‘undevelopable’ on Map 10.1 of the District Plan. The applicant has provided a preliminary geotechnical assessment demonstrating how the proposed filling of the gullies can be undertaken. In addition, conditions of consent will ensure further Geotechnical Investigations are carried out prior to the filling and that a geotechnical expert monitors the works and provides final certification that the land is suitable for residential development. This will ensure that the current natural instability of the land in the area is sufficiently remedied to provide for future residential development on the site. Therefore the application is considered to be consistent with the relevant objectives and policies of the District Plan.

7. PART II OF THE RESOURCE MANAGEMENT ACT 1991

In my opinion the proposal will overall achieve the purpose of the Act being the sustainable management of natural and physical resources. The proposal will make use of existing residentially zoned land for residential development within the identified urban area of the City. This will maintain the compact urban form of the City. For the reasons discussed above it is considered the effects of the proposed development are no more than minor.

Future residential development of the site will be subject to the residential zone bulk and location rules, therefore it is considered that the amenity values of the surrounding residential neighbourhood will be consistent with the standard envisaged in the District Plan for the residentially zoned areas of the City.

The proposal is not considered to be contrary to the principles of the Treaty of Waitangi with no identified sites of significance known in this area.

Overall, it is my opinion that the proposal meets the purposes and principals of the Act with the promotion of sustainable management of natural and physical resources of the residentially zoned land.

8. OTHER MATTERS

Services and Easements

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

Development Contribution

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

There has since been a similar proposal to carry out small subdivision consent at the end of Abby Road being RM 2466. As part of this consent, development contributions were levied against the proposal. This results in 176 lots being available for ‘local reserve credit’. Once this consent is completed there will be 174 lots available for reserve credit for the Woodgate Development.

Under the 2007 Development Contribution Policy Council has the ability to postpone payments for area based charges. As such in this case it is considered appropriate, as requested by the applicant, to postpone the payment for the area based charges for stormwater charges of a development contribution for the balance land being Lot 999. As such area based charges for stormwater for lots 800 and 801 only will be required prior to completion of this subdivision. Additional charges will be payable when subsequent subdivision consent applications are made.

As this subdivision consent is from two allotments into four, it is considered that two additional units of demand are payable. Therefore under this subdivision consent the following development contribution of \$15470.66 will be required to be paid prior to the issuing of 224 certificate is issued.

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

9. RECOMMENDATION

9.1 Subdivision Consent

That pursuant to Sections 104, 104C, 108 and 220 of the Resource Management Act 1991 the application by Pacific Farms Ltd to subdivide Lot 97 and 98 DP 330144 RM 2553 be **granted** for the following reasons:

1. The proposed subdivision is consistent with all of the relevant objectives and policies of the District Plan.
2. There are no identified potentially affected parties.
3. The preliminary geotechnical assessment provided by David Napier and Associates concludes the property is suitable for residential development with appropriate expert design, supervision and certification of the earthworks.
4. The subdivision will not create any adverse effects on the environment, for the matters over which Council has the discretion to consider, that will be more than minor with the appropriate conditions implemented.

Subject to the following conditions:

In Accordance

- (1) The proposed subdivision shall be in accordance with the application received by Council on the 4 July 2007 and the plan drawn by Pirie Surveying Ltd dated June 2007 and all other information submitted in support of the application and held on Council File RM 2553.

Provision of Easements

- (2) Prior to requesting approval under Section 223 of the Resource Management Act 1991 the applicant shall give a written statement by a registered surveyor to Council to the effect that all services are confined to their respective lots or provision is made for suitable easements to be granted or reserved and endorsed in a Memorandum on the Survey Plan.

Extinguishment of ROW easement

- (3) Prior to requesting approval under Section 223 of the Resource Management Act 1991 the consent holder shall supply a written solicitors letter of undertaking that the existing right of way easement created by Easement Instrument 7250827.1 on Certificate of Title 123781 will be extinguished prior to the deposit of the Survey Plan.

Vesting of Roads

- (4) Prior to requesting approval under Section 223 of the Resource Management Act 1991 the Survey Plan shall be prepared so as to show:

Lot 998 to vest as road in the Palmerston North City Council

Engineering Works for the Road and Services

- (5) No physical works can be carried out until
 - (i) Engineering plans prepared by a Registered Engineer or Registered Surveyor with appropriate qualifications acceptable to the Council are submitted to the Council for all physical works including roads and services.
 - (ii) The plans are approved by Council.

- (iii) The consent holder shall appoint as a Technical Representative and have approved by Council a Registered Surveyor, Chartered Professional Engineer (CPE) or other person with qualifications acceptable to Council to monitor the construction of all services and roading in accordance with level CM 4 of IPENZ construction monitoring set out in Council's Engineering Standards for subdivision.

Engineering Works Completed

- (6) Prior to requesting approval under Section 224 of the Resource Management Act 1991, the consent holder shall provide a written statement from the approved Technical Representative (approved under condition 5), that
 - (i) The physical works have been carried out in accordance with the engineering plans approved.
 - (ii) Council's minimum standards are met.
 - (iii) Construction monitoring in accordance with this consent has been carried out.

Water Supply Certification

- (7) Prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder shall provide a certificate from the approved technical representative, (approved under condition 5) that the water supply disinfection procedure complies with the Disinfection Code of Practice and Good Water Supply Practices.

As-Built Plans

- (8) Prior to requesting approval under Section 224 of the Resource Management Act 1001 the applicant shall provide a schedule of assets and As-Built Plans to vest with the Palmerston North City Council. Note: The Inland Revenue Department (IRD) have ruled that the vesting of land or services in Council is subject to GST as the supply of a resource consent by Council is a supply of services and also subject to GST. The two transactions are for the same value and the Palmerston North City Council shall issue the invoices to account for both transactions. (Palmerston North City Council has IRD approval to self invoice for GST purposes).

Statement of Suitability

- (9) Prior to approval under Section 223 of the Resource Management Act 1991, the requesting consent holder must provide a statement of professional opinion from a MIPENZ (Geotechnical Specialist) CPEng acceptable to Council confirming the land is suitable for subdivision and residential development. This statement shall be made in accordance with NZS 4404:2004 Schedule 2A and shall include a completion report providing confirmation that:
 - (i) The land is suitable for residential development.
 - (ii) There are suitable building sites on all allotments.
 - (iii) All restrictions on the lands suitability for subdivision and/or residential development are identified.

Certification of Fill

- (10) Prior to requesting approval under Section 223 of the Resource Management Act 1991, the requesting consent holder must provide a statement of professional opinion from a MIPENZ (Geotechnical Specialist) CPEng

acceptable to Council confirming the land that those lots which have had earth fill placed on them and the retaining thereof, are suitable for residential development. The statement shall be made in terms of NZS 4431 Appendix 2. The statement shall include any retaining structures and be accompanied by compaction test results for the area of fill.

Performance Certificate

- (11) Prior to requesting approval under Section 223 of the Resource Management Act 1991 the consent holder must provide a performance certificate issued by Council to demonstrate that all conditions of the landuse consent (203211) which was applied for as part of this subdivision consent have been fully complied with.

Consent Notice Requirement

- (12) Prior to requesting approval under Section 223 of the Resource Management Act 1991, if any limitations or restrictions are identified within the statement of suitability required under condition 9 and the geotechnical completion report provided as part of the landuse consent 203211, a consent notice shall be prepared to reflect all these limitations/restrictions. If necessary the Survey Plan shall be amended so that it indicates any building line restrictions and the Lots which are subject to a consent notice. If a consent notice is required it shall be prepared by the City Solicitor at the cost of the applicant

Completion Condition

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

9.2 Landuse Consent

That pursuant to Section 104, 104C and 108 of the Resource Management Act 1991 the application by Pacific Farms Ltd to carry out earthworks within the Aokautere Development Area which involves the filling of the gullies and associated works as part of subdivision consent RM 2553 be granted:

For the Following Reasons:

- 1. The proposed restructuring works are considered to be consistent with the objectives and policies of the District Plan.
- 2. There are no identified potentially affected parties.
- 3. The preliminary geotechnical assessment provided by David Napier and Associates concludes the property is suitable for residential development and the proposed filling will be subject to further expert geotechnical investigation, design and supervision.
- 4. The subdivision will not create any adverse effects on the environment, for the matters over which Council has discretion, that will be more than minor with the appropriate conditions implemented.

And Subject to the Following Conditions

Stage 1 – Stripping of the Gullies

- (1) The consent holder shall only carry out the preliminary excavations of the top soil within the gully systems to investigate the sub-base and provide a suitable platform for the filling of the gullies.
- (2) The consent holder shall ensure there is no filling or drainage works carried out as part of this stage.
- (3) The consent holder shall ensure that all preliminary excavations are completed within 6 months of the date of granting this consent unless a written request for an extension of time is made to the Principal Planner and the request for a time extension is granted.

Stage 2 – Filling of the Gullies

- (1) That prior to any filling of the gullies the consent holder shall appoint a person qualified as a MIPENZ (Geotechnical Specialist) CPEng who is acceptable to Council to design, supervise, monitor and provide certification for the proposed filling of the gullies and any drainage or other physical works.
- (2) That prior to any filling works commencing on the site the MIPENZ (Geotechnical Specialist) CPEng must provide a written statement which confirms the stripped land is suitable for the proposed filling and drainage works.
- (3) That prior to any filling, drainage works or other physical works within the gullies, the MIPENZ (Geotechnical Specialist) CPEng acceptable to Council must provide and have approved by Council a design and full engineering plans which include details of the proposed filling, drainage and monitoring of these physical works. The design and plans must include, although are not limited to, the following:
 - i. Demonstration of how the existing upstream stormwater runoff and existing overland flow is captured and how this is catered for.
 - ii. Details of the inlet and outlet structures, placement of filter drains and how they are terminated.
 - iii. Details of the proposed drainage system and works.
 - iv. Extent of the fill and earthworks, including the finished fill level.
 - v. The impact of the earthworks on the surrounding land, including areas of previous fill.
 - vi. Details of any settlement period and methodology of monitoring of the settlement including any testing.
 - vii. The details of the reinstatement works including re-vegetation of the area.
 - viii. Identification of proposed fill sources, including certification that the fill is suitable for placement.
- (4) The consent holder shall prior to commencing works associated with the filling of the gullies submit and have approved by Council a Traffic Management Plan. This shall include the provision of wheel wash facilities onsite such that all vehicles and earthmoving machinery exiting the site do not carry

earthworked materials onto the surrounding road network. In the event that some contaminant material is tracked on to the road, the consent holder shall be responsible for cleaning and repairing the road back to its original condition.

- (5) The MIPENZ (Geotechnical Specialist) CPEng or person acceptable to the MPENZ (Geotechnical Specialist) CPEng must monitor and test the proposed earthworks in accordance with the methodology identified within the engineering design and plans. This level of monitoring must be in accordance with level CM 5 of IPENZ construction monitoring setout in Council's Engineering Standards unless a less stringent monitoring regime is considered appropriate by the appointed Geotechnical Specialist.
- (6) The consent holder must ensure that the proposed earthworks have been carried out in accordance with the design, plans and methodology approved under Condition (3) and provide written certification from the appointed MIPENZ (Geotechnical Specialist) CPEng that the proposed earthworks have been carried out in accordance with the design, plans and methodology approved under Condition (3).
- (7) Once the fill has been placed in accordance with the engineering plans the MIPENZ (Geotechnical Specialist) CPEng must monitor the site and any settlement of the fill. The results of this monitoring must be provided to Council.
- (8) Once the fill has 'settled' to the satisfaction of the MIPENZ (Geotechnical Specialist) CPEng, the Geotechnical Specialist must provide a statement confirming the land is suitable for residential development. This statement shall be made in terms of NZS 4404:2004 Schedule 2A. The statement must include a completion report for the works, confirm the land is suitable for residential development (including further subdivision and building construction) and identify any restrictions/limitations on the land.
- (9) The consent holder must ensure that no earthworks, filling, earth compaction, drainage or any other physical works associated with this consent, affect the stability of the adjoining and / or surrounding properties at any time during or after the completion of the fill. The MIPENZ (Geotechnical Specialist) CPEng must provide a written statement to Council confirming that these works have not and will not affect the stability of the adjoining and / or surrounding properties.
- (10) The consent holder must ensure that any operation of machinery on the site associated with the approved earthworks or transportation of fill to the site is between the hours of 7am and 6pm Monday to Saturday only. No works shall be carried out on Sundays or Public Holidays.
- (11) The consent holder must ensure that all filling, drainage or other physical works (not including settlement) approved under Condition (3) are completed within 18 months of the date Council approved the design and plans under Condition (3) unless written approval has been obtained from Council. Such approval will only be considered if a request is made by the approved Geotechnical Specialist detailing the progress to date, the proposed timeframes

for the completion of the fill, and the on-going mitigation measures that are in place to avoid silt run-off, dust and any other effects from the continued land and vegetation disturbance associated with the approved works.

- (12) The consent holder must ensure that all re-vegetation works detailed in the approved engineering design and plans required under Condition (3) are undertaken and repeated if necessary until successful vegetative cover is established on the site.
- (13) The consent holder must ensure that land disturbed by earthworks or trenching is regularly wetted to ensure that dust nuisance is contained within the site.
- (14) Upon completion of the works or documentation required by conditions 1 to 9 (inclusive) and 12 the applicant shall give written notice to the Principal Planner that the conditions have been complied with. Once the conditions have been fully met a Performance Certificate will be issued by Council.
- (15) The Palmerston North City Council may under Section 128 of the Resource Management Act 1991 review any condition of this consent at any time by serving notice on the consent holder, within 6 months of the commencement of the Stage Two physical works in accordance with the approved engineering design and plans, in relation to effects arising from the earthworks and filling of the gullies, to deal with any unanticipated adverse effects on the environment arising from the exercise of the consent. The review of conditions may allow for new conditions to be applied to the consent if deemed necessary.
- (16) A Monitoring fee of \$250.00 (GST incl.) is to be paid at the time resource consent is granted to cover the cost of monitoring compliance with the above conditions.
- (17) That a fee will be payable by the consent holder for the third and any subsequent monitoring inspections if any non-compliance with the conditions of this consent are discovered as a result of monitoring. This fee is set in accordance with Section 36(1)(c) of the Resource Management Act 1991 and Section 690A of the Local Government Act 1974.

Currently the monitoring fee is \$125.00 (GST incl.) per inspection. This amount may alter in the future if fees are reviewed. The monitoring fee charged will be the fee applicable at the time of monitoring, and will be charged on each additional inspection necessary to ensure full compliance with consent conditions.

Jasmine Mitchell
PLANNING OFFICER

NOTES TO THE APPLICANT

1. ARCHAEOLOGICAL ADVISORY NOTE:

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

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

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

2. DEVELOPMENT CONTRIBUTION

Pursuant to section 198 of the Local Government Act 2002, upon the granting of your resource consent a development contribution, calculated in accordance with the methodology included in Council’s Development Contributions Policy, is payable to the Council.

The development contributions amount has been calculated at **\$15470.66 (GST incl)**, if paid within 12 months of the date of this consent or service connection being approved. A calculation sheet is attached that provides a breakdown of the development contributions amount payable.

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

If payment of development contribution is not received Council will exercise its powers outlined in Section 208 of the LGA 2002. Those provisions state that until a development contribution required in relation to a development has been paid or made under section 198, a territorial authority may:

- (a) in the case of a development contribution required under section 198(1)(a), -
 - i) Withhold a certificate under section 224(c) of the Resource Management Act 1991:
 - ii) Prevent the commencement of a resource consent under the Resource Management Act 1991:

- (b) in the case of a development contributions required under section 198(1)(b), withhold a code of compliance certificate under section 95 of the Building Act 2004:
- (c) in the case of development contribution required under section 198(1)(c), withhold a service connection to the development:
- (d) in each case, register the development contribution under the Statutory Land Charges Registration Act 1928, as a charge on the title of the land in respect of which the development contribution was required.

For subdivision consents, should the subdivision lapse and the subdivision process not be completed but an additional dwelling or building is established on the subject site Council will seek to recoup the Development Contribution payable for the additional units of demand created in the absence of subdivision under section 208 of the LGA 2002.

For resource consents, there is no right to appeal to the Environment Court regarding development contribution matters.

Further or subsequent development contributions may be triggered on the granting of any additional building consent, resource consent, or service connection.

3. SECTION 17 DUTY

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

APPENDIX 2

NOTICE OF DECISION – RESOURCE CONSENT

Application Details:

THE APPLICANT:	WOODGATE LIMITED (LU 7013)
LOCATION:	131 PACIFIC DRIVE, PALMERSTON NORTH (LOT 1003 DP 490091) (RT: 706789)
ZONING:	RESIDENTIAL INCLUDING LIMITED DEVELOPABLE LAND IN THE AOKAUTERE DEVELOPMENT AREA (OPERATIVE DISTRICT PLAN) RESIDENTIAL, LOCAL BUSINESS, RECREATION, CONSERVATION AND AMENITY IN THE AOKAUTERE DEVELOPMENT AREA (PROPOSED PLAN CHANGE G)
ACTIVITY STATUS:	NON-COMPLYING
PROPOSAL:	TO UNDERTAKE EARTHWORKS, INCLUDING ON LIMITED DEVELOPABLE LAND, FOR THE PURPOSE OF FORMING A BUILDING PLATFORM FOR A FUTURE RETIREMENT VILLAGE
APPLICATION:	LU 7013

Pursuant to Sections 104, 104B, 104D and 108 of the Resource Management Act 1991 ('the Act') the Palmerston North City Council ('the Council') grants resource consent to the proposal to undertake earthworks, including on limited developable land, in the Aokautere Development Area, for the purpose of forming a building platform for a future retirement village at 131 Pacific Drive, Palmerston North (being LOT 1003 DP 490091) (RT: 706789), subject to the following conditions:

CONDITIONS:

GENERAL ACCORDANCE

1. The proposal must be in general accordance with the information provided with Application LU 7013 dated 31 August 2022 and the plans prepared by Pirie Consulting Limited, Earthworks for Retirement Village CTS Investments LLC referenced 2043-221, Revision B and dated August 2021, and;
 - i. the Erosion and Sediment Control Plan prepared by Enviroprac Ltd, Version 3 dated 11 June 2022 attached as Appendix D of the application;
 - ii. further information received 21st September 2022 via email being a partial response to the s92 request dated 16th September 2022;
 - iii. further information received 12th October 2022 via email being provision of the draft Earthworks Management Plan prepared by Thomas Planning Limited and the Geotechnical Review and Earthworks Methodology prepared by Land Development & Engineering, Project Reference: 23018P, dated 10th October 2022;

- iv. further information received 28th November 2022 via email being provision of ground contour plans prepared by Pirie Consultants Limited, Earthworks for Retirement Village CTS Investments LLC referenced 2043-221 Revision C and dated November 2022.

EARTHWORKS MANAGEMENT PLAN

2. The Consent holder shall submit to Palmerston North City Council's Monitoring and Enforcement Officer a copy of the final Earthworks Management Plan (EMP) for certification. The purpose of the EMP is to establish the detailed methodology and geotechnical supervision of the earthworks, and must include at least the following:
 - i. Details to demonstrate how conditions 8, 9, 10 and 11 will be complied with;
 - ii. Details of how construction traffic to and from the site will be managed;
 - iii. Details of how stormwater from the upstream residential catchment will be managed within the site during earthworks;
 - iv. A copy of the Erosion and Sediment Control Plan certified by Horizons Regional Council as required by the conditions of the regional consent ATH-2022205153.00;

NOTE: For the purpose of clarification, the upstream residential catchment referred to in condition 2iii is the area defined in the map attached as Appendix A and forming part of this consent.

3. Where Council withholds certification of the EMP on the basis that it does not address matters contained within Condition 2, the Council will advise the Consent Holder in writing, outlining the reasons why certification has been withheld. The Consent Holder must then submit the revised EMP for certification.
4. The Consent Holder shall not commence the earthworks until the EMP has been certified by Palmerston North City Council.
5. Any proposed amendments to the certified EMP must be confirmed in writing by the Consent Holder and must be certified in writing by the Palmerston North City Council prior to the commencement of any works to which the amended EMP relate.
6. The consent holder shall ensure that a copy of the final certified EMP, including any certified amendments, is kept onsite and is updated within five working days of any amendments being certified under condition 5 above.
7. The Consent Holder and appointed contractors must undertake all earthworks authorised by this consent in accordance with the certified EMP at all times until the completion of the activity.

CONSTRUCTION NOISE

8. The consent holder shall ensure that noise from earthworks and associated machinery movements complies with the applicable noise standards within Table 2 of NZS 6803:1999 Acoustics - Construction Noise or adopt the best practicable option at all times to ensure that the emission of noise does not exceed a reasonable level in accordance with Section 16 of the Resource Management Act.

DUST NUISANCE

9. The consent holder shall ensure the land disturbed by earthworks is regularly sprayed with water as necessary to ensure that dust nuisance is contained within the work site boundaries.

MATERIAL ON ROAD

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

REVEGETATION OF EXPOSED SURFACES

11. The Consent Holder shall ensure that at the completion of the authorised earthworks, any newly established or disturbed surface are revegetated.

HOURS OF OPERATION

12. The consent holder must ensure that any operation of machinery on the site associated with the authorised earthworks or transportation of fill to the site occurs between the hours of 7.30am and 6pm Monday to Saturday only. No works may be carried out on Sundays or Public Holidays.

HISTORIC EARTHWORKS

13. Prior to commencement of earthworks on the site, an Earthwork Completion Report (ECR) with a Schedule 2A certificate must be submitted to Council's Monitoring and Enforcement Officer for certification of the historical earthworks. The report must comply with NZS4404:2010, NZS4431:1989 and Council's Engineering Standards for Land Development 2021 (ESLD). The report must be certified by Council prior to Council reviewing a design report and earthwork drawings for the proposed earthworks.

NOTE: It is Council's expectation that an engineer not involved in the historic work will carry out their own verification testing of the historic earthworks rather than rely on the test results provided and anecdotal evidence.

ENGINEERING PLANS

14. Prior to the commencement of earthworks on the site, the Consent Holder must submit a earthworks design report with earthwork plans to Council's Monitoring and Enforcement Officer for certification. The earthworks design report and earthwork plans must comply with NZS4404:2010, NZS4431:2022 and Council's Engineering Standards for Land Development (ESLD) 2021. No earthworks are to commence until the design earthwork report and earthwork plans have been certified by Council.

NOTE: It is Council's expectation that the earthworks design report is to include clear drawings, a specification, construction methodology, silt and erosion control plans, monitoring point locations and survey pin details, and including any retaining walls required along the boundary with adjacent residential properties.

15. Prior to the commencement of earthworks on the site, the Consent Holder must submit a Settlement Monitoring Plan (SMP) to Council's Monitoring and Enforcement Officer for certification. The SMP must detail how ground movement will be monitored in accordance with NZS4404:2010, NZS4431:2022 and Council's Engineering Standards for Land Development (ESLD) 2021 after earthworks are complete.

16. The Consent Holder must appoint a Technical Representative approved by the Council, being a Chartered Professional Engineering with either geotechnical, engineering geologist or civil as their practice field,) to monitor the construction of all approved works in accordance with level CM 3 of IPENZ construction monitoring set out in Council's ESLD 2021.

GEOTECHINICAL

17. A Geotechnical Completion Report with a Schedule 2A Certificate must be supplied to Council's Monitoring and Enforcement Officer for review and approval once earthworks are complete. The report must comply with NZS4404:2010, NZS4431:2022 and Council's ESLD 2021.
18. On completion of the earthworks, the Consent Holder must submit a Settlement Monitoring Report (SMR) to Council's Monitoring and Enforcement Officer for certification. The SMR must detail all surveyed levels taken over the monitoring period and the location of survey marks.

ENGINEERING WORKS COMPLETED

19. Upon completion of the earthworks, the Consent Holder must provide a written statement from the approved Technical Representative certifying that the physical works have been carried out in accordance with the engineering plans approved under condition 14.

ACCIDENTIAL DISCOVERY PROTOCOL

20. If Taonga (treasured or prized possessions, including Maori artefacts) or archaeological sites are discovered in any area being earth-worked, the Consent Holder shall cease work within a 100m radius of the discovery immediately and contact relevant iwi, the Heritage New Zealand Pouhere Taonga (HNZPT) and the Palmerston North City Council. Works shall not recommence in that area until a site inspection is carried out by Tanenuiarangi Manawatu Incorporated representatives, Palmerston North City Council staff and staff of the HNZPT (if they consider it necessary); the appropriate action has been carried out to remove the Taonga and record the site, or alternative action has been taken; and approval to continue work is given by the Palmerston North City Council. The site inspection shall occur within three working days of the discovery being made.

EXCAVATION OF KOIWI TANGATA REMAINS

21. If during construction activities, any Koiwi (skeletal remains) or similar materials are uncovered, works are to cease within a 100m radius of the discovery immediately, and the Consent Holder shall notify the New Zealand Police, Tanenuiarangi Manawatu Incorporated, HNZPT and Palmerston North City Council. Works shall not recommence in that area until a site inspection is carried out by relevant iwi representatives, Council staff, and staff from the HNZPT and the New Zealand Police (if they consider it necessary); the appropriate ceremony has been conducted by relevant iwi (if necessary); the materials discovered have been removed by the iwi responsible for the tikanga appropriate to their removal and preservation or re-interment, or alternative action (e.g. works are relocated) has been taken; and approval to continue work is given by Palmerston North City Council.

LAPSE PERIOD

22. This resource consent will lapse on the expiry of five years after the date of commencement of this consent unless this consent is given effect to or other approval to extend the lapse period pursuant to Section 125 of the Resource Management Act 1991 has been approved.

MONITORING

23. The Consent Holder shall pay a monitoring fee of \$369 (GST incl.) at the time the resource consent is granted for the monitoring associated with the development. Upon completion of the works required by these conditions, the consent holder shall give written notice to the Monitoring and Enforcement Officer that the conditions have been complied with. On receipt of this notice, the Monitoring and Enforcement Officer or nominee shall carry out an inspection to ensure all conditions have been complied with.

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

A fee will be payable by the consent holder if any non-compliance with the conditions of this consent are discovered as a result of monitoring. This fee is set in accordance with Section 36(1)(c) of the Resource Management Act 1991 and Section 690A of the Local Government Act 1974.

Note: The current fee for monitoring is set at \$181 per hour. This amount may alter in the future if fees are reviewed. The monitoring fee charged will be the fee applicable at the time of monitoring and will be charged on each additional inspection or hour of work undertaken until full compliance with consent conditions is achieved.

REASONS FOR DECISION:

The consent is granted for the following primary reasons:

1. Pursuant to section 95A of the Act, and no circumstances require public notification.
2. Pursuant to section 95B of the Act, no circumstances require limited notification and no parties are considered to be adversely affected.
3. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
4. The proposal is overall generally consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan, Proposed Plan Change G and Part 2 of the Act.
5. Consent conditions have been imposed that will ensure any adverse effects are avoided, remedied or mitigated.

Report prepared by Phil Hindrup

Dated this 25th January 2023



Simon Mori
PRINCIPAL PLANNER

Palmerston North City Council

Advice Notes:

1. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the Act. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council in any special case may allow.
2. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
3. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council.
4. It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to contact Heritage New Zealand if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as building modification or demolition, earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

DECISION REPORT

1. BACKGROUND AND HISTORY:

This application is for consent to undertake further earthworks to enable the future development of a retirement village at 131 Pacific Drive Palmerston North, and includes retrospective consent to authorise works that were undertaken on the site between 2007 and 2012. The proposed development is located in the existing residential growth area of Aokautere which is south east of Palmerston North. The site is north of Pacific Drive and east of Johnstone Drive.

The site is currently bare rural land which is part of a 48 hectare title. A similar earthworks proposal was previously consented under RM 2553. Those works were partially completed but ceased because of issues associated with a regional land use consent and associated erosion and sediment control measures. After various court proceedings, the company owning the land then went into liquidation resulting in extensive delay in progressing development of the land. The current applicant wishes to complete the earthworks.

RM 2553 has lapsed, and the works authorised by it have not been given effect. Accordingly, the earth deposited in the gully in partial fulfilment of RM 2553 is not authorised by a resource consent or a rule in a district plan and requires retrospective consent.

A resource consent application for construction and operation of the retirement village (and completion of the earthworks) was recently lodged. This was returned as deficient pursuant to s88 of the Act due to a lack of information. This application is for earthworks only. The site is currently zoned Residential and is also within the area that is covered by proposed Plan Change G.

2. SITE DESCRIPTION:

The applicant has provided a detailed description of the site and its immediate surroundings in Section 3 of their **Assessment of Environmental Effects ('AEE')**. I consider that this description is generally accurate, and it should be read in conjunction with this report.

The land relating to this proposal is Lot 1003 DP 490091 having an area of 48.1554 hectares and being located in the Residential Zone (Operative Plan) and Residential, Local Business, Recreation and Conservation and Amenity Zones (Proposed Plan Change G). The site is generally flat land other than a shallow depression gully running from south to north through the middle of the site into Johnstone Drive Gully.

The area to the north is currently a mixture of flat pastureland used for grazing intersected by a series of natural gullies that meander north towards the Manawatū River. To the south is Pacific Drive which contains standard residential dwellings. To the west of the site lies Johnstone Drive which contains recently established residential dwellings.

To the east of the site is recently completed residential Greenfields development consisting of standard dwellings on single allotments. Stormwater generated from this catchment currently discharges onto the southern corner of the site from the adjacent Monaco Grove stormwater system which drains an area of approximately 60 dwellings. This water is detained at this point in such a way that the water level is raised above the pipe level. This enables overflow from the detention area to informally drain across land to a gully trap in Pacific Drive. The detention of the water at this location has previously been the subject of legal proceedings and has resulted from works undertaken by a previous landowner.

Figure 1 shows an aerial view of the site property and surrounding properties.



Figure 1: Location of the site

The site has been the subject of historical earthworks carried out under RM 2553 being a land use consent granted in 2007 for restructuring of land, including the filling of gullies. These earthworks were not completed, being discontinued at or around 2012 due to issues with the adequacy of erosion and sediment control measures required by Horizons Regional Council. A copy of RM 2553 is attached as Appendix B of the application.

The site contains areas of limited developable land as defined in the Palmerston North City District Plan (District Plan) and as shown by the red hatched areas in Figure 2 below.



Figure 2: Residential Zoning under the Operative District Plan showing areas of Limited Developable Land (red hatched areas)

These areas are the gully systems that run through the site (some of which have been filled or partially filled under RM 2553). This is relevant to the application as the District Plan contains specific provisions relating to “Limited Developable Land” which are discussed further in this report.

The site is accessed via 131 Pacific Drive which is a local road with a speed limit of 50km/hr. There are no known Tangata Whenua sites, notable trees or heritage sites located on the site.

3. APPLICATION

The proposal is described in section 2 of the AEE and should be read in conjunction with this report. In summary the proposal is to undertake earthworks to create a mostly flat building platform for the future development of a retirement village. The earthworks will cover an 8ha area (approx.) as shown in Figure 3 below.



Figure 3: Extent of proposed earthworks within the site

The earthworks will consist of cut and fill to fill the existing 2m deep depression running south to north through the centre which is the remnant of the previous earthworks that filled the former gully. The area of cut is 4.4 ha (area shown in red in Figure 3) and the area of fill is 4 ha (area shown in green). The quantity of fill to be placed on top of this historic earthworks is estimated to be 37,400m³. Some of the stockpiled topsoil along the western edge of the top of the former gully will be re used. The maximum depth of fill is 4.4m and maximum depth of cut is 4.9m.

Application for regional resource consent to undertake these earthworks has been granted by Horizons Regional Council. That consent is referenced APP-2022203764, a copy of which has been included as Appendix C of the application. This consent includes an Erosion and Sediment Control Plan detailing how sediment will be managed including via the construction of sediment retention ponds, details of which are shown in Figure 4 below:



Figure 4: Proposed Erosion and Sediment Control including Sediment Retention Ponds

The proposal includes the management of stormwater that is discharged to the southern corner of the site from the adjacent Monaco Grove stormwater system (see Figure 5 below):



Johnstone Drive Catchment to Monaco Grove Outlet, Approximate Area = 70,569m²

Figure 5: Stormwater Catchment discharging onto southern corner of the site

The applicant proposes to manage this through the site during earthworks via a temporary diversion of this water around the working areas with it being discharged to the gully below with a constructed outfall.

The applicant has provided a draft Earthworks Management Plan (EMP) which details how the earthworks will be managed, operational hours, management of construction traffic,

management of dust and noise. This was provided as further information dated 12th October 2022.

4. ACTIVITY STATUS:

4.1. Operative Palmerston North City District Plan:

The proposed earthworks are a Restricted Discretionary Activity in accordance with Rule 6.3.7.1 as there is not compliance with Performance Standards R6.3.6.1(b). Specifically, the permitted area threshold of 500m² and permitted vertical height of 1.5m will be exceeded. Council restricts its discretion to the consideration of the following matters:

- *Landscape and visual impact.*
- *Effects upon adjoining properties including amenity values.*
- *Impacts upon flood plains and flood flows.*
- *Increase on hazard risk and effects on land stability.*
- *Effects of erosion and sedimentation.*
- *Effects on overland flow paths.*

The application notes that land within the Aokautere Development Area is also subject to additional provisions. Specifically, activities within areas identified as Limited Developable Land in Map 10.1 are managed by Rule 10.7.1.6.

The application sets out that the proposed earthworks are not able to comply with performance standard (a) of Rule 10.7.1.6 which restricts the volume of earthworks on land identified as Limited Developable Land to 10m³ and therefore the proposal falls for consideration as Non-Complying Activity under rule 10.7.5.1.¹ I concur with this assessment.

In accordance with the bundling principal, the most restrictive activity status for the proposed earthworks will be applied. As such the proposal is a Non-Complying Activity under the Operative District Plan.

4.2 Proposed Palmerston North City District Plan (PLAN CHANGE G)

Under Proposed Plan Change G which has legal effect, the majority extent of earthworks is situated over the Residential Zone. However small areas of earthworks will also be situated over small areas of Local Business Zone, Recreational Zone and Conservation and Amenity Zone as shown by Figure 6 below.

¹ Applicants Assessment of Environmental Effects, Pg 17

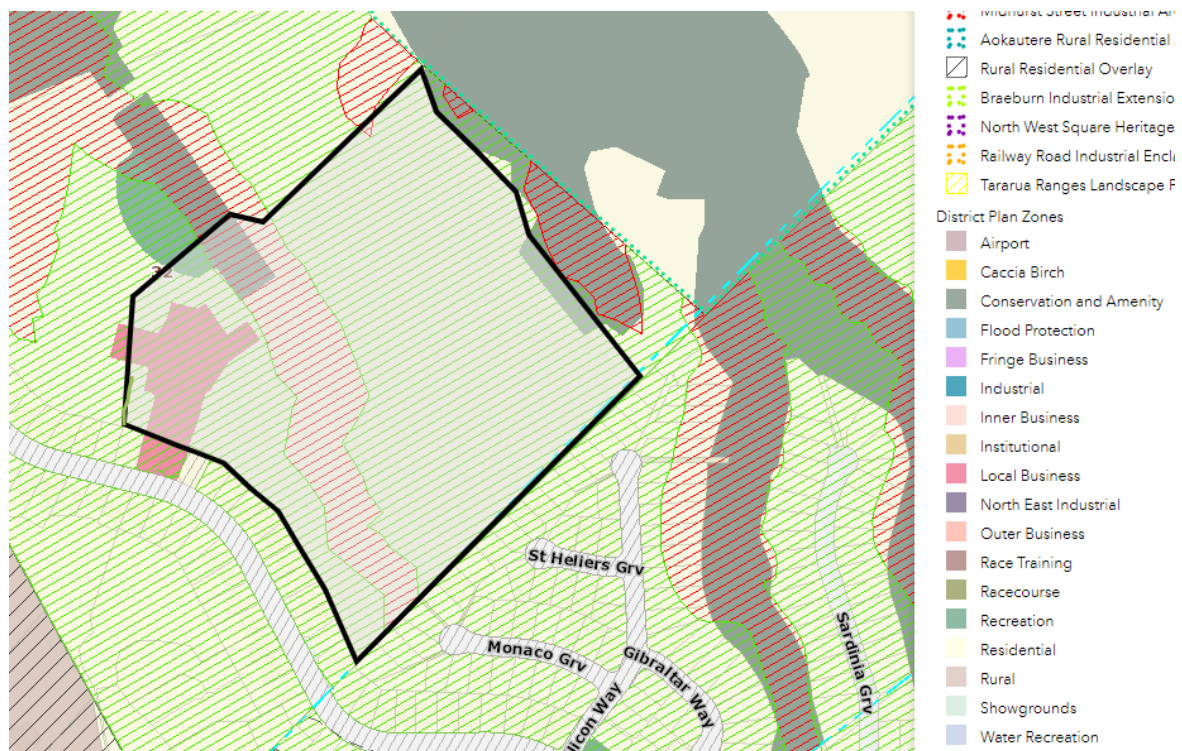


Figure 6: Proposed Plan Change G zoning overlain with approximate extent of earthworks (area defined by black polygon)

The proposed earthworks are a Restricted Discretionary Activity in accordance with Rule 6.3.7.1 as there is not compliance with Performance Standards R6.3.6.1(b). Specifically, the permitted area threshold of 500m² and permitted vertical height of 1.5m will be exceeded. Council restricts its discretion to the consideration of the following matters:

- *Landscape and visual impact.*
- *Effects upon adjoining properties including amenity values.*
- *Impacts upon flood plains and flood flows.*
- *Increase on hazard risk and effects on land stability.*
- *Effects of erosion and sedimentation.*
- *Effects on overland flow paths.*

There are no earthworks rules for the Local Business Zone of the Recreational Zone therefore earthworks within these areas are permitted by Section 9 of the RMA.

With respect to the Conservation and Amenity Zone, any earthworks that are not associated with Roding or Essential Services within the Aokautere Structure Plan area fall as a Non-complying Activity under Rule 15.5.6.1.

In accordance with the bundling principal, the most restrictive activity status for the proposed earthworks will be applied. As such the proposal is a Non-Complying Activity under the relevant provisions of Proposed Plan Change G.

4.3 Overall Activity Status

The proposal is a Non-Complying Activity under both the Operative District Plan and Proposed Plan Change G.

5. SECTION 95 ANALYSIS:

The Council must follow the steps outlined under Section 95A, in order to determine whether to publicly notify an application for resource consent.

<u>Step 1:</u> Mandatory Public Notification in certain circumstances:	YES	NO
Has the applicant requested public notification?		x
Is Public Notification required under s95C?		x
Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act 1977?		x
<u>Step 2:</u> Public Notification precluded in certain circumstances:	YES	NO
Does a rule or NES preclude public notification of the application?		x
Is the application for 1 or more of the following but no other activities?		
- A controlled activity; and/or		x
- Restricted-discretionary or discretionary activities for:		
i. A boundary activity		x
<u>Step 3:</u> Public Notification required in certain circumstances:	YES	NO
Does a rule or NES require public notification of the application?		x
Are adverse effects on the environment more than minor?		x

The applicant has proposed a number of conditions which form part of the proposal and have been relied on for the purpose of the assessment below.

Increase on hazard risk and effects on land stability

As the previous earthworks were not completed and certified, the applicant has undertaken investigations to determine the suitability of the fill areas for the form of development proposed. NZET Limited has assessed the geotechnical suitability of the historical earthworks and undertaken site investigations as part of that assessment. The site investigations included cone penetration testing at 13 locations and windrow sampling at two of those locations. The assessment found that the soil types vary from clayey silts to sands. No groundwater was encountered and as a result liquefaction risk is considered to be low. The soils were described as firm and suitable for foundations for commercial scale buildings.

The NZET report was then peer reviewed by ENGEO Ltd. This peer review recommended that further documentation of the previous filling in accordance with MBIE Module 2 is required. The applicant then commissioned Land Development & Engineering Limited (LDE) to address the matters raised in Council's further information request dated 16 September 2022, in particular confirmation that the finished land (previously completed earthworks) is suitable for the future intended residential development.

The Geotechnical review undertaken by LDE titled "Geotechnical Review: Aokautere Subdivision – 153 Pacific Drive Proposed Retirement Village, Palmerston North, dated 10/10/2022" concluded the following:

“The following works should be carried out in parallel with the consenting process and the enabling works following the site mobilisation and should be in place prior to the commencement of bulk fill activities.

- 1. A series of test pits within the proposed cut areas to obtain samples from the proposed fill source materials for laboratory testing and determination of the fill compaction criteria for the project.*
- 2. A detailed review of the existing CPT data to determine the settlement monitoring regime for the development.*
- 3. The above should be supplemented by additional subsurface testing as considered necessary by the certifying engineer.”*

Having considered the above, and as noted in point 3 of the LDE assessment, I consider that further testing is required in accordance with the geotechnical review to confirm that the completed earthworks are suitable for residential development and are suitable for additional fill material to be placed on top. This follows the ENGEO Ltd assessment which requested to see further documentation pertaining to the works that have been completed. Or put another way, confirmation of the methodology of how they were undertaken, exact locations and testing results is required.

Given the request by ENGEO was unable to be met by the applicant, and the LDE assessment required additional subsurface testing, combined with the scale and depth of earthworks that had occurred as is proposed, Council requested a peer review of the LDE report and findings which was undertaken by Mr Hamish Peters of Geocivil Consulting Engineers Limited².

The peer review confirmed that the proposed earthworks would be suitable provided a earthworks completion report with a PNCC Schedule 2A certificate was prepared by a Chartered Professional Engineering with either geotechnical, engineering geologist or civil as a practice field. The review also recommended that a full set of engineering plans be provided which is a standard requirement for a project of this scale and is a proposed condition by the applicant.

Having relied on the technical expert recommendations and having accepted the applicant's proposed conditions which set out a robust process to demonstrate that the ground conditions will be suitable for residential development, I consider effects of hazard risk from land instability to be no more than minor.

I understand based on discussions with Mr Peters that the additional testing required from the conditions may be extensive. I have taken this into account but conclude that such a condition is nevertheless reasonably necessary and appropriate to mitigate the risk of natural hazard on the site, in particular erosion and land instability that might arise should development occur on a base that is not sufficiently stable. I consider the conditions I recommend in consultation with Mr Peters are proportionate to this risk.

Effects on Landscape and Visual Amenity

The site is within the Aokautere Development Area and has not been identified as an Outstanding Natural Feature (ONF), Outstanding Natural Landscape (ONL) or as a Significant Amenity Landscape in the PNCC District Plan. However, the area of the old gully is shown on Map 10.1 Aokautere Development Area as part of the local network of gullies

² Geocivil Consulting Engineers Ltd, Regulatory Review 2 – LU7013 Geotechnical Review, 28 November 2022

where development is restricted and the partially completed earthworks has been carried out under Section 2553.

The applicant commissioned an Assessment of Landscape and Visual Effects report by Angela McArthur of Eco-Landscapes & Design Limited contained in Appendix H of the application. While the assessment focuses mostly on a future proposed retirement village which is not subject of this application, it does provide some useful assessment of the environment and the impact of the proposed earthworks.

“The extent and degree to which the site is visible from the surrounding area has been considered and will range from full open views, partial views through to glimpses. The assessment finds that the visual catchment of the site is relatively restricted due to the flat topography and foreground fencing and vegetation within neighbouring properties. The viewing audiences include: Public Locations:

- *Partial to restricted views of the Site for road users along Pacific Drive. Private Locations:*
- *Open to Partial view from the rear of properties adjoining Site along Pacific Drive, Monaco Grove, St Heliers Grove and Silicon Way.*

Other views into the Site for residents include are from Johnstone Drive where the separation distance from the Site is approximately 200m. Views towards the Site from these residents will form a small component of the overall view. In summary the Site is reasonably discrete, visible at the street entrances and for residents within properties adjoining the site along Pacific Drive, Monaco Grove, St Heliers Grove and Silicon Way from the northern aspect only.”³

In summarising the landscape effects of the earthworks, Ms McArthur makes the following comments:

“The Site is currently open grass and rough ground areas. The earthworks proposed will make changes to existing site contours to enable development of the new road and the retirement village. Overall levels across the site will be reduced by up to 4m in some locations. Earthworks will create a consistent downward slope to the west and north across the Site.

Initially landscape effects will be moderate due to effects of earthworks and construction effects. However, with appropriate landscaping and planting as proposed the development will in time integrate with the landscape setting. As planting establishes the new public road and the retirement village will appear as an extension to the growing urban form in the area. Overall, adverse landscape effects will be low.”

Having considered the assessment by Ms McArthur, it is my view that the gully through the site is highly modified by the existing unconsented earthworks that have taken place in partial completion of RM 2553. I note also that under Plan Change G, the site is mostly zoned as residential which indicates that completion of the fill works in the gully is largely anticipated by the Council for this site. The earthworks will retain the now generally flat site but will remove existing bumps and hollows and reduce the slope to the northwest by cut and fill. As a result, the development platform will be set below the adjacent residential properties to the southeast and will not further restrict or make worse any views from those properties.

The site has no vegetation of significance to be protected and the earthworks will involve the removal of existing pest weeds such as gorse on parts of the site improving the visual

³ Assessment of Landscape and Visual Effects report by Eco-Landscapes & Design Limited, 12 July 2022, Revision 2, Section 5.3

amenity. Given the local landscape context and existing residential development in the area, the earthworks will not change the broader landscape characteristics of the area. In terms of the visual amenity of the neighbourhood, the assessment finds that while initially there will be adverse construction effects, any adverse visual intrusion effects and loss of visual amenity for the surrounding residential neighbourhood will be less than minor.

Construction Effects

Potential construction effects include construction traffic, site management, noise, dust and erosion and sediment control. Construction access will be from 131 Pacific Drive. The existing completed flat area adjacent to that access will be used for any compound and plant storage for the earthworks. There is potential for noise effects on residential neighbours to the south. The risk is less for Pacific Drive neighbours where earthworks are partially complete. Dust is a potential issue and completed areas of earthworks will be established with grass until the stage of development in that location proceeds. Proven dust control measures will be applied during all earthwork activities.

A consent condition requiring the preparation and certification of an Earthworks Management Plan (EMP) to include noise management has been proposed with a draft EMP having been submitted to address a request for further information.

The EMP has been assessed as being sufficient to address day to day management of all earthworks related activities including traffic control, plant management, hours of work, noise management, dust management, monitoring, complaints processes and other requirements. With appropriate management the effects on neighbouring residents and the environment in general will be less than minor.

Erosion and Sedimentation Effects

The principal natural values issues relate to potential effects on the ephemeral stream in Johnson Gully from sediment associated with the earthworks activity. An Erosion and Sediment Control Plan (ESCP) has been prepared and submitted with the application. This ESCP has been approved by Horizons for regional earthworks consent. This will ensure that earthworks management does not result in sedimentation of the downstream water course thereby ensuring that any adverse erosion and sedimentation effects will be less than minor.

Overland flow paths

The proposal includes the management of stormwater that is discharged to the southern corner of the site from the adjacent Monaco Grove stormwater system. The applicant proposes to manage this through the site during earthworks via a temporary diversion of this water around the working areas and discharge to the gully to the north of where the earthworks will be taking place.

I consider this approach to be suitable while earthworks are being undertaken. The temporary diversion will be required to be managed in accordance with the ESCP submitted with the application. On completion of the earthworks the engineering plans that have been proposed by way of condition will need to show how the stormwater will be managed into the future until such time as a land development proposal is advanced, consented and completed.

Conclusion

Having considered the above overall the adverse effects of the proposed earthworks will be no more than minor.

<u>Step 4:</u> Public notification required in special circumstances:	YES	NO
Do special circumstances apply that warrant public notification?		x

I do not consider there to be any special or unique circumstances to this application that meet the parameters of what constitutes a special circumstance. Public notification under this step is therefore not required.

Public notification conclusion

Public notification of the land use application is not required as any adverse effects will be no more than minor.

6. SECTION 95B – LIMITED NOTIFICATION ANALYSIS:

The Council must follow the steps outlined under Section 95B, in order, to determine whether to publicly notify or limited notify an application for resource consent.

<u>Step 1:</u> Certain affected groups and affected persons must be notified:	YES	NO
Are there any affected protected customary rights groups?		x
Is the activity on, adjacent to or likely to affect a statutory acknowledgement area? And; would you consider the person(s) for whom the statutory acknowledgement is made to be affected?		x

<u>Step 2:</u> Limited Notification precluded in certain circumstances::	YES	NO
Does a rule or NES preclude limited notification of the application?		x
Is the land use consent a controlled activity but no other activities that require consent under the District Plan (except subdivision)?		x

<u>Step 3:</u> Certain other affected persons must be notified:	YES	NO
Boundary activities – is the owner of an infringed boundary considered to be adversely affected?		x
Are adverse effects on any person are minor or more than minor?		x

Effects upon adjoining properties including amenity values.

The largest visual impact of the proposed works will be during construction given the alteration to the existing/natural landform. However, it is noted that construction works will be temporary only, will be broken up into separate sections, and they are not anticipated to take longer than one earthworks season to complete (subject to the timing of when earthworks were to commence).

In my view the earthworks will have a less than minor effect on the amenity values of neighbouring properties. This is partly because the land is zoned residential and so is earmarked for development. The earthworks will not create visual obstruction to the views from existing dwellings along Pacific Drive or along the south eastern boundary. For the most part the proposal is to lower the land thereby enhancing views to the north from these properties.

The engineering plans that the applicant will provide by way of condition will address the change in elevation along the neighbouring residential properties, in particular the properties along the south eastern boundary. There will be up to a 4 metre reduction in ground level (the properties between St Heliers Grove and Silicon Way) and so it will be necessary to detail if retaining structures will be required, which will then need to be

certified, thereby ensuring that the earthworks will not cause instability of neighbouring properties land. Having discussed this matter with the Mr Peters from Geocivil Consulting Engineers Ltd, I am satisfied that such matters will be adequately addressed through the engineering plan certification process.

With regards to noise and dust nuisance, the applicant has prepared a draft earthworks management plan to ensure these matters are sufficiently mitigated, It is not anticipated that noise will exceed the district plan allowable limits at the boundary. Hours of operation will be restricted (7.30am and 6pm Monday to Saturday only) so as to not adversely disrupt neighbouring properties.

Any additional adverse effects as experienced by owners/occupiers on any other adjoining sites in the surrounding area are considered to be less than minor.

Statutory Acknowledgement

The site is located within the Rangitāne o Manawatu statutory acknowledgement area and is an area of interest as it contains a gully system that is a tributary of the Manawatu River.

Rangitāne were sent a summary of the resource consent application on 21st December 2022 in accordance with the requirements set out in the Rangitāne o Manawatu Claims Settlement Act 2016 and were invited to engage with Council officers and the applicant to enable a better understanding of their views towards the proposal and how it may relate to the further development of the site for a retirement village (referred to as Stage 2 for the purposes of this report).

A site visit was undertaken on 12th January 2023 with members of Rangitāne, the applicant and Council officers. The site visit consisted of viewing the already completed works, stormwater diversion in place for the proposed earthworks, and discussion of the proposed works and key issues of relevance to Rangitāne, Stage 2 being the proposed retirement village and the opportunity for Rangitāne input into cultural interpretation, and existing and proposed and erosion and sediment controls.

A meeting was also held between Council and Alana Nuku of Rangitāne on 24th January 2023 to further discuss matters of relevance to Rangitāne.

In summary, Rangitāne have indicated their main areas of interest are:

- Completion of a Cultural Impact Assessment (CIA) ahead of the Stage 2 consent application being lodged;
- The inclusion of Tikanga matters as part of Stage 2 eg. Opening/closing ceremonies, 'finds' protocol including induction.
- A form of any 'offset package'/design inclusions which address their high level concerns around stormwater management – particularly water quality and related wetland design at this tributary;
- Any related operational type agreements of the nature (following onsite discussions with the retirement village developer Anna Blackwell) such as employing Rangitāne workers and running Rangitāne related programmes etc.

The applicant has since confirmed in (via email) that they are committed to working in good faith with Rangitāne to address these matters, in particular commencing engagement for the purposes of completing a CIA for stage 2.

I also note that the applicant has proposed a number of conditions to address accidental discovery protocols. These conditions form part of the proposal and I consider that they are appropriate to recognise and provide for the relationship of Rangitāne and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Having considered the above and being part of the discussions between Rangitāne and the applicant, and because the applicant has confirmed in writing their agreement to further engage with Rangitāne on the stage 2 development, I am satisfied that the concerns raised will be better addressed as part of the Stage 2 consent process and that adverse effects from the proposed activity on Rangitāne will be less than minor.

Limited notification conclusion

Limited notification of the land use application is not required as any adverse effects on any person will be less than minor.

Step 4: Limited notification required in special circumstances:	YES	NO
Do special circumstances apply?		x

I do not consider there to be any special or unique circumstances to this application that meet the parameters of what constitutes a special circumstance. Limited notification under this step is therefore not required.

Conclusion of Notification:

The application will be assessed on a non - notified basis.

6. SECTION 104 ASSESSMENT:

6.1. Consideration of Environmental Effects

I adopt the section 95 and 95B assessments under section 5 of this report for the purpose of assessing the environmental effects as required under section 104(1)(a) of the Act. Those assessments have concluded that the proposal's adverse effects on the environment will be minor and less than minor on any other person.

Consent Conditions:

In addition to that assessment, I have recommended a number of consent conditions, with the purpose of ensuring the proposal is undertaken as applied for, and to further mitigate any potential adverse effects. Conditions have been imposed requiring the following:

- Provision of and certification of an Earthworks Management Plan to construct potential nuisance effects during earthworks;
- Avoidance and mitigation of nuisance effects such as dust generation, noise, construction traffic and materials on the roading network;
- Provision of and certification of a full set of Engineering Plans prior to commencement of works on site which are to include an earthworks design report is to include clear drawings, a specification, construction methodology, silt and erosion control plans, monitoring point locations and survey pin details.
- Provision and certification of Schedule 2A certificates for the historical earthworks and completion of the proposed earthworks.

- Standard conditions around accidental discovery.

It is my view that the imposition of these conditions will further contribute to ensuring potential adverse effects are no more than minor.

Positive Effects:

This proposal will result in the construction of a suitable building platform to enable future residential development (be it a retirement village, a number of residential dwellings or both). It is considered that the provision of future housing capacity for the city of Palmerston North will have positive effects through providing for the communities social, cultural and economic well-being.

Conclusion

It is my opinion that the effects of the proposal are acceptable.

6.2. Section 104(1)(b) - Relevant Planning Provisions:

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

- National Environmental Standards
- National Policy Statement on Urban Development Capacity
- The New Zealand Coastal Policy Statement
- The Regional Policy Statement (One Plan)
- The Palmerston North City District Plan

It is my opinion that there are no other National Environmental Standards directly relevant to this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The National Policy Statement for Urban Development Capacity, Regional Policy Statement and the Regional Plan, and the District Plan have been considered below.

National Policy Statement on Urban Development

I have had regard to the provision of the National Policy Statement on Urban Development, 2020 (NPSUD). It is of some relevance as the proposed earthworks are to create suitable building platform for urban development which is in accord with the strategic direction of the NPS.

Policy 2 requires the Council to provide sufficient development capacity for short medium and long term and the proposed earthworks will result in a development ready site capable of contributing to development capacity. Any further subdivision or land use consents required for unlocking urban development will require consideration of the NPS at the appropriate time.

Regional Policy Statement and Regional Plan (One Plan)

The proposal is consistent with the Regional Policy Statement (RPS) and the Regional Plan. The applicant has obtained the necessary resource consents from the Regional Council to commission the proposal.

Operative District Plan: (Note: No new objectives or policies have been introduced as part of Plan Change G)

City View Objectives

City View objectives (Section 2.5 of the District Plan) set out the broad outcomes that the District Plan seeks to achieve for the City. I have had regard to all of the City View objectives but those of particular relevance to the proposal include objectives 2, 5, 10, 15, 19 and 23. I consider that the proposal is consistent with these objectives to the extent that these objectives are relevant to the assessment of the application.

Operative District Plan - Section 6 General Rules

The relevant objectives and policies of the General Rules section (Earthworks) to this proposal include the following:

Objective 1 Policies 1.1, 1.2, 1.4

Objective 1, Policy 1.1, 1.2 and 1.4 of Chapter 6 (earthworks) address the effects of earthworks on the environment. The provision set out to provide for earthworks on the basis that adverse effects are able to be avoided, remedied or mitigated. They specifically require the consideration of amenity values, landscape values, effects on adjoining neighbours and the potential exacerbation of natural hazards. The assessment of effects under sections 5 and 6 of this report have carefully considered these matters and it has been shown that the earthworks can be undertaken in accordance with a complete set of conditions that will avoid, remedy or mitigate adverse effects. The proposal is consistent with these provisions.

Operative District Plan - Section 10 Residential

The relevant objectives and policies of the Residential Zone to this proposal include the following:

Objective 1 Policies 1.1, 1.3

The proposed development will help to provide a variety of accommodation needs for different housing typologies and densities in the Palmerston North urban area (Policy 1.1) and will promote the efficient use of the physical resource being the land that has previously been zoned for residential purposes (Policy 1.3). Overall the proposal is consistent with the Residential Zone objectives and policies.

Operative District Plan - Section 20 Land Transport

The relevant objectives and policies of the Land Transport section to this proposal include the following:

Objective 2 Policies 2.1, 2.2.

Objective 3 Policies 3.1, 3.3, 3.4, 3.5.

I consider Objective 2 and Policies 2.1, 2.2, and 2.4 of Chapter 20 to be directly relevant to this proposal. This Objective and accompanying policies promote a roading network (and consequently traffic generated) which avoids adverse effects on the surrounding

environment. The proposal will have all vehicle movements mostly contained within the site as the cut and fill operation will not require the importing of fill onto the site or carting it off-site. There is ample room for machinery and plant to be located on site when not being used. It is anticipated the proposal will result in very little adverse effect on the road network and I am therefore satisfied the proposal is consistent with the relevant Land Transport provisions.

Operative District Plan - Section 22 Natural Hazards

The relevant objectives and policies of the Natural Hazards Chapter to this proposal include the following:

Objective 2 Policies 2.1, 2.2, 2.5, 2.7.

The relevant provisions clearly set out that development is to be avoided where there are not appropriate controls to avoid, remedy or mitigate adverse effects of natural hazards. There has been much contention about this issue with this proposal and so input from suitably qualified technical experts has been sought to confirm that the site is suitable for earthworks and that post earthworks the land will be suitable for residential development.

The technical input and recommended conditions are critical to demonstrate that the proposal will be consistent with the above objective and supporting policies. Not imposing the recommended conditions would result in the proposal being contrary to these provisions.

Proposed Plan Change G

Although Proposed Plan Change G did not introduce any new objectives or policies to the District Plan, it has resulted in an area of the site being rezoned conservation and amenity. As such an area of the earthworks will be undertaken within this zone and some consideration of the relevant objectives and policies is required.

Section 15 – Conservation and Amenity Zone

Objective 1 Policies 1.1, 1.2, 1.3

This objective and its supporting policies set out to protect **the city's** conservation and amenity areas which have high scenic, scientific, heritage conservation and amenity values from activities and development. Although the development will have some impact on the Aokautere Gully system, the landscape assessment by McArthur associates has concluded that this part of the gully system is in a modified state due to the partially completed earthworks, with the natural gully character within the site and any contribution to local amenity having long been removed. I therefore consider that the proposal will not be inconsistent with this objective and its supporting policies.

Irrespective of that assessment, the proposed plan change is in the early phase of the 1st schedule process and in my view little weight should be placed on these provision as it is only through the plan change rezoning process that they require consideration.

Overall Objectives and Policies Conclusion

It is my opinion that the proposal will overall be consistent with the Objectives and policies of the District Plan.

6.3. Section 104(1)(c) - Other Matters:

There are no other matters relevant to the proposal.

7. SECTION 104D GATEWAY TEST

As the proposal is for a Non-Complying Activity the gateway test of section 104D must be fulfilled, namely that either the effects are minor or that the proposal is not contrary to the objectives and policies of the Palmerston North City District Plan, before the application can be considered pursuant to section 104B of the Act.

Overall, it is considered that the actual or potential adverse effects of the proposed activity would be less than minor, and the proposed activity is consistent with the objectives and policies of the relevant planning documents. Accordingly, the proposal passes through both limbs of the "gateway tests" and is eligible for granting of consent.

8. PART 2 MATTERS:

I do not consider there to be any invalidity, incomplete coverage or uncertainty of meaning in the planning provisions relevant to the application which would necessitate a Part 2 assessment in this case. For the avoidance of doubt however[1], I have considered Part 2 insofar as it relates to matters over which the Council has discretion.

Aside from the general purpose of sustainable management set out in Section 5, Part 2 requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the purposes of this application, I have had particular regard to the relationship of Maori and their culture and traditions (Section 6(e)), the management of significant risks of natural hazards (Section 6(h)), and the maintenance and enhancement of amenity values (Section 7(c)). Overall, I am of the view that the proposal has had appropriate regard to these sub-sections in all the circumstances.

Overall, I conclude that the proposal achieves the 'sustainable management' purpose of the Resource Management Act 1991.

9. CONCLUSION:

The effects of this proposal are acceptable, and the proposal is consistent with the objectives and policies of the Operative District Plan and Proposed Plan Change G. Having considered the matters set out in section 104 of the Act, and subject to Part 2, I am of the opinion that resource consent can be granted subject to appropriate conditions.

10. RECOMMENDATION:

It is my recommendation that this resource consent application be granted subject to conditions imposed under Sections 108 of the Resource Management Act 1991.



Phil Hindrup
SENIOR PLANNING OFFICER
Palmerston North City Council

APPENDIX 3



22 October 2021

Ministry for the Environment
PO Box 10362
WELLINGTON 6143

Attention: Stephanie Frame

COVID-19 RECOVERY (FAST-TRACK CONSENTING) ACT 2020 – WOODGATE LIFESTYLE VILLAGE

Introduction

1. Thank you for the opportunity to comment on the application for referral (the Application). These comments are provided by the Palmerston North City Council and the Horizons Regional Council jointly (“**the Councils**”).
2. In the light of significant potential issues with earthworks and geotechnical stability and longstanding environmental compliance history with the site and the developer, the Councils consider it more appropriate for the project to proceed through the existing Resource Management Act 1991 (“**RMA**”) processes.

General Comment – Potential Benefits

3. The potential benefits of the project are associated with the provision of up to 170 residential units and aged care facilities. Palmerston North is experiencing a shortage of housing generally and there is a specific shortage in the city of aged care facilities. This project would help to address the existing shortfall.

General Comment – Significant Issues

4. The significant issues with the project include, at least:
 - a. Effects associated with earthworks and geotechnical stability, particularly given the significant contentious history of the site, as detailed below; and
 - b. The relationship between the project and a plan change for the area, including the site.

Question: What is the status of Plan Changes in process which relate to the Project Site?

5. PNCC is in the process of developing a Plan Change for the Aokautere area that includes this site. The Plan Change is known as Proposed Plan Change G and will include the preparation of a proposed structure plan over the entire plan change area to guide future growth and urban development in Aokautere. The Plan Change will recognise that there is substantial greenfield housing capacity at Aokautere, while proposing development controls that are appropriate to the unique local features of the land, such as the deep gully systems that define the character of the area.
6. Proposed Plan Change G is in the final stages of development. There is no fixed timeframe for its approval or notification of it; however, it is expected to be ready for notification in January 2022.
7. Horizons is not currently progressing a plan change of any specific or direct relevance to the issues raised by this project.

What reports and assessments would normally be required by the council for a project of this nature in this area?

8. The reports expected by the Councils for a retirement village proposal on this site, considering its environmental compliance history, are:
 - a. A comprehensive geotechnical assessment in relation to the suitability of the site for the project, with a specific assessment of previous earthworks through the entire site, formerly known as the Johnstone Drive gully. PNCC would expect this report to be prepared by a Chartered Professional Engineer with a specific endorsement in geotechnical engineering.
 - b. A detailed erosion and sediment control plan prepared by a suitably qualified and experienced person with expertise in a project of this scale, in accordance with the “Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region” (June 2016), prepared by Auckland Council. Both Councils would expect this to include a monitoring and compliance plan for adverse effects.
 - c. All erosion and sediment control and geotechnical assessments would need to consider and detail previous earthworks that have been carried out on the site. This will be necessary to inform the decision maker as to the suitability of the land and the steps required to be taken to manage the effects of further earthworks and development of that land, in terms of geotechnical stability and the effects of erosion and sediment control.

- d. A detailed planning assessment providing a full analysis of relevant development history on the site including specific details of what has been done in relation to previously granted and incomplete resource consents issued by PNCC and Horizons. The Council would expect the assessments to address whether and/ or what resource consents are required to authorise earthworks already carried out on the site.
- e. A stormwater management plan including sufficient detail to inform whether the discharge meets the requirements of the relevant rules in Horizons' One Plan for stormwater discharges.
- f. An urban design assessment.
- g. A traffic assessment.
- h. A landscape assessment.
- i. A noise assessment.

Question: Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your district?

9. The Application identifies the Applicant as 'Woodgate Retirement Trust' but does not identify the trustees of the trust. This trust is not known to the Councils. The Councils' practice is to return applications as incomplete in circumstances where the applicant is a trust and the trustees are not identified.
10. The Councils note that Appendix 11 of the Application is an authorisation by the landowner to make a resource consent application in respect of its land. The landowner has given its authorisation is given to 'Woodgate Limited', not the 'Woodgate Retirement Trust' as stated in Part 2 of the Application.
11. Woodgate Ltd is a limited liability company registered in New Zealand. Its sole director and shareholder is Leslie William Fugle. Fugle is a land developer known to both Councils with a long and contentious history of development in the Aokautere area. Based on the site history and the materials provided, it appears that Mr Fugle will be the in control of the development as director of Woodgate Ltd.
12. Mr Fugle has a history of environmental regulatory compliance problems in the broader Aokautere area of Palmerston North, including compliance issues and litigation history in

relation to this site specifically. **Appendix A** to this letter is a sampling of court proceedings and enforcement actions that have involved Mr Fugle either directly or indirectly.

13. Of particular note is that another company which Mr Fugle is the sole director of (Pacific Farm Development Ltd) pleaded guilty to offences under the RMA and was convicted and sentenced for that offending on 19 December 2017.
14. Further, Mr Fugle is currently facing charges brought by Horizons for alleged offending under the RMA. Those charges are pending trial before the District Court.

Question: Are there any ongoing environmental compliance issues related to the project site?

15. There are major unresolved environmental compliance issues related to the project site, which has a long and troubled history. A summary of those compliance issues are set out below. Copies of the decisions referred to are publicly available, but can be provided if requested.
16. In November 2007, PNCC granted a subdivision and land use consent (RM 2553) to Pacific Farms Limited for this site, which allowed for significant earthworks and restructuring of the land. The expected volume of fill to be used was 650,000m³, covering 90,000m² to a depth of 15m, creating a relatively flat and continuous land platform.
17. Horizons also granted resource consents for the same works in 2007, covering vegetation clearance, pipe installation, discharges to water, and diversions. These are recorded as regional consents 10430-10432 and 104147.
18. The earthworks authorised by the Horizons and PNCC consents were not completed. On 27 September 2011, Horizons was granted an ex parte interim enforcement order by the Environment Court, ordering Mr Fugle to cease all works on the site, effectively shutting it down.¹ This was given as the Court being satisfied that there were significant, ongoing adverse effects at the site.
19. On 22 September 2014, the Environment Court gave final enforcement orders against Mr Fugle, ordering extensive environmental protection measures to prevent significant ongoing effects.² While this was initially against Mr Fugle personally, the order was subsequently replaced by an order against Farm Holdings (4) Limited, on 11 February 2016.³
20. On a separate front, Mr Fugle signed a settlement of High Court 'nuisance' proceedings on 4 September 2014 as an authorised agent of Aokautere Land Company Ltd ("ALC"). The

¹ Decision No: [2011] NZEnvC 315.

² Decision No: [2014] NZEnvC 198.

³ Decision No: [2016] NZEnvC 29.

agreement required ALC to take a range of steps to implement engineering works to manage uncontrolled stormwater discharges at the site. These works were never done.

21. After ALC took no steps under the agreement, the Environment Court granted an enforcement order against Farm Holdings (4) Ltd (to which ALC had been renamed), effectively requiring the completion of the steps required by the agreement.⁴ In doing so, the Environment Court observed that while Pacific Farms Ltd (the company which was granted the original resource consents) had unequivocally stated that it would pipe stormwater through the site, it had instead constructed a dam across the upper part of the gully near the property boundary, resulting in significant flooding problems in the area. The works required by the enforcement order were never done by Farm Holdings (4) Ltd.
22. Farm Holdings (4) Ltd then entered liquidation, and the land was disclaimed by the liquidator under s 269 of the Companies Act 1993.
23. Accordingly, CTS Investments LLC, as the current owner of the land, has inherited a situation on the site where significant environmental issues have not been resolved, and which will need to be carefully addressed through existing consenting processes. This will be the position of the Councils, whomever the applicant is.



Simon Mori
Planning Services Manager
Palmerston North City Council



Greg Bevin
Regulatory Manager
Horizons Regional Council

⁴ Decision No. [2016] NZEnvC 192.

Appendix A

27 September 2011 - interim EO	<i>Manawatu-Wanganui Regional Council v Fugle</i> [2011] NZEnvC 315
27 September 2011 - decision on interim EO application	<i>Manawatu-Wanganui Regional Council v Fugle</i> [2011] NZEnvC 314
12 November 2012 - decision on application to amend interim EO application	<i>Manawatu-Wanganui Regional Council v Fugle</i> [2012] NZEnvC 250
14 February 2013 - decision on application for EO	<i>Manawatu-Wanganui Regional Council v Fugle</i> [2013] NZEnvC 19
12 September 2013 - decision on costs	<i>Manawatu-Wanganui Regional Council v Fugle</i> [2013] NZEnvC 212
17 February 2014 – decision on interim EO	<i>Palmerston North City Council v Fugle</i> [2014] NZEnvC 27
19 March 2014 - decision	<i>Palmerston North City Council v Fugle</i> NZEnvC 61
22 April 2014 – decision on interim EO	<i>Palmerston North City Council v Fugle</i> [2014] NZEnvC 90
22 April 2014 – interim EO	<i>Palmerston North City Council v Fugle</i> [2014] NZEnvC 91
18 June 2014 - decision	<i>Palmerston North City Council v Fugle</i> [2014] NZEnvC 134
22 September 2014 – corrected final EO	<i>Manawatu-Wanganui Regional Council v Fugle</i> [2014] NZEnvC 198
2 May 2015 – abatement notice 872	<i>Leslie William Fugle</i>
4 September 2015 - costs decision	<i>Fugle v Manawatu-Wanganui Regional Council</i> [2015] NZEnvC 155
22 January 2016 - decision	<i>Palmerston North City Council v Fugle</i> [2016] NZEnvC 10
11 February 2016 - decision	<i>Manawatu-Wanganui Regional Council v Farm Holdings (4) Ltd</i> [2016] NZEnvC 19
24 February 2016 - final decision & EO	<i>Manawatu-Wanganui Regional Council v Farm Holdings (4) Ltd</i> ENV-2015-WLG-000018
22 March 2016 - change to EO	<i>Manawatu-Wanganui Regional Council v Farm Holdings (4) Ltd</i> [2016] NZEnvC 54
8 July 2016 - decision on costs	<i>Manawatu-Wanganui Regional Council v Farm Holdings (4) Ltd</i> [2016] NZEnvC 127

20 June 2017 - decision	<i>Palmerston North City Council v Fugle & Anor [2017] NZEnvC 87</i>
24 August 2017 - judgment	<i>Leslie William Fugle v Palmerston North City Council [2017] NZHC 2030</i>
19 December 2017 - sentencing	<i>R v Pacific Farms Developments Limited [2017] NZDC 29030</i>
18 July 2019 – abatement notice 1046	<i>PFDL (5) Limited</i>
17 December 2019 – abatement notice 1108	<i>Aokautere Land Holdings Limited</i>
17 December 2019 – abatement notice 1109	<i>Aokautere Land Holdings Limited</i>

APPENDIX 4

WOODGATE LIFESTYLE VILLAGE: AOKAUTERE – PALMERSTON NORTH

WOODGATE RETIREMENT TRUST

Referral Application

Part II Project Location

The site is located in the developing suburb of Aokautere south east of Palmerston North. The address is 153 Pacific Drive and the proposal will involve approximately 7 hectares of an existing 48 hectare title. The site is located east of Pacific Drive with recent residential development to both the north and south. See Figure 1 uploaded for site location.

Part III Project Details

Project Summary

The construction and operation of a lifestyle retirement village, hospital and aged care and associated facilities using 7 hectares of a larger 45 ha undeveloped title at Aokautere Palmerston North.

Project Details

The proposal is to construct and operate a lifestyle retirement village on 7 hectares of the property. A design concept and building elevations are shown in Upload 1. The scheme includes 130 – 150 single level villas of varying sizes, 20 apartments, a village facilities block, and a hospital and dementia care facility. A site for potential future commercial retail activities has also been identified and if pursued will be separately consented.

The hospital will be on two levels and will include rest home rooms, dementia and psycho geriatric facilities as well as hospital beds as detailed on Upload 2 drawings. The facilities block will be single level with dining room and lounge, gym, spa, pool and indoor bowls facilities.

The site is predominantly flat with a partly filled shallow gully aligned north south through the centre of the site. The filling of this area was previously consented and was given effect to but was not fully completed.

The main access road will be designed to accommodate additional future development in this vicinity. The secondary access from Pacific Drive will be for staff and servicing.

Earthworks

Proposed earthworks cross sections have been uploaded.

The site is largely flat except for a 2 metre deep depression running north south through the centre which is a partly filled former gully. There is also currently some topsoil stockpiled on the site. The building platform for the development will be lowered by about 4m from the current highest point.

The area of earthworks will be larger than the development site at 10.7 hectares. This is to provide for future development to the north and connect to the head of Johnson Gully.

The total excavation proposed is 228,000 m³ with fill volume being 36,000m³. This will remove a small ridge, fill the depression and provide an even building platform.

A geotechnical assessment of the current fill has been undertaken and found that the fill is suitable for construction of buildings. Refer Upload 7. Stormwater will be drained to a main pipe which will be located in proposed road as shown on uploaded plan 2043-219. This will discharge to Johnson Gully to the north and has been sized to accommodate conveyance of stormwater from the adjacent residential area to the south east as well as the proposed development. This is shown on Upload 3.

Wider Development Context

The proposal involves 7 hectares of an undeveloped residential zoned title of 48 hectares. Further development of this suburb will occur overtime in stages. In addition, Palmerston North City Council has been developing a Plan Change which will considerably increase the development capacity at Aokautere including a large area to the north of the site. The Plan Change is expected to include a Structure Plan to guide the structure of future development. The new road to service the Village will likely form a key access to the new development area and this is in accordance with the draft indicative Structure Plan released for consultation. The Structure Plan may also provide for a local centre adjacent and to the north of the Village. This Plan Change has yet to be completed and publicly notified, however, indications are that the proposal has a good strategic fit with the Plan Change.

Infrastructure Availability

The development will be serviced by a gravity sewer draining south west to the existing sewer in Pacific Drive. Alternatively, a pressure sewer system may be preferred for the eastern part of the site. Refer Upload 4.

Similarly water supply will be extended to the site from Pacific Drive as shown on Upload 5.

Proposed stormwater reticulation is designed to drain north toward Johnson Gully where there will be detention and potentially wetland treatment. The main pipe with sizing is shown on Drawing 2043-219 uploaded.

Coordination with Palmerston North City Council on stormwater is important because currently there is a piped discharge of stormwater from an area of about 60 dwellings discharging to land in the southern part of the site. The applicant is liaising with Council about the remedy of this matter which may proceed ahead of retirement village development and if it crosses the site will be located as shown on Drawing 2043-219 in Upload 3..

A Stormwater Management Plan will be prepared for the development which is expected to include:

- Detention to provide hydraulic neutrality within Johnson Gully and integrated with storage associated with the wider development of the area to the north.
- Treatment options include on site raingardens and swales and wetland treatment off site in Johnsons Gully.

Subdivision

The site will be subdivided from the parent lot and the road will be vested in the Council. The hospital will be held in a separate title. A scheme plan of subdivision has been included as Upload 8.

Staging

It is proposed to build the village in continuing stages of construction commencing with the boundary groups of villas.

Funding

A funding strategy has been developed for this project. A number of investors have registered interest and therefore the currently preferred option is equity investment. A limited partnership ownership structure will be put in place to enable investors to optimize the benefits from their investment.

In the event that this does not achieve the funding targets, mezzanine loan funding from Senior Trust Group (STC) will be arranged. STC provides development loan funding through its Senior Trust Income Generator Fund. They will typically lend up to 75% of the project value. STC has recently introduced an equity fund for investors who wish to invest in retirement villages called the Senior Trust Equity Limited Partnership (STELP).

Tier 1 funding which is generally from mainstream banks may replace mezzanine finance once there are sufficient sales.

Consent Approvals Required

Palmerston North District Plan

The site is zoned residential in the Operative District Plan. A land use consent and subdivision consent is required. Rule 10.7.4.6 classes retirement villages and hospitals as a Discretionary Activity.

The former gully area of the site is subject to a land stability overlay which is called Limited Developable Land. Although now historical as the gully has been filled, technically Rule 10.7.6.1 applies and the further earthworks are as a consequence classed as a Non Complying activity. This is expected to be amended through the future Plan Change.

Subdivision consent is required pursuant to Rule R7.6.2.1 and is classed as a Restricted Discretionary Activity on the Limited Developable land and a Controlled activity on Developable Land.

District Plan

The land is zoned residential. Retirement villages and hospitals are both classed as a discretionary activity in this zone. The former gully area has additional rules that continue to apply to ensure land stability. The proposed additional earthworks and development of this part of the site will be classed as a non complying activity.

The subdivision of the land would likely be classed as a Restricted Discretionary Activity.

Palmerston North City Council has been developing a Plan Change to expand the residential zone in this area which will likely result in additional residential development land to the northeast. This Plan Change has yet to be publicly notified.

A land use consent and regional consents were previously granted in 2007 for the earthworks which were largely undertaken but not completed. The regional consents were for a specified 7 year term and have, therefore, expired. However, the land use consent (Ref RM 2553) has been given effect to and arguably could authorize the remaining earthworks which are within the scope of that consent.

Regional Plan

Regional consents relating to land disturbance and discharge of stormwater are triggered by this proposal. In particular, the additional land disturbance and earthworks will exceed the permitted activity level of 2500 m² and triggers a controlled activity consent. This is in accordance with Rule 13.2 of The One Plan and includes ancillary diversion of water and discharge of sediment into water.

In terms of discharge of stormwater to Johnson Gully the proposal is capable of meeting the permitted activity conditions of Rule 14-18.

Previous resource consent or NOR.

There are no previous resource consents for this land under the name of the current applicant.

Consents by other parties

As referred above there is a previous resource consent for two lot subdivision and earthworks from Palmerston City Council referenced RM 2553. The subdivision consent has lapsed and the earthworks has been given effect to but were not completed by the then owner of the land.

The associated regional consents relating to vegetation clearance (104130) pipe installation (104131) water discharge (104132) and water diversion (104147) have either been given effect to or have expired.

Other legal authorizations

Consents under the Building Act will be required.

Construction readiness

Earthworks can commence as soon as resource consents are issued which will hopefully be before the end of the 2021/22 summer earthworks season. While this is under way roading design and project detailed design will be advanced. Roading construction will follow as soon as earthworks is complete. Key milestones are as follows:

Consent approval

March 2022

Earthworks	December 2022
Detailed Design	July 2022
Funding	March 2022
Procurement	November 2022
Road construction complete	April 2023
Construction commence	Jan 2023
Completion	July 2025

Part IV Consultation

Ministry For The Environment

An on line pre application meeting was held with MFE staff in late May 2021. This application has had regard to the advice provided in that meeting including specifically commissioning assessment of economic benefits and information on funding strategy. Since that meeting further design and feasibility work has increased the size of the proposal, however, the key features remain the same.

Palmerston North City Council

Senior Council officers and the Mayor have been briefed on the proposal and the intention to seek referral through the COVID Fast Track Consenting Act. Initial informal response was very positive. The latest site layout design has recently been provided to the Council for any further comment ahead of lodging this application.

These comments have not been provided in time for this application, but the applicant will continue to engage with Council as appropriate.

HORIZONS Regional Council

Horizons has been approached for comment and have drawn attention to the One Plan requirements regarding stormwater, land disturbance, transport and flooding. They have confirmed that there are no active known fault within close vicinity of this area.

The new Collector Road will be designed to accommodate public transport infrastructure and Horizons will be further consulted at detailed design stage.

There will also be further consultation in developing the Sediment And Erosion Control Plan.

Part V: Consultation Iwi Authorities

The relevant Treaty Settlement Entity is Rangitane o Manawatu, and the relevant Treaty Settlement is the Rangitane o Manawatu Deed of Settlement November 2015.

A Cultural Impact Assessment has been commissioned and will be provided once completed. A site inspection has been completed with the applicant. A preliminary response e mail is at Upload 9. This states that Tanenuiarangi Manawatu Inc support the principle of the development and that caring for the elderly in their community is an important aspect of Maanakitanga.

Aspects of concern raised in that response include management of stormwater quality, associated landscaping and weed control and ongoing future relationships. The applicant will continue to liaise with iwi through the design and construction process.

Part VI Marine and Coastal N/A

Not relevant

Part VII Adverse Effects

Nature and Scale of Anticipated and Known Adverse Effects -

Permitted baseline

Effects assessed under the RMA are subject to Section 104(2) in which the consent authority may disregard an adverse effect of the activity on the environment if the plan permits. While the land is zoned residential, subdivision for residential development would be at least a controlled activity with lots of at least 400 m² and consequent built dwellings of 2 per lot complying with 9m height, recession plane, site coverage and other standards.

Bulk form and scale of structures

The proposal involves approximately 130 to 150 villas of varying sizes but all single storey scale with modern design and materials. The hospital is spaciouly laid out in the northern part of the site well away from any existing residential development. The hospital will be two levels with a mixture of brick veneer and painted fibre cement weatherboard cladding. The retirement village facilities block is located close to the new collector road. Adjacent to the hospital fronting the road is an area earmarked for potential neighborhood centre commercial facilities to support the retirement village and growing residential area. The proposal as lodged shows three villas on this area. However, further assessment of a commercial centre will be undertaken and a separate resource consent lodged for this in the future if advanced.

The facilities block will be single level. The permitted height standard for buildings is 9 metres. None of the buildings will exceed this height. While the hospital and facilities block are of greater bulk than individual villas they are both in spacious settings well away from existing residential development. Further, the building platform is some 4 metres below the residential area to the south east.

Amenity

The village concept will be further developed with design to a high standard and a wide range of amenities and facilities for residents. A landscape concept will be developed for the overall development. This will have regard to the amenity of residential neighbors to the south and west. The proposed low rise development on land below these dwellings will ensure they continue to have distant views to the north maintaining their current visual amenity.

Landform and earthworks

While the village will occupy approximately 7 hectares, earthworks will be undertaken over a wider 10.7 hectare area with a view to other future development. The total excavation, including existing stockpiles of material is estimated to be 228,000 m³. The extent of fill of the lower slope is

approximately 36,000 m³. Separate proposals will be developed and consented to use the surplus material in conjunction with other developments.

The proposed earthworks are to a large extent the completion of previously consented earthworks for the wider site. Resource consents were approved by both Palmerston North City Council and Horizons Regional Council but were not fully completed before the developer went into receivership. The regional consents have now expired however the PNCC land use consent did not have a stated term and has been given effect to.

An Erosion and Sediment Control Plan (ESCP) is being prepared for the proposed earthworks after consultation with Horizons Regional Council. This ESCP works in synch with a further ESCP for a gully crossing approximately 1 kilometre downstream and to the north being undertaken by a related entity. Both ESCPs are being prepared by Rob Corson who is an appropriately qualified expert in this area.

The existing landform has a gentle slope to the north with a shallow undulation where the previous gully filling was not completed. There is a further gully to the north which is not part of the application site and is not affected by this proposal. The landform will largely remain a gently sloping area to the north with a cut face at the southern end creating the building platform 4 m below the adjacent residential development. There is currently some stockpiling of top soil on the site from the previous earthworks some of which will be utilized in the development. However, there are no distinctive landforms from a landscape perspective. Refer Upload 3.

Traffic effects

The development will be accessed by a new collector road off Pacific Drive. This is understood to be the planned location for a new Collector Road in the Council proposed Structure Plan for this expanding growth area. The road will be designed and built to Collector Road standard with separate accesses for the retirement village and hospital. A separate service and emergency access is also proposed off Pacific Drive. Retirement villages generally have low levels of traffic generation compared with general residential development and initiatives such as shared electric vehicles will be developed.

The Collector Road will also serve as the main access to a significant area of new future residential development to the north. Pacific Drive is the key Collector Road connecting this urban growth area to State Highway 57 to the north and the Aokautere village centre. SH57 is the key strategic route south of Palmerston North between Levin and the connections through to the east of the Manawatu Gorge. The location is, therefore, well served in terms of road infrastructure and wider connections and no adverse traffic effects are anticipated.

Strategic Fit

Palmerston North City Council has yet to finalise its Plan Change for this area which will significantly expand on the area for urban growth to the north and east of the site and coordinate development through a structure plan.

The proposed collector road will provide access to the new growth areas to the east and is understood to be entirely consistent with the proposed structure plan. Council has also been considering a neighbourhood centre in this location. With this in mind the proposal identifies a location for possible commercial facilities designed to serve the retirement village as well as the

wider future community as it develops. These front the new road and also adjoin the proposed hospital. If advanced this will be separately consented and will replace at least three villas. The concept design has therefore sought to maximise strategic fit with the Council likely structure plan and wider context.

Services

A services plan has been developed and uploaded. The existing sewer infrastructure in Pacific Drive is designed to accommodate this area of growth. Refer Upload 4. The option of a pressure sewer system will be considered and discussed with the Council. Similarly potable water is also available in Pacific Drive. Refer Upload 5.

Proposed stormwater reticulation is designed to drain north toward Johnson Gully where there will be detention and potentially wetland treatment. On site treatment options will also be explored. Coordination with Palmerston North City Council on stormwater is important because currently there is a piped discharge of stormwater from an area of about 60 dwellings discharging to land in the southern part of the site. The applicant is liaising with Council about the remedy of this matter which may proceed ahead of retirement village development and if it crosses the site will be located as shown on Upload 3 Drawing 2043-219.

Land stability

The site is reasonable flat apart from a hollow where filling previously occurred and was not completed. In order to determine whether any remedial work on the fill area is required ahead of development a specific investigation has been undertaken by NZET Ltd Consulting Engineers. See Upload 7. The investigations included CPT sampling at 13 locations and window samples at two locations. The assessment found that soil types vary from clayey silts to sands. No groundwater was encountered and therefore the liquefaction risk is low. Importantly the soils were firm and will provide good foundation for commercial scale buildings. No adverse effects associated with land stability are therefore anticipated.

Noise

The proposal involves creating a quiet residential and hospital environment. The only mechanical systems are likely to be associated with heating and ventilation at the facilities block and hospital. These are a considerable distance from the nearest existing dwellings and in any case will be designed to modern noise specifications. No adverse operational noise effects are anticipated.

Lighting

Outdoor lighting will be provided for security and amenity. The detailed design will be undertaken at a later stage but will be undertaken to comply with AS Standard 4282 which is referenced in the District Plan. No adverse effects within or on adjacent land are anticipated.

Construction Effects

Construction will be undertaken in sequential stages once all the earthworks is completed. Approximately 50% of the village will be completed before the hospital is constructed. Completion of construction of the entire project is expected within 2.5 years.

During this period there is risk of construction effects associated with noise and dust for village residents and neighbours. The villas adjacent to the existing residential boundaries are expected to be the first stages of development. Once completed all further construction will be away from adjacent residents. The earthworks stage is expected to be completed in one construction season

and all surfaces stabilized and stages not being immediately commenced will be grassed. This stage will be undertaken in accordance with the Erosion and Sediment Control Plan. Alongside that will be a Construction Management Plan which will include communications with residential neighbours.

Construction traffic will access the site at the proposed Collector Road and there is ample room for construction yard activities to be well away from neighbours.

The size of the site and limited existing development means there is plenty of scope to manage activities to ensure adverse construction effects are minimized.

Part V111: National Policy Statements and national Environmental Standards.

Potentially applicable NPS and NES are

NPS Urban Development 2020

NPS Freshwater Management 2020

NES For assessing and managing contaminants in soil to protect human health.

NPS Urban Development 2020

The site is located in a Tier 2 urban environment. Aokautere is a key growth area for Palmerston North and has been for some years. There remains considerable capacity at this location which is to be increased through expanding the growth area in an imminent Plan Change.

The NPSUD not only requires sufficient development capacity to meet expected demand over the short, medium and long term, but also that it contribute to well functioning urban environments.

This retirement village will create a focus for the further development of Aokautere and contribute to housing need for older groups.

NPS Freshwater Management 2020

There are no freshwater resources affected by this proposal. Stormwater will discharge to the head of Johnson Gully and will contribute to an ephemeral stream in the gully. Detention in the gully will be separately consented and created by way of a road gully crossing about 1 km downstream from the site.

There is no loss of river and no loss of natural inland wetland. A Stormwater Management Plan will be developed that will include stormwater quality measures.

NES For assessing and managing contaminants in soil to protect human health.

The site has been extensively earthworked and since that time has been used for hay cropping. No farm buildings, yards or other storage has occurred on the site. No HAIL activity or industry is being undertaken or has been undertaken on the land. The requirements of the NES therefore do not apply.

Part IX: Purpose of the Act

Economic costs and benefits for people or industries affected by COVID 19

To inform this section an assessment has been undertaken of the economic benefits of the project by Michael Copeland of Brown Copelands and Co Ltd.

This is Upload 6. It concludes that the project will create additional expenditure, employment and income within the local economy during the construction period of the order of \$51 million per annum additional expenditure, 460 additional jobs and \$36 million per annum in additional wages and salaries.

Once operating it is estimated to generate additional expenditure of \$22 million per annum, 360 additional jobs and \$19 million in additional wages and salaries.

Effects on social and cultural well being of current and future generations

The Copeland assessment also concludes that the project will improve housing affordability, provide fiscally efficient healthcare and other services, create a safer community, promote independence and support positive aging.

It will also increase the cost effectiveness of Palmerston North City Council's provision of services as well as providing benefits to village residents families.

Whether it would progress faster by using the processes provided by the Act than would otherwise be the case.

It is expected that there will be considerable time savings associated by using this process. It will enable further work to be completed for the expert panel whilst the referral is being determined.

This will include

- Sediment and Erosion Control Plan - currently underway in consultation with Horizons Regional Council.
- Stormwater Management Plan – this will embrace a wider area in terms of detention and treatment at the upper end of Johnson Gully.
- Cultural Impact Report – preliminary feedback has been reported in this application.
- Landscape design concept.

Public benefits

Employment job creation

As stated in an earlier section, 460 additional jobs are expected to be created during a 2.5 year construction period. Prior to that there will be employment associated with detailed design and building consents etc. During this initial period it is expected that earthworks and associated sediment and erosion control measures will be able to be undertaken.

Once operating it is estimated to generate 360 additional jobs. Refer to Upload 6 report by Mike Copeland titled The Economic Benefits of the Proposed Woodgate Lifestyle Village at Aokautere Palmerston North.

Housing supply

The project will contribute significantly to housing supply which is currently under stress from a surge in population growth. The very recent PNCC Housing Capacity Assessment dated June 2021 found that demand had increased for smaller houses and specifically recommended re zoning additional greenfield capacity at Aokautere. A Plan Change to implement this is imminent. Notwithstanding this the project site is already zoned for urban growth.

Latest projections show a need for nearly 13,000 extra dwellings over the next 30 years. The Project will provide 130 – 150 household units, plus 20 apartments and hospital / rest home beds. This will have the effect of freeing up existing larger houses within the region to help meet that overall demand.

Contributing to well functioning urban environments

This has been considered above in relation to the NPS UD. However, in addition the Project itself provides a variety of villa typologies as well as apartments to meet the needs of different households in relation to both type and price. Iwi have been consulted and ongoing dialogue will ensure the Project has regard to the needs of those communities.

There are no other retirement facilities in Aokautere. The nearest is Summerset on Summerhill at Fitzherbert.

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity

This is not an infrastructure project, however it is a catalyst to addressing a non conforming stormwater discharge from vested infrastructure associated with residential areas to the south. The proposed arterial stormwater main for the development is shown on Upload 3 Drawing 2043-219. While liaison with PNCC over this matter is in train, the initial proposal is to provide PNCC with 450 mm pipe stormwater capacity to the head of Johnson Gully where there will be a constructed outfall. This will address a long standing issue and will be formalized through a Development Agreement.

Proving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity

This is not an environmental project per se but will be the driver towards comprehensive stormwater management associated with the ephemeral stream in Johnson Gully. A Stormwater Management Plan will be available for the expert panel that will address hydraulic neutrality for the site and adjoining catchment and a strategy for stormwater treatment.

Minimising waste

The Project as part of its operational development will develop and implement a waste minimisation strategy.

Contributing to NZ's efforts to mitigate climate change and transition more quickly to a low emissions economy (in terms of reducing NZ's net emissions of greenhouse gases)

The Project will promote the adoption of electric vehicles and will provide on site charging facilities. In addition, solar power generation for the facilities building and hospital will be investigated at the detailed design stage.

Promoting the protection of historic heritage

There are no historic heritage issues associated with this project.

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change

The Aokautere area does have steep gullies where land stability is in some areas a natural hazard that must be managed. In this case, this has largely been addressed through previous earthworks. The design also provides an overland flow path from the residential area to the south.

Other public benefit

Whether there is potential for the project to have significant adverse environmental effects

The issues associated with actual and potential environmental effects have been addressed in Part V11. Subject to appropriate management of earthworks and stormwater management any adverse effects on the environment are reasonably anticipated to be less than minor.

Part X: Climate Change / Hazards

Effectuated by climate change and natural hazards

The site is elevated with expansive views to the northwest. As stated in Part IX, the project avoids areas of land instability and provides for a secondary flow path.

There are no coastal related issues and little risk from extreme weather events.

Flood risk

The site is elevated and is not subject to any form of flood risk. A secondary flow path is provided through the site connecting with the existing secondary flow path from the more elevated residential development to the south.

Land stability

As previously stated, the steeper gully sides in Aokautere are a known natural hazard. While the site historically did have a gully this has been filled and the compaction tested and found to be satisfactory. The further earthworks required is to provide a graded slope to the head of Johnson Gully and a more even slope across the site.

Part XI: Track Record

Summary of compliance and or enforcement actions taken against the applicant by the local authority and the outcome of those actions

The applicant Woodgate Lifestyle Village Trust is an entity established to develop and operate the facilities.

A funding strategy has been developed for the project which is detailed in Part III. The land itself however does have a history of compliance disputes in relation to stormwater management and earthworks and particularly the stormwater that continues to flood the southern corner of the site from the adjacent residential development.

These are associated with previous owning entities and no enforcement action has been taken by the local authority against the current owner.

The history was complicated by a technical engineering solution to the stormwater discharge being agreed as part of settlement of High Court proceedings but subsequently found to be technically unfeasible.

This combined with the owner at that time being put in receivership. The liquidator, after reviewing the assets, disclaimed the land which then passed to the Crown under an escheat. The land remained subject to a mortgage to a company called CTS Investments Ltd which then had the land vested in it as partial satisfaction of the mortgage debt. A consequence of this is that CTS Investments LLC was not a successor in title and therefore the previous enforcement order and associated agreements expired at that time.

Since then, there have been discussions with Horizons regarding Erosion and Sediment Control measures and a Sediment and Erosion Control Plan for the further earthworks is being prepared. The only ongoing compliance matter relates to the Council stormwater discharge onto the site. This proposal is a means to resolve that matter.

List of Uploads.

1. Site Location
2. Design Package including site layout and elevations.
3. Proposed earthworks and stormwater reticulation.
4. Indicative Sewer Layout
5. Indicative Water Supply layout
6. The Economic Benefits of the Proposed Woodgate Lifestyle Village at Aokautere Palmerston North. - Mike Copeland
7. Geotechnical Assessment: NZET Ltd Consulting
8. Subdivision Scheme Plan
9. E mail from Tanenuiarangi Manawatu Inc
10. Letter from landowner
11. Land Title

INTRODUCTION

- 1 My full name is Phillip John Hindrup.
- 2 I am a Principal Planner and Director of Phocus Planning Limited, a planning consultancy firm based in the Manawatu.
3. My report is given on behalf of the Palmerston North City Council (**PNCC**) in relation to the resource consent application made by Thomas Planning on behalf of Woodgate Limited for the construction, operation and maintenance of a retirement village complex and associated infrastructure, and for the consequential subdivision of land at 131-153 Pacific Drive, Palmerston North (the **Application**).

QUALIFICATIONS AND EXPERIENCE

4. I graduated from Massey University with a bachelor's degree in Resource and Environmental Planning in 2001 and have 22 years professional planning experience.
- 5 During this time, I have worked at PNCC as a Planning Officer having processed numerous land use and subdivision consents. I have also worked at Manawatu-Whanganui Regional Council as a Senior Consents Planner and Team Leader Resource Consents. I have significant experience in section 88 matters and have been involved in section 357 objections and hearings.
- 6 I have participated in numerous consent hearings as an expert planning witness and submitter.
- 7 I am also an accredited Resource Management Commissioner and have sat as an independent Commissioner to hear and make decisions on resource consent hearings.

MY ROLE

- 8 I was engaged by PNCC on 28th July 2022 to be the processing officer of the Application. In this role, I received the application by Woodgate Ltd, and in the context of giving initial consideration formed the view that the application was incomplete and should be returned pursuant to s 88 of the Resource Management Act 1991 (RMA).

9 In preparing my evidence I have:

9.1 Read all information relating to the Application;

9.2 Read and familiarised myself with the material details of the proposed activity,

9.3 Read the objection via email from the Applicant dated 10th August 2022.

CODE OF CONDUCT

10 I have read and agree to comply with Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note (2014). My qualifications are set out above. I confirm that this evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SCOPE OF REPORT

11 My report addresses the Application, identifying the facts regarding its lodgement and the process that followed. I will cover the content of the Application and then respond to the matters raised in the s 357 objection, expanding on key points as I consider required.

THE APPLICATION AND ITS RETURN

12 The Application was lodged with Council by Thomas Planning Consultants Ltd on behalf of Woodgate Limited on 12th July 2022 and received by Council on 13th July 2022. A copy of the Application is attached as **Appendix A** and **B** of my evidence.

13 Council's file reference for this application is RC 6923.

14 On 9th August the Application was returned to the Applicant (via email) with a cover letter, signed under delegated authority by Swastika Nadan, PNCC's Senior Planner, setting out the reasons why the Application had been returned in accordance with section 88(3) of the RMA. The s 88(3) notice was served within the statutory timeframe prescribed in the RMA which was 10-working days but then made to be 20-working days in accordance with s 37 of the RMA due to special circumstances. The s

88(3) letter, notification of that letter being served on the applicant and the s 37 decision are included as **Appendices C, D and E** of my evidence.

15 On 10th August 2022 the Applicant responded in writing to the s 88(3) letter, formally objecting under s 357 of the RMA to the decision to return the Application, setting out the reasons for the objection. The objection was received within the required 15 working day time frame specified under s 357C(1) of the RMA. A copy of the objection letter is included as **Appendix F** of my evidence.

16 PNCC considered the objection and responded in a letter dated 26th August 2022, confirming that its decision to return the Application had not changed. The objection was considered within the required 20-working day timeframe. A copy of the letter dated 26th August 2022 is attached as **Appendix G** of my evidence.

17 On or about 22nd November 2022 the Applicant emailed the Council requesting that a hearing of this matter be set down.

DESCRIPTION OF THE APPLICATION

18 A copy of the Application is included with my evidence. Here, I briefly address the key factors relevant to these proceedings.

19 The proposal involves the construction, operation and maintenance of a retirement village complex and associated infrastructure, and for the consequential subdivision of land at 131-153 Pacific Drive, Palmerston North.

20 The Application contained a survey plan showing the proposed final layout of allotments in relation to the existing environment.

21 A number of technical reports were provided to support the application including the provision of a geotechnical assessment, a landscape and visual assessment, an integrated transport assessment, an economic assessment, an urban design review and an erosion and sediment control plan.

22 The proposal included the development of a collector road extending into the site to serve a main village hub and wider future residential development. The main village hub was to consist of a single building complex including the following:

- Single level village facilities wing including a café, lounge, media room, swimming pool and outdoor areas.
- Central administration and reception area.
- Two 2 story building wings containing 32 one bedroom apartments of 50 m² and 8 two bedroom apartments of 78 m².
- Rest home care suite with 16 bedrooms
- Hospital facility with 51 beds
- Dementia suite with 20 bedrooms with facilities and internal courtyard
- 2 Palliative Care beds
- Separate but connected parking areas for visitor and staff.
- Parking area for village recreational vehicles.

23 A key component of the proposal was the completion of a large area of earthworks to fill in an existing gully depression (up to 3 metres in fill) and to lower an area within the site by up to 4 metres to create a suitable building platform for the development.

THE LAW

24 Section 88 of the RMA prescribes how an Application for resource consent must be made. Subsection (2) provides that an application must be made in the prescribed form and manner, and include information relating to the activity, including an assessment of the activity's effects on the environment that is required by schedule 4 RMA. These are mandatory requirements.

25 PNCC reviews applications as to whether they are complete after they are lodged, pursuant to s 88(3). If PNCC determines after performing its administrative review of the Application and material lodged with it, that the Application is incomplete in relation to its requirements under ss (2), it must return the Application as incomplete pursuant to ss (3A), giving written reasons.

26 Further, the word “may” in s 88(3) confers a discretion on councils, where although applicants “must” provide the information required by s 88(2) in their applications, s 88(3) confers a discretion on the council to decide whether an application is complete.¹

27 While it is possible to address ‘matters of detail’ by way of subsequent s 92 requests for further information, where an application does not include fundamental elements, it is not appropriate to accept the application and instead seek to rely on requests for further information under s 92.²

28 Applications must be specified in sufficient detail to satisfy the purpose of what is required.³

THE OBJECTION

29 The Applicant’s email dated 10th August 2022 set out the reason for the objection being is provided below:

The reason for objection is matters raised were capable of addressing via s 92 request for further information or via fixing consent condition(s)

30 The applicant provided no other reasons or justification as to why the decision to return the application should be overturned and provided no context or opinion as to why the deficiencies identified in Councils s 88 letter dated 9th August 2022 were not deficiencies. The objection simply said that the deficiencies raised in the s 88 letter could have been addressed via a s 92 request for further information or via consent conditions (however no set of conditions were specifically proposed in the application).

31 I note that Council engaged with technical officers (landscape and visual, traffic, 3 waters, urban design, geotech), to assess the application, to help form a view as to whether the application was complete. Based on their advice and my own experience as a consents officer, we identified a large number of gaps in the proposal relating to key areas, namely geotech, traffic and 3 waters, and an assessment under section 106

¹ New Zealand King Salmon Company Ltd v Marlborough District Council [2018] NZHC 1357.

² Wellington Fish and Game Council v Manawatu-Wanganui Regional Council [2017] NZEnvC 37.

³ New Zealand King Salmon Company Ltd v Marlborough District Council [2018] NZHC 1357.

of the RMA which, either separately or in combination justified returning the application as incomplete.

- 32 In my opinion, and based on my understanding of the law the use of s 92 is better used for matters of detail, and not for the purpose of obtaining information to make an application complete. That is the purpose of s 88 and is specifically why that process step was introduced as part of the 2003 Resource Management Amendment Act. The approach as suggested by the Applicant in the Notice of Objection is in my view incorrect and not in keeping with accepted best practice and trivialises the nature and the quantity of the identified deficiencies.
- 33 The intent of section 88 and the 4th Schedule of the RMA is clear. It is the obligation of the Applicant to provide a level of information commensurate with the scale and intensity of the activity. In my view the Application lacked detail and assessment of how the development would be completed while ensuring that the levels of adverse effects was acceptable for the environment it would be situated in.
- 34 The Applicant has asserted that PNCC ought to have used s 92 to resolve any information deficiencies. In my opinion it would be an incorrect use of s 92 of the RMA in this instance to resolve what I considered to be material deficiencies in an application by way of a request for further information. It is accepted practice that s 92 is a tool used to fill in minor information gaps, resolve points of clarification or to commission a report once it becomes clear **after** an application was received that there is insufficient information. This is an important difference. For example, s92 would be used where, through say a peer review by a Council Officer, it becomes clear that further assessment of a technical matter is required. It is a not a tool to be used where an application does not meet the mandatory requirements of s 88, in order to complete an otherwise incomplete application. That is what s 88(3) is for. It follows and is my opinion that PNCC was correct in using s 88(3) of the RMA as there were material information deficiencies within the Application which have not been adequately addressed.
- 35 With this in mind, I note in particular my first written reason that I gave as to why the application was incomplete related to Geotechnical issues and included 10 areas in

which I considered there was deficient information. I regard geotechnical matters as significant for the site, considering its background and previous issues with fill, and I regarded the information provided as considerably deficient when considered in this context. All of the information that I identified under the geotechnical heading I regard as fundamental deficiencies in the information required to be provided for this application.

- 36 That geotechnical matters were a primary concern does not diminish the relevance or significance of the other reasons given in the s 88 letter, all of which individually or cumulatively reinforce my view that the application was incomplete.

CONCLUSION

- 37 It remains my opinion that the Application was deficient, having not included all of the necessary detailed technical information or a full and complete assessment of environmental effects.
- 38 It would be irresponsible for PNCC to accept an application that is not complete where there is clear direction under the RMA, that that requirement lay with the Applicant. The assertion by the Applicant that the Council can complete the assessment of effects and the assessment against the District Plan, through a s 92 request for further information or via consent conditions is flawed.
- 39 The applicant did not satisfy the requirements of s 88 and the 4th Schedule. The scale of the proposal was considered to be large and multi-faceted, complicated by long standing separate but related matters to do with conveyance of an upstream stormwater discharge through the site and proposed development from an upstream urban catchment and large scale incomplete earthworks that have been shown to have potential geotechnical issues.
- 40 The proposal was not straightforward and required clear information around servicing aspects and the history of earthworks and geotechnical information, all of which are critical aspects of a land development proposal. The level of information to support the Application was in my view deficient, including with regard to the potential risks and effects associated with works on this site.

41 I note that there was no pre-application meeting with Council officers or its technical experts to discuss the key aspects of the development prior to lodgement of the application. It is my view that a number of the 40 matters raised in the incomplete application letter dated 9th August 2022 could have been discussed and addressed at such a pre-application meeting to provide greater clarity of the proposal and allow the Council experts to provide their views on information gaps contained within the application and so that these could be addressed prior to an application being made. In my view this is accepted best practice for a development of this scale with the range of both natural and physical issues involved.



Phillip John Hindrup
8 February 2023

APPENDIX A



WOODGATE LTD

APPLICATION FOR LAND USE CONSENT
FOR A RETIREMENT VILLAGE: 131,
PACIFIC DRIVE PALMERSTON NORTH.

12 JULY 2022

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- B: VILLA DESIGNS: HPA LTD
- C: GEOTECHNICAL ASSESSMENT: NZET LTD
- D: GEOTECHNICAL ASSESSMENT PEER REVIEW: ENGEO LTD
- E: NUISANCE CLAIM TO HIGH COURT.
- F: URBAN DESIGN REVIEW; URBAN EDGE LTD.
- G: ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS REPORT: ECO LANDSCAPES AND DESIGN LTD
- H: INTEGRATED TRANSPORTATION ASSESSMENT: TIM KELLY
- I: ECONOMIC ASSESSMENT: MIKE COPELAND
- J: RESOURCE CONSENT APPLICATION TO HORIZONS FOR EARTHWORKS APP-2022203764.
- K: EROSION AND SEDIMENT CONTROL PLAN: ENVIROPAC LTD

REPORT INFORMATION

Report Status	Final
Our Reference	TPL113
File Location	TPL113
Author	Paul Thomas
Review By	

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**THOMAS
PLANNING**



PART A

APPLICATION FOR RESOURCE CONSENT

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: **Palmerston North City Council**
32, The Square
Palmerston North 4410

1. **Woodgate Ltd** applies for the following type of resource consent:
 - Land use consent.
 - Subdivision consent
2. The activity to which the application relates is as follows:
 - To construction, operation and maintenance of a retirement village complex and associated infrastructure.
 - The consequential subdivision of land.
3. The site at which the proposed activity is to occur is as follows:
 - 131, Pacific Drive, Palmerston North.

The legal description is Lot 98 DP 330144 held in Certificate of Title 706789.
4. The owner of the land is CTS Investments Ltd.
5. A regional land use consent for earthworks and ancillary discharges is required for this proposal and has been lodged with Horizons Regional Council. The consent reference is APP-2022203764.00.
6. Council officers have agreed to a request that this application be determined by a Commissioner, including the notification decision.
7. I attach an assessment of the effects of the proposed activities on the environment that:
 - (a) Includes the information required by Clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) Addresses the matters specified in Clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) Includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
8. I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.
9. I attach an assessment of the proposed activity against any relevant provisions of document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of the Schedule 4 of that Act.

Signed by the agent for the applicant

A handwritten signature in blue ink, appearing to read 'Paul Thomas', is written over a light blue rectangular background.

Paul Thomas

Date: 12 July 2022

Address for service for the applicant:

Thomas Planning Ltd

2A, Jacobsen Lane

Ngaio

WELLINGTON 6035

Attention: Paul Thomas

Telephone No: (04) 4795034

E Mail: paul@thomasplanning.co.nz



PART B

ASSESSMENT OF ENVIRONMENTAL
EFFECTS

1. INTRODUCTION

This application is for consent to construct, maintain and operate a retirement village at 131 Pacific Drive Fitzherbert Palmerston North.

The proposed development is located in the existing residential growth area of Aokautere which is south east of Palmerston North. The site is north of Pacific Drive and east of Johnston Drive. The site is currently bare rural land which is part of a 48 hectare title.

The application includes subdivision of the land to form this development site.

The site is currently zoned Residential and the activity is classed as a Discretionary Activity.

This assessment of effects describes in detail the works proposed to be undertaken, the compliance with the District Plan and the effects that the project is expected to have on the environment. The AEE is prepared in accordance with the requirements of the 4th Schedule of the Resource Management Act.

2. DESCRIPTION OF THE PROPOSAL

The proposed development involves a site of approximately 7 hectares, located northeast of Pacific Drive to the north of existing residential dwellings. The location is shown in Figure 1.

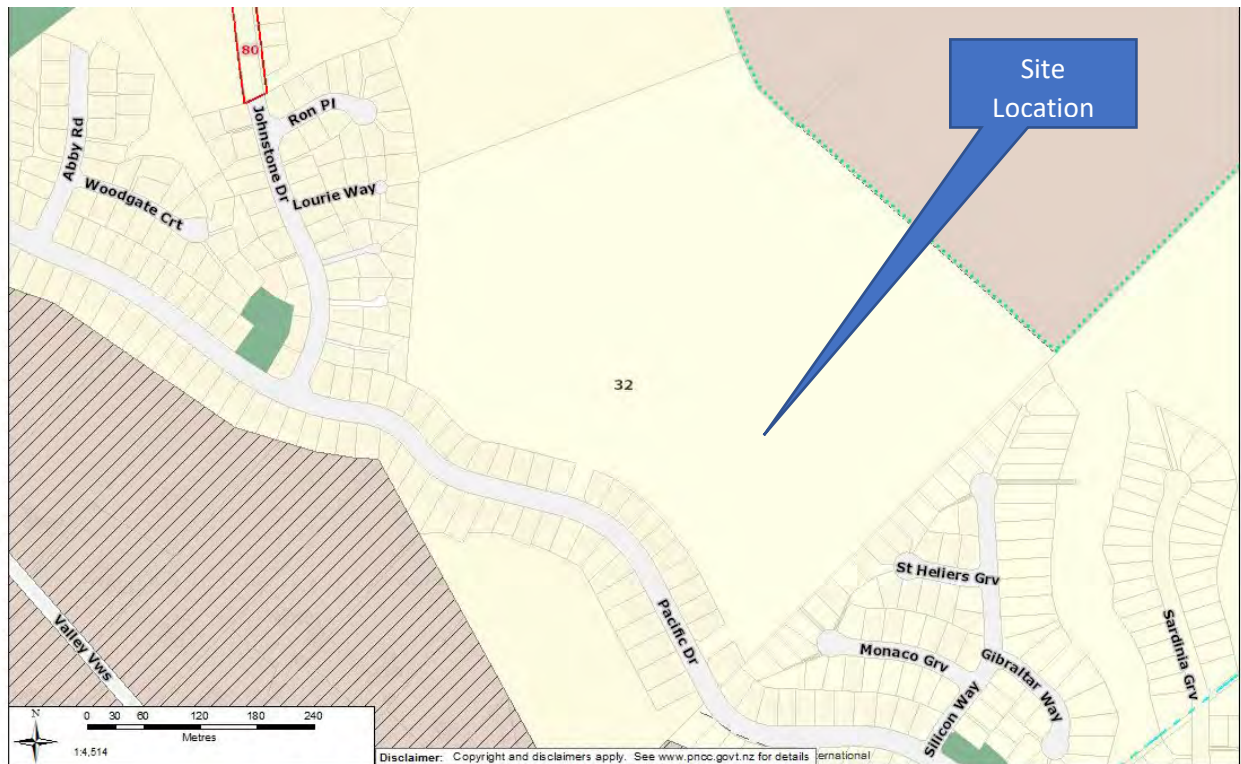


Figure 1: Site Location

The proposal involves the development of a collector road extending into the site that will serve wider future development. This will also provide frontage and access to the retirement village. The main entrance is off this road some 180 metres from Pacific Drive. This accesses a network of roads around the village to the south and east. The site layout is shown in Figure 2.

To the north of the main access is the main village hub which is a single building complex and includes:

- Single level village facilities wing including a café, lounge, media room, swimming pool and outdoor areas.
- Central administration and reception area.
- Two 2 story building wings containing 32 one bedroom apartments of 50 m² and 8 two bedroom apartments of 78 m².
- Rest home care suite with 16 bedrooms
- Hospital facility with 51 beds
- Demetia suite with 20 bedrooms with facilities and internal courtyard
- 2 Palliative Care beds
- Separate but connected parking areas for visitor and staff.
- Parking area for village recreational vehicles

The building elements in the hub are part two storey and part single storey .

The hub building layout and design are shown on the following drawings.

Drawing A-01 Ground Floor Plan

Drawing A-02 First Floor Plan

Drawing A-11 North Elevation

Drawing A-12 East and West Elevations

Drawing A-13 South Elevation

Drawing A-14 3D View

The buildings have been architecturally designed by HPA Ltd who specialise in retirement facilities.

The building materials are shown on the elevation drawings and include long run metal roofing with some glazed elements, and wall cladding of vertical weatherboards, light weight concrete cladding system and stone schist features.

The villas are all single level with a mixture of duplex and single units with four different sizes and varying configurations. In total there are seven design variations which are shown in Appendix B.

Cladding includes integra cladding system and feature bevelback weatherboard. Windows are powder coated aluminium joinery with colorsteel roofing. All have 25 degree pitched roofs.

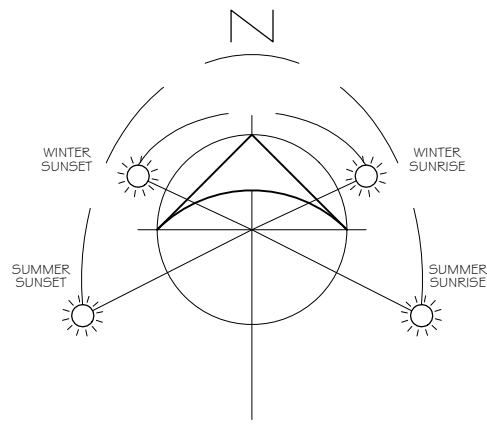
In total the mixture of villas involves

80 villas of 97 m² in Duplex form - Type A - 1 Bedroom 1 Garage.








24 villas of 115 m² in Duplex form - Type B – 2 Bedroom 1 Garage.

31 villas of 135 m² – Type C – 2 Bedroom – Double Garage

3 villas of 161 m² – Type D - 3 Bedroom – Double Garage



Total site area - 8.7 ha.

-  Type A (n)
54 villas
-  Type A (s)
26 villas
-  Type B (s)
16 villas
-  Type B (n)
8 villas
-  Type C (s)
12 villas
-  Type C (n)
19 villas
-  Type D (e)
3 villas



Total 138 villas
2 car parks per villa

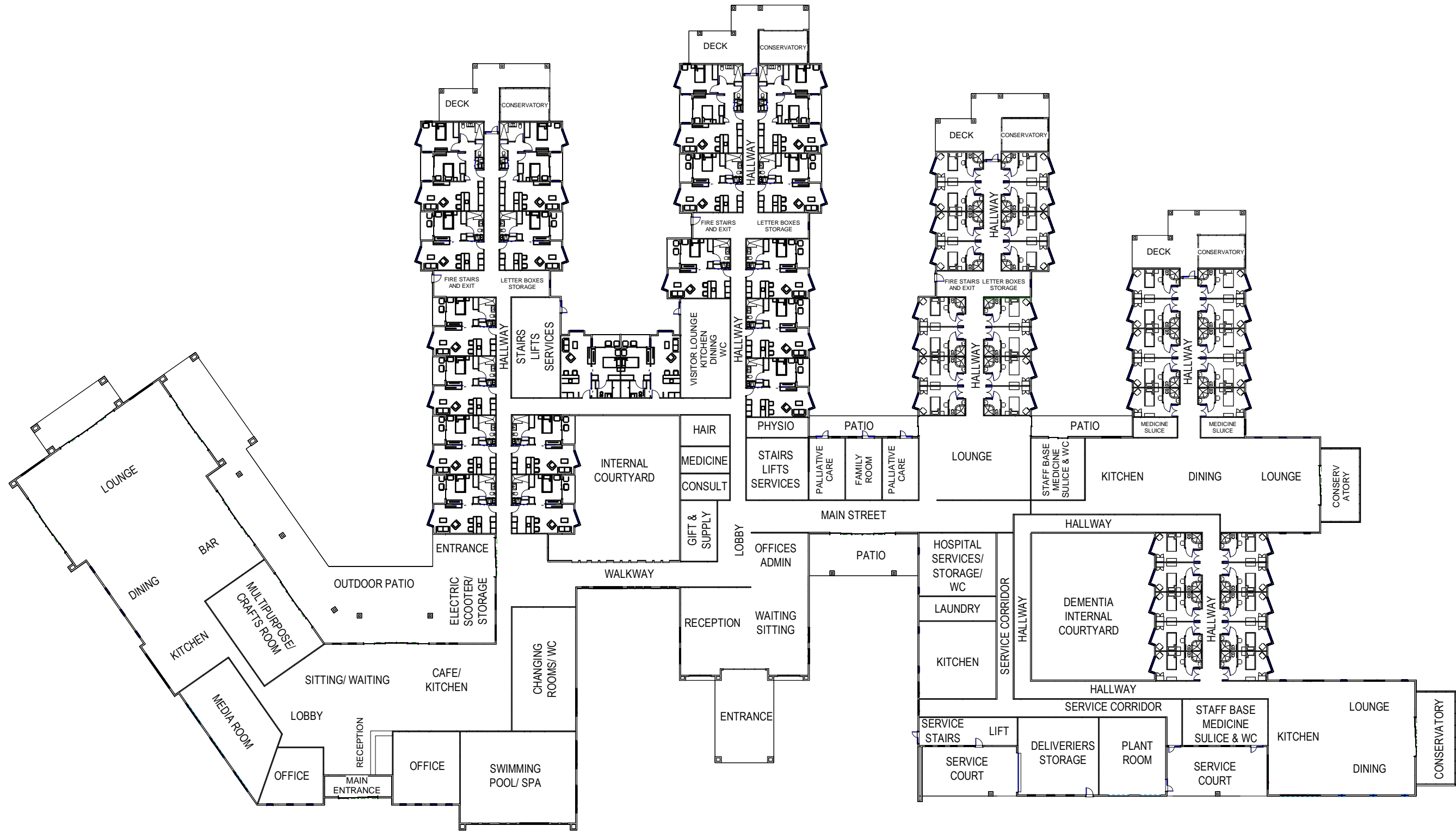
Hub building

- LTOs 40 units
- Rest home 16 beds
- Dementia 20 beds
- Palliative care 2 beds
- Hospital 51 beds

90 car parks



NOTES:	REVISION	DESCRIPTION	DATE	REVISION	DESCRIPTION	DATE	HPA Group	CONSULTANTS	CLIENT	PROJECT TITLE	SHEET TITLE	PROJECT NO.	SHEET NO.	
DO NOT SCALE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK. Contractors and Sub Contractors: to ensure all restricted building works are to be carried out by approved licensed building practitioners.	A	DRAWINGS RC ISSUE	15-06-2022				PO Box 39307 Howick AUCKLAND, 2145 09 974 3641 www.hpa.co.nz info@hpa.co.nz	 		PALMERSTON NTH RETIREMENT VILLAGE	PROPOSED VILLAGE OVERALL SITE PLAN	3740	A001	
	B	TYPE DE ROTATED	12-07-2022											
												DESIGNED	DRAWN	CHECKED
												SK	JM	HPA
												SCALE	DATE	REVISION
												1:2000@ A3	12-07-2022	B



1 Ground Floor
1 : 500

NOTES:	REVISION	DESCRIPTION	DATE	CLIENT	SHEET TITLE	PROJECT NUMBER	SHEET NUMBER	
DO NOT SCALE CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. 105 CONTRACTORS AND SUBCONTRACTORS: TO ENSURE ALL RESTRICTED BUILDING WORKS ARE TO BE CARRIED OUT BY APPROVED LICENSED BUILDING PRACTITIONERS.					GROUND FLOOR PLAN	3740	A-01	
					PROJECT TITLE	DESIGNED	DRAWN	CHECKED
					PALMERSTON NTH RETIREMENT VILLAGE	HPA	JM	HPA
						SCALE	DATE	REVISION
					1 : 500	15-06-2022	A	

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1 First floor
1 : 500

NOTES:	REVISION	DESCRIPTION	DATE	CLIENT	SHEET TITLE	PROJECT NUMBER	SHEET NUMBER		
DO NOT SCALE CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. 106 CONTRACTORS AND SUBCONTRACTORS: TO ENSURE ALL RESTRICTED BUILDING WORKS ARE TO BE CARRIED OUT BY APPROVED LICENSED BUILDING PRACTITIONERS.					FIRST FLOOR PLAN	3740	A-02		
					PROJECT TITLE	HPA	JM	HPA	
					PALMERSTON NTH RETIREMENT VILLAGE	1 : 500	15-06-2022	A	

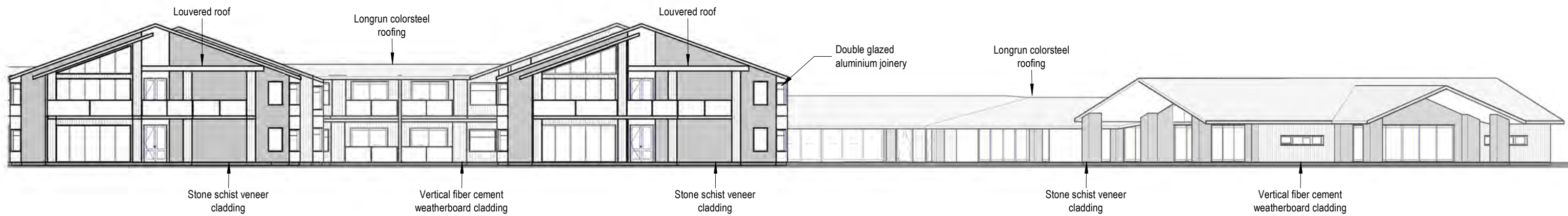
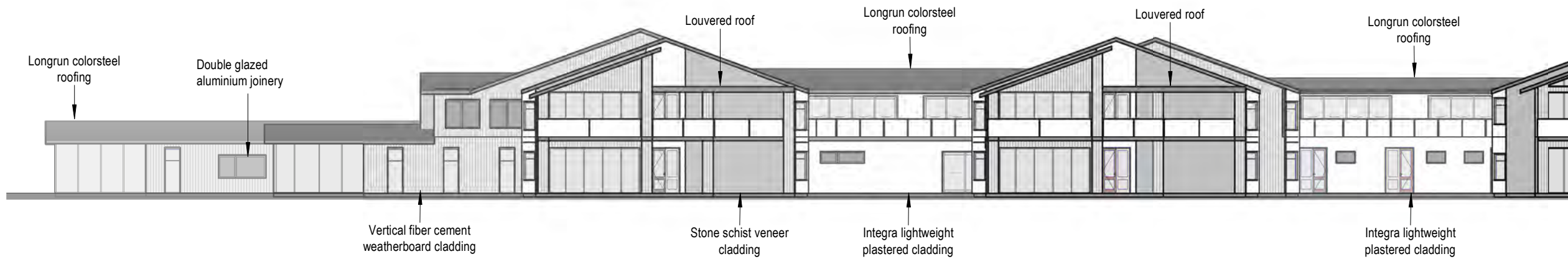


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1 North Elevation
1 : 250

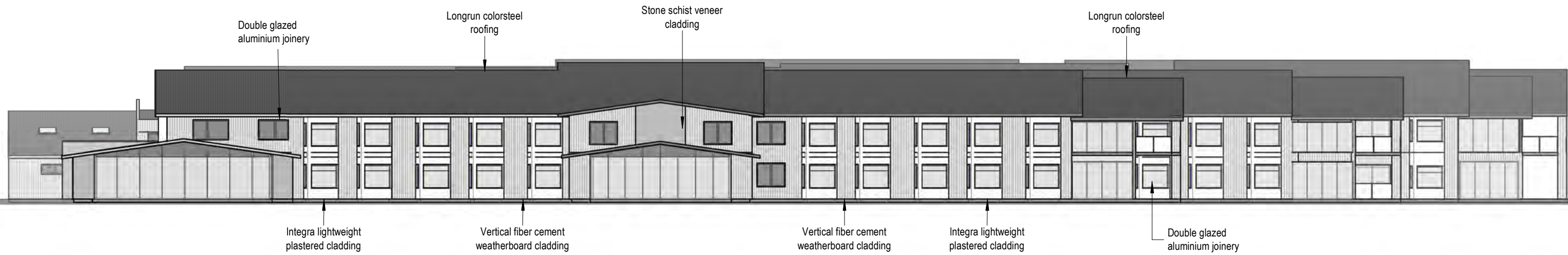
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					PROJECT TITLE	DESIGNED	DRAWN	CHECKED
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						SCALE	DATE	REVISION
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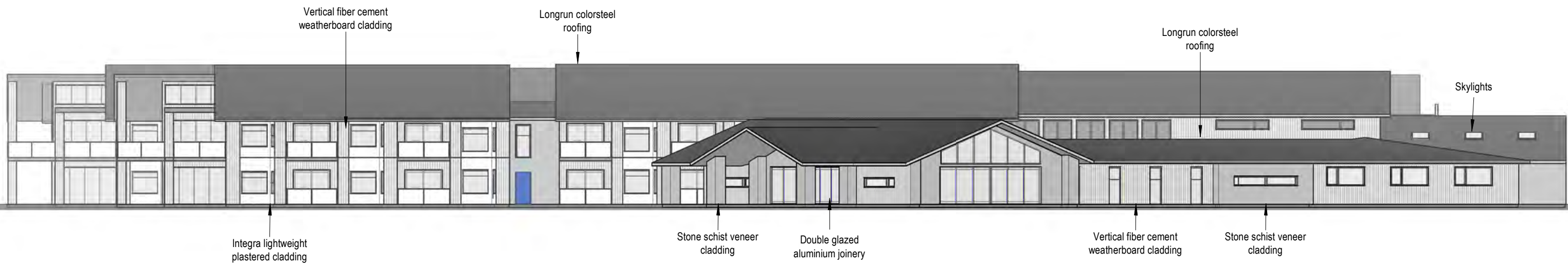
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1 East Elevation
1 : 250



2 West Elevation
1 : 250

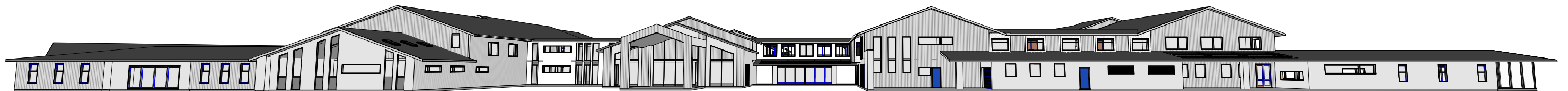
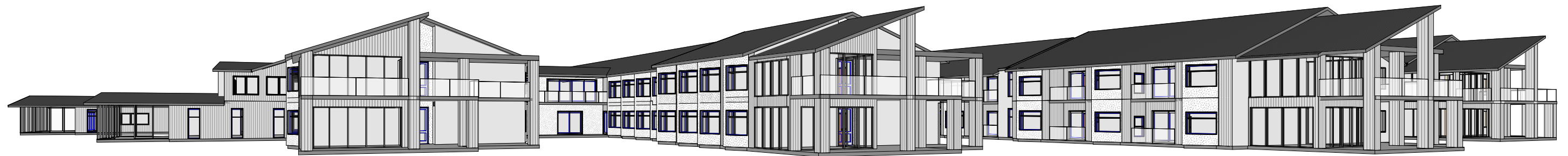
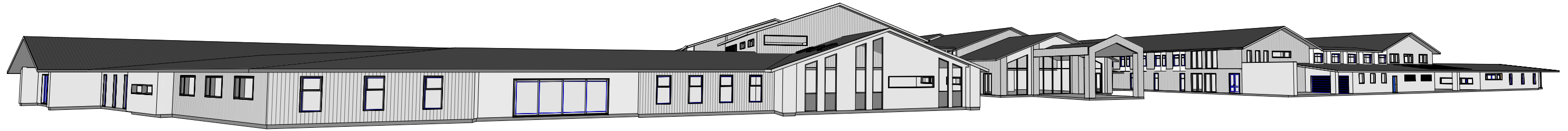
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DO NOT SCALE CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. 108 CONTRACTORS AND SUBCONTRACTORS: TO ENSURE ALL RESTRICTED BUILDING WORKS ARE TO BE CARRIED OUT BY APPROVED LICENSED BUILDING PRACTITIONERS.					ELEVATIONS 2	3740	A-12		
					PROJECT TITLE	DESIGNED	DRAWN	CHECKED	
					PALMERSTON NTH RETIREMENT VILLAGE	HPA	JM	HPA	
						SCALE	DATE	REVISION	
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DO NOT SCALE CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. 109 CONTRACTORS AND SUBCONTRACTORS: TO ENSURE ALL RESTRICTED BUILDING WORKS ARE TO BE CARRIED OUT BY APPROVED LICENSED BUILDING PRACTITIONERS.					3D VIEWS	3740	A-14		
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					PALMERSTON NTH RETIREMENT VILLAGE	SCALE	DATE	REVISION	
							15-06-2022	A	



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There will also be two secondary accesses, one further south on Pacific Drive which will provide access to the southern part of the site. The other in the northeast which will provide secondary access to the parking areas and also the village services.

A landscape design concept has also been developed by Angela McArthur of Eco – Landscapes and Design Ltd. This provides a comprehensive landscape design for the entire development. This includes design of pedestrian connections, tree planting, lawn and amenity planting, and rain gardens on the following drawings.

Landscape Masterplan Scale 1:1500

Landscape Details Sheets 1 to 4 Scale 1: 750

Sheet 6 identifies specific planting species for each group with visual illustrations, proposed fencing details and rain garden concept.

A review of the urban design of the village has been undertaken by Jaime Devereaux of Urban Edge Ltd. This is included as Appendix F. This review has made some recommendations in terms of detailed design. In addition it has recommended some changes to the orientation of specific villas which has been adopted in the Site layout being Figure 2.

Subdivision of the parent 48 ha title is proposed to form two separate lots for the retirement village. Firstly, all the villas are contained in one lot of 6.67 ha, secondly the village hub is contained in a second lot of 2.03 ha. This does not include the access road as this will be a future public road vested in Council when further development proceeds and will be subdivided off through that process.

The subdivision scheme plan is Drawing 2043-229 which consists of two sheets one with the aerial of the bare land and a second with the showing the village layout.

A key feature of the new Retirement and Care Village is that it is being designed and delivered by locals for locals. The applicant has established a close relationship with an existing local Nursing Care Centre which will establish and manage the operation of the village facilities and have been involved in the project development from the outset.

As a result, this development has the opportunity of building a village and care centre with a bespoke philosophy that is not seen in the large corporate villages. The entire operation will be Palmerston North based enabling it to be responsive to local needs. The Village will be a major local employer and has existing established relationships with the wider Aged Care Sector including MidCentral District Health Board, Massey University, UCOL, Horizons Education, New Zealand Aged Care Association, Lonsdale Education Centre and Talent Central.

The village and care centre will adopt the new Ngā Paerewa Health and Disability Services Standard Aotearoa, New Zealand that has just been released. These standards encompass the principals of Te Tiriti o Waitangi and provide a meaningful pathway for true partnership and equity.

The care hub will also partner with local training providers to provide clinical training options providing a local pathway for students.

The site is largely flat except for a 2 metre deep depression running north south through the centre which is the remnant of previous earthworks that filled the former gully. There is also currently some topsoil stockpiled on the site. The building platform for the development will be lowered by about 4m from the current highest point in the south with up to 3m of fill in the northern areas.



Garden Walk- Connecting Outdoor Spaces and Hub Buildings

Village Bowling Green

Cafe Outdoor Space & Communal Area
Feature Garden Beds, Pergola and Terrace

Communal Lounge and Dining Outdoor Area & Entrance

Roading - Grass stormwater detention swales, shared pathway either side of road, amenity trees

Pedestrian Connections & Amenity Planting

Communal- Amenity Planting & BBQ Space

Communal Garden Area with Seating, raised vege beds & fruit trees

Pedestrian Connection Interconnecting Footpaths & Amenity Planting

Walkway linking Garden Areas

Communal Garden, Pergola & Petanque Area

Communal Space, Seating and Water Feature

Communal Space and Outdoor Seating/Feature

Communal Space and Outdoor Seating/Feature

Dementia Wing Shared Outdoor Space

Courtyard Garden

Feature Garden Area

Staff Outdoor Area and Entrance

Main Entrance Retirement Hub Buildings

Staff & Visitor Parking

Rain Gardens - stormwater detention - run off from roading and parking areas

Services, Bike Storage & Workshop

Communal- Amenity Planting & Seating Area

Communal Raise Garden Area

Fruit trees,- seating area

Traffic Calming - Paving options

Coloured/Exposed Agg Concrete finish

Roads - Asphalt

Driveways - Brushed Concrete

Footpaths - Exposed Agg Concrete

- Crushed Aggregate

Pedestrian Access, (brushed concrete) & Amenity Planting

Bin Enclosure- Timber surround

Communal Library Box and Seating Area

Shared Pathway to Monaco Grove, Brushed Concrete paving; permeable style fencing

Pacific Drive Entrance
Primary entrance for residents and visitors

KEY

- Evergreen Specimen 5-8M Spread
- Deciduous Specimen 5-8M Spread
- Medium Specimen 2.5 - 4M Spread
- Small Specimen 2 - 2.5M Spread
- Formal Hedge - up to 1M
- Lawn Areas
- Amenity Planting Patio Areas
- Amenity Border Shrubs 1.5-2M
- Amenity Low Planting/ground cover up to 800mm
- Rain Garden Area - Run off from Carpark & Roads
- Boundary Planting shrubs 1.5-2M
- Shared Space Paved Area - Concrete Unit Pavers
- Crushed Aggregate - Communal Vege Garden Area
- Bin Collection - Timber enclosures 2M x 2M
- Clothes Line Area (1.6-1.8m timber screens)
- Road Edge
- Site Boundary
- Driveway Edge
- Footpath Edge
- Villa Patio Area
- Building Outline
- Fence

1 Landscape Masterplan
Scale: 1:1500

Landscape Plans
Woodgate Retirement Village
Pacific Drive, Aokautere
For the resource consent application

Date: 12 July 2022
Revision: 2
Client: Woodgate Ltd





2 Landscape Details Sheet 1
Scale: 1:750



- KEY**
- Evergreen Specimen 5-8M Spread
 - Deciduous Specimen 5-8M Spread
 - Medium Specimen 2.5 - 4M Spread
 - Small Specimen 2 - 2.5M Spread
 - Formal Hedge - up to 1M
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 - Clothes Line Area (1.6-1.8m timber screens)
 - Road Edge
 - Site Boundary
 - Driveway Edge
 - Footpath Edge
 - Villa Patio Area
 - Building Outline
 - Fence

3 Landscape Details Sheet 2
Scale: 1:750

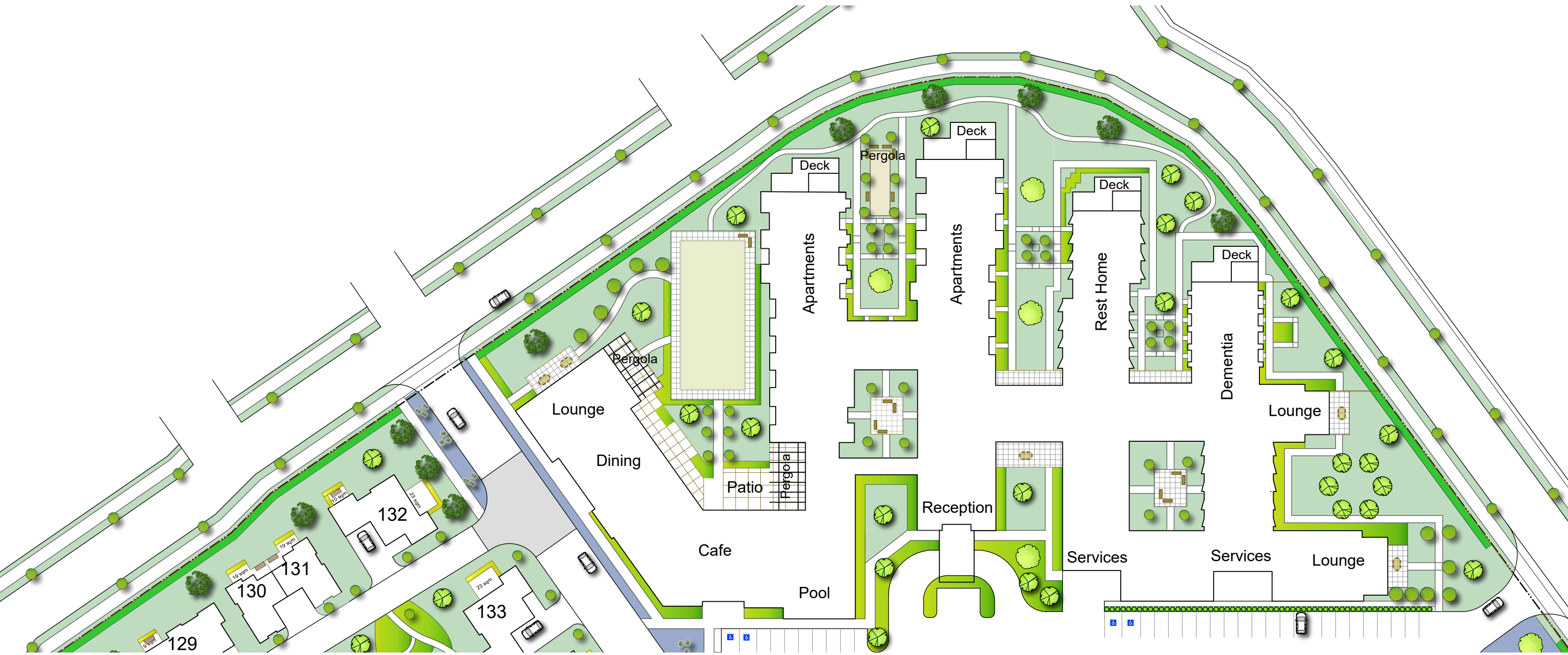




KEY

- Evergreen Specimen 5-8M Spread
- Deciduous Specimen 5-8M Spread
- Medium Specimen 2.5 - 4M Spread
- Small Specimen 2 - 2.5M Spread
- Formal Hedge - up to 1M
- Lawn Areas
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- Bin Collection - Timber enclosures 2M x 2M
- Clothes Line Area (1.6-1.8m timber screens)
- Road Edge
- Site Boundary
- Driveway Edge
- Footpath Edge
- Villa Patio Area
- Building Outline
- Fence

4 Landscape Details Sheet 3
Scale: 1:750



5 Landscape Details Sheet 4
Scale: 1:750



KEY

-  Evergreen Specimen 5-8M Spread
-  Deciduous Specimen 5-8M Spread
-  Medium Specimen 2.5 - 4M Spread
-  Small Specimen 2 - 2.5M Spread
-  Formal Hedge - up to 1M
-  Lawn Areas
-  Amenity Planting Patio Areas
-  Amenity Border Shrubs 1.5-2M
-  Amenity Low Planting/ground cover up to 800mm
-  Rain Garden Area - Run off from Carpark & Roads
-  Boundary Planting shrubs 1.5-2M
-  Shared Space Paved Area - Concrete Unit Pavers
-  Crushed Aggregate - Communal Vege Garden Area
-  Bin Collection - Timber enclosures 2M x 2M
-  Clothes Line Area (1.6-1.8m timber screens)

-  Road Edge
-  Site Boundary
-  Driveway Edge
-  Footpath Edge
-  Villa Patio Area
-  Building Outline
-  Fence

Date: 12 July 2022
Revision: 2
Client: Woodgate Ltd

Landscape Plans
Woodgate Retirement Village
Pacific Drive, Aokautere
For the resource consent application



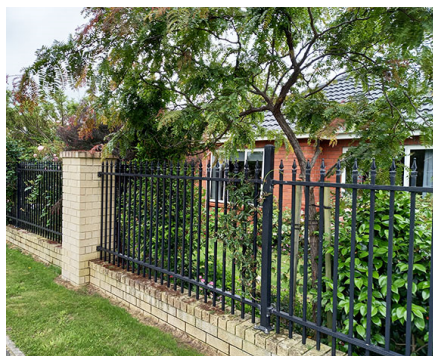
Fencing Styles



Patio Area Timber Screen 1.6-1.8M



Clothesline & Bin Enclosure Areas - Timber Screen 1.6-1.8M



Street Boundary - Secure Permeable Metal Fencing 1.8 -2M

Specimen Trees - Species proposed include a mix of native and exotic species for evergreen and deciduous year round interest

Large Trees 5-8M Spread; Min Grade 45L



Alibizia Julibrissin



Gleditzia tricanthos



Alectryon excelsus



Sophora tetraptera

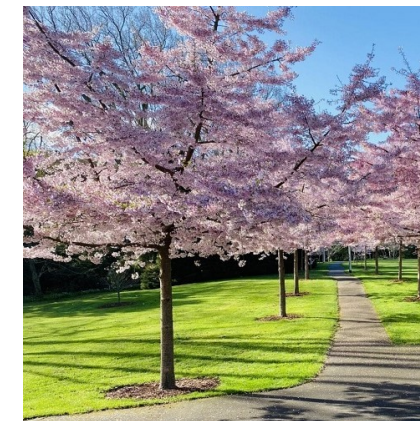
Medium - Large Tree 2.5--5M Spread; Min Grade 45L



Pyrus calleryana 'aristocrat'



Betula papyrifera



Prunus awanui



Magnolia 'Little Gem'



Knightia excelsa

Small - Medium Tree 2- 4M Spread; Min Grade 35L



Pyrus salicifolia



Pittoporum eugenoides



Hoheria sexstylosus



Assorted Fruit Trees - Malus, Prunus

Amenity Planting- Species Proposed

Hedging Species

Griselinia littoralis, Corokia varieties, Small Camellias planted at 600-800mm spacing, grade 3L

Boundary & Border Screening Planting

Camellia sasanqua varieties, Climbing Rose, Griselinia littoralis, Griselinia lucida, Hydrangea Varieties, Citrus limon, Pseudopanax lessonii, planted at 1-2M spacing as required, min grade 3L

Patio Areas - Low Planting & Climbers

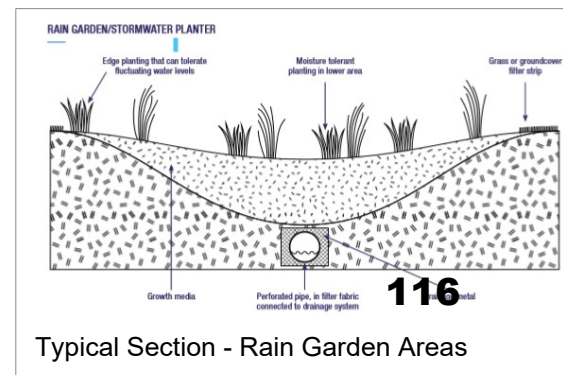
Agapanthus 'peter pan', Standard Camellia 'cinamon cindy', Carpet and Standard Rose, Lomandra tanika, Carex testacea, Hebe wiri, Tracheospermum jasminoides (Climber) Planted at 600-800mm spacing as required, min grade 3L

Low Planting - General Amenity Areas

Amenanthele lessoniana, Astelia westland, Euphorbia glauca, Hebe wiri, Libertia grandiflora, Phormium surfer, Phormium dark delight Planted at 600-800mm spacing, in drifts of 5-7 plants, min grade 3L

Rain Garden Areas

Aspodasmia similis, Carex secta, Cordyline australis planted at 800mm spacing, grade 3L

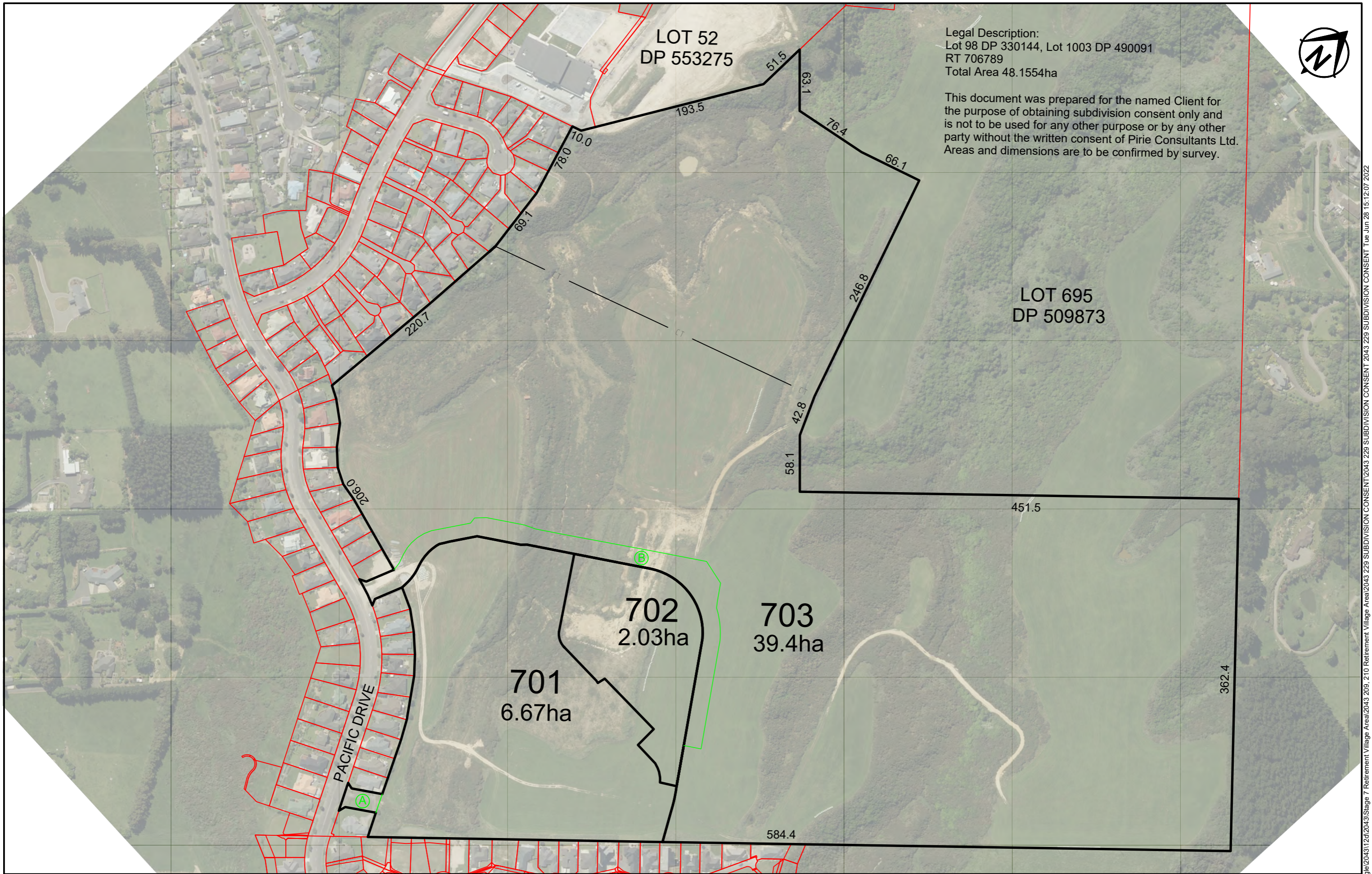


⑥ Planting Palette & Fencing Landscape Details - Sheet 5

Date: 12 July 2022
Revision: 2
Client: Woodgate Ltd

Landscape Plans
Woodgate Retirement Village
Pacific Drive, Aokautere
For the resource consent application







703
39.4ha

702
2.03ha

701
6.67ha

Legal Description:
Lot 98 DP 330144, Lot 1003 DP 490091
RT 706789
Total Area 48.1554ha

Area A is an existing easement for right of way.
Area B is a new easement for right of way and services.

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



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131 PACIFIC DRIVE 118
PALMERSTON NORTH

SUBDIVISION CONSENT FOR
CTS INVESTMENTS LLC

Date: **JUNE 2022**
Scale (@ A3 size) **1:1500** Job No. **2043-229**
Sheet 2 of 2 Rev.

Z:\Client\2043\2043\12\2043\Stage 7 Retirement Village Area\2043 229 SUBDIVISION CONSENT\2043 229 SUBDIVISION CONSENT Tue Jun 28 15:12:28 2022

The earthworks is shown on Drawings 2043-221 below. This shows that an area of 1.4 ha close to Pacific Drive is completed and requires no further earthworks with cut and fill occurring on the 8.4 hectares to the east of that consisting of the 8.7 hectare retirement village and the perimeter road.

Drawing 2043-219 shows the areas and extent of cut and fill. The area of cut is 4.4 ha and the area of fill is 4 ha. The quantity of fill is estimated to be 37,400 m³. Some of the stockpiled topsoil along the western edge of the top of the former gully will be re used.

The maximum depth of fill is 4.4m and maximum depth of cut is 4.9 m.

Application for regional resource consent to undertake these earthworks has been lodged with Horizons Regional Council. The application is referenced APP-2022203764 and is attached at Appendix J. It has been prepared by Pirie Consultants. This includes an Erosion and Sediment Control Plan by Enviroprac Ltd which is attached as Appendix K. Horizons has requested some further information in relation to the ESCP which is currently being prepared.

The earthworks will remove a small ridge, fill the depression and provide a suitable building platform. The long section and 7 cross sections across the site in Drawings 2043-221 show the detail of the earthworks including the completed area.

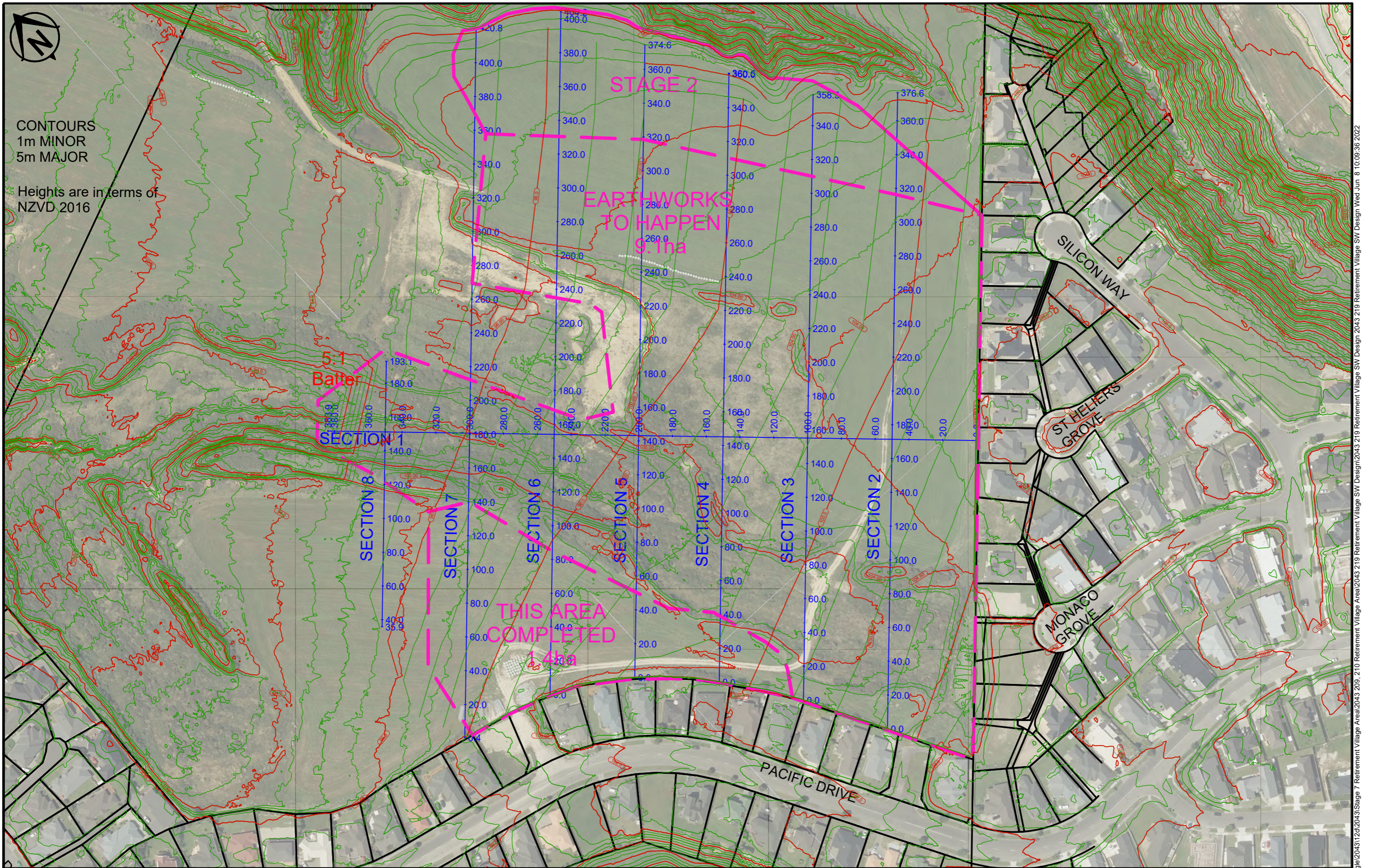
A geotechnical assessment of the current fill has been undertaken and found that the fill is suitable for construction of buildings. This is included at Appendix C. Because of the importance of this issue this assessment has been peer reviewed by ENGEO Ltd and that review is attached as Appendix D. The review has identified that the assessment does not fully meet the requirements of the new MBIE “Module 2 Geotechnical investigations for earthquake engineering”. This is unsurprising because this module was published some 4 months after the assessment was completed. Further work is being undertaken to document fully the previous earthworks and undertake any required additional investigations to fully meet the requirement of Module 2. Despite this, ENGEO consider that, given the fill has been in place for over 10 years, it is unlikely that the additional investigations will identify any constraints. Additional earthworks are proposed where the previous fill has been located in the former gully. Consent conditions to certify the additional earthworks would be appropriate.

Stormwater from the development will be located within the internal road network and will drain from northeast to southwest to join a main line which will pick up the existing stormwater discharge from a 450 mm pipe from Monaco Grove and convey the stormwater north east along the internal road to the collector road and then to a head wall at the head of Johnson Gully.

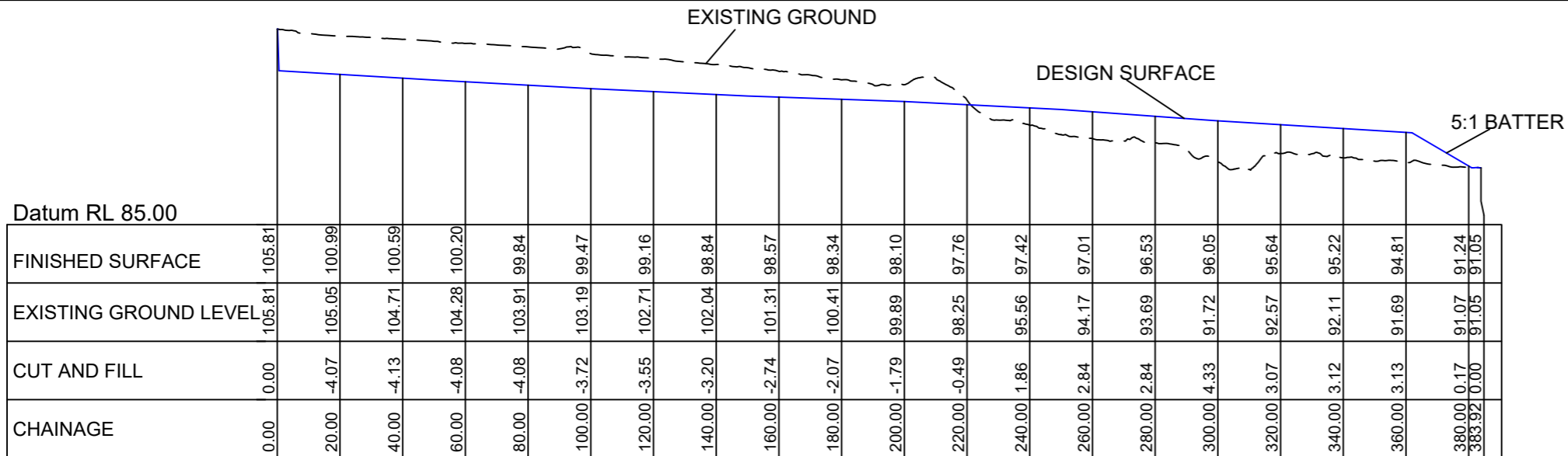
This will discharge to Johnson Gully to the north and has been sized to accommodate conveyance of stormwater from the adjacent residential area to the southeast, as well as the proposed development. The pipe will connect to the Council pipe with a 450 mm diameter and will then increase in stages as lateral pipes connect from within the site. At the site exit the pipe size is expected to be 750 mm as shown on Drawing 2043-220.

Palmerston North City Council will contribute to the cost of this stormwater conveyance given the upstream stormwater discharge. This will be formalised through a Developer Agreement once construction costs have been independently assessed. The Developer Agreement will offset the PNCC share of costs against payable development contributions for the project.

Stormwater detention will be achieved in this upper part of Johnson Gully. Regional consent for earthworks for a gully crossing has been consented and land use consent from Palmerston North City Council has also been lodged. This will provide specifically designed detention of stormwater

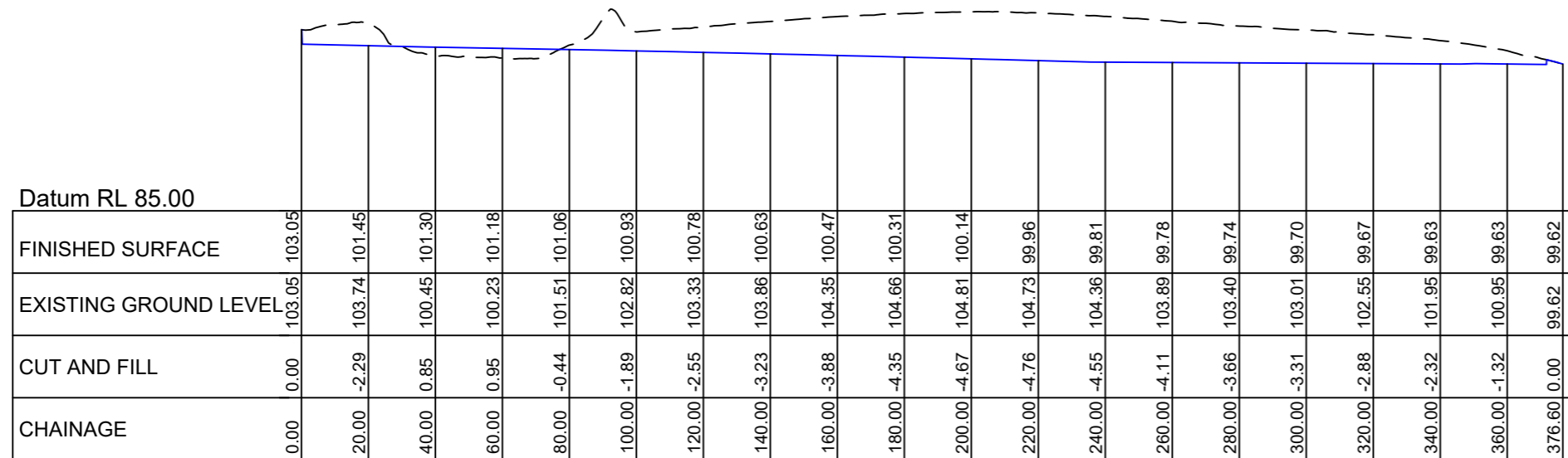


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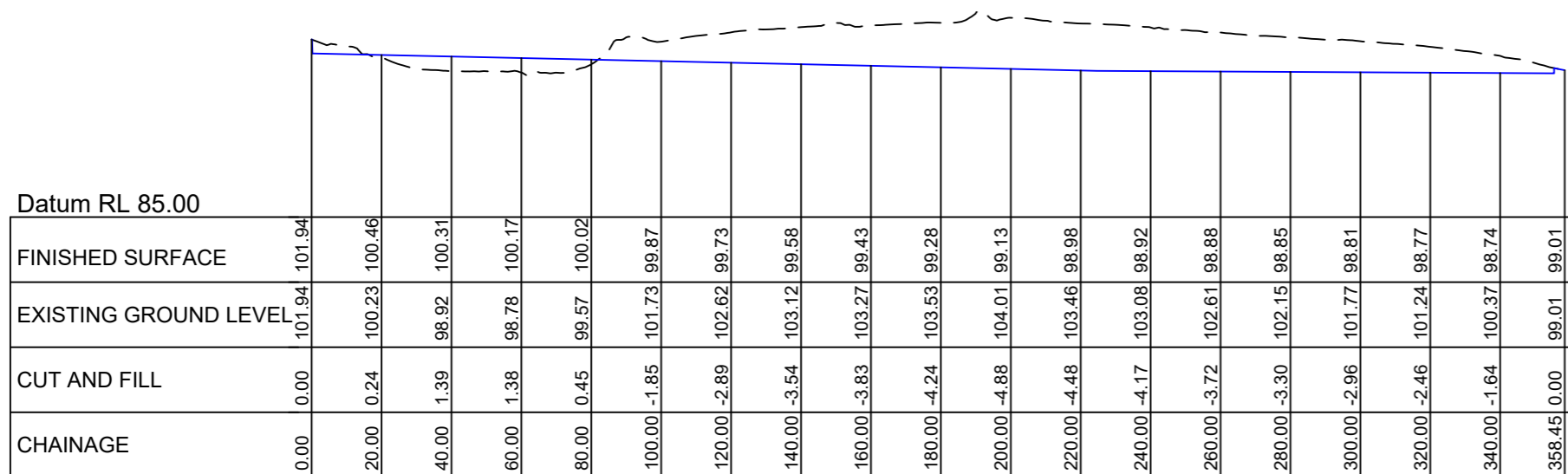
XS -1

HORZ. 1:1500
VERT. 1:500



XS -2

HORZ. 1:1500
VERT. 1:500



XS -3

HORZ. 1:1500
VERT. 1:500

COMPLETED AREA EXISTING GROUND DESIGN SURFACE

Datum RL 85.00

FINISHED SURFACE	101.01	99.53	99.41	99.29	99.15	99.02	98.87	98.72	98.57	98.41	98.24	98.07	98.04	98.00	97.96	97.93	97.89	97.86	97.92	97.87
EXISTING GROUND LEVEL	101.01	99.89	98.44	98.09	97.89	99.99	100.77	101.48	101.98	102.46	102.40	102.13	101.95	101.53	101.16	100.82	100.43	99.43	97.92	97.87
CUT AND FILL	0.00	-0.36	0.97	1.19	1.27	-0.98	-1.90	-2.76	-3.41	-4.05	-4.16	-4.06	-3.91	-3.53	-3.19	-2.89	-2.54	-1.57	0.00	0.00
CHAINAGE	0.00	20.00	40.00	60.00	80.00	100.00	120.00	140.00	160.00	180.00	200.00	220.00	240.00	260.00	280.00	300.00	320.00	340.00	360.00	360.46

XS -4

HORZ. 1:1500
VERT. 1:500

COMPLETED AREA

Datum RL 85.00

FINISHED SURFACE	100.99	99.41	99.21	99.00	98.79	98.57	98.36	98.14	97.91	97.69	97.46	97.23	97.17	97.13	97.10	97.06	97.02	97.00	96.99	97.01
EXISTING GROUND LEVEL	100.99	99.53	99.25	99.91	96.66	95.95	96.48	100.81	100.66	100.73	97.56	98.92	102.73	100.49	100.13	100.04	99.79	99.19	98.36	97.01
CUT AND FILL	0.00	-0.12	-0.05	-0.91	2.13	2.62	1.88	-2.68	-2.75	-3.04	-0.10	-1.69	-5.57	-3.36	-3.03	-2.98	-2.76	-2.19	-1.36	0.00
CHAINAGE	0.00	20.00	40.00	60.00	80.00	100.00	120.00	140.00	160.00	180.00	200.00	220.00	240.00	260.00	280.00	300.00	320.00	340.00	360.00	374.62

XS -5

HORZ. 1:1500
VERT. 1:500

COMPLETED AREA

COMPLETED AREA

Datum RL 85.00

FINISHED SURFACE	100.59	98.89	98.64	98.39	98.14	97.90	97.66	97.42	97.19	96.96	96.74	96.52	96.32	96.29	96.25	96.21	96.18	96.14	96.14	96.52	96.11
EXISTING GROUND LEVEL	100.59	98.84	98.58	98.40	98.17	99.26	95.11	94.12	96.10	96.70	97.04	97.23	96.17	100.30	99.63	99.46	99.31	99.06	98.55	97.84	96.52
CUT AND FILL	0.00	0.05	0.06	-0.01	-0.03	-1.36	2.55	3.30	1.08	0.26	-0.30	-0.70	0.15	-4.02	-3.38	-3.24	-3.13	-2.91	-2.41	-1.71	0.00
CHAINAGE	0.00	20.00	40.00	60.00	80.00	100.00	120.00	140.00	160.00	180.00	200.00	220.00	240.00	260.00	280.00	300.00	320.00	340.00	360.00	380.00	400.00

XS -6

HORZ. 1:1500
VERT. 1:500



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PACIFIC DRIVE **122**
PALMERSTON NORTH

EARTHWORKS FOR
RETIREMENT VILLAGE
CTS INVESTMENTS LLC

Date: **AUGUST 2021**
Scale (@ A3 size) AS SHOWN
Job No. **2043-221**
Sheet 3 of 4 Rev B

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Colour Depths comparing NZVD 2016 (2018) and the design surface



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PACIFIC DRIVE
PALMERSTON NORTH **124**

EARTHWORKS FOR
RETIREMENT VILLAGE
CTS INVESTMENTS LLC

Date: **AUGUST 2021**
Scale (@ A3 size) 1:2000
Job No. **2043-219**
Sheet 1
Rev A

Z:\Client\2043-219\2020\43-219 Retirement Village Area\2043-219 Retirement Village SW Design\2043-219 Retirement Village SW Design Mon Mar 28 09:36:00 2022

from the retirement village as well as all future development in this catchment. This has been designed to provide for stormwater neutrality. The detailed design of this facility will be undertaken by the Council as it will accommodate the wider catchment. However, it is anticipated that the existing wetlands upstream of the detention area will provide stormwater quality treatment. This will be supplemented with on site rain gardens and some stormwater retention for use within the site.

Wastewater and water services are readily available in Pacific Drive. The development will be serviced by a gravity sewer draining southwest to the existing sewer in Pacific Drive as shown on Drawing 2043-223. Alternatively, a pressure sewer system may be preferred for the eastern part of the site. Similarly, water supply will be extended to the site from Pacific Drive and reticulated through the site as shown on Drawing 2043-233.



Figure 3: Aerial Photograph Showing Site Location



All heights are in terms of NZVD 2016
Origin is Pacific Drive (BADD) RL 102.50m

SWMH
LID 99.27

SWMH
LID 100.32

SWMH
LID 101.03

SSMH
LID 102.82
INV 100.95

SWMH
LID 104.55
INV 100.85

SSMH
LID 102.65
INV 100.02

EXISTING SW 4500

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PACIFIC DRIVE 126
PALMERSTON NORTH

INDICATIVE STORMWATER LAYOUT
RETIREMENT VILLAGE
CTS INVESTMENTS LLC

Date: **JUNE 2022**
Scale (@ A3 size) **1:1500** Job No. **2043-220**
Sheet 1 of 1 Rev B

Z:\Client Data\Fig\2043\126\2043\Stage 7 Retirement Village Area\2043 209, 210 Retirement Village Area\2043 219 Retirement Village SW Design\2043 219 Retirement Village SW Design\Fri Jul 8 09:27:39 2022



Legal Description:
 Lot 98 DP 330144, Lot 1003 DP 490091
 RT 706789
 Total Area 48.1554ha

All pipes are to be confirmed.

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131 PACIFIC DRIVE **127**
 PALMERSTON NORTH

INDICATIVE SEWER SUPPLY LAYOUT
 RETIREMENT VILLAGE FOR
 CTS INVESTMENTS LLC

Date: **MAY 2022**
 Scale (@ A3 size) 1:1500
 Job No. **2043-233**
 Sheet 1 of 2 Rev B

Z:\Client Data\Fig\2043\127\2043\Stage 7 Retirement Village Area\2043 223 REV A SEWER AND WATER\2043 223 SEWER WATER Fri Jul 8 10:10:53 2022



-  = Water Valve
-  = Fire Hydrant

3. THE EXISTING ENVIRONMENT

The site is generally flat land other than a shallow depression gully from south to north leading into Johnstons Gully. The site is largely farmed for grazing and hay crop along with gorse covered windrows of excavated topsoil. The existing shallow depression on the farm track is shown in Figure 3 below.



Figure 4: Existing Farm Track In Southern Part of The Site



Figure 5: Existing Neighbouring Residential Dwellings to the Southeast

There is recent residential development to the southeast which connects with Pacific Drive from Silicon Way with two cul-de-sacs being Monaco Grove and St Heliers Grove. This forms a clear interface boundary with the development site. There is no connectivity from this area to the development site but there is a secondary flow path from the head of Monaco Grove that has been taken into account in the site layout.

Overall the site slopes from southeast to northwest towards the head of Johnston Gully. Stormwater from Monaco Grove and a wider catchment of about 60 dwellings discharges on to the site at the rear of 24 Monaco Drive. To control the effects of this discharge the landowner has bunded the area to retain the water. There is no watercourse for this discharge to drain to. Currently the bunding facilitates the water level rising above the piped discharge point to a level where it drains overland along the side boundary of 151 Pacific Drive to an existing road drainage sump.

There is a long litigious history to this matter around the legality of the discharge. A previous agreement to put in place an interim solution linking the discharge by pipe to the stormwater main in Pacific Drive failed because the invert is above the level of the outlet and would therefore have needed to be pumped. The intended long-term solution has always been to pipe this discharge to the head of Johnson Gully when development of the land proceeds. This project will enable this to now be put in place in conjunction with managing stormwater from the retirement village development.

The photographs below show these features. The landowner has also recently lodged a nuisance claim in the High Court in relation to this matter which is attached at Appendix E.



Figure 6: Bunded Stormwater Discharge From Monaco Grove.



Figure 7: Existing Informal Overflow Towards Pacific Drive.



Figure 8: Northern Part of the Site Looking North East – a lovely distant view on a good day.



Figure 9: View Looking Back Towards The Site From the New brethren Church Site.

Figure 9 shows a view of the site from the northwest. This is from the new Brethren Church site and shows the gully area where there are existing wetlands in the base of the gully. These wetlands are currently only fed by the ephemeral watercourse and surface drainage.

In terms of the existing transport environment, Pacific Drive is a cul-de-sac which connects Aokautere Drive (State Highway 57) at its northern end with areas of mainly new development to the south, over a distance of approximately 2.1 kms.

Pacific Drive has a legal width of around 22m providing for a 12m wide carriageway accommodating two-way traffic with unrestricted kerbside parking. Footpaths are provided to both sides, separated from the carriageway by grassed berms. The alignment of the road is reasonably straight with a negligible gradient, providing for good sightlines in both directions. It has a 50 km/hr speed limit with street-lighting.

The intersection of Aokautere Drive with Pacific Drive is priority controlled with movements from Pacific Drive being subject to a 'Stop' control. Aokautere Drive is subject to a 70 km/hr speed limit in this area. A wide flush median on Aokautere Drive provides for a right-turn bay 23m in length for traffic turning in to Pacific Drive. Sightlines are good in this area, being approximately 250m to the south-west and 220m to the east.

Johnstone Drive is of a slightly lower standard than Pacific Drive, having a legal width of 20m and carriageway width of 10.8m. Again, this provides footpaths behind grassed berms and street lighting. This connects with Pacific Drive at a priority intersection 350m to the north of the application site and provides a more direction link to Aokautere Drive for vehicle movements to/from the north-east. The intersection with Aokautere Drive is of a similar

type and standard to that provided at Pacific Drive but with the addition of a left-turn slip lane for movements entering Johnstone Drive from the NE. Sight-distances are around 200m to the SW and over 250m to the NE.

Pacific Drive has an average daily traffic volume 2,465 vehs/day (8% heavy vehicles), with weekday evening peak hour volume of 281 vehs/hour (5-6pm) and Saturday peak hour volume of 183 vehs/hour (10-11am). In comparison Johnstone Drive has an average daily traffic volume 465 vehs/day (18% heavy vehicles), with weekday evening peak hour volume of 52 vehs/hour (3-4pm) and Saturday peak hour volume of 50 vehs/hour (7-8am and 3-4pm).

The side-road volumes are not high and consequently congestion is not currently a significant issue in this area. All nearby intersection turning movements currently operate at Level of Service A.

Since 2017 this area has seen a total of 10 traffic incidents, of which three occurred at the Aokautere Drive / Pacific Drive intersection and involved minor failures to give-way or rear-end collisions. One occurred on Aokautere Drive at the Cashmere Drive intersection and involved vehicle damage only. The remaining incidents occurred on Pacific Drive or Johnstone Drive. Tim Kelly does not consider that these indicate any systemic safety problems in this area and none of the incidents occurred adjacent to the application site.

Aokautere Drive has on-road cycle lanes on both directions. Elsewhere, cyclists in this area share the roadspace with general traffic. The 113 bus service connects the Palmerston North city centre with the northern section of Pacific Drive, with the closest stops around 1.1 kms from the application site. This service operates on a 45 minute frequency on weekdays.

The existing landscape is described in the Assessment of Landscape and Visual Effects Report by Angela McArthur of Eco-landscapes and Design Limited which is at Appendix G. This assessment summarises the landscape amenity values as:

- The sense of openness and spaciousness
- Open views towards Johnson Gully, Moonshine Valley and Tararua Ranges in the distance.

The wider landscape character reflects the grass terraces and incised gully landform where vegetation is generally regenerating bush and gorse.

The visual catchment of the Site is relatively restricted due to the flat topography and foreground fencing and vegetation within neighbouring properties. The viewing audiences include restricted views for road users along Pacific Drive and open to partial views from the rear of properties adjoining site along Pacific Drive, Johnstone Drive, Monaco Grove, St Heliers Grove and Silicon Way.

The site has low ecological values.

4. RULES ASSESSMENT

The site is zoned Residential in the Operative District Plan and is not subject to any overlay provisions. The District Plan Map is shown in Figure 10 below. Potentially relevant District Plan Sections are Sections 7 and 16.

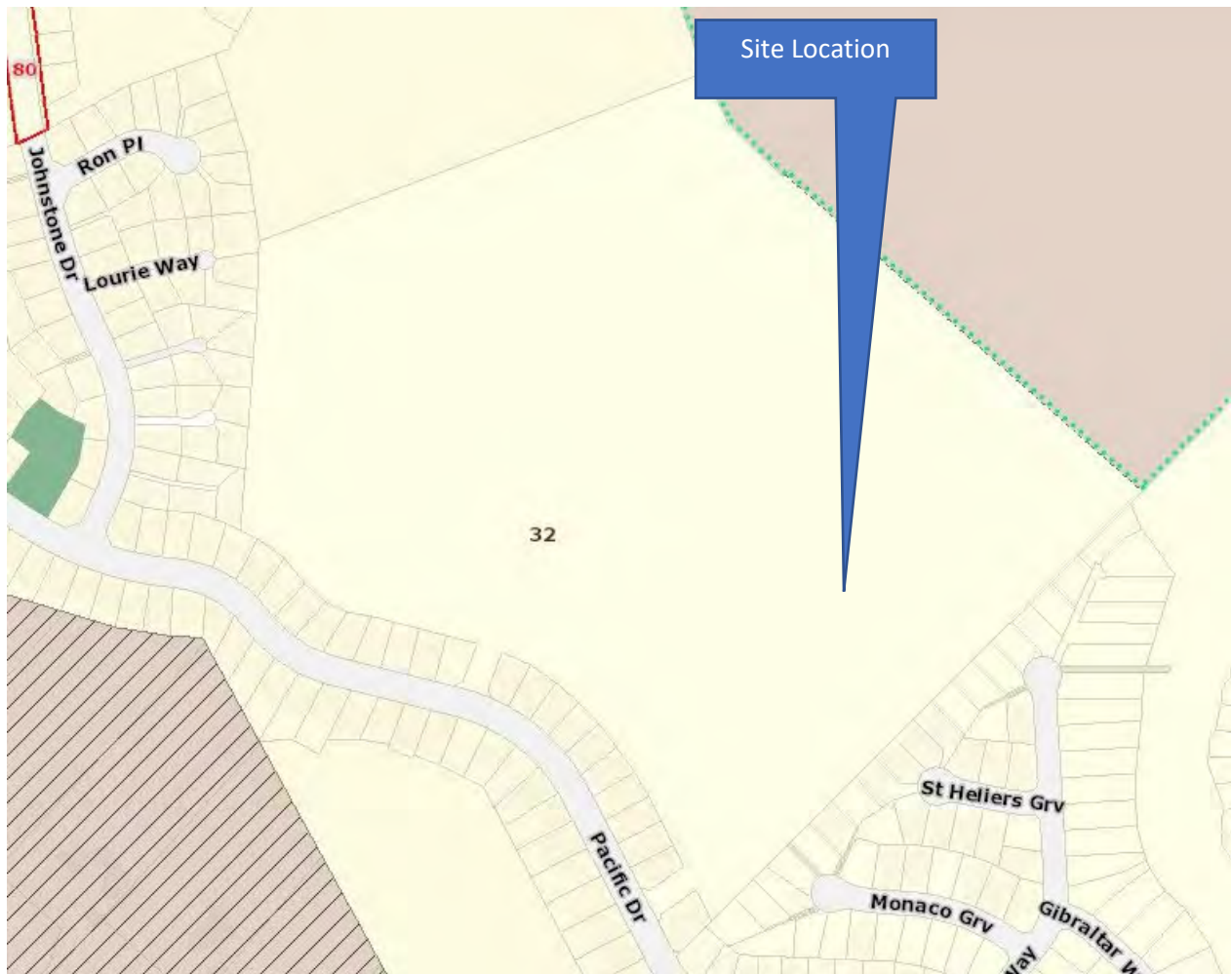


Figure 10: District Plan Map

4.1 RESIDENTIAL RULES

Rule 10.7.4.6 expressly classes Retirement Villages and Residential Centres as a Discretionary Activity.

The definition of Retirement Village is:

means a comprehensive development which may include housing, recreational, welfare, and medical facilities which is intended principally or solely for retired persons or people with disabilities.

This covers the full scope of activities proposed within the village.

The Plan provisions include assessment criteria for applications of this nature which are as follows:

- a. *The extent to which the effects of noise, hours of operation and other environmental disturbance on surrounding residential neighbourhoods are avoided or can be remedied or mitigated.*
- b. *The extent to which the effects of the generation of additional traffic are addressed through efficient and effective parking and access provisions.*
- c. *The extent to which additional traffic generated impacts on the safe and efficient operation of the roading network and internal circulation and manoeuvring areas, taking into account the location of the activity.*
- d. *To ensure the design and appearance of any building, structure or sign is in character with, and complementary to the ambience and amenity values of the surrounding residential neighbourhood.*
- e. *To ensure that any detractor from the visual amenity of the surrounding residential neighbourhood is avoided, remedied or mitigated by appropriate landscape works or screening.*
- f. *To ensure that building construction complies with the relevant noise insulation ratings identified by R10.6.1.1(h).*
- g. *The extent to which appropriate landscaping elements have been incorporated to enhance the character, ambience and amenity values of the adjoining residential neighbourhood.*
- h. *The extent that on-site planting has been implemented to reduce the activities visual intrusion on adjacent properties and break up areas of hard surfacing, such as fence lines and paved areas.*
- i. *To ensure employment uses and community facilities provide appropriate opportunities for people to use activity and non-vehicular modes of transport.*
- j. *In respect of R10.7.4.6 and R10.7.4.8, the Assessment Criteria of R10.6.3.3*

R10.7.4.6 applies therefore J above is also relevant. Consequently, the multi unit residential development criteria at R 10.6.3.3 apply and have been considered in the next section.

Land in the Aokautere Development Area is also subject to additional provisions. Map 10.1 identifies within this area land that is "Developable" and land that is classed as "Limited Developable Land." These rules concern land stability associated with the gully formations in this area.

The former gully that previously passed south to north through the site is classed as Limited Developable Land as shown in Figure 10 below.

This gully area within the application site was previously filled by way of earthworks authorised by a resource consent dated 1 November 2007 referenced RM 2553. This consent authorised filling of an area of 90,000 m² to a depth of 15 metres in the form of two gullies. Substantial progress was made on implementing this consent through to the end of 2011 when work ceased. This was understood to be due to issues around the adequacy of erosion and sediment control measures required by the regional consent from Horizons.

An extension to the lapse period for the PNCC earthworks consent for a further 5 years was granted on 23 July 2012, on the basis that the earthworks were largely completed. There was no term applied to this consent. The extent of work completed means that this consent has been given effect to. However, while compaction testing was undertaken by Central Environmental Laboratories in November 2010, final certification of the earthworks in accordance with the conditions of that consent was not completed because the earthworks were not completed.

While the gully fill earthworks consent may be considered to have been given effect to the applicant does not intend to rely on this. In any case the earthworks now proposed likely exceed what was authorised through that consent and outside the limited developable area would therefore be classed a restricted discretionary activity under Rule 6.3.7.2. In this regard the scope of discretion is related to compliance with the Palmerston North Engineering Standards for Land Development. An Erosion and Sediment Control Plan has been prepared and included at Appendix K.

4.2 SUBDIVISION RULES

In relation to subdivision, the new access road at this stage will provide access solely to the retirement village. However, in the longer term the road will function as a Collector road for development of the wider area. At this stage subdivision of the 48 hectare property is proposed to create the title for the retirement village. Subdivision associated with vesting the road in Council will be undertaken at a later stage in conjunction with additional stages of development.

Controlled activity standards for subdivision under R 7.6.1.1 are considered below:

1. There are no existing buildings
2. The proposed lot has more than 400 m² of contiguous developable land.
3. The lot is greater than 600 m².
4. Access complies with rule R20.4.2(a)
5. Essential services are available within 30 metres of the nearest point and will be connected.
6. The services will be located in the access road which ultimately will be vested in Council.
7. The layout does not require the removal of any tree planted on any public road or construction beneath the drip line of a tree.
8. Earthworks does not comply with the permitted standard R6.3.3.1(b).
9. Earthworks details have been included as required by Standard (i) (ii) to enable appropriate slope and stability for the development.

The non compliance with the earthworks standard triggers a restricted discretionary class of consent.

In addition R7.6.2.1 (2) classes a subdivision in the Aokautere Development Area which involves the restructuring of land through earthworks or other works to create land with improved slope and soil stability.

Restructuring of land is defined as:

means the reshaping or remodelling of the existing land but excludes siteworks associated with building on an existing site.

The earthworks proposed is not associated with soil stability but will create an improved platform and slope for the development. While the extent of cut and fill is not large the area of earthworks is significant and would reasonably be regarded as restructuring.

The standards that apply to Restricted Discretionary Activities relate to essential services being within 30 metres and provision of esplanade reserves. The subdivision does not involve any river and essential services are available within Pacific Drive. However, the development will not connect to existing stormwater in Pacific Drive because of the need to resolve the discharge of stormwater onto the site from Monaco Grove. As a result, new infrastructure discharging to the head of Johnson Gully will be put in place.

If classed as a Restricted Discretionary Activity Council discretion is limited to consideration of the following matters:

- i. Subdivision design and layout; the size, shape and arrangement of lots, cross lease and company lease areas, units and access.*
- ii. Effects on the surrounding residential environment and streetscape.*
- iii. The location and design of access, connectivity, and the safe and efficient operation of the land transport network.*
- iv. Natural Hazards*
- v. Those matters described in Sections 108 and 220 of the Resource Management Act 1991.*
- vi. In reference to earthworks, the potential effects on:*
 - 1. Effects on landscape and visual impact*
 - 2. Effects on adjoining properties including amenity values*
 - 3. Impact on flood plains and flood flows*
 - 4. Increase in hazard risk and effects on land stability*
 - 5. Effects of erosion and sedimentation*
 - 6. Effects on overland flow paths*
 - 7. Effects on the National Grid*
- vii. In reference to R7.6.2.1(2)*
 - 1. Management of archaeological discoveries.*
 - 2. Timing of any earthworks in the Aokautere Development Area in relation to any other works associated with the approved subdivision consent.*
 - 3. To avoid, remedy or mitigate any adverse environmental effects arising from the proposed restructuring works.*
 - 4. To ensure that the proposed restructuring works avoid, remedy or mitigate the land instability hazard.*
 - 5. To ensure that any proposed restructuring work associated with the development of Lot 51 DP382375 occur at the same time or after river bank erosion protection works occur which protect the toe of the Anzac Cliffs from bank erosion.*
 - 6. To ensure that any proposed restructuring work near the Te Motu a Poutoa Pa is undertaken in accordance with an Archeological Discovery Protocol developed in consultation with Tangata Whenua.*

4.3 LAND TRANSPORT RULES

Section 20 of the Plan deals with roads and vehicle access and includes specific performance standards for permitted activities. Non compliance with one or more of the standards is classed as a restricted discretionary activity.

The Integrated Transportation Assessment at Appendix H has specifically considered the compliance of the project with these standards in Table 5.3.

This concludes that the minor secondary access onto Pacific Drive triggers a non compliance. In all other respects compliance is achieved or there is no impediment to achieving compliance at the detailed design stage. This aspect therefore is a Restricted Discretionary class of consent.

4.4 CONCLUSION ON CLASS OF CONSENT

The retirement village activity is a Discretionary Activity and the earthworks and subdivision aspects interrelate to both be classed as restricted discretionary activities. However, the fact that Map 10.1 has not been kept up to date some 10 years after the earthworks on the site which filled this area for

development ceased means that the further earthworks to complete the building platform on the filled area is classed as a Non Complying Activity.

Given the interrelated nature of these consents for what is a single comprehensive development it is appropriate that the consent elements are bundled and consequently the project consents are classed as a non complying activity.

5. ASSESSMENT OF EFFECTS

Assessment of effects is based on a comparison with the existing environment as it is today. In addition, Section 104 enables the assessment of effects to disregard any effects that the plan permits. This is known as the “permitted baseline” and overlays the comparison above.

The land being zoned residential has a permitted regime for residential dwellings however subdivision associated with residential development is at least a controlled activity.

In terms of the baseline the most relevant matter is the proximity and scale of residential buildings to the adjacent residential properties that is permitted by the District Plan, on the current landform.

Relevant considerations are:

- Permitted height of 9 m
- Sunlight access plane of 45 degrees at 2.8 m above the boundary.
- Gable end roofs may penetrate the plane by no more than one third of the gable end height.
- Dwelling boundary setback of 1.5 m.
- Accessory boundary setback of 1 m.
- Two dwelling units per site are permitted.
- Outdoor amenity area of a minimum of 36 m² is required.
- In Aokautere all dwellings and accessory buildings shall be on developable land.

The proposal is classed as a Non complying Activity which is to be assessed under Section 104 of the Act, but must also pass one of the gateway tests in Section 104D of the Act.

This requires the consent authority to be satisfied that either

- (a) the adverse effects of the activity on the environment will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of the relevant plan.

This section deals with (a) above and its parallel consideration under s104, while section 6 below deals with (b) above and its parallel consideration under section 104. While a non complying activity the assessment of effects has had regard to the scope of discretion and assessment criteria applying the restricted discretionary and discretionary classes of consent.

5.2 EFFECTS ON THE WIDER DEVELOPMENT OF AOKAUTERE

The applicant is aware that the Council has been developing a Plan Change to add additional land to the Aokautere Development Area. This has yet to be publicly notified but has recently been before The Planning and Strategy Committee for approval to public notify for submission.

The Plan Change will include a Structure Plan for the additional area and the land not yet developed but zoned residential as well as a wider area to be zoned residential. This will include the application site for the Lifestyle Village.

The process of developing the Plan Change has included some public consultation but there has been a notable lack of engagement with the major development landowners to ensure that their vision for the development of the area is merged with Councils having regard to design principles and feasible development capacity.

Despite Council being aware of this project since mid 2021, there has until recently been little consideration of its implications for the Plan Change. The Plan Change work has signalled a desire for a Local Business Zone with commercial and retail services close to Pacific Drive and based on the Collector Road that will serve the retirement village.

Recent discussions have been more constructive and considered how integration could be better achieved. The documentation for the Plan Change now provides for the retirement village on the proposed site as a structure plan option.

In terms of wider context it is also relevant that a recent report for the Plan Change identified the need for wider road network intersection improvements based on full residential development of the growth area of over 1000 dwellings. This is also considered in the context of expected traffic generation for the retirement village in Section 5.5.

5.3 EFFECTS ON URBAN DESIGN AND LANDSCAPE

Relevant Assessment Criteria are as follows:

- a. To ensure that any detracting from the visual amenity of the surrounding residential neighbourhood is avoided, remedied or mitigated by appropriate landscape works or screening.*
- b. The extent to which appropriate landscaping elements have been incorporated to enhance the character, ambience and amenity values of the adjoining residential neighbourhood.*
- c. The extent that on-site planting has been implemented to reduce the activities visual intrusion on adjacent properties and break up areas of hard surfacing, such as fence lines and paved areas.*

A review of the design of the village has been undertaken by Jaime Devereaux of Urban Edge Ltd and is attached at Appendix 1. This provides expert review of the relevant assessment criteria which are also considered below. It makes a number of recommendations which will be relevant to detailed design and also some specific villa orientation matters which have been adopted.

Notwithstanding this it is clear that the development is proceeding on an open generally flat site which will be set below the adjacent residential properties to the south. The development will form an important part of the wider development of this area. The Council has aspirations for achieving higher residential densities and a neighbourhood centre adjacent to the retirement village. The village will have extensive facilities for village and care residents reducing reliance on more distant services. The density of the villa part of the village amounts to 20.7 dwellings per hectare which is approaching medium density for provincial areas of New Zealand. The overall density is further increased by the apartments and care facilities in the village hub. While achieving these densities the village being single level small scale villas will have a spacious feel which is appropriate for an outer location such as Aokautere.

The hub is larger in scale and mass and is located away from existing residential neighbours. How this relates to future development of the wider area will be considered through the upcoming Plan Change.

While higher density but smaller scale the villas are generally compatible with the character of the wider suburban area of Aokautere. The comprehensive and coordinated landscape design means that a high level of amenity will be achieved.

The villas and apartments layout and villas design choices have been selected to provide maximum sun access to the dwellings and outdoor spaces.

These assessment criteria have also been considered in the Assessment of Landscape and Visual Effects located at Appendix G.

In terms of the visual amenity of the neighbourhood the assessment finds that while initially there will be adverse construction effects, due to the fencing, landscaped boundaries and 1.5m border plant adverse visual intrusion effects and loss of visual amenity for the surrounding residential neighbourhood less than minor.

In regard to appropriate landscape elements extensive landscaping is proposed around the retirement village. Landscape elements include deciduous and evergreen specimen trees, rain gardens and amenity planting for year-round interest, privacy and integration. Activity amenity areas provided for residents will include the bowling green, petanque court, internal connecting walkways, courtyard gardens, communal vegetable gardens and BBQ and seating areas throughout the site. A comprehensive landscape design is set out in Section 2.

Roadside drainage swales and specimen tree planting and 2.5m wide shared pathway is proposed each side of the new collector road from Pacific Drive. A shared path is proposed from the entrance at 153 Pacific Drive through the corner of the site to Monaco Grove.

In regard to onsite planting solid fencing is proposed at boundaries adjoining Pacific Drive, Monaco Grove, St Heliers Grove and Silicon Way. Many of the properties already have solid 1.8-2m high fencing and foreground vegetation between houses and the boundary currently restricting views into the site. Hard surfacing will be concentrated internally within the site. Boundary planting will generally provide a buffer screening from the proposed public road where the fencing style will be permeable. A high percentage of the site will remain as permeable areas of grass and trees.

The assessment finds that the proposal will not substantially change the broader landscape characteristics of the area.

While during earthworks and construction there will be some temporary landscape effects, once completed over time the development will integrate with the landscape setting. As planting establishes the new public road and the retirement village will appear as an extension to the growing urban form in the area. Overall, adverse landscape effects will be less than minor.

The assessment criteria in Rule R10.6.3.3 which relate to multi-unit residential development also apply and are considered below and should also be read alongside the Urban Design Review:

1 Character

The extent to which:

a) any significant planting and trees are retained, and neighbourhood character is reinforced with the type and species of new planting.

(b) new development relates to common and defining patterns of the height and width of primary building forms, and predominant roof types and pitches.

(c) new development in valued character areas relates to common and defining patterns of frontage orientation and alignment.

(d) new development relates to common and defining patterns of façade composition and articulation, and qualities of materials and landscaping.

There are no significant trees and planting that can be retained. However, the comprehensive landscape design and planting will ensure that neighbourhood character is established through new planting. The area is not a valued character area nor are there existing defined patterns other than the general suburban residential character.

2 Site Planning

The extent to which:

(a) buildings and related open spaces and landscaping are planned and designed together to deliver high levels of amenity within dwellings and well-located, good quality open spaces, and within the Hokowhitu Lagoon Residential Area provides a safe interface with the adjoining Manawatu Golf Course.

(b) private and public areas are differentiated and defined.

(c) habitable rooms are orientated towards the east, north or west for good sun, and habitable rooms that face south only are avoided.

(d) new buildings retain reasonable visual privacy and daylighting for all adjacent residential units and properties.

(e) garages and parking are located and designed to avoid monotony and domination of any street frontage or spaces within the development.

(f) driveways and entrance courts are designed and landscaped to give visual interest and create an attractive entrance to the development.

(g) the planning of the development allows views of the street and common spaces within the development to be maintained, including views of open carparking spaces from the dwelling served.

The comprehensive landscape plan ensures that buildings and open spaces and planting have been integrated within a single concept. The layout has sought to achieve maximum sun access to habitable rooms. Villas are also oriented for privacy and being single level will achieve good daylight levels. The main street frontage has the hub complex located on a corner part of the site with villas on the rest of the frontage avoiding any potential monotony of similar villas along the entire frontage. These villas have access to an internal road and not the Collector Road allowing for specimen trees at this interface. All villas address the internal streets and all the open car parking areas are adjacent to the village hub.

3 Building Design

The extent to which:

(a) dwelling fronts including entrances and windows to habitable rooms are orientated to the street edge, and views are maintained to and from the street.

(b) modelling of building form, and secondary forms and detail gives visual interest and a sense of human scale at the occupied and/or publicly visible edges of buildings.

(c) windows are provided to optimise both daylighting and views while providing for privacy, and large blank walls are avoided.

(d) the living areas of dwellings are located and oriented to optimise sun exposure, natural lighting and views, including to the street or adjacent public open spaces.

(e) circulation within the dwellings is sufficiently planned, and spaces including storage are provided and sized to be fit for purpose.

(f) new buildings retain reasonable visual privacy and daylighting for adjacent residential properties.

(g) individual units are expressed and entrances are signalled and readily visible from the street or entranceways.

(h) the design of the development incorporates energy efficient and water conservation principles.

As noted above the villas adjacent to the collector road have access from the internal street (Road 2). The villa design are developments of design used in other villages and have proven design quality. All entrances are clearly signalled and visible from the street. Being single level dwellings they are well within the bulk and location permitted baseline.

4 Open Space Design

The extent to which:

(a) main outdoor spaces are associated with a living area within the dwelling, are reasonably private and of a useable size and are orientated to the sun.

(b) usable, well-orientated balconies are provided to above ground units and where quality at-grade private open space is not reasonably achievable.

(c) good quality shared private open space is provided as a complement to smaller private open spaces or balconies allocated to individual units.

(d) boundary treatments such as walls or planting between units balance openness and closure, and are varied to both privacy and views out, and avoid monotony and complete fragmentation of the open space within the development.

(e) planting is integrated to provide an attractive setting for and outlook from the dwelling, and provide for privacy, summer shade and winter sun.

(f) carports and garages are visually compatible with and of a similar standard to the development as a whole.

(g) large, highly visible retaining walls are avoided or screened with appropriate planting.

(h) front yard boundary treatments are sufficiently low to provide for visual connection between the dwelling and the street and allow safe vehicle access across the footpath.

(i) suitably screened and located provision is made for rubbish storage and collection.

(j) suitable, reasonably private and sunny space is provided for open air laundry drying. 5

All the villa design versions include a specific decked outdoor seating and dining area connected to the main living space. The village also includes a range of shared open space facilities including barbecue areas, communal raised garden areas and communal seating areas. The villas are not proposed to be individually fenced which ensures an open character. The hub also contains a range of facilities for the whole village including a village bowling green. A network of off-road footpaths provides additional connectivity through the development linking all areas to the village hub. All garages are integrated into each villa model. The proposed earthworks will avoid the need for retaining walls. Each villa has a lawn frontage with low amenity planting where a street frontage

deck is provided. The landscape plan identifies waste bin enclosure locations and provides for a clothesline area for each villa.

5 Infrastructure and Servicing

The extent to which:

(a) site and building design mitigates any increase in peak stormwater run-off and peak stormwater flow due to the reduction in permeable surfaces.

(b) the development is consistent with relevant engineering requirements

There will be an increase in stormwater from the site although the medium density spacious layout with extensive lawn areas means that a reasonable level of permeability is maintained. Stormwater will be treated on site with raingardens and then piped to the head of Johnson Gully where there will be a purpose designed detention facility behind the new gully crossing.

5.3 EFFECTS ON SURROUNDING RESIDENTIAL ENVIRONMENT AND STREETScape

Assessment Criteria: To ensure the design and appearance of any building, structure or sign is in character with, and complementary to the ambience and amenity values of the surrounding residential neighbourhood

The Permitted Baseline is relevant to the assessment of effects on the surrounding residential environment. The village will have existing residential neighbours to the south on Pacific Drive and south east at the cul-de-sac ends of Silicon Way St Heliers Grove and Monaco Grove.

The land is zoned residential and therefore a permitted dwelling could be constructed close to these boundaries. The subdivision and development of the land would require a resource consent and therefore full development is not within the baseline even though it is within the expectations of the District Plan.

All these boundaries will have single level villas closest to neighbouring properties. These are smaller in scale and height compared to a permitted dwelling. Furthermore, the further earthworks will reduce the ground level along the south east boundary by as much as 4 m. No parts of the villas exceed 5m in height. As a result, existing residents that currently have a northern outlook will continue to have that amenity.

Along Pacific Drive the earthworks are lesser in scale and nil closer to the new collector road. However, at 5m height the loss of outlook will be less than a permitted dwelling of 9m.

The proposal does not interact with any existing streetscape. The new collector road providing access to the development will in time be vested in the Council and will provide access to wider development and hence create its own streetscape.

A comprehensive landscape design concept has been developed around the proposed site layout. It provides for extensive planting which will add to the amenity of the developing neighbourhood. The landscape assessment concludes that the site layout and building forms are complementary to the "ambience and amenity values of the surrounding residential neighbourhood".

It also concludes that due to the lack of vantage points the visual effects for road users and the public will be less than minor.

For neighbours adjoining the southwest and southeast boundaries the assessment is that once planting establishes the effects will be less than minor.

5.4 EFFECTS ON NATURAL VALUES

The site itself has few if any natural values. It is largely farmed for pasture and hay with windrows of topsoil covered by pest weeds such as gorse.

The project will remove any pest weeds on the site and utilise the topsoil within the greenspace of the development.

The project does not extend to the existing head of Johnston Gully, nor does it extend to the existing eastern gully.

The principal natural values issues relate to offsite effects being potential earthworks construction effects and longer terms stormwater discharges to the ephemeral stream in Johnson Gully.

An Erosion and Sediment Control Plan has been prepared and is attached at Appendix K. This is also a document submitted to Horizons for regional earthworks consent. This will ensure that earthworks management does not result in sedimentation of the downstream water course.

Importantly, consent has recently been issued for earthworks to create a gully crossing some 500m downstream of the site. This involves extending the existing culvert and fill to a height of 13 m above the gully floor. The extent of earthworks is shown by the yellow lined area on Figure 13 below.

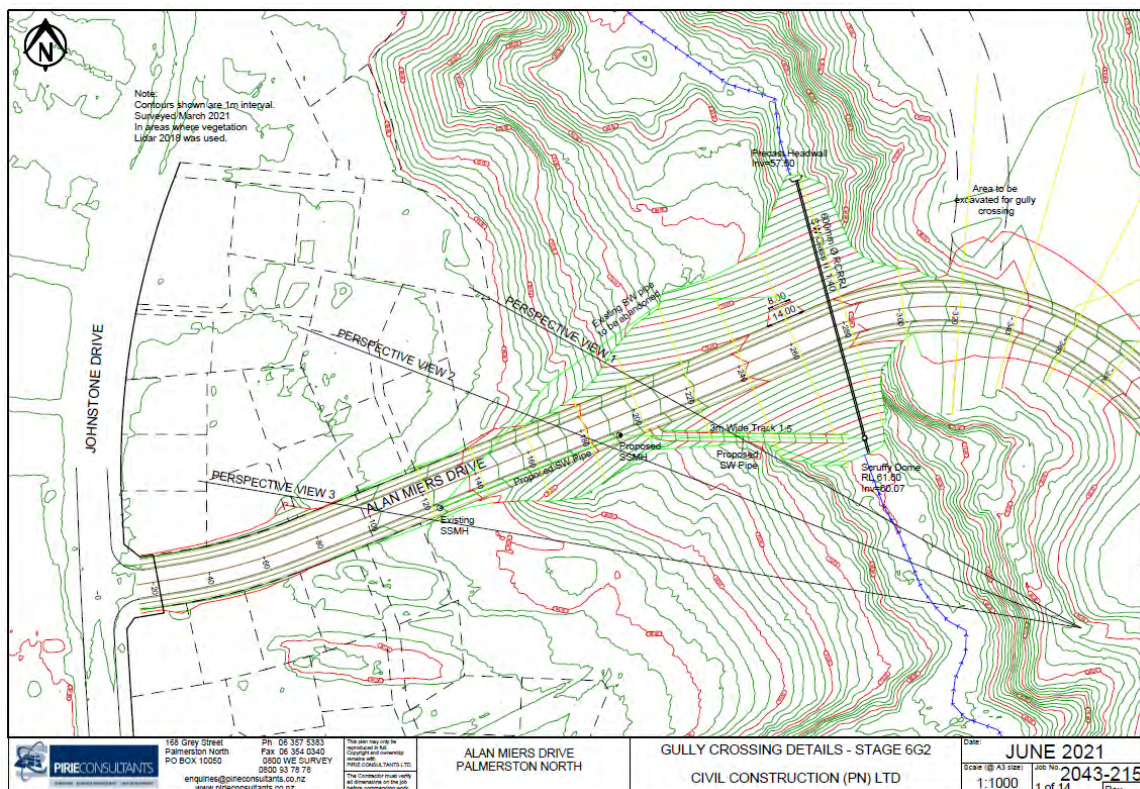


Figure 12: Johnson Gully Crossing and Road.

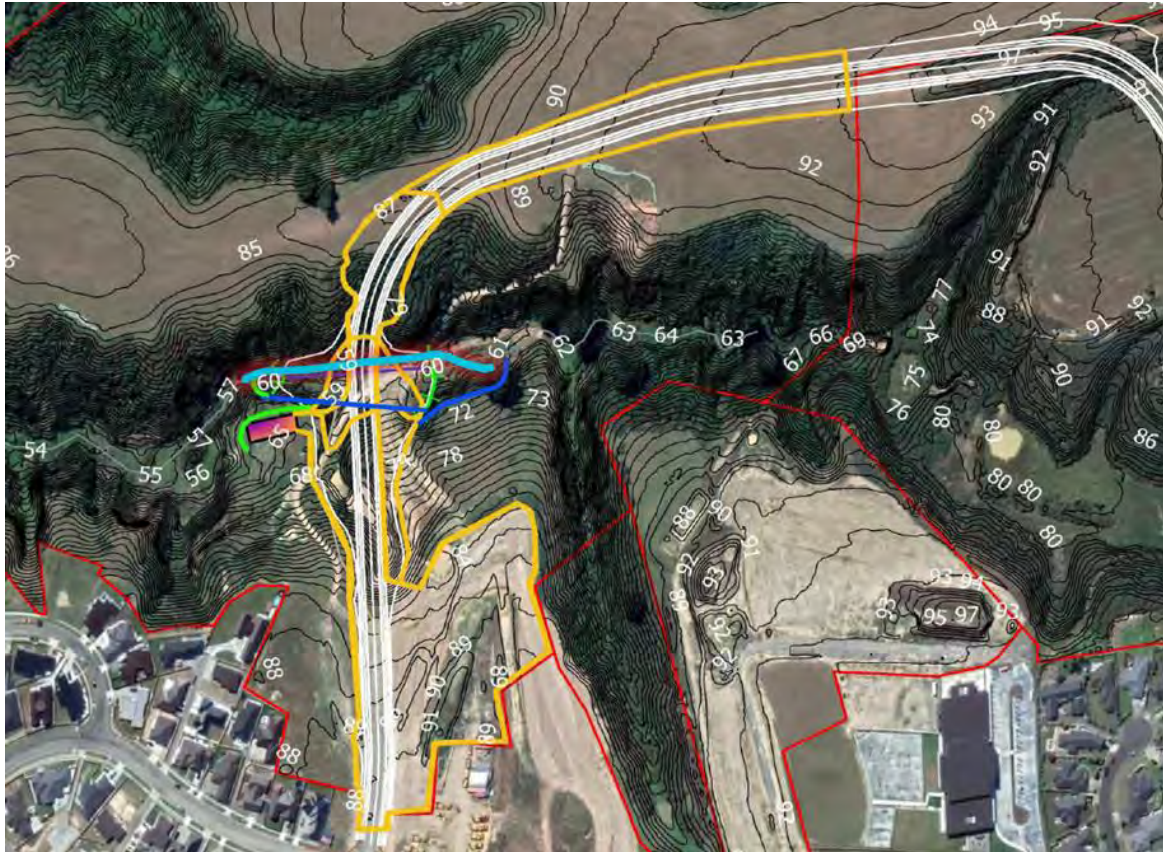


Figure 13: Extent of Earthworks For Gully Crossing

This will act as a detention dam to achieve hydraulic neutrality for the retirement village and other future development in this catchment. This application has been subject to careful stream assessment and scrutiny of effects on natural values.

Maximum volume of water that could be impounded is 13,500 m³ for a 1 hour storm for a 1 in 250 year event.

5.5 EFFECTS ON THE ROAD NETWORK AND ACCESS

Tim Kelly Transportation Planning Ltd has been commissioned to undertake an Integrated Transportation Assessment (TIA). This is included at Appendix H.

The existing traffic environment has been described earlier drawing on that report.

The relevant assessment criteria for retirement villages are as follows:

- d. *The extent to which the effects of the generation of additional traffic are addressed through efficient and effective parking and access provisions.*
- e. *The extent to which additional traffic generated impacts on the safe and efficient operation of the roading network and internal circulation and manoeuvring areas, taking into account the location of the activity.*
- f. *To ensure employment uses and community facilities provide appropriate opportunities for people to use activity and non-vehicular modes of transport.*

The TIA has concluded that vehicle movements to and from the village will be safe because there is good visibility, low traffic speeds and low traffic volumes

Further the village internal road network will be safe and efficient because of low speed limits, appropriate geometry providing for a low speed environment for shared use by vehicles pedestrians and cyclists.

A pedestrian connection with the end of Monaco Grove to Pacific Drive is proposed which will improve accessibility and connectivity for those residents.

Each villa will have two off street parking spaces avoiding the need to park on the internal road network. The on-site parking for the village hub has been designed to accommodate staff and visitors and this includes 4 disability parking spaces.

Notably larger service vehicle will be able to use the eastern access near to the village services area.

The TIA has assessed the total peak trip generation as 185 trips per hour for all activities. This peak is on the Saturday mid-day period.

Analysis of the Pacific Drive / Aokautere Drive intersection finds that even if all traffic use this route there is only marginally increased delay with no overall change in the level of service.

The operation of the village will therefore not have any tangible effects upon the operation of the immediate or wider road network.

For the construction period the TIA recommends that requirement for a Construction Management Plan to be certified by the Council.

The TIA is therefore satisfied that

- parking and access is fully appropriate for the additional traffic, and
- there will be no tangible effects on the roading network, and
- the internal network is appropriate.

In relation to the last of the three assessment criteria the collector road will include cycle lanes and footpaths and the hub will include appropriate cycle storage facilities.

5.6 EFFECTS OF INFRASTRUCTURE AND SERVICING

There is existing capacity within the wastewater network in Pacific Drive for this development. The earthworks have been designed to ensure that gravity flow across the site to Pacific Drive can be achieved. The area is not an identified Pressure Sewer Area although pressure systems will be considered at the time of detailed design.

Similarly potable water is available with suitable pressure for fire fighting capacity.

There is an overland flow path from Monaco Grove which will remain unobstructed between villas and connect to the internal road network which will then provide the secondary flow path function for the site.

Stormwater is proposed to be reticulated through the site with pipeline capacity sufficient to accommodate the upstream 450 mm capacity pipe from Monaco Grove. This will discharge at the headwall to the gully.

The proposed gully crossing 500 m down stream of the discharge will provide for stormwater detention from the development as well as wider development of this catchment. The crossing will have a 600 mm diameter culvert which has been specifically sized to provide hydraulic neutrality. The total catchment area is 36.7 hectares. The peak 1 hour flow in a 100 year ARI event is estimated to be

2.8 m³/second which would result in some 2500 m³ of water impounded over an area of 1500 m² with a maximum water depth of 2.5m.

The proposed inlet to the culvert will have a headwall with scruffy dome above to address any blockages which occur at the culvert level. There will also be secondary culvert through the embankment at about 4m above the main culvert which will connect to a lined spillway on the downstream side directing any discharged flows clear of the embankment toe.

The upstream face of the embankment will be faced with a low permeability cover of geosynthetics or natural materials. The detention area will extend approximately 150 m upstream of the embankment. Upstream of this are existing wetlands that will be enhanced and used for water quality treatment.

5.7 EFFECTS ON LAND STABILITY AND OTHER NATURAL HAZARDS

The proposal does not involve any areas of gully other than the downstream detention which is being authorised by separate consents. The site is flat with some undulations. The previous earthworks completed a suitable development platform on the eastern part of the site. However, completion of those earthworks is now proposed as part of this consent.

As the previous earthworks were not completed and certified, investigations have been undertaken to determine the suitability of the fill areas for the form of development proposed. NZET Ltd has assessed the geotechnical suitability of the history of this earthworks and undertaken site investigations as part of that assessment.

That report is attached as Appendix C.

The site investigations included CPT testing at 13 locations and window sampling at two of those locations.

The assessment found that the soil types vary from clayey silts to sands. No groundwater was encountered and as a result liquefaction risk is considered to be low. The soils were described as firm and suitable for foundations for commercial scale buildings.

The drat report was then peer reviewed by ENGEO Ltd. This per review is attached at Appendix D. This has recommended that there be further documentation of the previous filling in accordance with MBIE Module 2. This work is underway and will be forwarded when available. However, all indications are that the geotechnical conditions are suitable without any remediation work required. The further earthworks will be completed ahead of development and will be tested once completed and reported back to Council.

The only other natural hazard issue relates to a secondary flow path from the residential development to the south which will be protected and will link to the internal road network providing secondary flow paths through the site.

5.8 NOISE EFFECTS

The Plan provisions include assessment criteria relating to noise as follows:

- g. The extent to which the effects of noise, hours of operation and other environmental disturbance on surrounding residential neighbourhoods are avoided or can be remedied or mitigated.*
- h. To ensure that building construction complies with the relevant noise insulation ratings identified by R10.6.1.1(h).*

Retirement villages are by the nature a relatively quiet noise environment. The village hub includes hospital care which also requires an appropriate noise environment. The most likely source of any noise would be from the café and other village facilities. The risk of this is low, but notwithstanding this these facilities are located well away from any existing residential neighbours.

The only other potential noise issue relates to construction activities including earthworks. There is potential for noise effects on residential neighbours to the south. The risk is less for Pacific Drive neighbours where earthworks are largely complete. The scale of building work in the proximity of these neighbouring areas is consistent with or less than what would be associated with traditional residential development. However, notwithstanding this the preparation and certification of Construction Management Plan to include noise management would be an appropriate condition.

5.8 CONSTRUCTION EFFECTS

Potential construction effects include traffic management, site management, noise, dust and erosion and sediment control.

Construction access will principally be via 131 Pacific Drive. The existing completed flat area adjacent to that access will be used for compound and plant storage for the first stages of earthworks.

A Sediment and Erosion Control plan is included at Appendix K.

Noise effects are considered above and are not expected to be significant. Dust is a potential issue and completed areas of earthworks will be established with grass until the stage of development in that location proceeds. Proven dust control measures will be applied during all earthwork activities.

At this stage it is intended that staging of construction be concentrated but will commence with an initial villa stage and then construction of the hub followed by the remaining villas.

There is considerable space to manage construction activities including land not within the application site to the north which is well away from existing neighbours.

A Construction Management Plan will address day to day management of all activities including traffic control, compound and plant management, hours of work, noise management, dust management, monitoring, complaints processes and other requirements.

With appropriate management the effects on neighbouring residents and the environment in general will be less than minor. Further for neighbours to the southeast there is a material benefit from the earthworks which will lower the development where it adjoins their properties.

5.9 EFFECTS ON DWELLING SUPPLY

Palmerston North City Council (PNCC) is currently developing a District Plan Change to provide for additional growth at Aokautere. Aokautere is one of three main growth areas. The first to be advanced is Whakarongo in the east followed by the first stage of Kakatangiata, called Kikiwhenua in the west. Aokautere, to the south, has been the City's main growth area since the 1980's with Whakarongo still in early stages of implementation. Other smaller greenfield residential areas at early stages include sites at Ashurst and Whiskey Creek near Flyers Line.

The National Policy Statement on Urban Development requires Councils to set housing targets for 5, 10 and 30 year horizons. In June 2021 Council produced a Housing Capacity Assessment which identified that strong population growth was expected in the short to medium term and that additional land would need to be zoned and serviced to meet that demand.

The demand targets are stated for greenfield, infill and rural/rural residential. Interestingly the infill category includes retirement villages and apartments.

The minimum growth target is 1523 for the short term (5 years), 3523 for the medium term (5-10 years) and 7925 for the long term (10-30 years). This totals 12,971.

The typology targets for infill are 55% short term, 45% medium term and 40% long term.

As the proposed retirement village is located in a zoned but not yet developed area it will use greenfield land but will be allocated to the infill category.

Retirement villages make a highly valuable contribution to housing supply because they provide efficient smaller scale housing in a coordinated fully designed manner and consequentially release existing family sized housing to the market. With 138 villas, 40 apartments and 89 care beds the village has the potential to release between 180 and 260 existing dwellings for ownership / occupation by others. This is a material contribution to the current shortage of supply in the City.

5.10 EFFECTS OF SUBDIVISION

The subdivision of the land from the parent 48 hectare title is principally a consequence of the development proposed. As this is a single development there is no need to separate the roads from the rest of the development. However, this will occur at a future date in conjunction with further development in this area and the roads will then be vested in the Council.

The scope of matters with restricted discretion identified in the rules assessment have all been considered in other section of this assessment of effects.

A Developer Agreement will be advanced in relation to development contributions being offset against the proportionally shared cost of the stormwater pipe servicing the upstream residential area and the retirement village. As this is a process under the Local Government Act it is addressed separately.

5.11 ECONOMIC EFFECTS

To assess the economic effects of the project Mike Copeland of Brown Copeland & Co Ltd was commissioned to assess the economic benefits. His report is attached at Appendix I.

As an input to that report additional sector knowledge was sought on the likely employment levels which are estimated to be Full Time Equivalentents of:

Care Centre	97
Village	11
Administration	7

This totals 115 so a range of 110 to 120 was adopted for the assessment.

The assessment concludes that:

The new retirement village will enhance the social and economic well-being and the health and safety of the residents of the Palmerston North community by:

- Creating additional expenditure, employment and income within the local economy during the Project's 2.5 year construction period;

- Creating additional expenditure, employment and income within the local economy once the retirement village is operational;
- Improving housing affordability;
- Providing fiscally efficient healthcare and other services;
- Creating a safer community;
- Promoting independence and supporting positive aging;
- Increasing the cost-effectiveness of Palmerston North City Council's provision of services; and
- Providing benefits to village residents' families.

In addition, the new retirement village will improve resource use efficiency by:

- Increasing economic activity and population in the Palmerston North economy, enabling increased economies of scale, increased competition, greater utilisation of resources and improvements in the level of services provided by central government;
- Providing fiscally efficient healthcare and other services;
- Increasing the cost-effectiveness of Palmerston North City Council's provision of services; and
- Freeing-up time and reducing transport costs for village residents' family members;

During its construction and operation the new retirement village will provide opportunities for economic growth and employment.

Woodgate's proposed new Aokautere lifestyle village will not give rise to economic externality costs.

5.12 CONCLUSIONS ON EFFECTS

All potential effects of the activity on the environment have been assessed with a wide range of expert reports. There will be a range of significant positive effects including housing supply, economic activity and outlook for some neighbours.

Any adverse effects will be less minor although care will need to be taken in relation to managing construction effects.

6. CONSULTATION UNDERTAKEN

Given the characteristics of this development consultation has largely focussed on liaison with the City Council. Prior to lodging this application the applicant sought a referral from the Minister of the Environment to process the proposal through the COVID 19 Fast Track Consenting Act. As part of this process the Council was consulted on the referral application. Council's recommendation was that the project not proceed through this pathway and that a traditional consenting process should apply.

Further work has been undertaken since that application including discussions regarding the Council Plan Change and integration with the Structure Plan.

Consultation has also been conducted with iwi. The relevant Treaty Settlement Entity is Rangitane o Manawatu, and the relevant Treaty Settlement is the Rangitane o Manawatu Deed of Settlement November 2015.

A Cultural Impact Assessment from Rangitane has been requested and a site inspection has been completed with the applicant. The preliminary response is that Tanenuiarangi Manawatu Inc support the principle of the development and that caring for the elderly in their community is an important aspect of Maanakitanga.

Aspects of concern include management of stormwater quality, associated landscaping and weed control and ongoing future relationships. The applicant will continue to liaise with iwi through the design and construction process and further cultural assessment will be sought.

7. ASSESSMENT OF RELEVANT DISTRICT PLAN OBJECTIVES AND POLICIES

The relevant operative District Plan objectives and policies are considered below.

7.1 RESIDENTIAL ZONE OBJECTIVES AND POLICIES

OBJECTIVE 1 To enable the sustainable use and development of the Residential Zone to provide for the City's current and future housing needs.

POLICIES

1.1 To ensure that the diverse accommodation needs of the community are recognised and provided for by a variety of housing types and densities.

1.2 To enable multi-unit housing development where this is located in close proximity to the central city, and large neighbourhood centres.

1.3 To promote the efficient use of the urban infrastructure and other physical resources.

1.4 To ensure network infrastructure and services are available to support residential development and intensification.

1.5 To ensure that residential development in the Pacific Drive Extension area does not proceed in the absence of a water supply with sufficient capacity and pressure to meet the need of all development in the Pacific Drive and Pacific Drive Extension areas.

1.6 To minimise the use of the residential environment for commercial activities

Assessment: The aging demographic structure of the population has seen and will continue to see an increasing demand for high quality living within lifestyle retirement villages. The development provides a range of villa form and sizes within a comprehensively designed and landscaped development. The apartments also add to the variety of choices within the development, with care suite and hospital options when and if required.

Network infrastructure is available and the proposed stormwater design will enable a historic and contentious issue of discharges onto the site from Council reticulated piping to be resolved.

The village does incorporate some commercial activities such as the café on residential zoned land but this will have travel reduction benefits.

OBJECTIVE 2

To secure and enhance the amenity and character of the Residential Zone as a safe, attractive, social and healthy environment in which to live.

POLICIES

2.1 To ensure that the design of housing development is complementary to neighbourhood and street character by;

- Controlling the bulk and density of buildings;*
- Establishing minimum section sizes;*
- Encouraging buildings to be orientated to the street;*
- Establishing building setback standards;*

- *Restricting the placement of accessory buildings and garages that dominate the streetscape.*

2.2 To ensure that the design of housing development does not result in adverse effects on adjacent property by:

- *Managing the intrusion of privacy on adjoining dwellings;*
- *Managing the degree of overshadowing or obstruction of the daylight and sunlight penetration to any adjoining site or dwelling.*

2.3 To ensure that the design of housing development results in a high quality of on-site amenity by;

- *Adopting standards for private on-site open space,*
- *Ensuring main living areas are orientated to the sun, and good daylight and sunlight access is provided to the dwelling.*

2.4 To encourage the retention of significant vegetation and trees.

2.5 To protect the ambient acoustic standards of the residential environment.

Assessment: The style of development is complementary to the existing adjacent residential areas and will have the benefit of comprehensive landscape design and planting. The bulk of buildings is relatively small and density at the lower end of medium density. The village hub is a larger complex with some two storey elements and has been located away from existing residential areas. All villas are set back from neighbour boundaries and accessory buildings are largely avoided. All garages are integrated into the villa designs.

Privacy effects are less than minor because of the single storey nature of the villas and the lowering of the upper end of the site. Similarly, any shadow effects are less than minor. All villas have private on-site open spaces as well as access to a range of communal outdoor spaces throughout the village. Living areas are largely orientated to the sun with good sunlight access. There is no existing significant vegetation or trees and villages of this type are by their nature relatively quiet environments.

OBJECTIVE 3

Housing development is energy efficient, resilient and environmentally sustainable.

POLICIES

3.1 To encourage the adoption of energy efficient design and water-sensitive design techniques in the design and construction of housing.

3.2 To recognise the impacts of impermeable surfaces in residential areas and mitigate their effects.

3.3 Residential development is confined to areas with no known natural hazards or where known natural hazards can be appropriately mitigated.

Assessment: The common design elements through the range of villas will lead to construction efficiencies and all villas will achieve a high level of energy insulation. Stormwater will be treated by rain gardens prior to discharge to the ephemeral Johnson Gully Stream. Impermeable surfaces have been kept to a minimum through out the development. There are no known natural hazards as the previous gully through the site was filled over ten years ago.

OBJECTIVE 4

The predominant character of the Residential Zone is not compromised by incompatible land use and development.

POLICIES

4.1 To recognise the range of activities which are complementary to and compatible with residential use and development.

4.2 To control the effects of the scale and character of non-residential activities and buildings within the Residential Zone.

4.3 To control the location of non-residential activities within the residential Zone.

4.4 To avoid the establishment of activities which create adverse effects on, the overall amenity and ambience of the residential environment.

Assessment: Retirement villages and associated hospitals and anticipated in the residential zone and classed as a Discretionary Activity. It will be complementary to wider residential development of this growth area over future years.

OBJECTIVE 7

To avoid, remedy or mitigate the adverse visual effects of residential activities in the Aokautere residential area on the character and amenity of the Turitea Valley.

POLICIES

7.1 To require buildings and structures be set back from the edge of the escarpment above the Turitea Valley so as to reduce their visual intrusion into the valley.

7.2 To restrict the height of buildings adjacent to the escarpment edge of the Turitea Valley so as to limit the impact on the skyline, as seen from the floor of the Turitea Valley.

Assessment: The site, although in Aokautere, does not relate to the Turitea Valley which is to the south of Pacific Drive.

OBJECTIVE 9

To encourage an environment within any Greenfield Residential Area that is an attractive, healthy and safe place in which to live with a diverse range of residential housing types and densities.

POLICIES

9.1 To control the height and scale of buildings to minimize adverse visual effects on adjoining residential properties and the scale and intensity of the surrounding residential environment.

9.2 To control the height and visual permeability of fencing on properties, particularly those directly adjoining streets and public open space, to ensure visual connectivity and social surveillance of the area.

9.3 To avoid garages that dominate the streetscape.

9.4 To encourage the design of building frontages that relate to the street and enhance perceptions of safety.

9.5 To encourage development that results in a distinctive, memorable and valued sense of place.

9.6 To encourage a mix of lot sizes, dwelling sizes, heights and types.

Assessment: The site is currently zoned residential and is not located in any specified Greenfield Residential Area identified in Section 7A of the District Plan. This is likely to change in the future as a result of a Council Plan change. Even if it did apply the village contributes materially to range of types and densities of housing in the Aokautere area, there is minimal fencing within the development, garages do not dominate any public streets or internal streets and building frontages relate to the internal streets.

OBJECTIVE 10

To ensure non-residential development within any Greenfield Residential Area neighbourhood centre provides for the day-to-day shopping and service needs of the surrounding community and contributes to a high-quality living environment.

POLICIES

10.1 To encourage the development of commercial activities within the neighbourhood centre identified on any Greenfield Residential Area Structure Plan within Section 7A.

10.2 To ensure commercial activities within any Greenfield Residential Area are consistent with the policy framework of the Local Business Zone.

Assessment: As stated above the site is not in a Greenfield Residential Area at this time but may be in the future. A limited range of commercial activities are planned to support the village and minimise travel.

OBJECTIVE 11

To ensure potential natural hazards within any Greenfield Residential Area are appropriately investigated and residential development is confined to areas with no known natural hazards or where known natural hazards can be appropriately mitigated.

POLICIES

11.1 To control the location of buildings in relation to the escarpment and oxbow in the Whakarongo Residential Area to protect against the risk of natural hazard.

11.2 To ensure buildings and structures in any Greenfield Residential Area are located and designed to protect against the risk of natural hazards.

Assessment: As above, the only risk of hazard is the settlement of previous filling which has been investigated.

Section 12A Objectives and Policies do not apply because despite the above these are limited to The Whakarongo Residential Area and Kikiwhenua Residential Area.

7.2 SUBDIVISION OBJECTIVES AND POLICIES

The following subdivision objectives and policies have been assessed.

OBJECTIVE 1

To ensure that subdivision of land and buildings in urban areas is consistent with integrated management of the use, development and protection of land and other natural and physical resources.

POLICIES

1.1 To enable the subdivision of land and buildings for residential, commercial, industrial and other purposes generally in accordance with existing land use patterns, and to promote sustainable management of the City's resources by ensuring that the land within the urban area is fully utilised consistent with maintaining amenity values.

1.2 To avoid subdivision activity for urban purposes outside areas zoned for urban development.

1.4 To avoid the intensive urban subdivision of land which is subject to significant physical limitations and/or natural hazards.

1.8 To ensure that subdivision contributes to established residential character, high-quality coordinated streetscapes and public open space.

Assessment: The site is zoned for urban development and is not subject to physical limitations or natural hazards. The subdivision is simply a consequence of developing only part of the parent title for the retirement village. Separate lot for the village hub is largely related to future operational and management relationships.

OBJECTIVE 2

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

POLICIES

2.1 To require lots to have areas and dimensions to meet the needs of users and to sustain the land resource by ensuring that:

- 1. Lots in the Residential Zone have the necessary area and dimensions to enable the siting and construction of a dwelling and accessory buildings, the provision of private outdoor space, service courts, vehicle access and parking in accordance with the relevant Permitted Activity Performance Standards.*
- 2. For all other lots, that these have the appropriate area and dimensions to enable the siting and functioning of the proposed buildings and land uses in accordance with the Permitted Activity Performance Standards of the relevant zone.*

Assessment: The design of the development has driven the subdivision and not the other way round. It has had regard to the characteristics of the land and possible future development of the remainder of the title. In that regard it provides for a Collector Road to serve a wider growth area.

2.1A To encourage subdivision design and layout that will take into consideration the shape, orientation and aspect of sections so as to create building sites and outdoor amenity areas which a northward orientation to enable access to solar energy and passive solar gain.

Assessment: The subdivision does not involve the creation of individual residential sections. The application includes comprehensive building and landscape design. Generally, the villas and apartments provide for a northward orientation, however, this is not directed by the subdivision.

2.2 To ensure that all new lots have safe and adequate vehicle access from the roading network by providing that:

- 1. Every lot is to have access from a formed existing road, or a new road to be formed, to enable vehicles to enter the site with the dimensions of the access sufficient to accommodate the level of vehicle usage anticipated. The access should be designed to enable vehicles to turn within the lot and to leave it in a forward direction.*
- 2. The construction is to be to a standard and of materials to support the anticipated traffic, require minimum maintenance and to control and dispose of stormwater runoff.*
- 3. Any allotment with frontage to a Major or Minor Arterial road which has no alternative means of access to an existing public road in the local network, shall have access arrangements approved by Council, in terms of an Access Management Structure Plan.*

Assessment: An Integrated Transportation Assessment has been undertaken by Tim Kelly which finds that vehicle access to be appropriate. The secondary access from Pacific Drive is also considered safe and appropriate.

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

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

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

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

2. The development provides for a high quality public realm considering;

- the potential for the street to be a place for recreational walking and cycling; • the outlook from dwellings as well as a functional place for movement;*
- the provision of street trees and other street landscaping in a coherent layout; • the continuity of or relationship to street landscape design of adjacent streets;*
- the integration of Water Sensitive Design principles;*
- the safety and visibility of pedestrians; and*
- the provision of any local park spaces as required by Council's public space policy and their integration into the layout.*

3. The road network stormwater control system shall protect the road, road users and adjoining land from the adverse effects of water and minimise any adverse effect on the environment.

4. The structure of a road shall:

- have a design life of at least 25 years based on Equivalent Design Axle, or equivalent design methods;*
- be constructed from materials suitable for the intended use;*
- maintain adequate surface smoothness; and*
- be protected from the adverse effects of surface and ground water.*

5. The road network stormwater control system shall:

- have a design life of at least 80 years;*
- adequately convey water to an approved discharge point;*
- avoid the likelihood of leakage and infiltration and the penetration of roots;*
- avoid the likelihood of blockages; and*
- provide reasonable access for maintenance.*

6. Urban roads are to be well lit by specifically designed street lighting, are to be constructed to such standards and in such materials as will result in minimum maintenance having regard to the anticipated levels and types of traffic.

Assessment: As stated above these aspects are all considered in the Integrated Transportation Assessment and have been found to be acceptable. The detailed design of the Collector Road

will be in accordance with the Engineering Standards for Land Development including the stormwater design and lighting.

2.4 To improve land utilisation, to safeguard people, property and the environment from the adverse effects of unstable land by ensuring that:

1. Disturbance to the natural land form, existing vegetation (e.g. trees, groups of trees, notable and protected trees, vegetation or habitats), natural drainage and significant natural features is minimised and historic and cultural features are protected commensurate with achieving an efficient and aesthetically pleasing subdivision design and site layout.

2. Earthworks withstand and remain stable under anticipated loads.

3. When land is subdivided that the resultant lots contain safe and adequate building sites and have roading and access suitable for activities.

4. Planning and design of earthworks is carried out after thorough investigation of the nature of the existing land, its ability to support the construction proposed and its general suitability for subdivision.

5. Earthworks are to be designed and constructed to:

- provide safe and adequate building platforms and foundation for roads and services;*
- provide for the adequate control of stormwater;*
- avoid the likelihood of erosion and instability;*
- not unnecessarily alter the natural landscape;*
- remain safe and stable for the duration of the intended land use;*
- not unnecessarily rely on artificial or human-built structures for stability; and where such structures are employed these shall remain safe and stable for the duration of the intended land use;*
- cater for the natural groundwater flows and be geotechnically sound;*
- avoid contamination of ground water;*
- avoid lowering ground water levels;*
- avoid or mitigate the diversion of ground water flows.*

6. In Aokautere, earthworks, and in particular the restructuring of land, are to be the subject of specific design by a registered engineer experienced in soil mechanics or geotechnical matters and shall take into account the predicted improvements to soil slope and stability which will be achieved and the impact on existing vegetation and landscape values.

Assessment: The site does not have any instability or slope issues. Consent is sought to complete previously consented earthworks to provide a suitable building platform for the development. Investigations of the settlement of the previous earthworks has been undertaken to verify ground conditions. This has been peer reviewed by ENGE0 Ltd and ENGE0 is now working with the engineers associated with the original earthworks to determine if any further investigations are required.

2.5 To avoid, remedy or mitigate the adverse effects of land development by ensuring as far as possible that the carrying out of land clearance, earthworks and other construction activity does not result in:

- a dust nuisance or the discharge of other contaminants to the air;*
- the migration of silt, soil and roading material to waterways or adjoining properties;*
- damage to property from stormwater runoff.*

Assessment: An Erosion and Sediment Control Plan is provided and it is recommended that conditions require approval of a final plan once the earthworks contractor has been appointed. Damage has been occurring to the site as a result of stormwater from Council reticulation in Monaco Grove. This will be resolved by construction of a stormwater ain through the site that will serve the village further development in the vicinity and the Council discharge.

2.6 To avoid, remedy and/or mitigate the adverse effects caused by alterations to the natural land form and removal of vegetation (e.g. trees, groups of trees, notable and protected trees, vegetation or habitats) and to enhance the amenities of the natural and built environment by requiring that:

- 1. Road berms and new allotments are topsoiled following earthworks and road berms sown in grass and planted.*
- 2. Public open space is formed, topsoiled, landscaped and planted to a level commensurate with its purpose and ease of maintenance.*
- 3. Earthworks are designed, built, and landscaped to avoid and/or mitigate adverse effects on the amenities of adjoining existing or potential residentially zoned areas.*

Assessment: A comprehensive landscape design forms part of this application.

2.7 To safeguard people from injury or illness caused by infection or contamination resulting from sewage or industrial liquid waste; and to safeguard the environment from adverse effects of sewage disposal by ensuring:

- 1. The removal of sewage and industrial liquid waste to treatment systems and/or final discharge points.*
- 2. The provision of structures and systems able to accommodate the anticipated flows and withstand the anticipated loads.*
- 3. The layout of the sewerage network:*
 - adequately services each lot;*
 - connects into the existing City Council reticulated sewerage system and conveys sewage through public service corridors in urban areas;*
 - utilises gravity operation outside of Pressure Sewer Areas, except where it can be demonstrated that the use of pressure sewer systems will be feasible for geotechnical, hydraulic, engineering and safety reasons;*
 - utilises pressure sewer systems in Pressure Sewer Areas; and*
 - does not unduly restrict the location of any future buildings.*

4. The structure of the sewerage network:

- *has a design life of at least 80 years;*
- *is constructed from materials suitable for the intended use;*
- *ensures safety in operation, avoiding the likelihood of leakage and infiltration and the penetration of roots; and*
- *avoids the likelihood of blockage.*

5. All allotments in urban areas are to be provided with a connection to the City Council reticulated sewage system.

Assessment: The development has been designed to provide gravity flow to the existing Council sewer in Pacific Drive. However, if Council prefers a pressure system this can be accommodated.

2.8 To provide water for consumption, health and hygiene and firefighting by requiring that:

1. The water reticulation network ensures an adequate supply of potable water, makes provision for fire-fighting requirements, accommodates the anticipated flows and withstands the anticipated pressures and loads.

2. The layout of the water reticulation network:

- *adequately services each lot;*
- *connects into the existing City Council reticulated water system through public service corridors in urban areas;*
- *is compatible with other utility systems;*
- *avoids the likelihood of potable water contamination;*
- *permits appropriate access for firefighting.*

3. The structure of the water reticulation network:

- *has a design life of at least 70 years;*
- *is constructed from materials suitable for the intended use;*
- *avoids the likelihood of leakage;*
- *avoids the likelihood of potable water contamination;*
- *if carrying non-potable water, is clearly identified as such;*
- *provides appropriate access to the system for firefighting purposes.*

4. All allotments in urban areas are provided with a connection to the City Council reticulated water supply system, for estimated domestic, commercial and industrial consumption. 5. In rural areas, properties must be supplied with water, including water for firefighting requirements that is to be met from rainwater tanks, bores, wells or specially constructed storage tanks.

Assessment: Water reticulation compliant with Council design standards is also provided for.

2.9 To safeguard people, property and the environment from the adverse effects of surface water by ensuring that:

1. The layout and functioning of the stormwater drainage system:

- *adequately services its catchment;*
- *incorporates Water Sensitive Design principles wherever appropriate;*
- *adequately services each lot, road area or other land area falling to the point of entry into the drainage system;*
- *caters for a 1% annual exceedance probability rainfall event (100 year flood) using a system appropriate for the intended land use;*
- *ensures gravity operation;*
- *links with the existing stormwater drainage network;*
- *does not unduly restrict the location of any future building; and*
- *ensures that stormwater disposal from the subdivision would not increase the risk of inundation in urban areas.*

2. The structure of the stormwater drainage system:

- *has a design life of at least 80 years;*
- *is constructed from materials suitable for the intended use;*
- *incorporates Water Sensitive Design principles wherever appropriate;*
- *ensures safety in operation;*
- *avoids the likelihood of leakage and infiltration and the penetration of roots;*
- *avoids the likelihood of blockages;*
- *if in pipes or lined channels, avoids the likelihood of penetration by roots or the unintended entry of groundwater.*

3. In urban areas all allotments are to be connected to a Council approved stormwater drainage system.

4. In rural areas stormwater runoff from new subdivisions and subsequent uses should be discharged to existing water courses in a manner which will not damage property or cause erosion of any river bank or bed, or increase sedimentation of any river bed.

Assessment: A stormwater reticulation network is provided for and, as stated above, this will resolve the discharge to land from Monaco Grove. Within the site rain gardens will be provided and stormwater will be discharged at a head wall to Johnson Gully where hydraulic neutrality will be achieved by throttled discharge through the new gully crossing with retention as required behind it.

2.10 To make appropriate provision to and within subdivisions for connections to electricity, gas and telecommunications facilities in an efficient, cost-effective manner by ensuring that:

1. The supply of electricity and the provision for telephone services (including fibreoptic cable supplying ultrafast broadband) is made by means of an underground system in urban areas and other areas where overhead reticulation will have an adverse effect on the environment, except where this is technically impractical or impossible.

2. Adequate provision is to be made for street lighting to all new urban roads or roads upgraded as part of the subdivision approval.

3. Appropriate arrangements are to be made so that individual connections to telephone and gas (in respect of urban lots only) services can be made if required with a minimum of disturbance to subdivisional construction, including opportunities for shared underground ducting.

Assessment: All services will be reticulated through the development including the hub.

2.11 To ensure that sufficient land for public open space and reserves is set aside in convenient locations and is of a quality to meet the needs of the community by ensuring that:

1. Reserves have sufficient road frontage so that users are visible to the general public for safety reasons.

2. Reserves are located so that they are easily accessible to the general public and to those with special needs. 3. Reserves have a terrain and are of a type and size that is useable for a number of recreation activities.

Assessment: The development provides for its own open space and recreation needs through formal and informal spaces and indoor and outdoor facilities. These will not generally be public facilities and will be managed by the village.

2.12 To manage the effects of subdivision on the safe, effective and efficient operation, maintenance, upgrading and development of the National Grid by ensuring that:

1. National Grid Yards and National Grid Corridors are identified in the Plan to establish safe buffer distances for managing subdivision and land use development near electricity transmission lines and support structures;

2. Sensitive activities and large-scale structures are excluded from establishing within National Grid Yards;

3. Subdivision is managed within National Grid Corridors to avoid subsequent land use from restricting the operation, maintenance, upgrading and development of the National Grid; and

4. Changes to existing activities within a National Grid Corridor or National Grid Yard do not further restrict the operation, maintenance, upgrading and development of the National Grid

Assessment: There are no National Grid issues.

7.3 CITY VIEW OBJECTIVES.

The following City View Objectives are relevant and area considered below.

1. *Planning for residential, industrial, commercial and rural-residential growth sustains a compact, orderly and connected urban form which avoids the adverse environmental effects of uncontained urban expansion into the rural zone.*

Assessment: The site is zoned for residential related development and therefore is not uncontained expansion. The development contributes to an orderly and connected urban form albeit that the form of the wider development of this area has yet to be resolved.

2. *The provision of infrastructure, particularly within identified growth areas, shall be efficient, timely, environmentally sensitive and economically sustainable.*

Assessment: There is a need significant stormwater pipe through the site to the head of the gully which will be enabled by this project. Resolution of the upstream discharge from Council reticulation has not been timely but this development is a vehicle to resolve that issue.

3. *The integrated and efficient provision of, and access to, infrastructure, network utilities and local services is facilitated for all residents.*

Assessment: The retirement village provides a range of services for its residents and will have all necessary access to infrastructure and network utilities.

4. *Transparent and equitable funding mechanisms are in place to support the provision of infrastructure required to service growth.*

Assessment: A Developer Agreement will be advanced to facilitate an equitable funding mechanism for public stormwater reticulation with offsets for other development contributions.

5. *A variety of high quality residential living environments are provided to satisfy the needs of all residents.*

Assessment: There is a high demand for retirement village and rest home places. The development will achieve a high quality living environment with access to a range of facilities and will contribute materially to overall housing supply.

6. *Rural subdivision and development is directed away from Class I and II versatile soils.*

Assessment: This is not relevant.

7. *The infrastructural demands of rural subdivision and development are minimised.*

Assessment: Also not relevant.

8. *The distinctive rural and urban character of the City is recognised and a clear differentiation is provided regarding subdivision, development and servicing expectations within rural and urban areas.*

Assessment: The land is zoned residential and is part of a developing urban area with required services.

9. Subdivisions, buildings and infrastructure are designed and constructed to promote a coordinated, healthy and safe environment.

Assessment: The village will provide independent stand-alone housing and apartments as well as a rest home hospital and dementia care facilities. It will contribute to providing for the communities needs for a healthy and safe environment.

10. The visual appeal of the City is enhanced.

Assessment: As a high-quality new development it will contribute to the visual appeal of the City.

11. The principles of good urban design are given effect to for all new subdivisions, urban intensification and major building developments, particularly those located within the City Centre or fronting key transportation routes.

Assessment: The site is not in the City Centre or on a key transportation route. The urban design issues have been reviewed. The design provides for a key new Collector Road to service the wider area. Other wider urban design matters will be in the upcoming Council Plan Change.

12. A wide range of business and economic activities are provided for.

Assessment: The retirement village is of course a form of business and will generate significant economic activity.

13. Investment within the City is stimulated and identified priority sectors such as research, education, public administration, retail, logistics, construction, manufacturing and agriculture are well supported.

Assessment: The project does not fully fit one of the priority sectors identified above but may include a nursing education function once fully established. Irrespective of this the project involves a significant investment of the order of \$110 million for construction alone.

14. The City Centre remains the primary focus for retail, office, commercial and cultural activities within the City.

Assessment: This objective is not relevant to this project.

15. Other commercial centres will be planned to ensure that they support the primary role and function of the City Centre.

Assessment: This objective is not relevant to this project.

16. Active engagement from tangata whenua within resource management decisions. The historic heritage of the City is researched, identified and preserved within the context of sustainable management.

Assessment: There has been active engagement with tangata whenua and this will continue through detailed design and implementation.

17. The natural and cultural heritage features of the City are preserved and enhanced, including the margins of the Manawatu River and sites of significance to tangata whenua.

Assessment: The project does not affect any sensitive sites.

8. NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020.

Palmerston North City Council is a Tier 2 local authority under the National Policy Statement on Urban Development 2020 (NPSUD).

Its obligations under the NPSUD include ensuring that planning decisions contribute to well-functioning urban environment. This includes meeting housing needs, enabling sites suitable for different business sectors good accessibility and supporting reductions in greenhouse gas emissions.

The subdivision of this site to provide for the retirement village supports the requirement to provide sites for the retirement village sector in a location that provides some choices between retirement villages in the City and, therefore, supports a competitive environment.

The development of the village also supports the housing needs of older age groups with a variety of sizes of villas, apartments and hospital care. The site is relatively remote from employment nodes which is entirely appropriate given residents for the most part wont be part of the workforce. Further the village provides extensive facilities for residents and therefore a high level of accessibility compared with other forms of housing. That accessibility supports reductions in greenhouse gas emissions.

Policy 2 requires the Council to provide sufficient development capacity for short medium and long term and this has been considered in Section 5.9.

Policy 5 also requires the Council to enable height and density of urban form commensurate with the greater of the level of accessibility by public transport to commercial and community services or demand in that location. Residential growth in Aokouetere in recent years has been steady but additional supply is required to meet development capacity requirements. Accessibility to facilities at Summerhill is reasonable but not enabled by public transport. In this context the density and height of the proposed retirement village buildings is appropriate.

9. PART 2 ASSESSMENT

The revised Fourth Schedule specifically requires an assessment of activities against matters set out in Part 2 of the RMA. The High Court's decision in *R J Davidson Family Trust v Marlborough District Council* found that there is no ability to consider Part 2 because the policy and provisions of operative policy statements and plans already give effect to Part 2. The exception is if there is in the document's invalidity, incomplete coverage or uncertainty. This decision was appealed and the Court of Appeal preferred a more "nuanced" approach.

The Court of Appeal stated *"If it is clear that a plan has been prepared having regard to Part 2 and with a coherent set of policies designed to achieve clear environmental outcomes, the result of a genuine process that has regard to those policies in accordance with s104(1) should be to implement those policies in evaluating a resource consent application. Resort to Part 2 in such a case would likely not add anything. It could not justify an outcome contrary to the policies.*

However, if that was not the case it will be appropriate and necessary for a consent authority to refer to Part 2."

In this case there is no suggestion that the District Plan does not have a coherent set of policies that have regards to Part 2.

Section 5 sets out the sustainable management purpose of the Act. It seeks to enable activities where natural and physical resource are sustained, life supporting capacity safeguarded and adverse effects either avoided, remedied or mitigated. This assessment has found that any adverse effects will be less than minor and that there are material positive effects in terms of housing supply, economic activity and neighbour effects.

There are no Section 6 matters that come into play. In terms of Section 7 the village achieves the maintenance and enhancement of amenity values and the quality of the environment for village residents as well as neighbours. The applicant will continue to liaise and consult with iwi through the development process.

APPENDIX B



APPENDIX A

CERTIFICATE OF TITLE



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




R.W. Muir
Registrar-General
of Land

Identifier **706789**
Land Registration District **Wellington**
Date Issued 18 December 2015

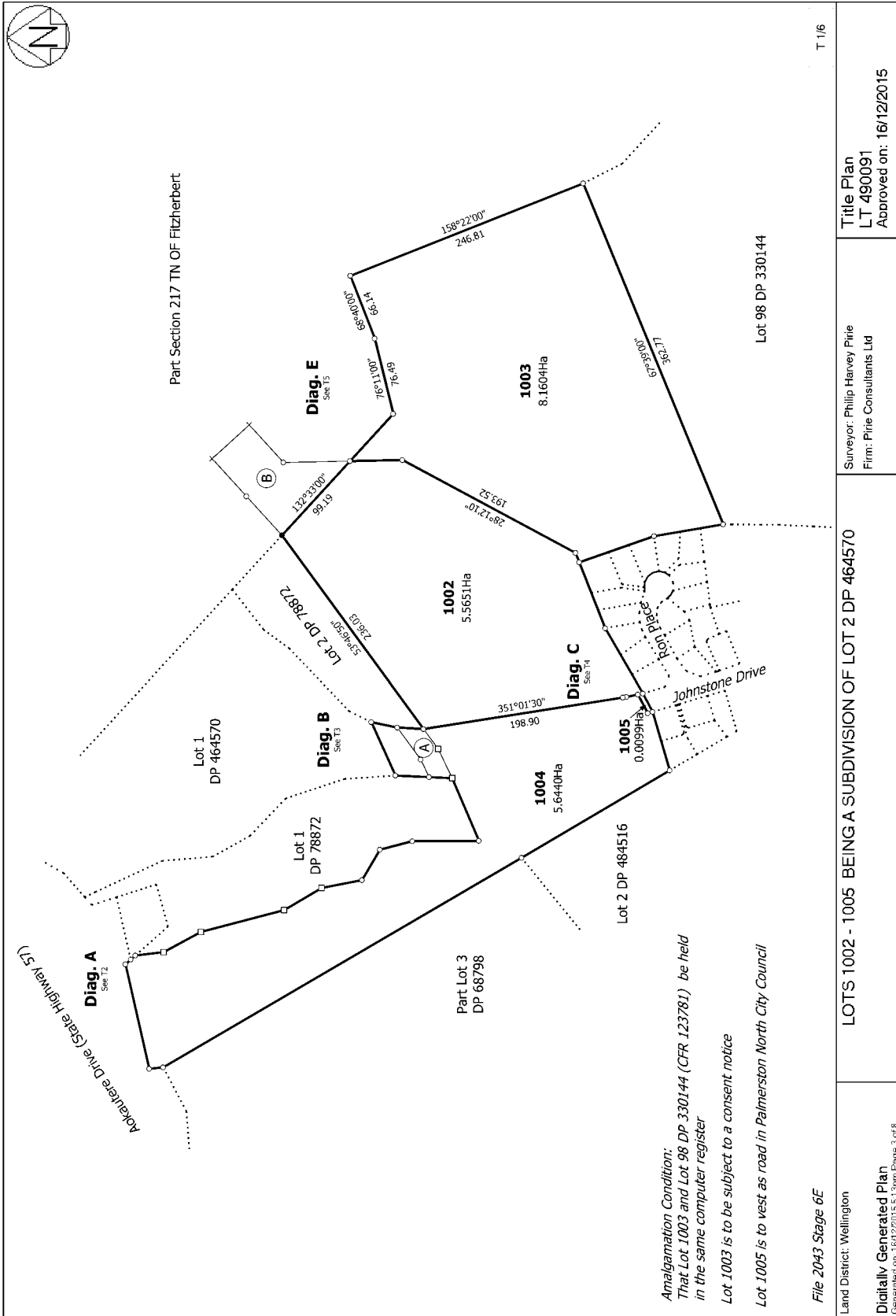
Prior References
123781 617072

Estate Fee Simple
Area 48.1554 hectares more or less
Legal Description Lot 98 Deposited Plan 330144 and Lot
1003 Deposited Plan 490091

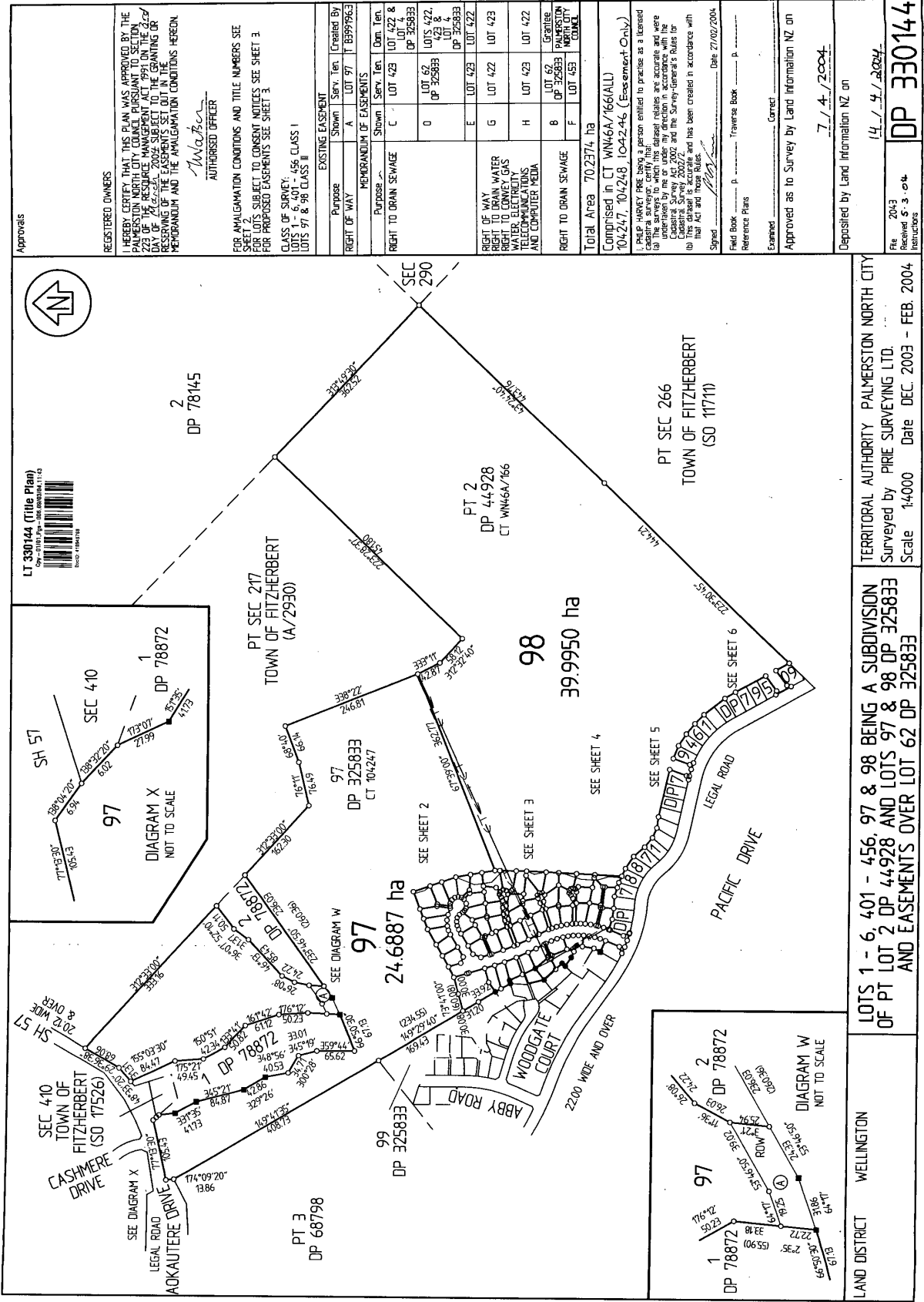
Registered Owners
CTS Investments LLC

Interests

Subject to a right of way over Lot 98 DP 330144 marked A on DP 364252 created by Easement Instrument 7250827.1 - 27.2.2007 at 9:00 am
8927489.2 Mortgage to CTS Investments LLC - 1.12.2011 at 11:23 am
9527250.3 Encumbrance to Palmerston North City Council - 26.9.2013 at 3:30 pm (affects Lot 1003 DP 490091)
9527250.4 Mortgage Priority Instrument making Encumbrance 9527250.3 first priority and Mortgage 8927489.2 second priority - 26.9.2013 at 3:30 pm
10169351.2 Variation of Mortgage 8927489.2 - 17.11.2015 at 11:58 am
Subject to Section 241(2) and Sections 242(1) and (2) Resource Management Act 1991(affects DP 490091)
10292952.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 18.12.2015 at 12:57 pm (affects Lot 1003 DP 490091)



T 1/6	Title Plan LT 490091 Approved on: 16/12/2015	Surveyor: Philip Harvey Pirie Firm: Pirie Consultants Ltd	LOTS 1002 - 1005 BEING A SUBDIVISION OF LOT 2 DP 464570
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REGISTERED OWNERS
 HEREBY CERTIFY THAT THIS PLAN WAS APPROVED BY THE PALMERSTON NORTH CITY COUNCIL PURSUANT TO SECTION 223 OF THE RESOURCE MANAGEMENT ACT 1991 ON THE 22nd DAY OF FEBRUARY 2004. THE REGISTERED OWNERS HEREBY CERTIFY THAT THE EASEMENTS SET OUT IN THE PLANING OR MEMORANDUM AND THE AMALGAMATION CONDITIONS HEREON ARE VALID AND BINDING ON THE REGISTERED OWNERS.

M. Watson
 AUTHORIZED OFFICER

FOR AMALGAMATION CONDITIONS AND TITLE NUMBERS SEE SHEET 2.
 FOR LOTS SUBJECT TO CONSENT NOTICES SEE SHEET 3.
 FOR PROPOSED EASEMENTS SEE SHEET 3.

CLASS OF SURVEY:
 LOTS 1 - 6, 401 - 456 CLASS I
 LOTS 97 & 98 CLASS II

Purpose	EXISTING EASEMENT		Created By
	Shown	Serv. Ten	
RIGHT OF WAY	A	LOT 97	B3997863
MEMORANDUM OF EASEMENTS			
Purpose	Shown	Serv. Ten	Dim. Ten
RIGHT TO DRAIN SEWAGE	C	LOT 423	LOT 422 & DP 325833
	0	LOT 62	LOTS 422, 423 & DP 325833
	E	LOT 429	LOT 422
RIGHT OF WAY	G	LOT 422	LOT 423
RIGHT TO CONVEY WATER, ELECTRICITY, TELECOMMUNICATIONS AND COMPUTER MEDIA	H	LOT 423	LOT 422
RIGHT TO DRAIN SEWAGE	B	LOT 62	Grantee: PALMERSTON NORTH CITY COUNCIL
	F	LOT 451	

Total Area 70,237.4 ha
 Comprised in CT WN46A/166(ALL)
 104,247, 104,248, 104,246 (Easement Only)

I, PHILIP HARVEY PIRE being a person entitled to practise as a licensed cadastral surveyor, certify that the boundaries, rights and interests set out hereon were surveyed by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Survey-General's Rules for the Survey of Land. The survey is accurate and has been created in accordance with their Act and those Rules.

Signed: *[Signature]* Date 27/02/2004
 Field Book: P. Traverse Book: P.
 Examined: _____ Contact: _____
 Approved as to Survey by Land Information NZ on: _____

Deposited by Land Information NZ on: 7/4/2004
 File: 2043
 Received: 5.3.04
 Instructors: DP 330144
 SHEET 1 OF 6

TERRITORIAL AUTHORITY PALMERSTON NORTH CITY
 Surveyed by PIRE SURVEYING LTD.
 Scale 14000 Date DEC. 2003 - FEB. 2004

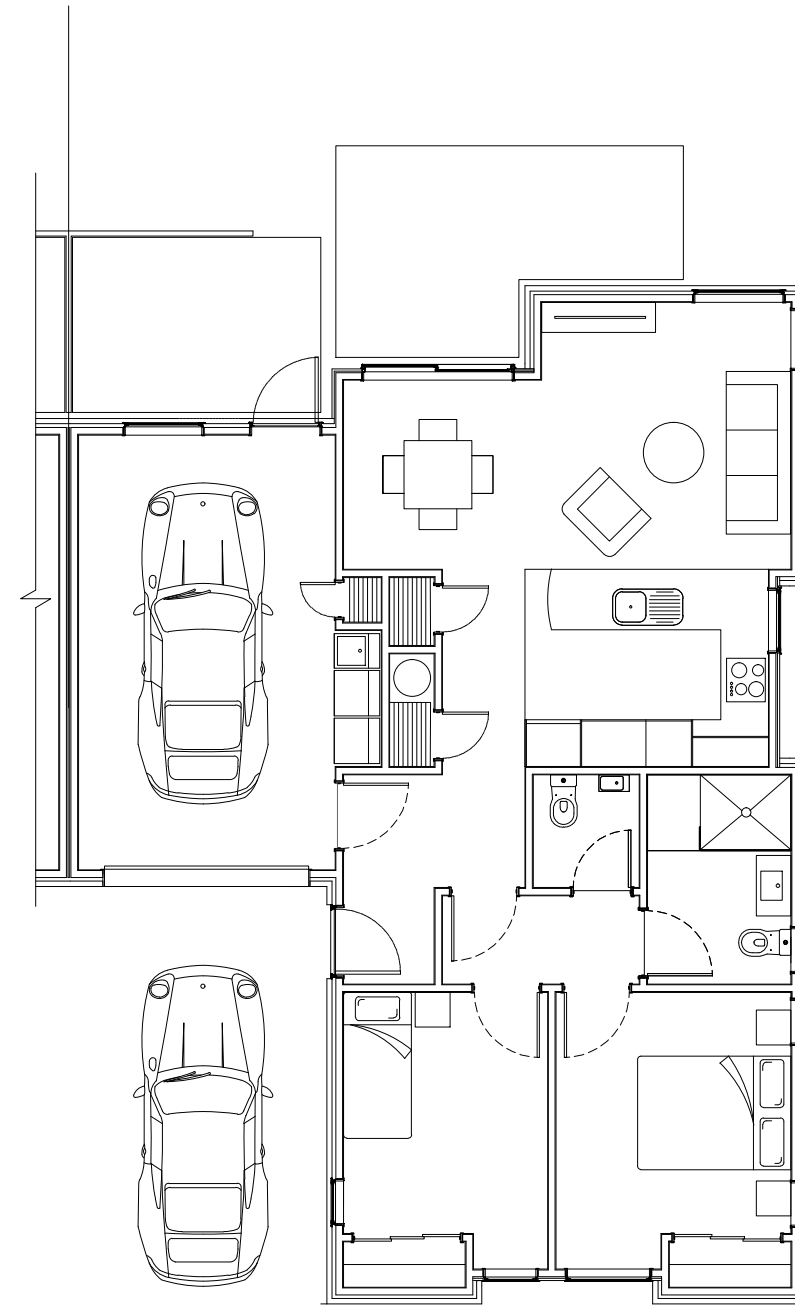
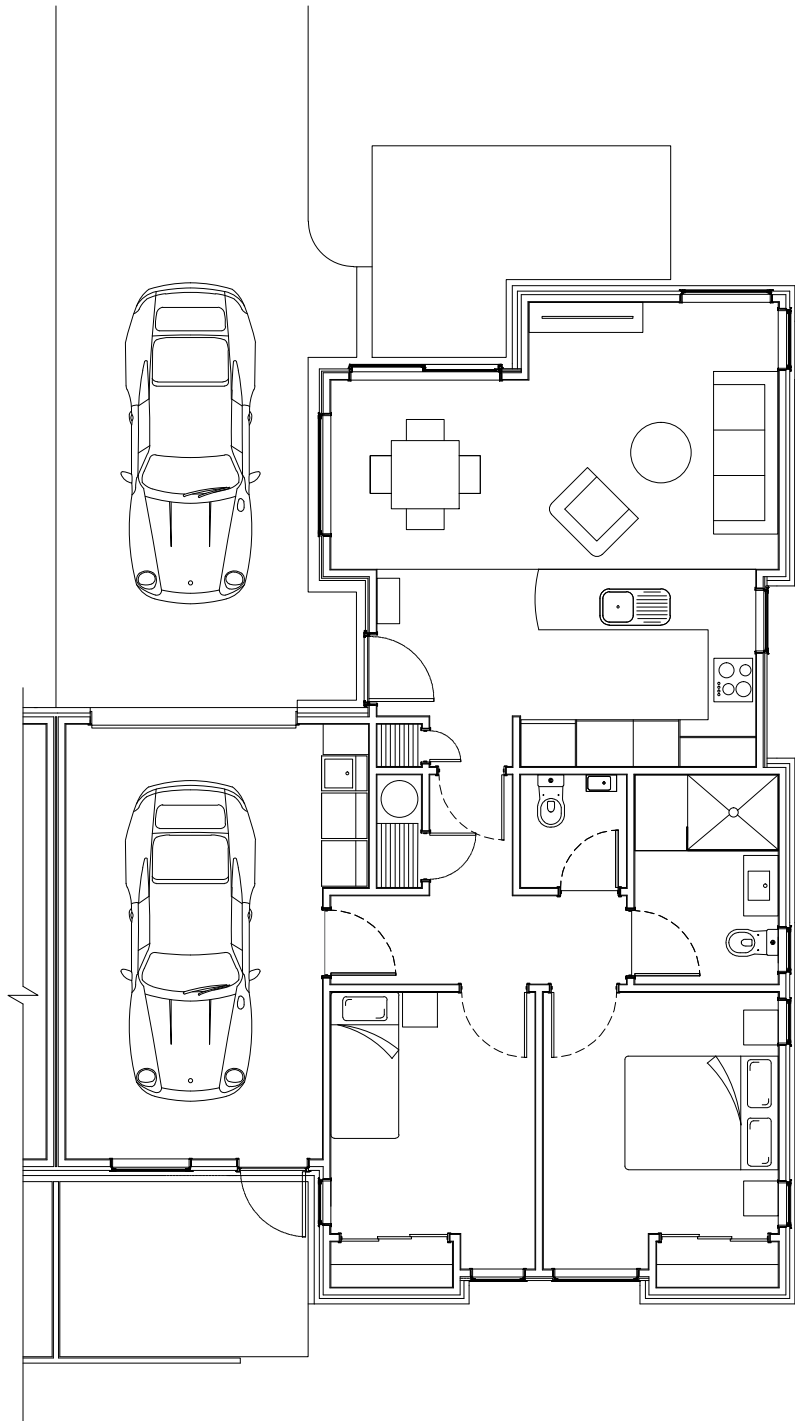
LOTS 1 - 6, 401 - 456, 97 & 98 BEING A SUBDIVISION OF PT LOT 2 DP 44928, AND LOTS 97 & 98 DP 325833 AND EASEMENTS OVER LOT 62 DP 325833

LAND DISTRICT WELLINGTON



APPENDIX B

VILLA DESIGNS: HPA LTD

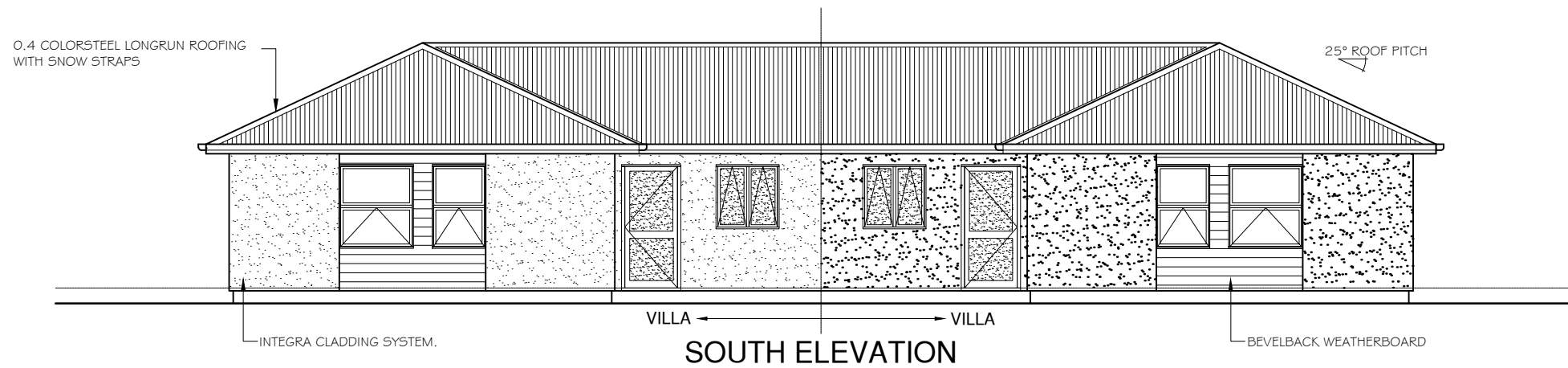
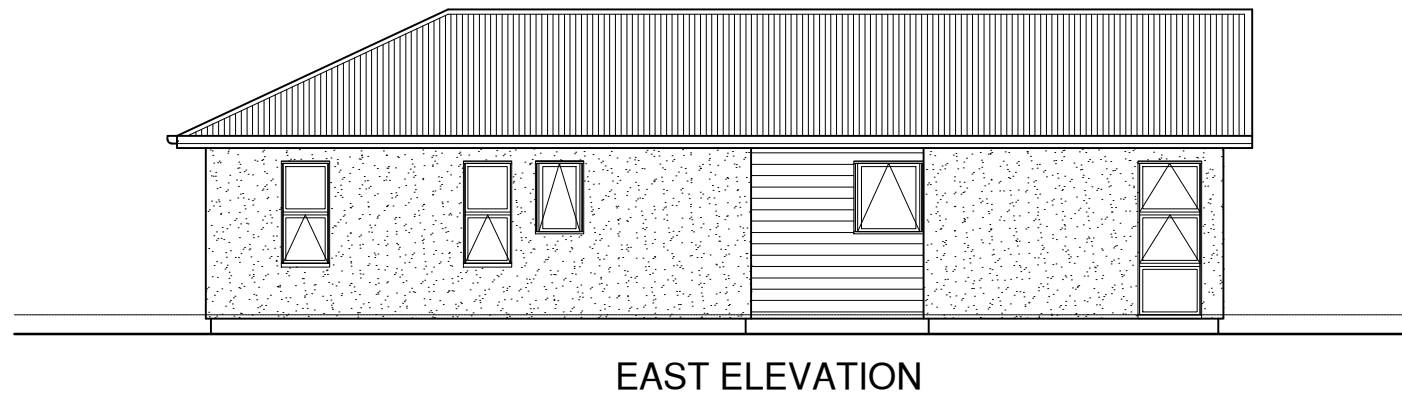
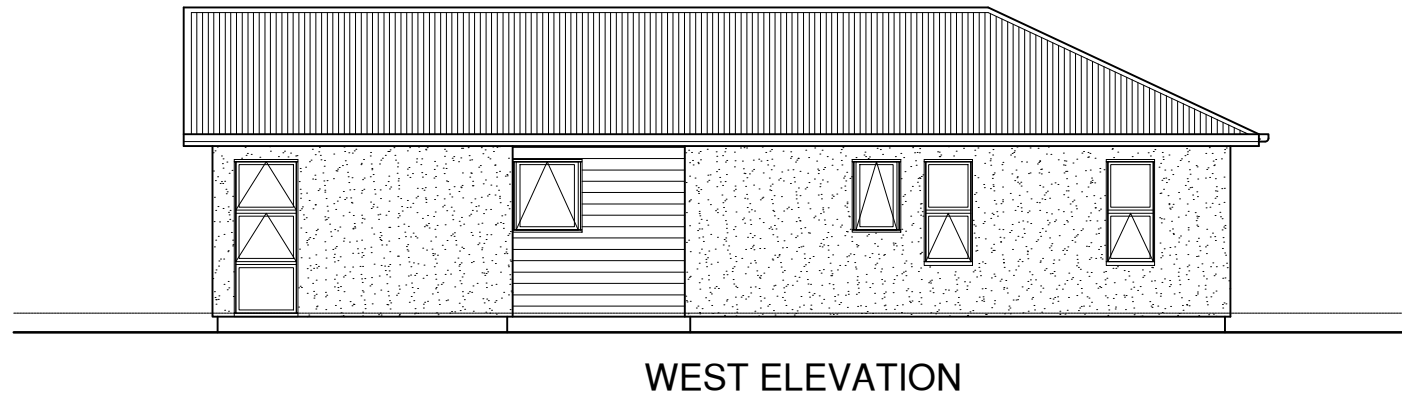
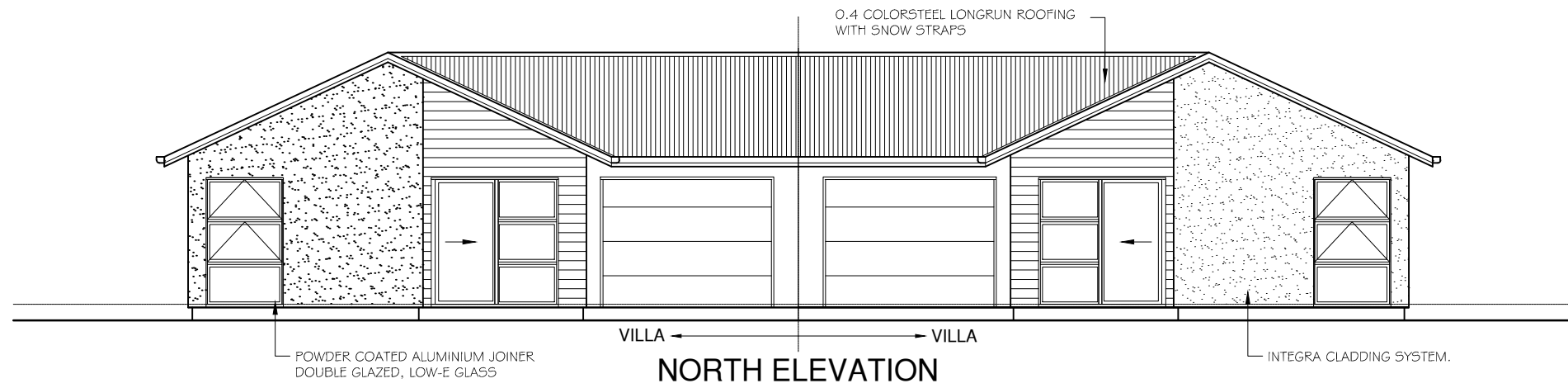


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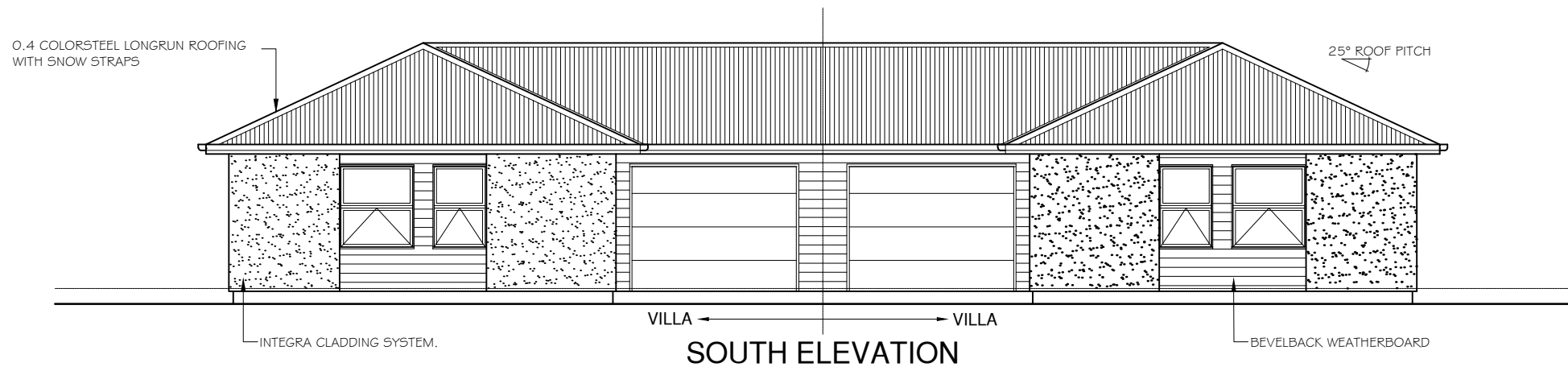
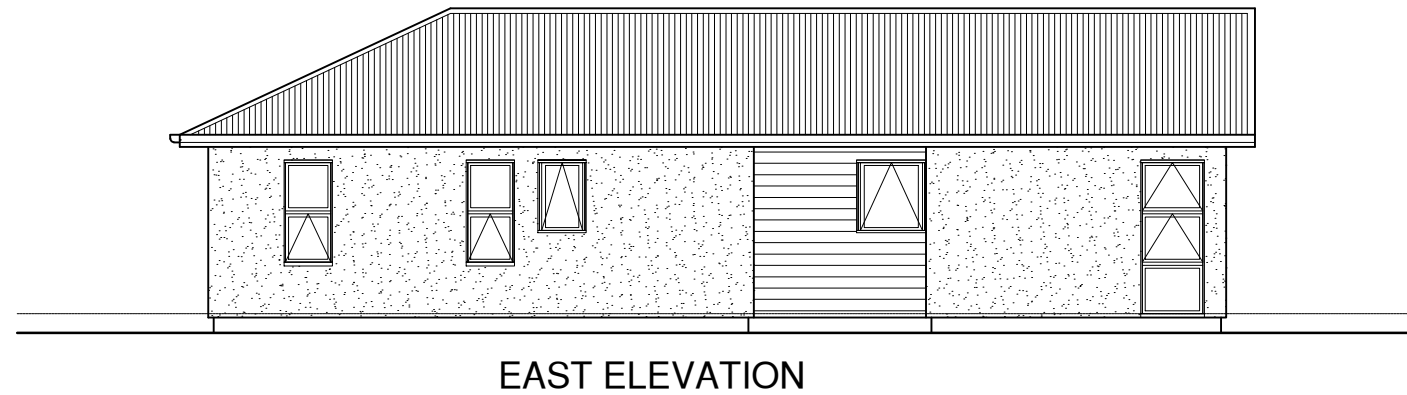
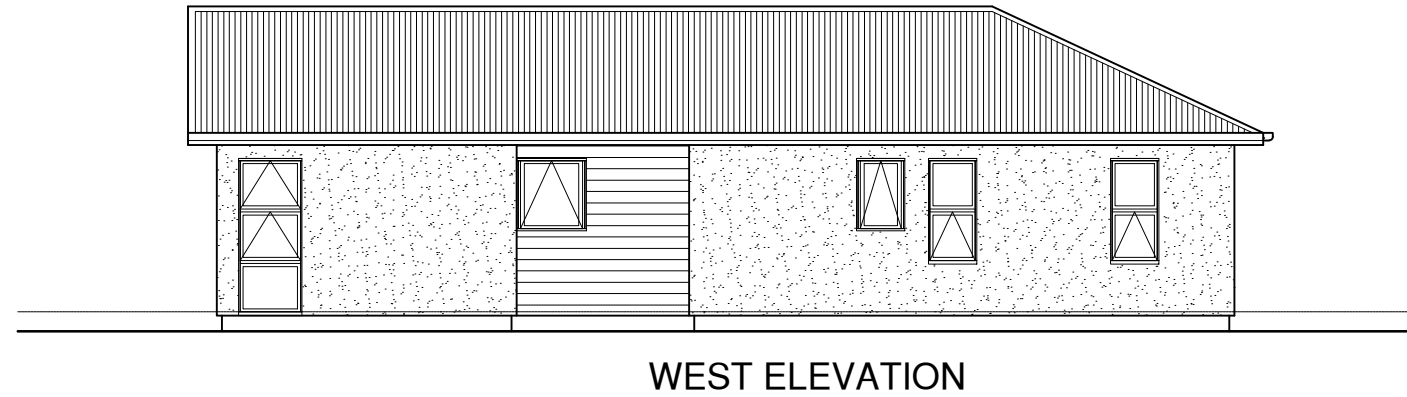
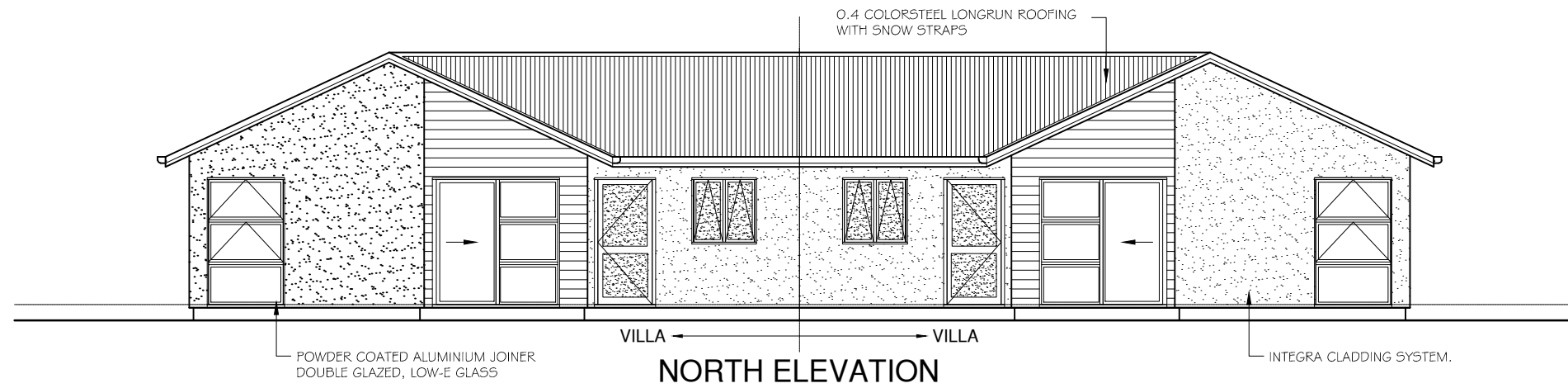
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 AUCKLAND, 2145
 09 974 3641
 www.hpa.co.nz
 info@hpa.co.nz



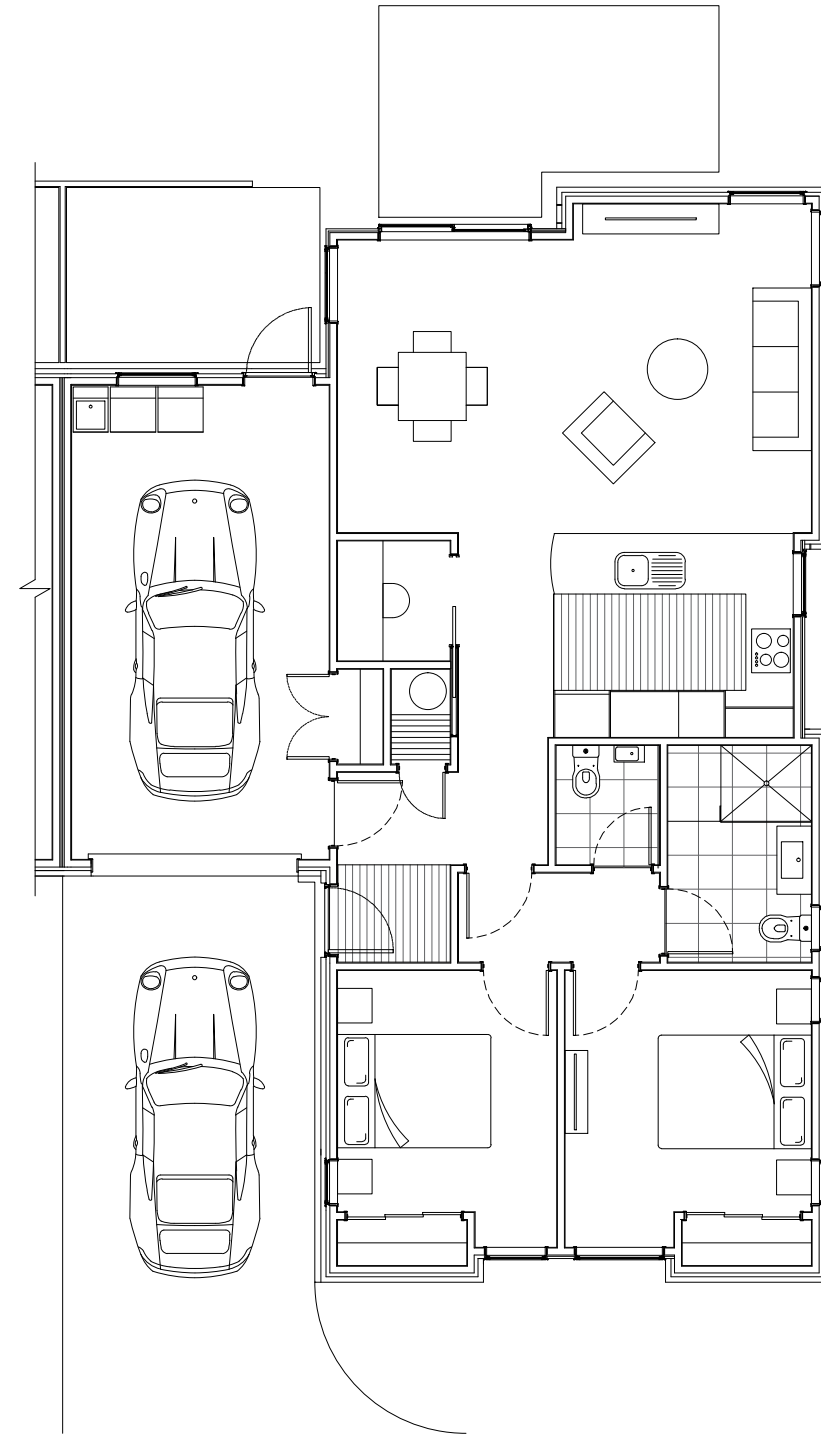
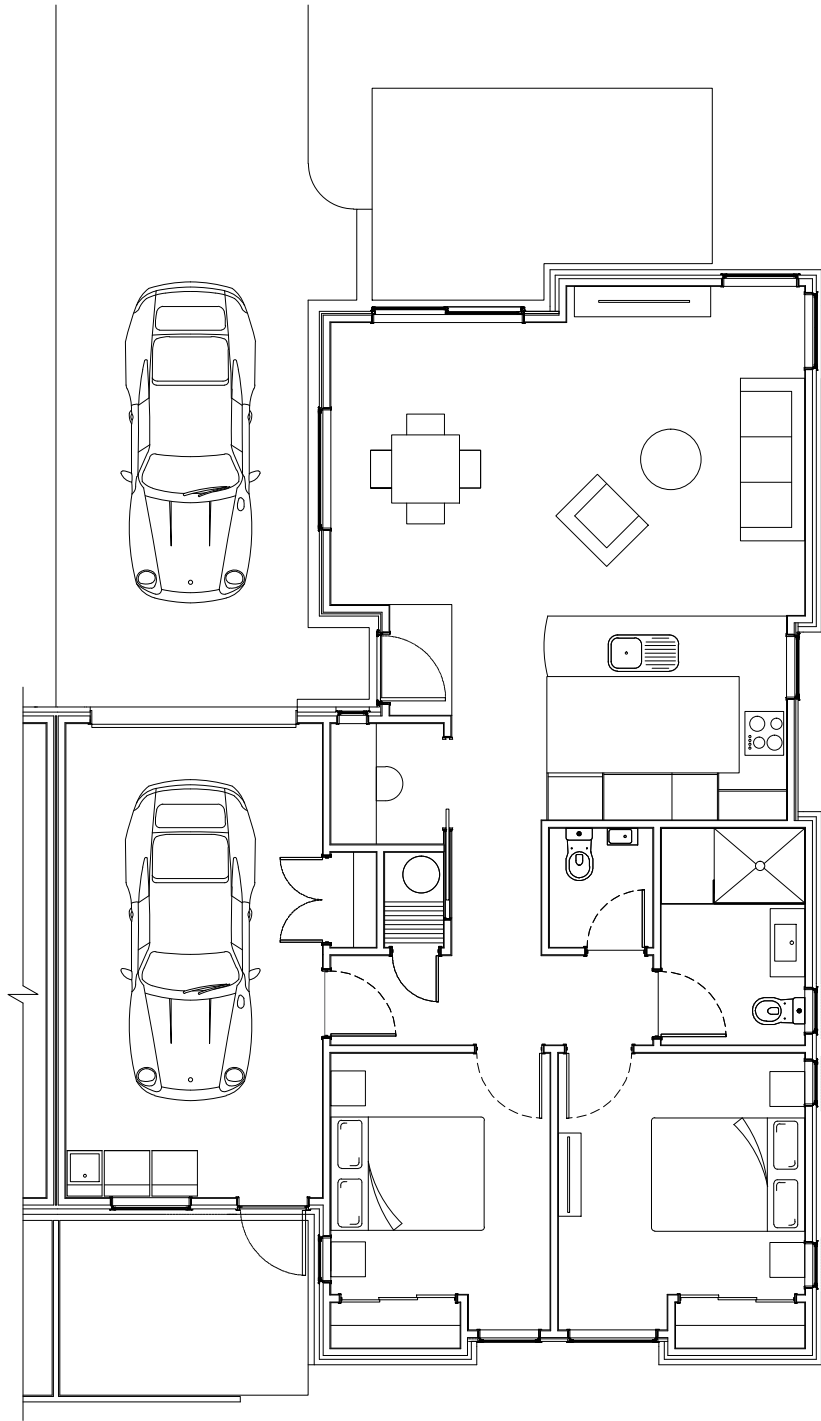
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				SK	SK
				SCALE	DATE
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				CHECKED	HPA
				REVISION	-



NOTES:	REVISION	DESCRIPTION	DATE	REVISION	DESCRIPTION	DATE	HPA Services	CONSULTANTS	CLIENT	PROJECT TITLE	SHEET TITLE	PROJECT NO.	SHEET NO.	
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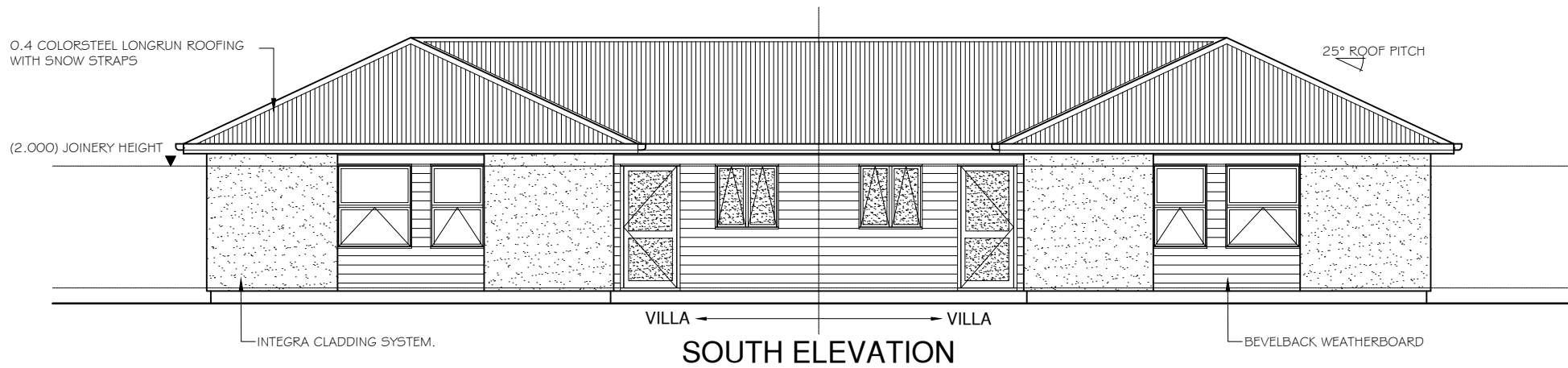
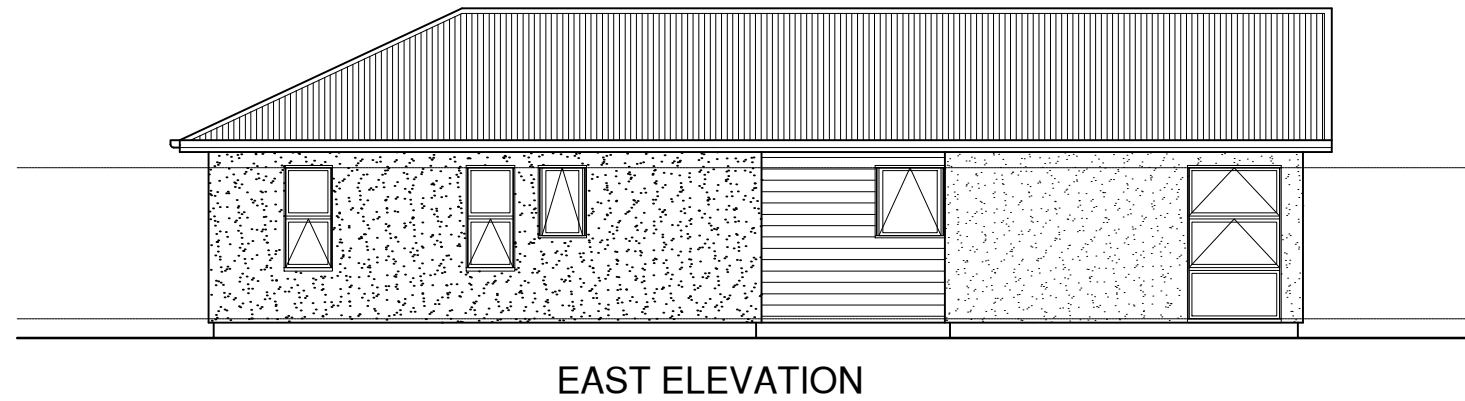
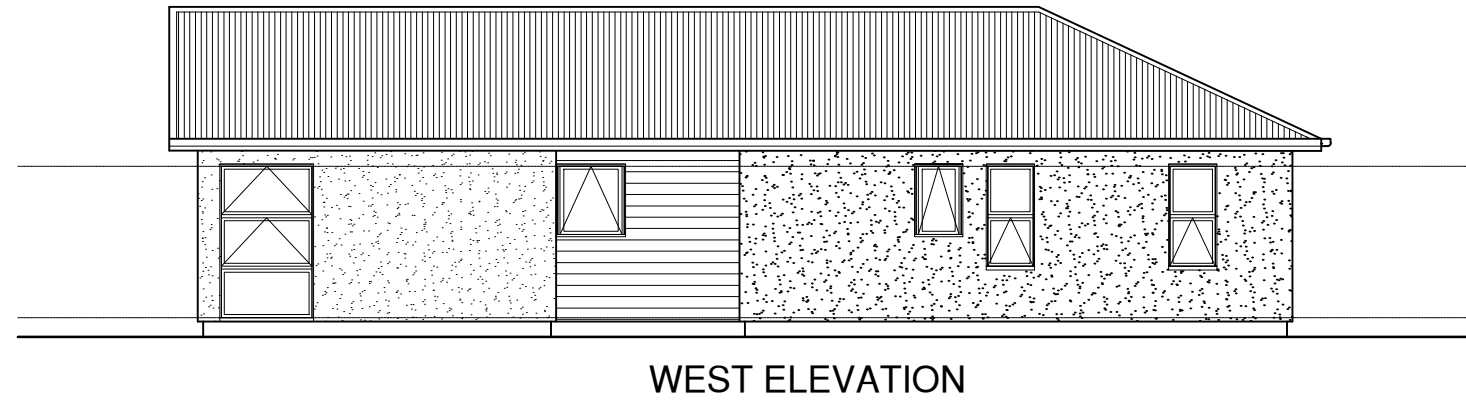
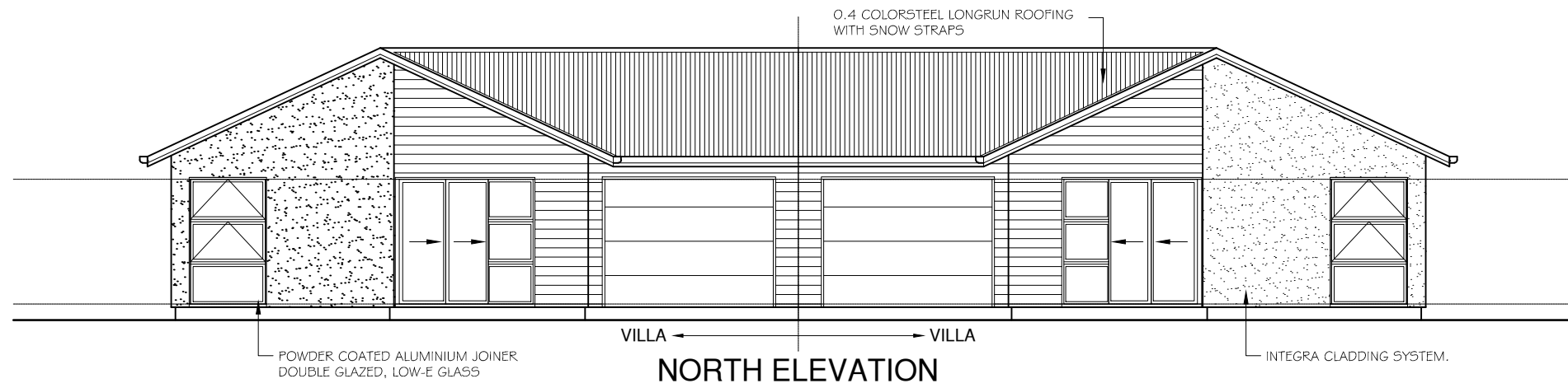
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												SK	SK	HPA
												SCALE	DATE	REVISION
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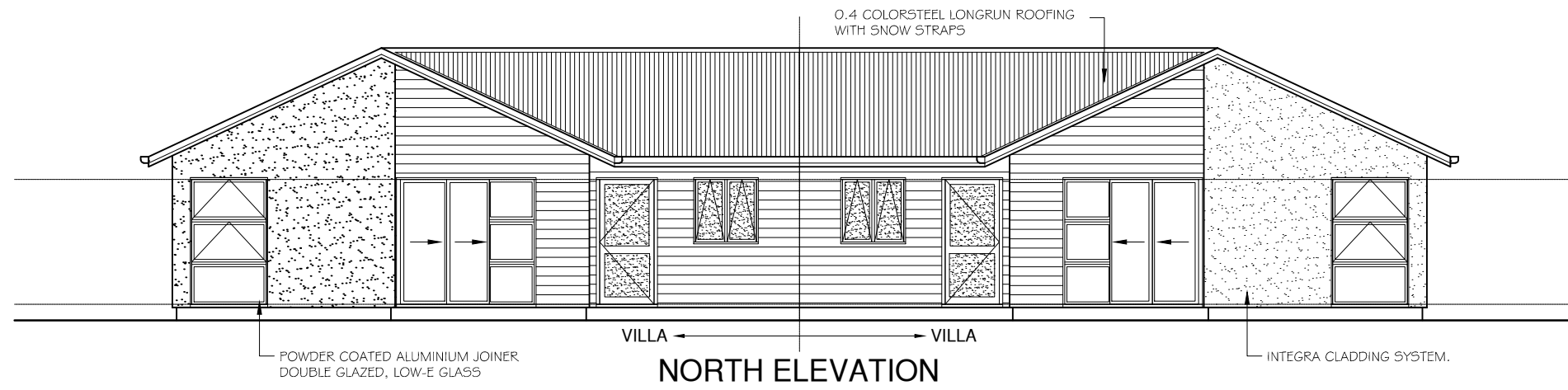
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											SCALE	DATE	REVISION
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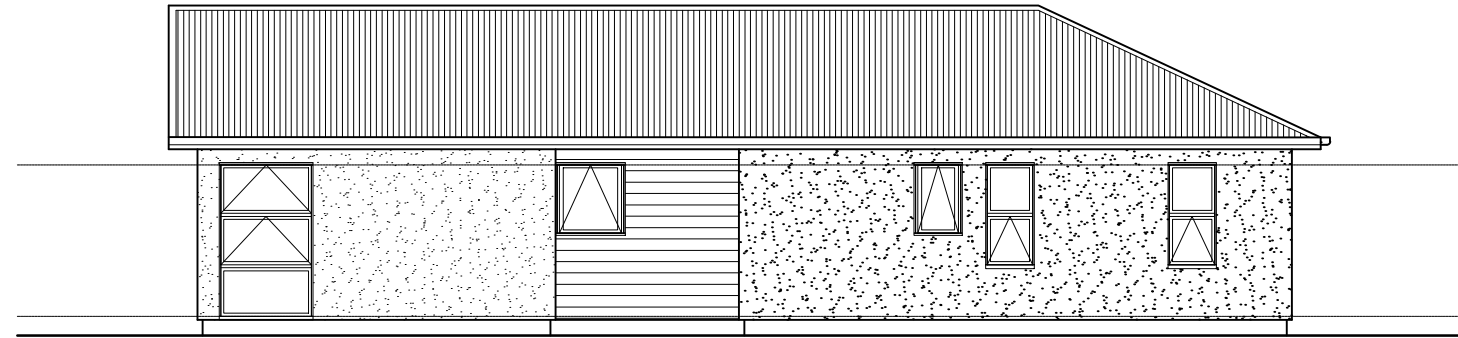




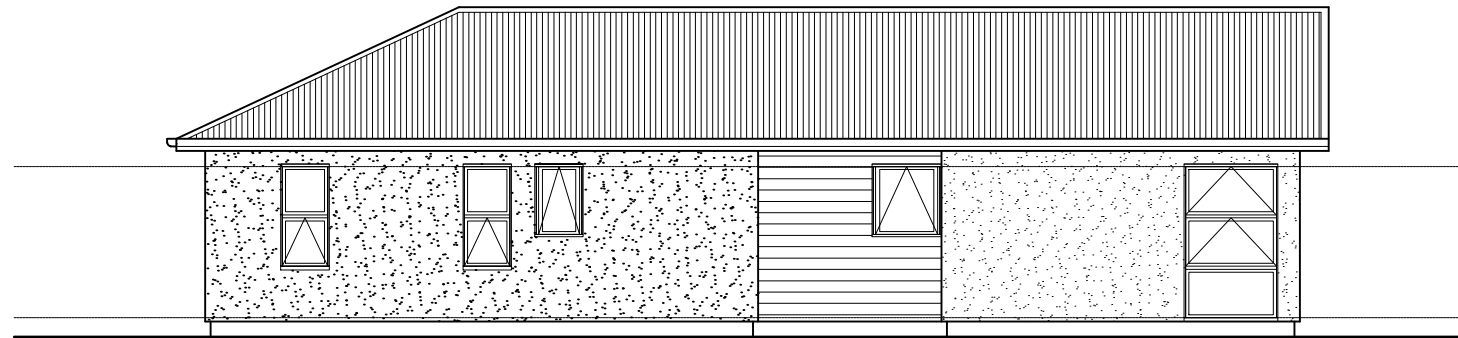
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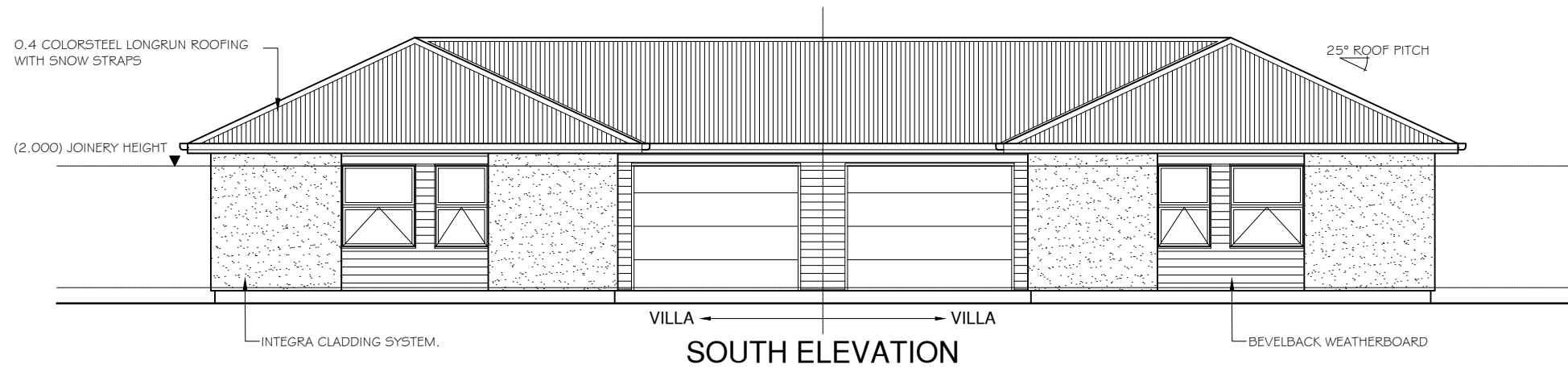
NORTH ELEVATION



WEST ELEVATION

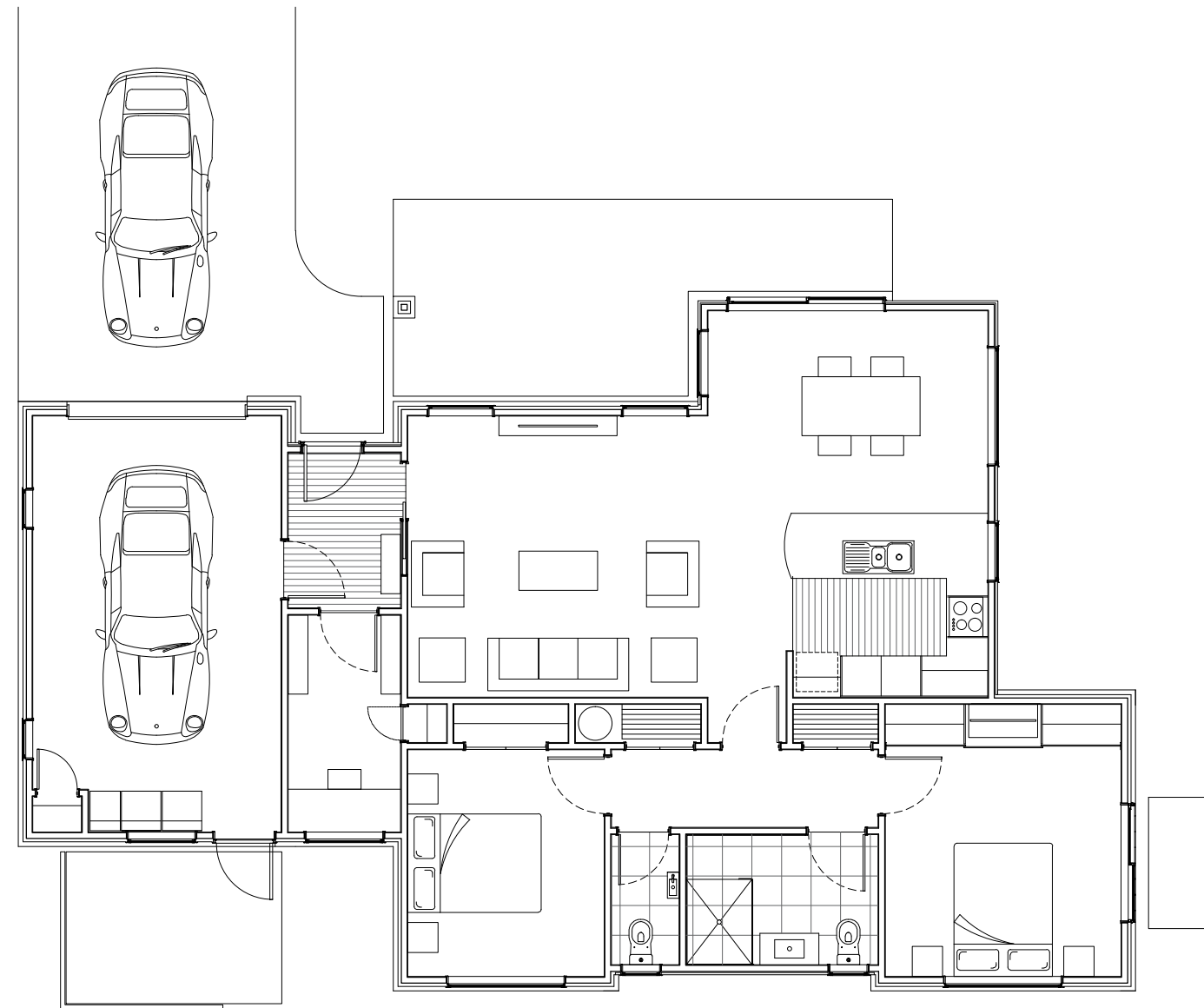
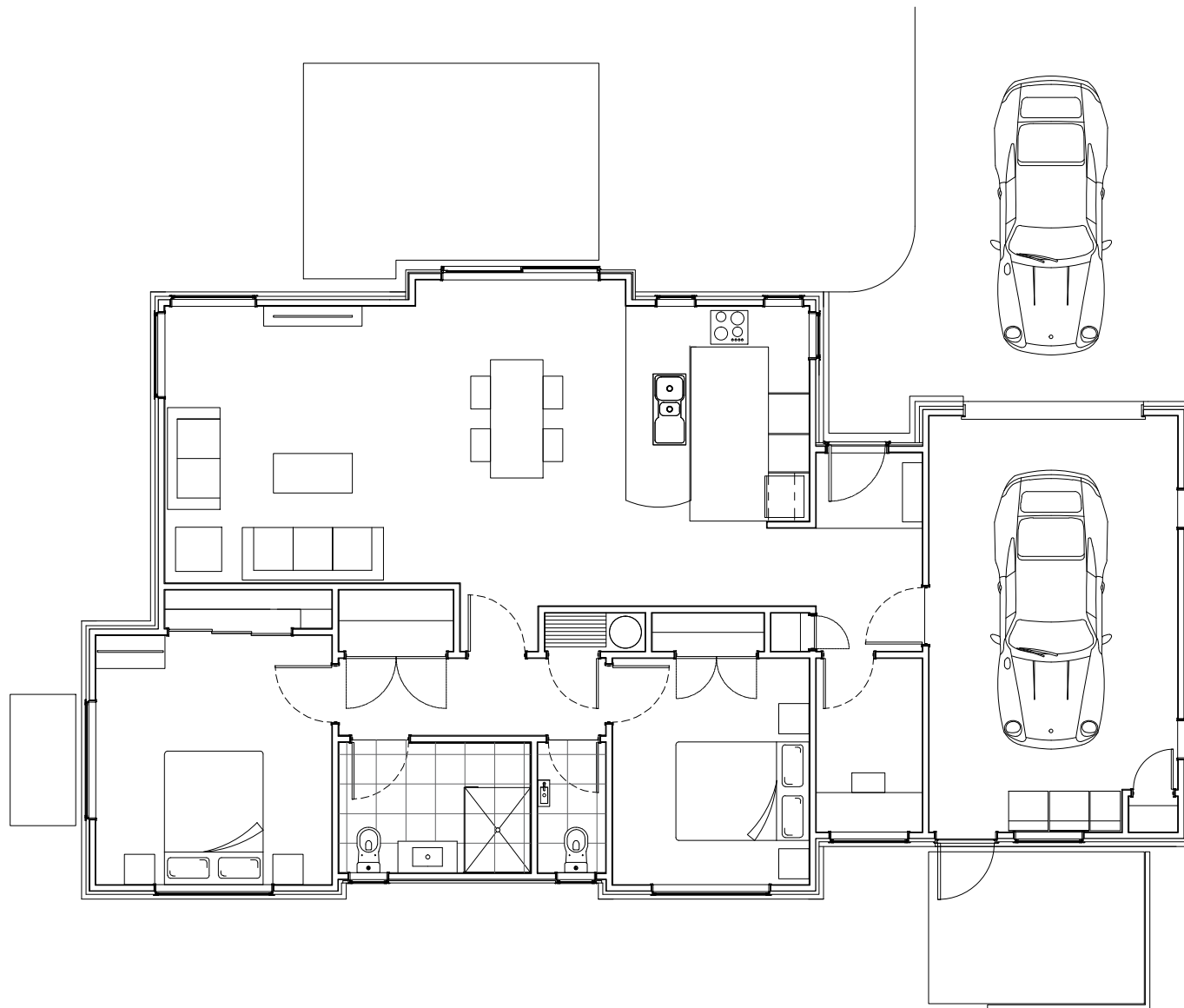


EAST ELEVATION



SOUTH ELEVATION

NOTES:	REVISION	DESCRIPTION	DATE	REVISION	DESCRIPTION	DATE	HPA Services	CONSULTANTS	CLIENT	PROJECT TITLE	SHEET TITLE	PROJECT NO.	SHEET NO.	
DO NOT SCALE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK Contractors and Sub Contractors: to ensure all restricted building works are to be carried out by approved licensed building practitioners.							PO Box 39307 Howick AUCKLAND, 2145 09 974 3641 www.hpa.co.nz info@hpa.co.nz	Structural Engineer Services Engineer Quantity Surveyor Team Planner Civil Engineer Traffic Engineer Fire Engineer		PALMERSTON NTH RETIREMENT VILLAGE	PROPOSED VILLAGE VILLA ELEVATIONS TYPE BS	3740	A213	
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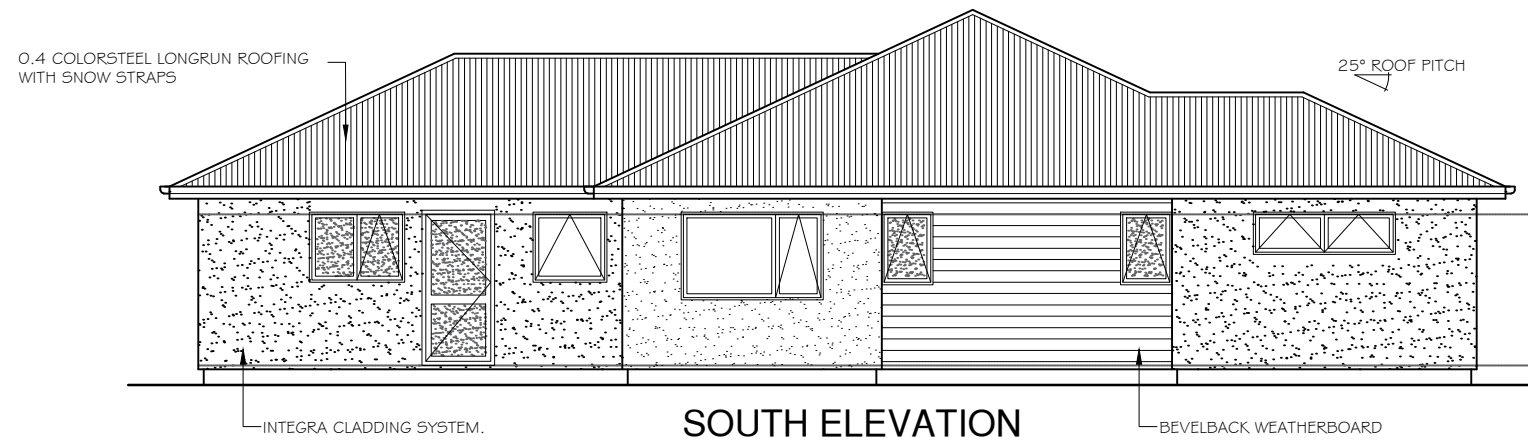
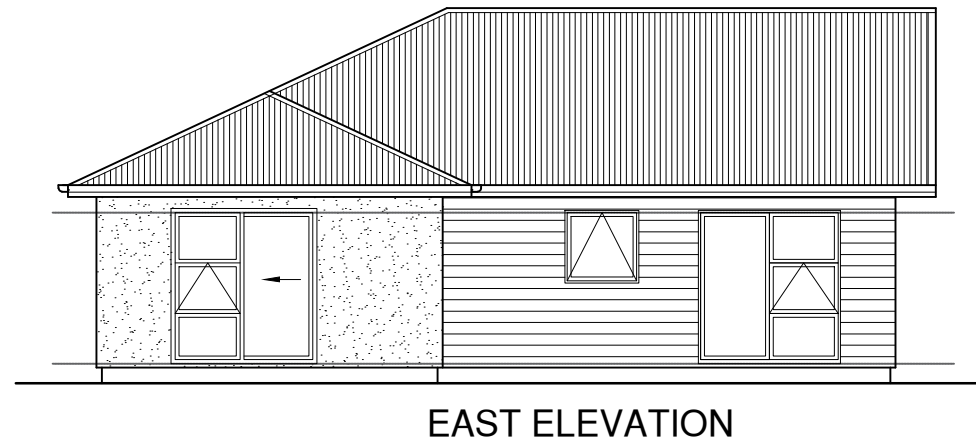
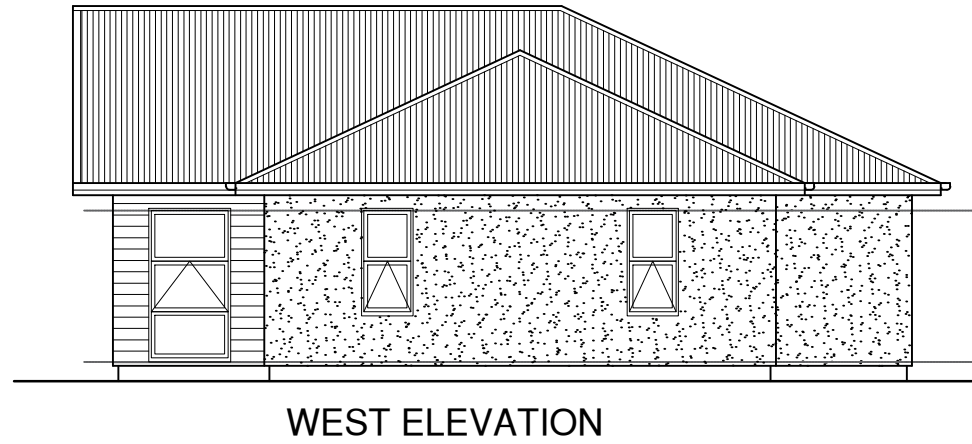
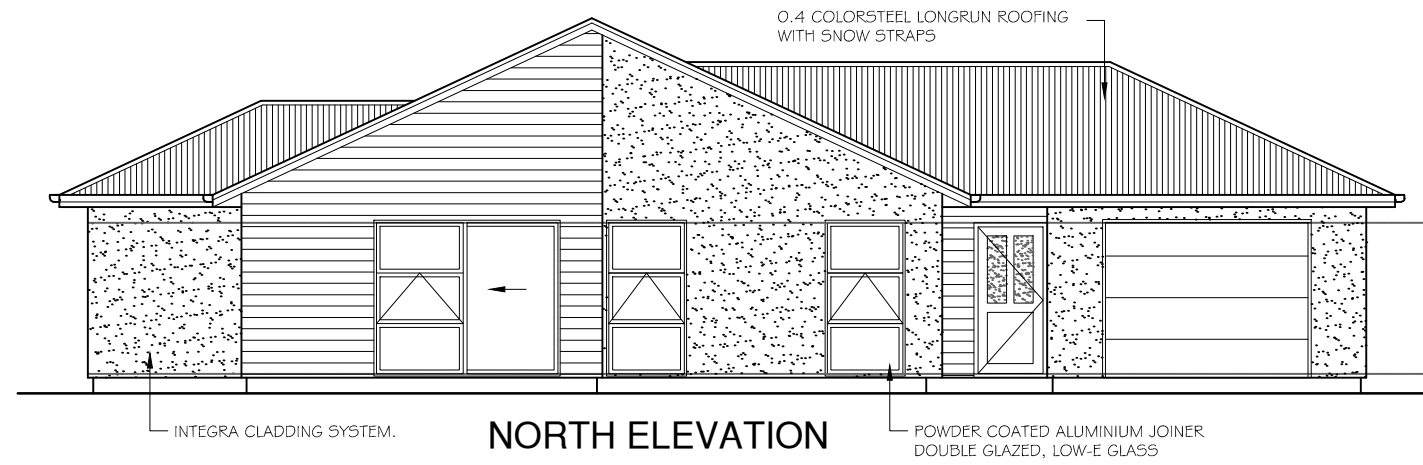


CONSULTANTS	CLIENT
Structural Engineer . Services Engineer . Quantity Surveyor . Town Planner . Civil Engineer . Traffic Engineer . Fire Engineer .	

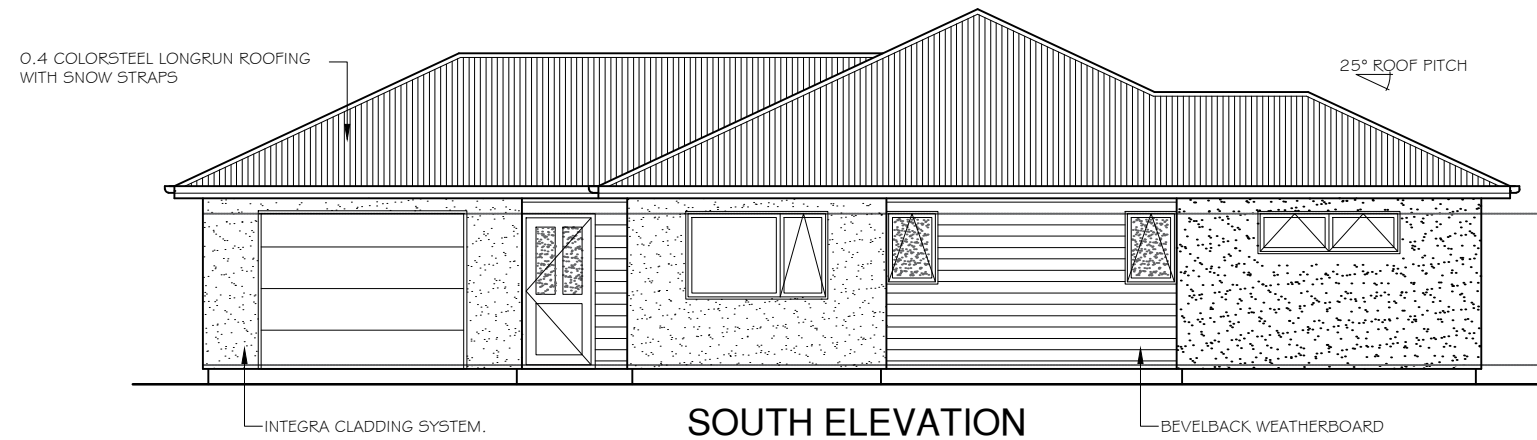
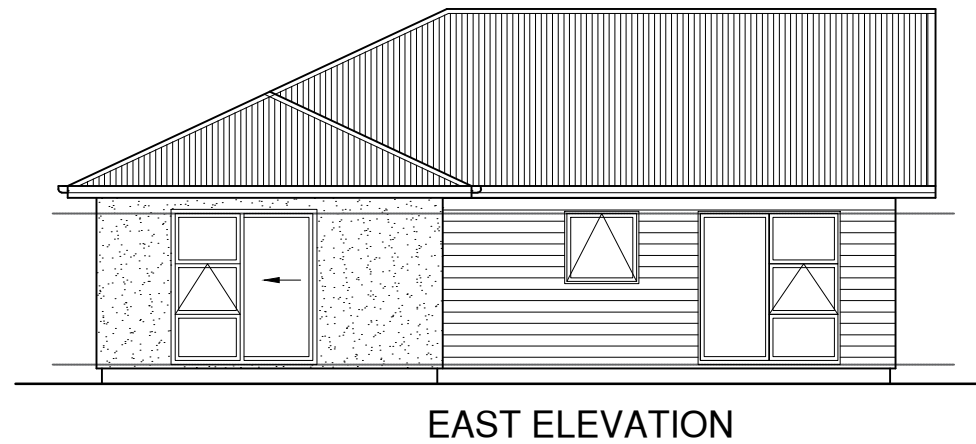
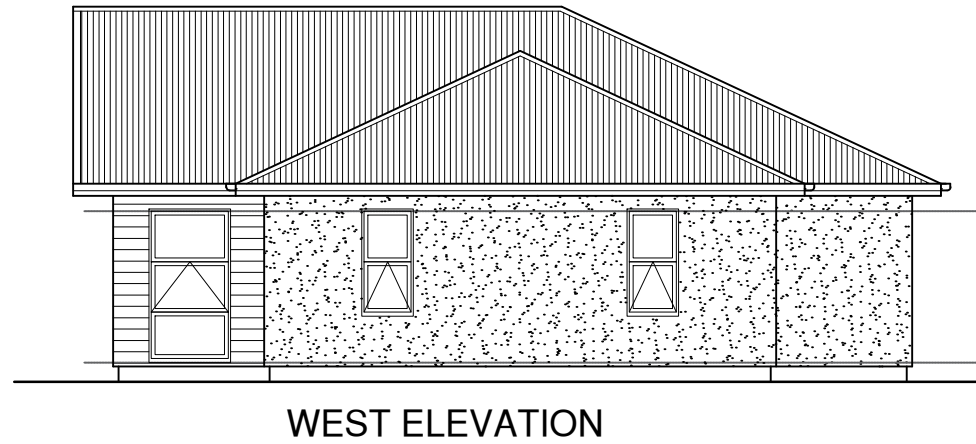
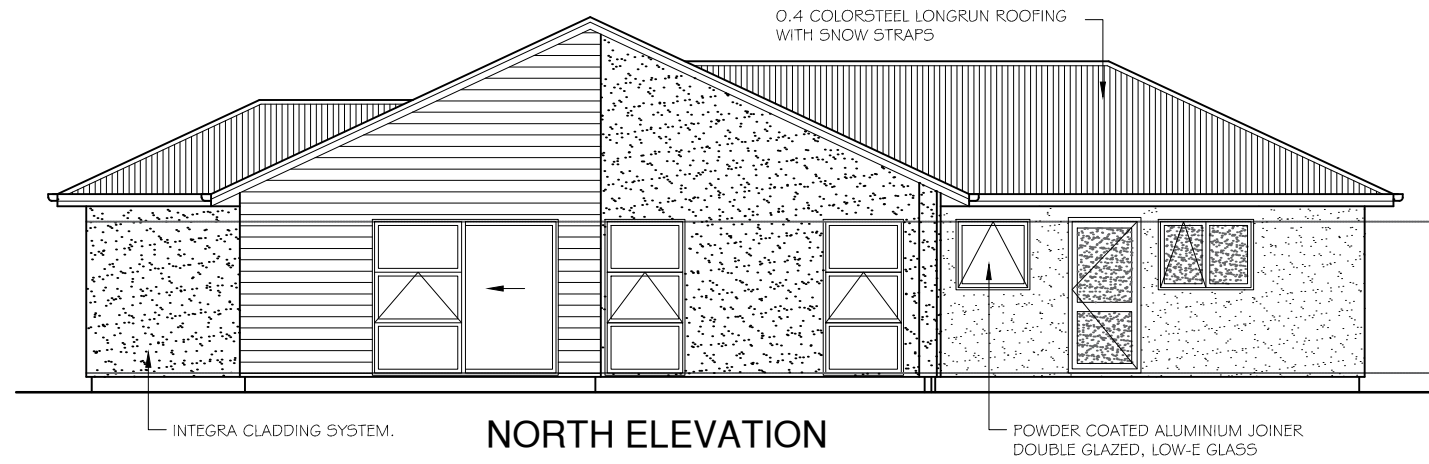
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**PALMERSTON NTH
 RETIREMENT
 VILLAGE**

SHEET TITLE
**PROPOSED VILLAGE
 VILLA PLANS
 TYPE CN(W) & CN(E)**

PROJECT NO.	SHEET NO.	
3740	A162	
DESIGNED	DRAWN	CHECKED
SK	SK	HPA
SCALE	DATE	REVISION
1:100@ A3	26-08-2021	-



NOTES:	REVISION	DESCRIPTION	DATE	REVISION	DESCRIPTION	DATE	HPA Services	CONSULTANTS	CLIENT	PROJECT TITLE	SHEET TITLE	PROJECT NO.	SHEET NO.	
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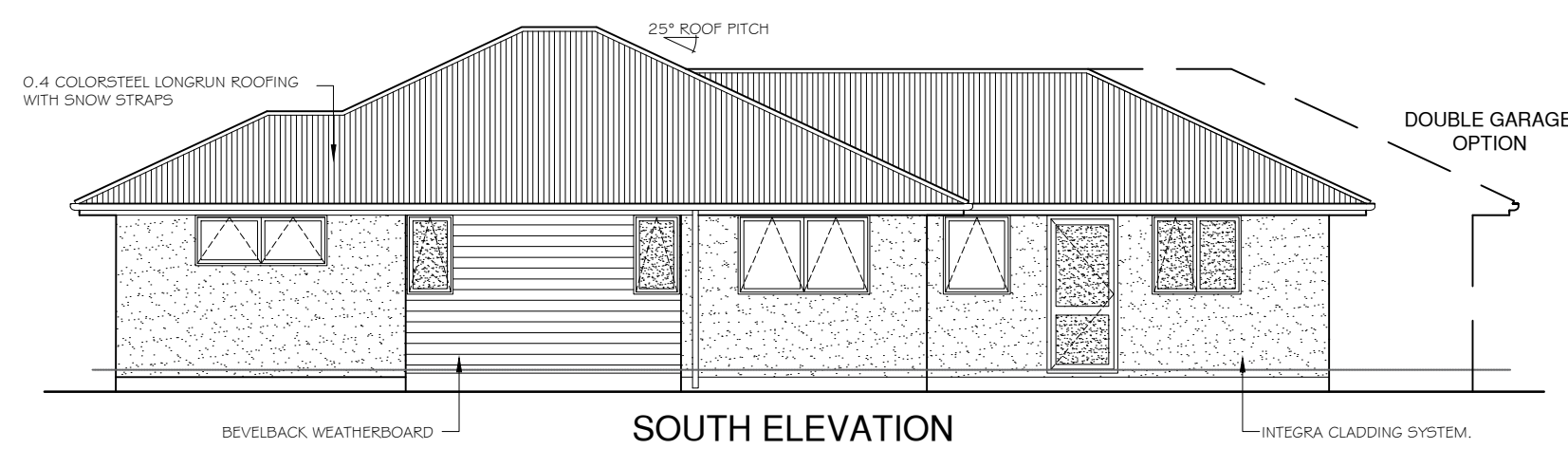
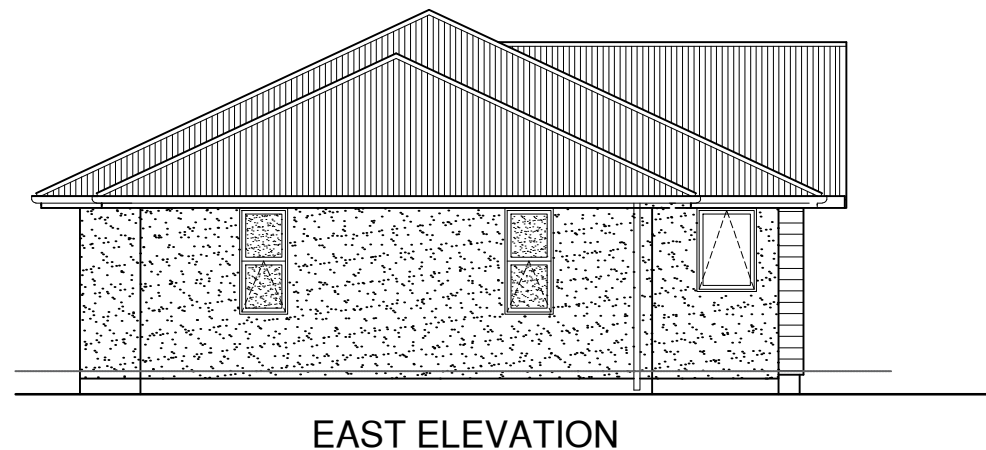
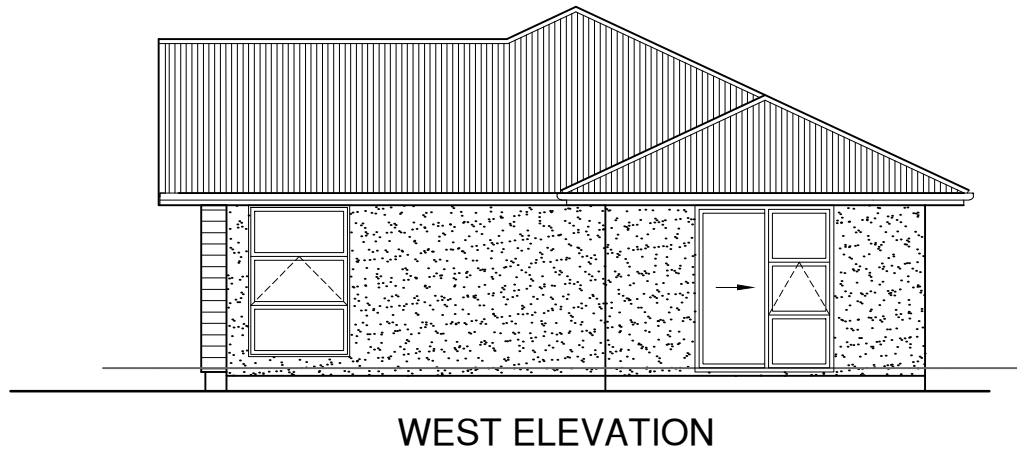
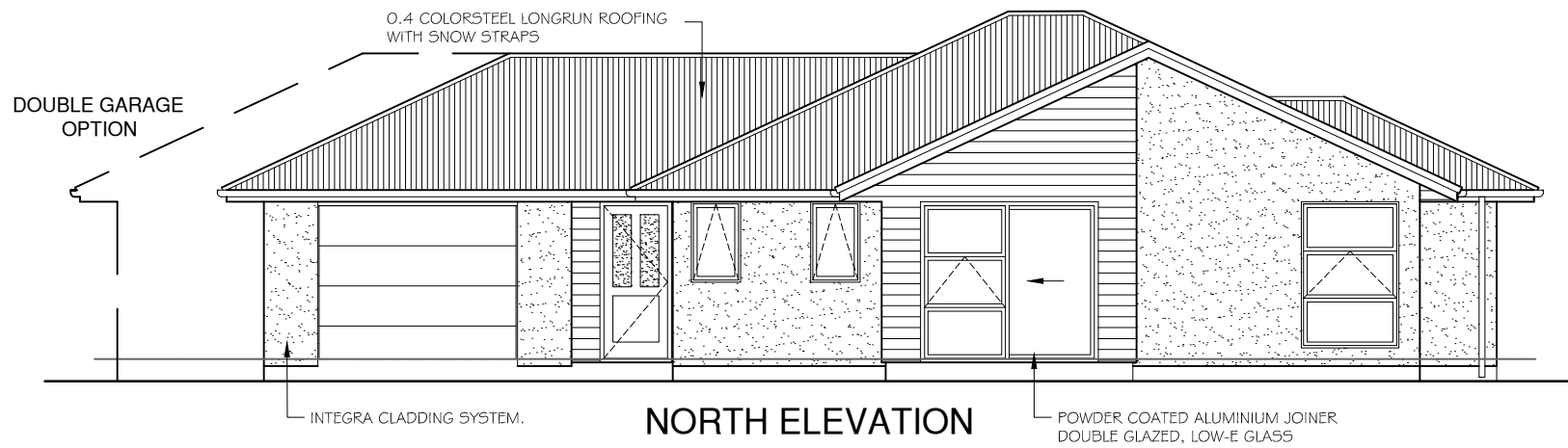


CONSULTANTS	CLIENT
Structural Engineer . Services Engineer . Quantity Surveyor . Town Planner . Civil Engineer . Traffic Engineer . Fire Engineer .	

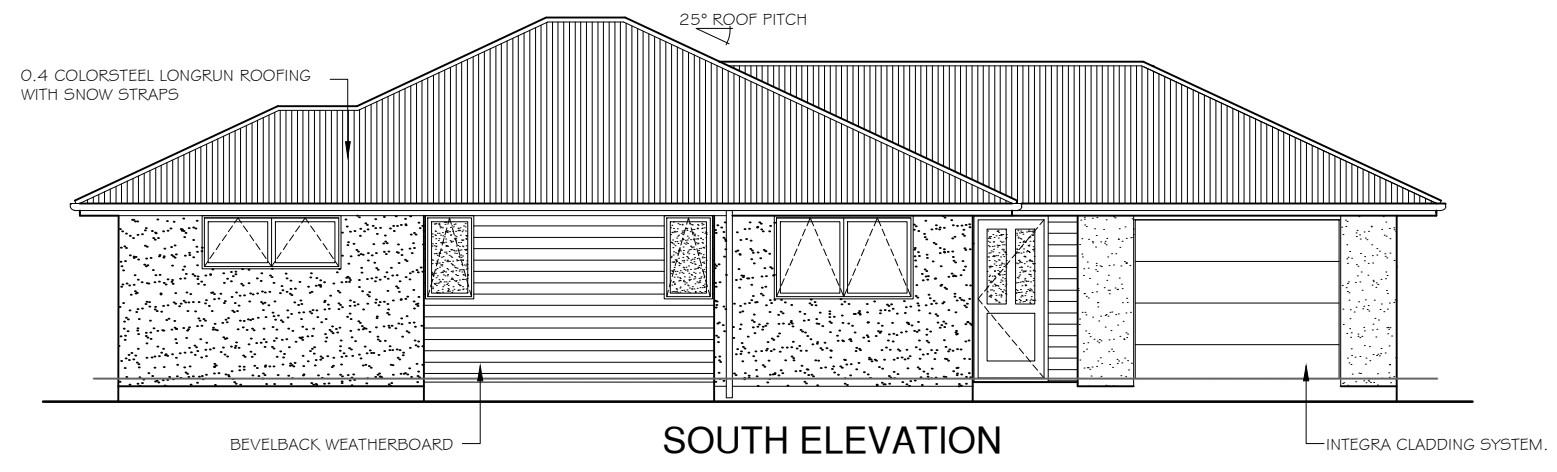
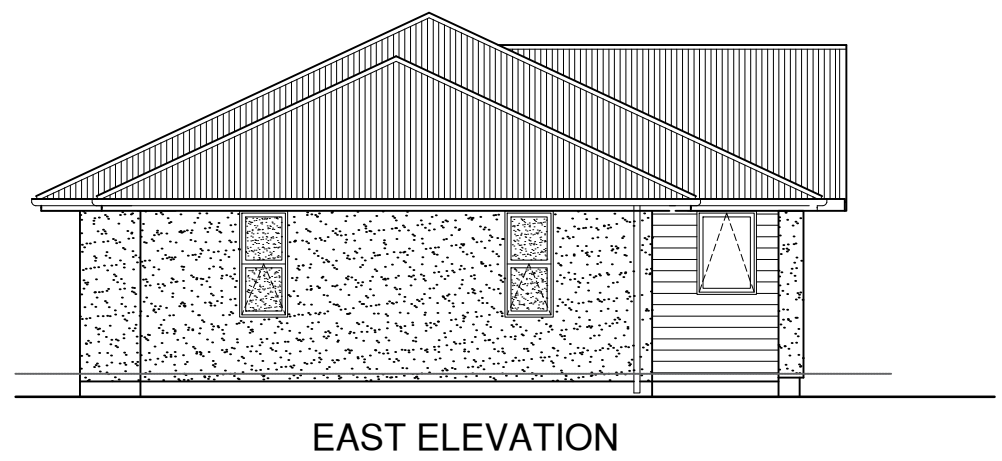
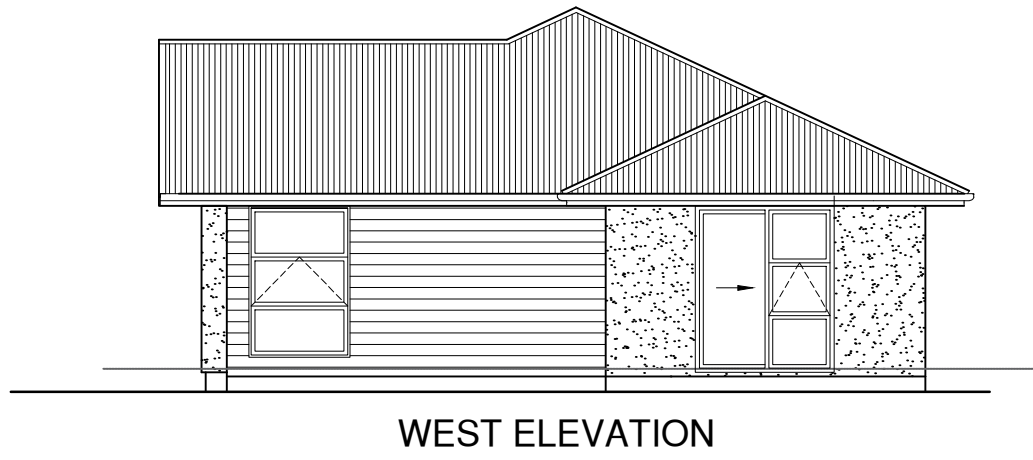
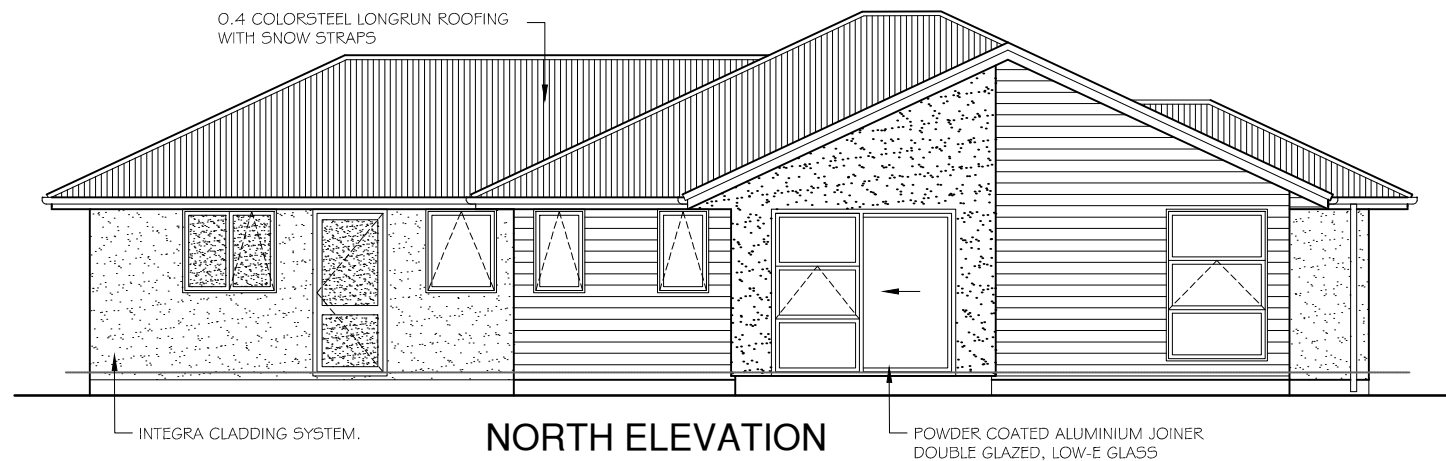
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**PALMERSTON NTH
 RETIREMENT
 VILLAGE**

SHEET TITLE
**PROPOSED VILLAGE
 VILLA PLANS
 TYPE CS(W) & CS(E)**

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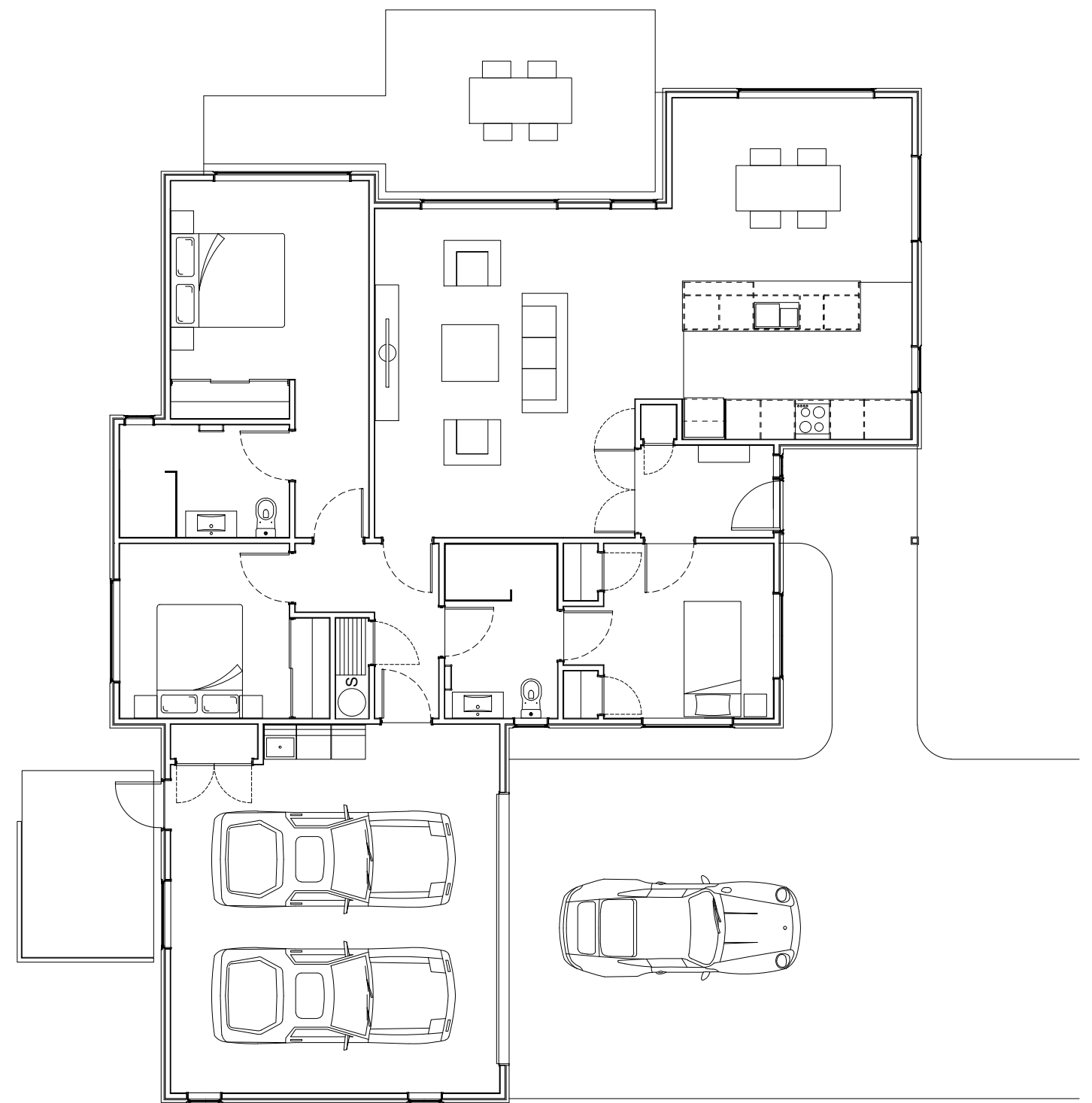
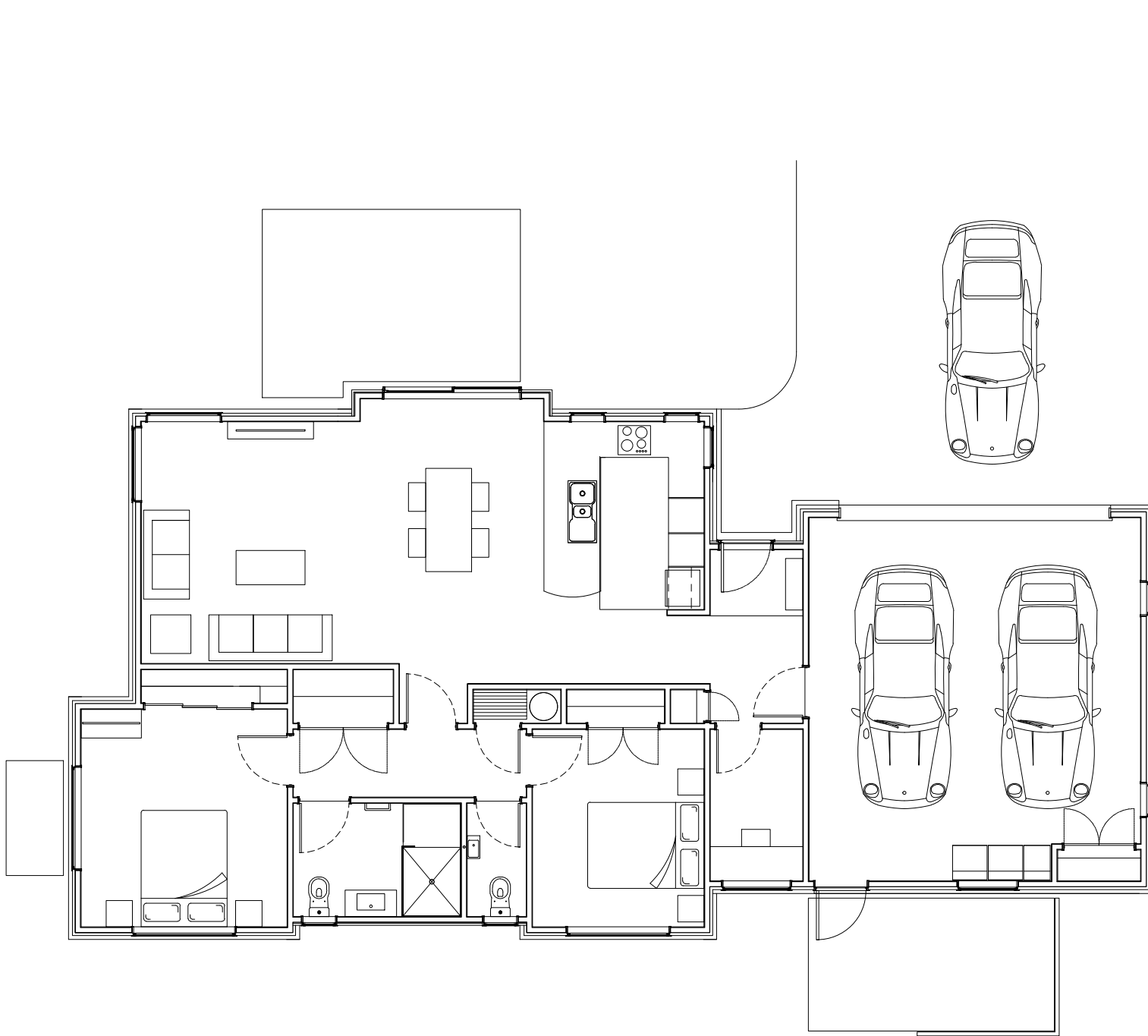


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												SK	SK	HPA
												SCALE	DATE	REVISION
												1:100@ A3	26-08-2021	-



NOTES:	REVISION	DESCRIPTION	DATE	REVISION	DESCRIPTION	DATE	HPA Services	CONSULTANTS	CLIENT	PROJECT TITLE	SHEET TITLE	PROJECT NO.	SHEET NO.
DO NOT SCALE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK Contractors and Sub Contractors: to ensure all restricted building works are to be carried out by approved licensed building practitioners.							PO Box 39307 Howick AUCKLAND, 2145 09 974 3641 www.hpa.co.nz info@hpa.co.nz	Structural Engineer Services Engineer Quantity Surveyor Town Planner Civil Engineer Traffic Engineer Fire Engineer		PALMERSTON NTH RETIREMENT VILLAGE	PROPOSED VILLAGE VILLA ELEVATIONS TYPE CS(w)	3740	A217
										DESIGNED SK	DRAWN SK	CHECKED HPA	
										SCALE 1:100@ A3	DATE 26-08-2021	REVISION -	
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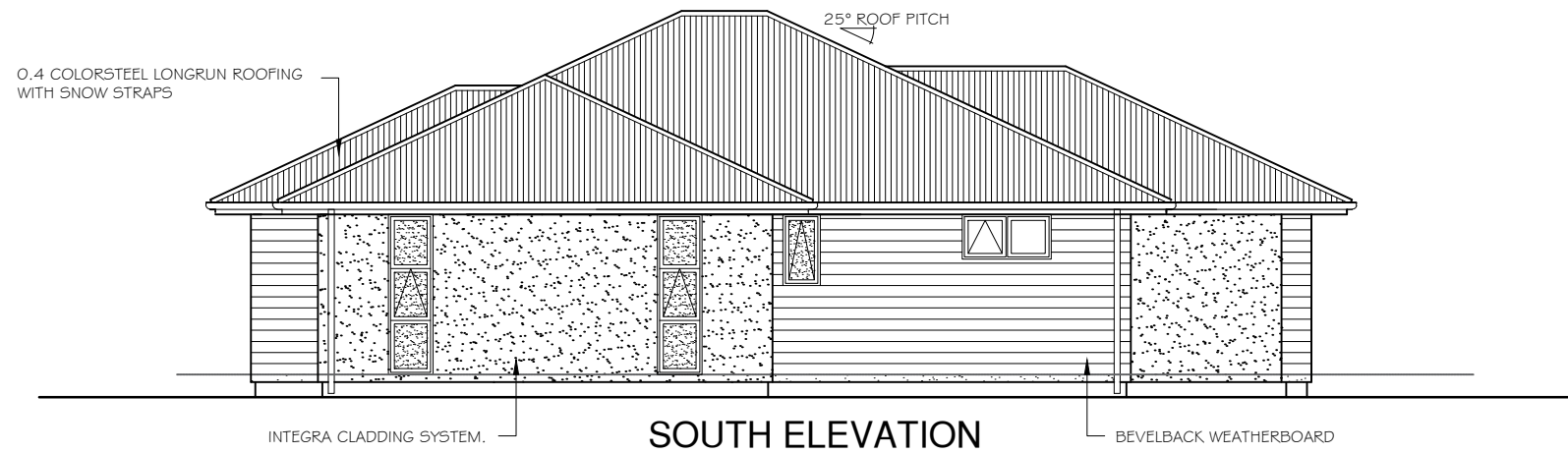
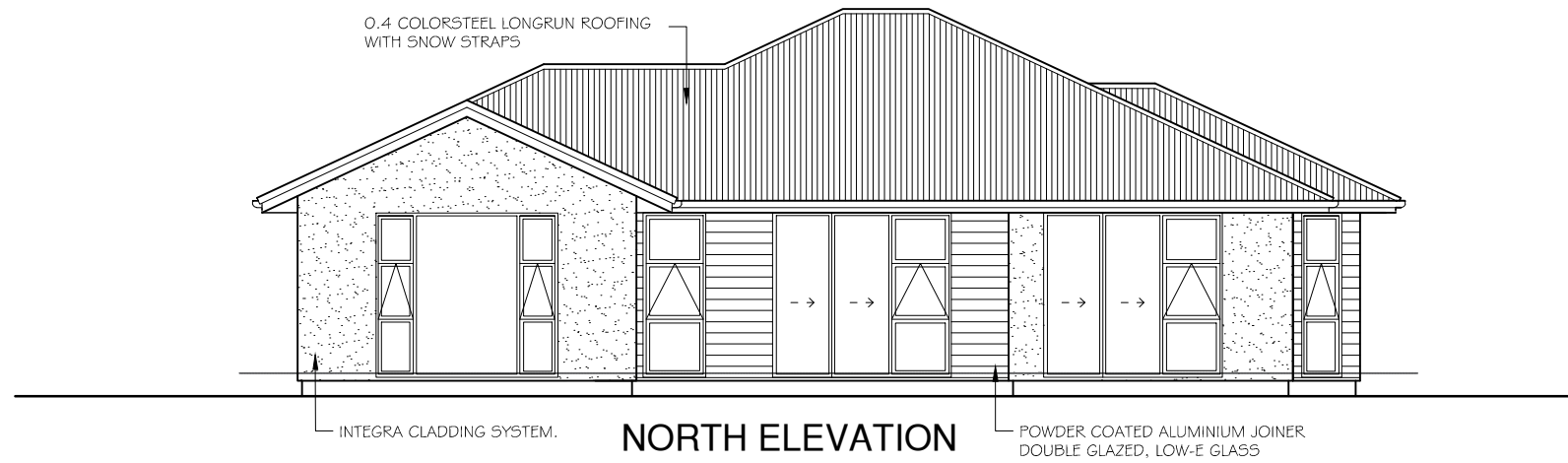


CONSULTANTS	CLIENT
Structural Engineer . Services Engineer . Quantity Surveyor . Town Planner . Civil Engineer . Traffic Engineer . Fire Engineer .	

PROJECT TITLE
PALMERSTON NTH RETIREMENT VILLAGE

SHEET TITLE
PROPOSED VILLAGE VILLA PLANS TYPE CN(W)DG & D(E)

PROJECT NO.	SHEET NO.	
3740	A164	
DESIGNED	DRAWN	CHECKED
SK	SK	HPA
SCALE	DATE	REVISION
1:100@A3	26-08-2021	-



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DO NOT SCALE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK Contractors and Sub Contractors: to ensure all restricted building works are to be carried out by approved licensed building practitioners.							PO Box 39307 Howick AUCKLAND, 2145 09 974 3641 www.hpa.co.nz info@hpa.co.nz	Structural Engineer Services Engineer Quantity Surveyor Town Planner Civil Engineer Traffic Engineer Fire Engineer		PALMERSTON NTH RETIREMENT VILLAGE	PROPOSED VILLAGE VILLA ELEVATIONS TYPE D(e)	3740	A218
										DESIGNED SK	DRAWN SK	CHECKED HPA	
										SCALE 1:100@ A3	DATE 26-08-2021	REVISION -	



APPENDIX C

GEOTECHNICAL ASSESSMENT: NZET LTD



Geotechnical Report

AOKAUTERE SUBDIVISION – PACIFIC DRIVE - PROPOSED RETIREMENT
VILLAGE - PALMERSTON NORTH.





09/07/2021

Retirement Village Geotechnical Report, Pacific Drive, Palmerston North

This report has been prepared by NZET for Aokautere Land Holdings Ltd, and remains the property of NZET Ltd. It should not be lent, its contents disclosed or used for any purpose other than that for which it is specifically submitted. Conclusions reached are based on the available information and should not be construed as offering any guarantees. No liability is accepted by this company or any employee or sub-consultant of this company with respect to its use by any other parties.

This disclaimer shall apply notwithstanding that the report may be made available to other persons for an application, permission or approval to fulfil a legal requirement.

Quality assurance statement

Task	Responsibility	Signature
Project manager:	Stu Clark	
Prepared by:	Roy Bar-Shalom	
Reviewed by:	Stu Clark	
Approved for issue by:	Stu Clark	

Prepared by:

NZET Ltd
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Stu Clark CP Eng #58384
 Roy Bar-Shalom – B E Civil

Report Status: Preliminary draft

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1.0 INTRODUCTION

1.1 BACKGROUND

Aokautere Land Holdings Ltd (ALHL), is investigating an area of land for development as an aged care facility. The location is off Pacific Drive Palmerston North, Figure 1.

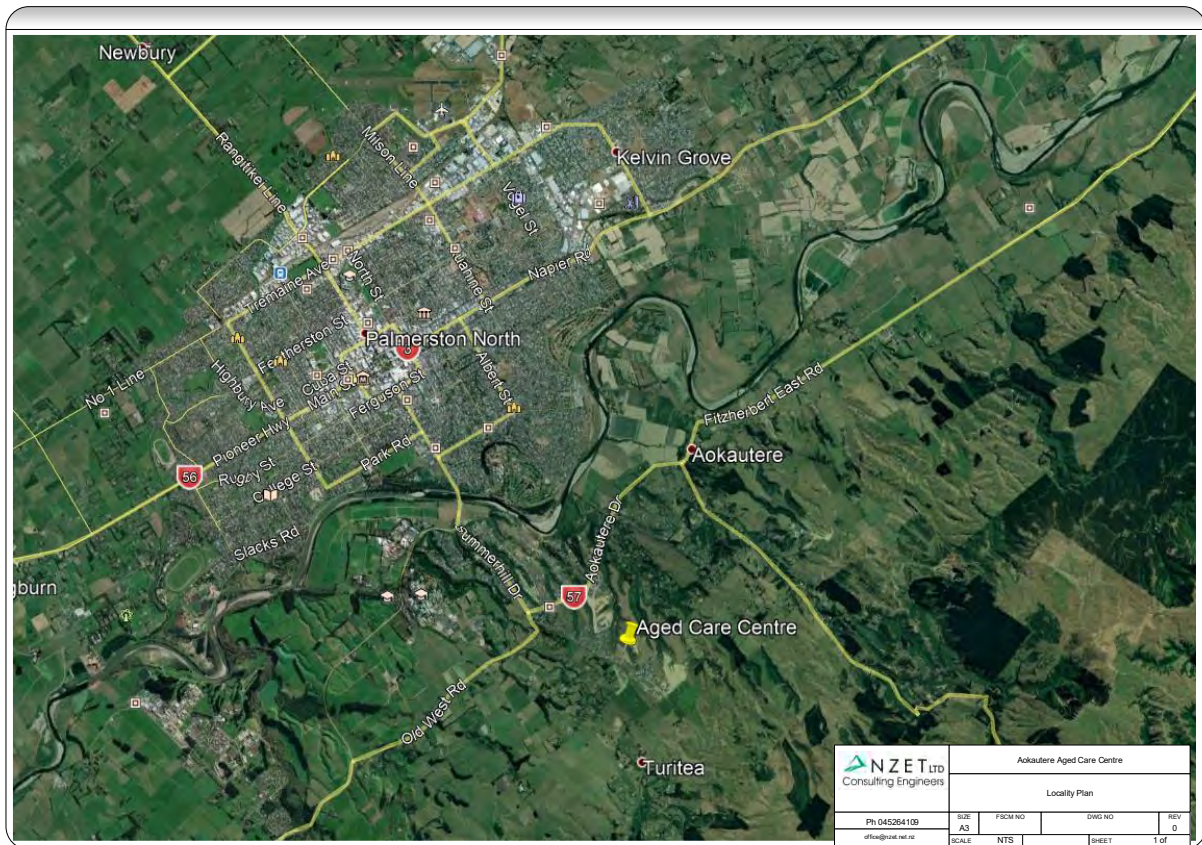


FIGURE 1: LOCALITY PLAN, YELLOW PIN SHOWS SITE LOCATION

The proposed site is peri-urban, adjacent to a recent and ongoing residential development but with a rural outlook. The site was historically farmland until the early 2000’s. The topography forms the top (head) of an area known as the Johnstone Drive Gully.

Earthworks within the Johnstone Drive Gully began in 2007 following the granting of consent RM2553. The work involved the stripping of the vegetation, removal of unsuitable material and the placement of subsoil drainage.

The subsoil drainage was 100 diameter novaflo in gravel trench designed to carry excess ground water plus possible flows from small springs. The pipe is observable 1km below the brethren school and is still flowing.

The material for the filling was obtained from the ridges on either side of the gully which to the west have been excavated and topsoiled to the design level. The gully fill and part of the area to the east has only been partly completed (fill and cut), the southern end being untouched. The design depth of fill ranges from 4m at the upper end to over 10m at the lower end of Stage 7 (Retirement Village) with the deeper fill areas to the north.

The filling of the upper end of the gully has nearly been completed varying from 1m to further downstream of approximately 5m. The current fill was compacted using fully loaded scrapers weighing approximately 100 tonnes i.e., 25 tonnes loading per wheel. Limited testing during the placement of the fill was performed by PNCC laboratory.

Settlement monitoring was performed following the work being suspended in June 2011. Work briefly recommenced during 2012. Monitoring of various areas up to June 2013 which showed little if any settlement of the filled areas. Work was suspended due to ESC issues not any concerns re the earthworks quality.

Water from a stormwater pipe discharging into the head of the gully that was installed by the neighbour during the earthworks has been impounded at the head of the gully and generally drains by gravity to Pacific Drive but occasionally overflows into the gully and has consequently created erosion and rilling on parts of the fill. Earthworks for excavation and filling ceased in 2012.

1.2 SCOPE

This report provides the results of Geotechnical Investigations of:

- Review of the site geology and seismicity
- Confirmation of the original nature and stability of the site,
- Provision of detailed CPT and Window Sampling on the proposed build area.
- Analysis of the implications of the measured data.

2.0 GEOLOGIC CONDITIONS AND SEISMICITY

2.1 INTRODUCTION

The local geology of the site was determined from data obtained from the GNS, PNCC, and NZGD databases. The GIS databases provided information on the sites’:

- Geology,
- Liquefaction Potential and,
- Seismicity.

2.2 LOCAL GEOLOGY

The local geology of the site as per the GNS GIS database:

- Main rock type: Gravel.
- Description: Beach deposits of marine gravels and sand, with overlaying loess deposits
- Subsidiary rocks: Loess silt sand.
- Key group: Late Pleistocene sediments.

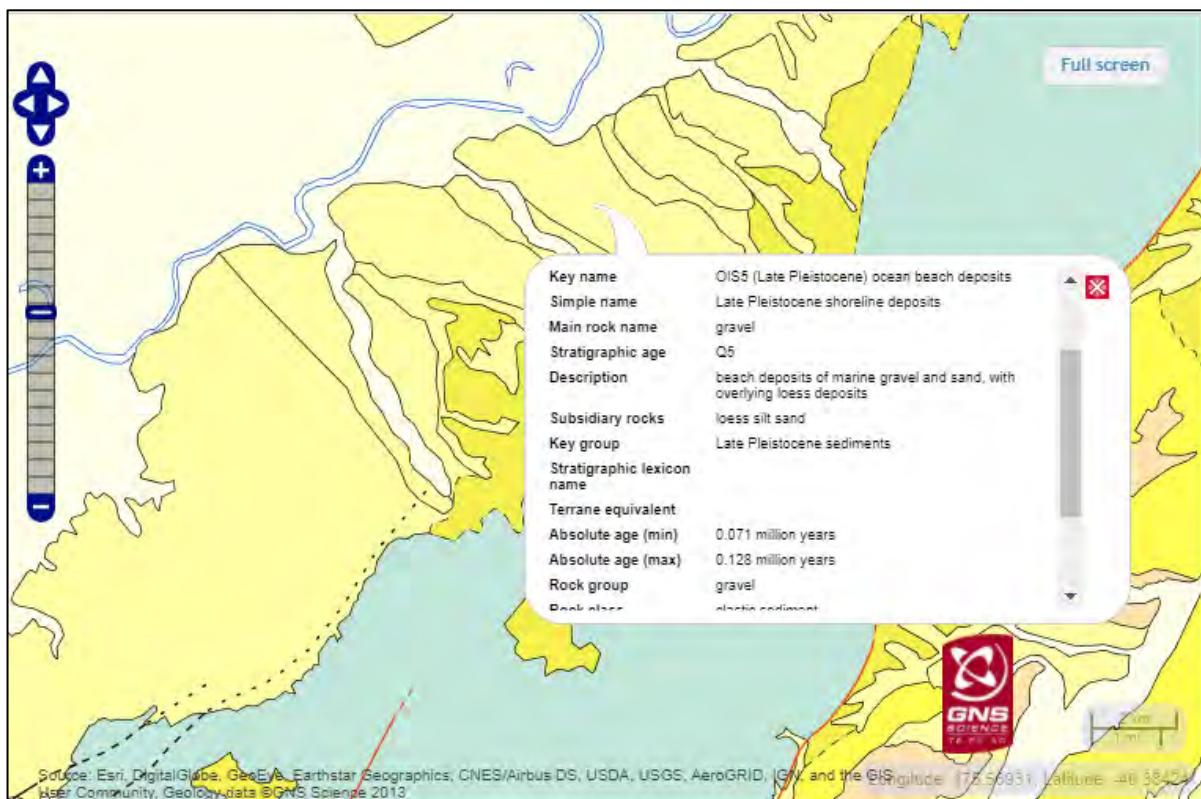


FIGURE 2: SITE GEOLOGY: MAIN ROCK TYPE: GRAVELS (LATE PLEISTOCENE SEDIMENTS) (GNS WEBMAP) SITE IS AT TAIL OF DESCRIPTOR

2.3 FAULTING AND SEISMICITY

There is limited Earthquake risk data available for the site or nearby, Figure 3 below shows a map of the potential liquefaction risks around Palmerston North, provided by GNS, which does not rate the site. The site however is in close proximity to areas rated as moderate risk, (mainly gully floors in the area).

Figure 3 below was obtained from the above report and shows the risk data for the region:

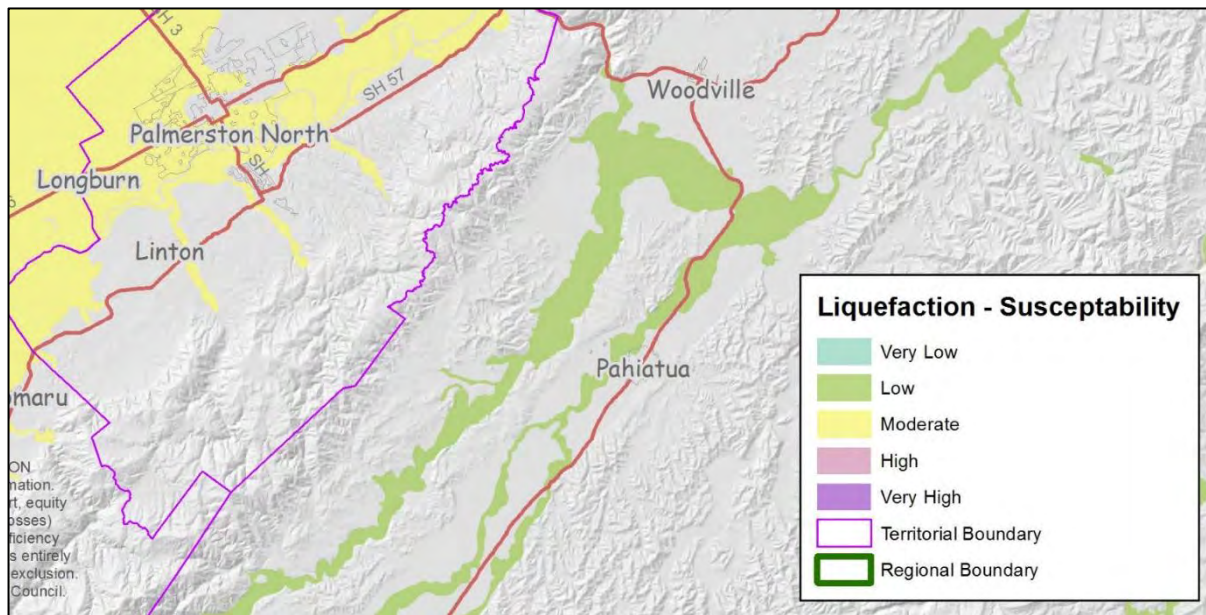


FIGURE 3: SITE LIQUEFACTION RISK

The fault proximity data was obtained from the GNS database. The database shows that there are two active faults in proximity, these active faults are:

- Wellington Fault (8.2km), and
- Northern Ohariu Fault (9.6km)

Figure 4 overleaf is a plan from the PNCC GIS database illustrating the sites' location relative to the active faults.

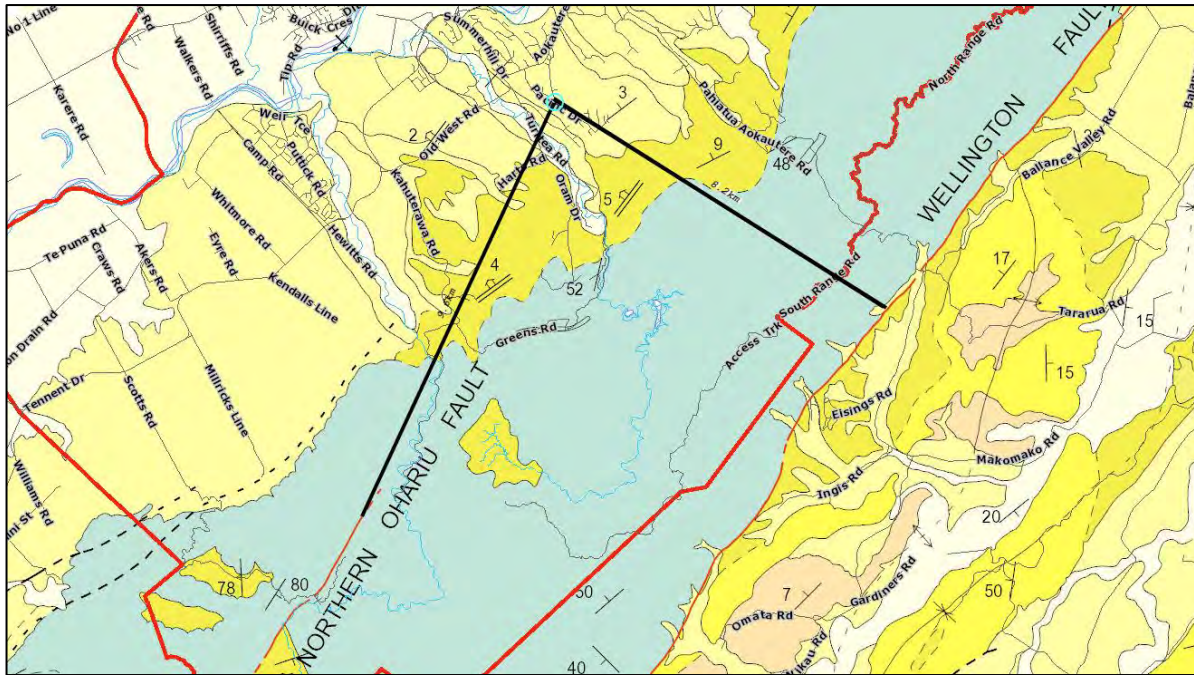


FIGURE 4: SITE LOCATION APPROXIMATELY AT BLUE CIRCLE RELATIVE TO ACTIVE FAULTS SHOWN AS PINK LINES, (GNS DATABASE)

The description of the faults are as follows:

- **The Wellington Fault** has an estimated 840-year recurrence interval and an estimated 5m maximum single event displacement under a magnitude 7.0 event.
- **Northern Ohariu Fault** has an estimated 2550-year recurrence interval and an estimated 3.8m maximum single event displacement under a magnitude 7.4 event.

It is also of note that the trend line of the northern Ohariu fault is heading towards the site. The justification for the termination is unknown.

3.0 GEOTECHNICAL PARAMETERS

3.1 HISTORICAL EARTHWORKS

There has been substantial filling applied to the main gully which passes through the proposed site. This is identified in the earthworks control plan as per Figure 5 below.

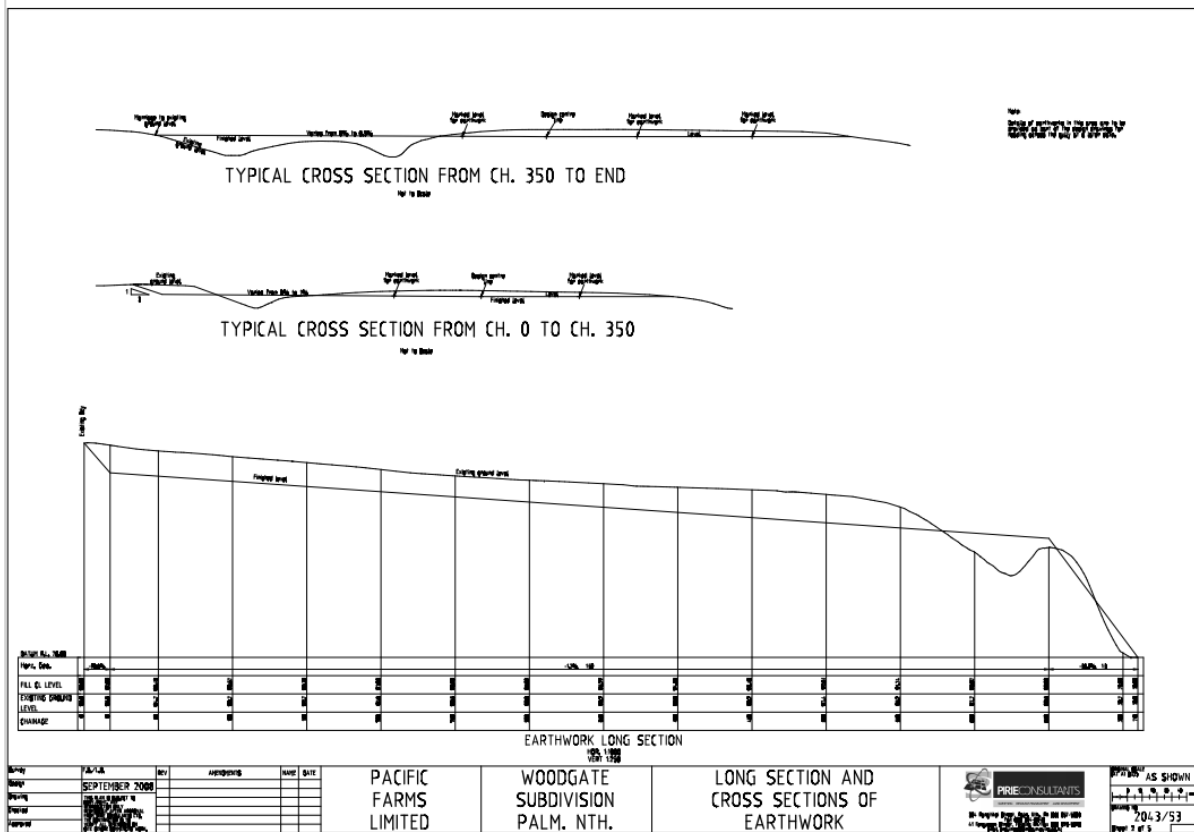


FIGURE 5. LOCATION OF 3 X SECTIONS FROM 6G1

The earthworks were undertaken using appropriate heavy plant and monitoring to determine good consolidation. Subsoil drains were also included prior to the gully filling, Figure 6.

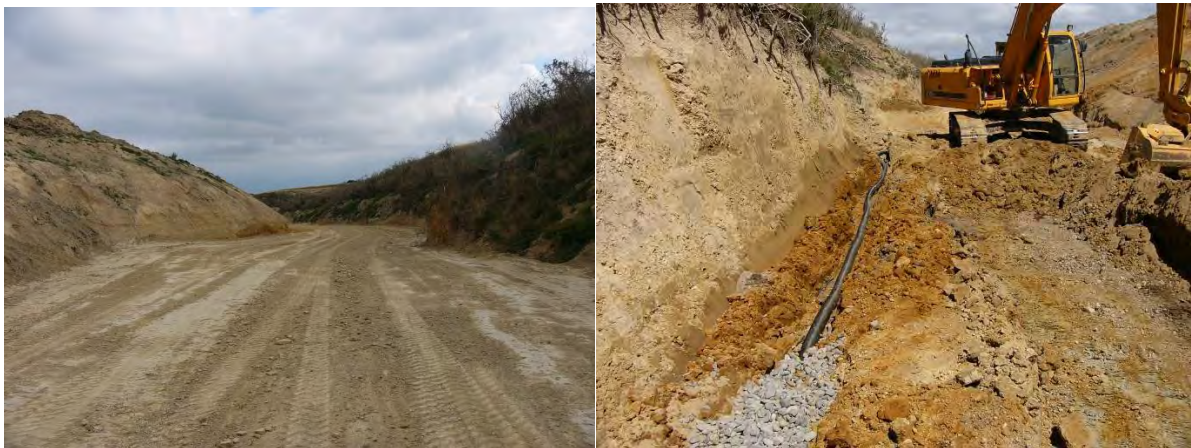


FIGURE 6. SITE EARTHWORKS.

3.2 CPT TESTING

Initial investigations into the site suitability comprised extensive CPT testing on the existing landform. The testing is intended to further prove ground strengths of filled areas, confirm ground strengths of original ground areas, confirm the GNS assessment of minimal liquefaction risk, and identify likely foundation strengths and settlements for future construction.

A plan of the intensive CPT testing shown overlaid on the proposed site development plan is provided below in Figure 7. The triangles are CPT tests, and the squares are window sampling sites.

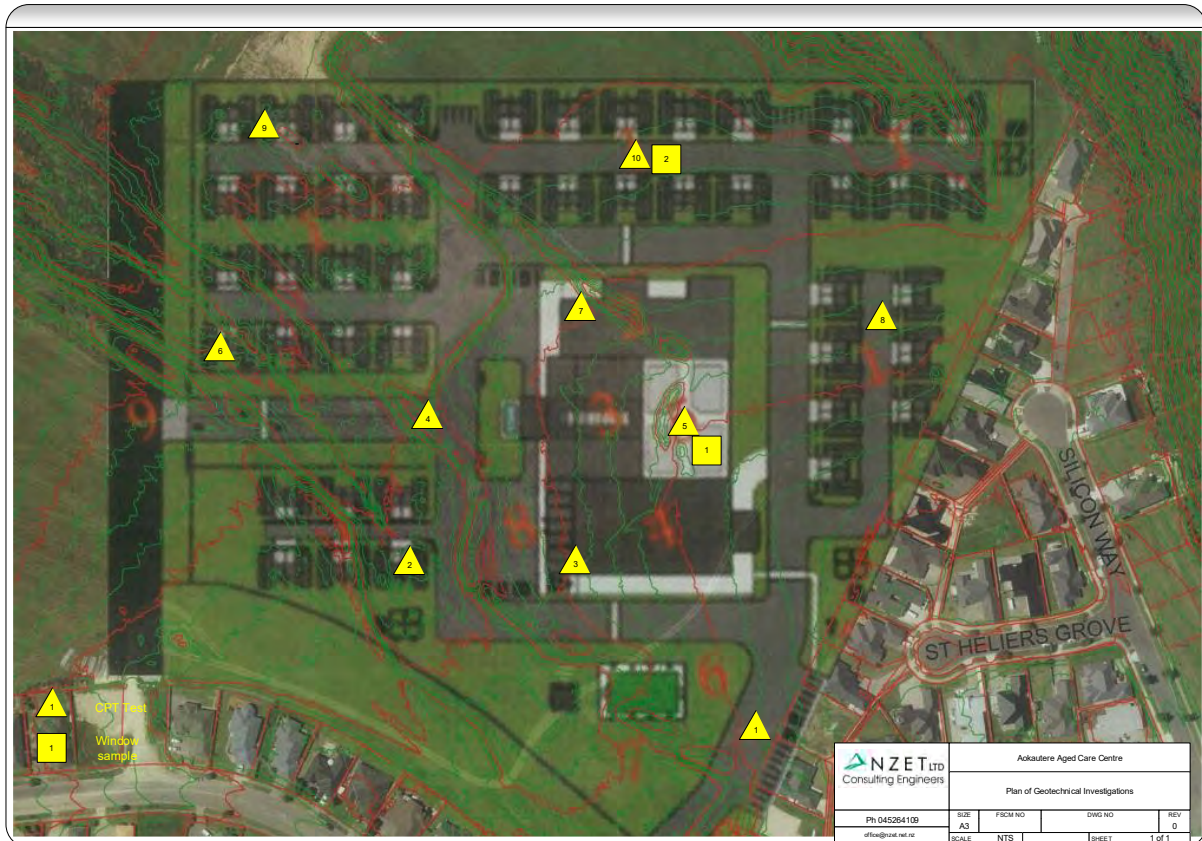


FIGURE 7: CPT TEST LOACTIONS

The CPT results are attached as Annex A to this report. An example of the 13 test holes, hole 5 in the location of the main building is shown in Figure 8 below. Each plot shows the tip resistance as a chart in the top right, interpretation as to soil type using NZET’s Cpet-It software below (titled SBT index), interpretation of the soil type based on Geocivil’s software, (3 coloured charts and coloured legend centre right, and associated ultimate capacity foundation strengths using NZET’s CpeT-IT software (multiple charts).

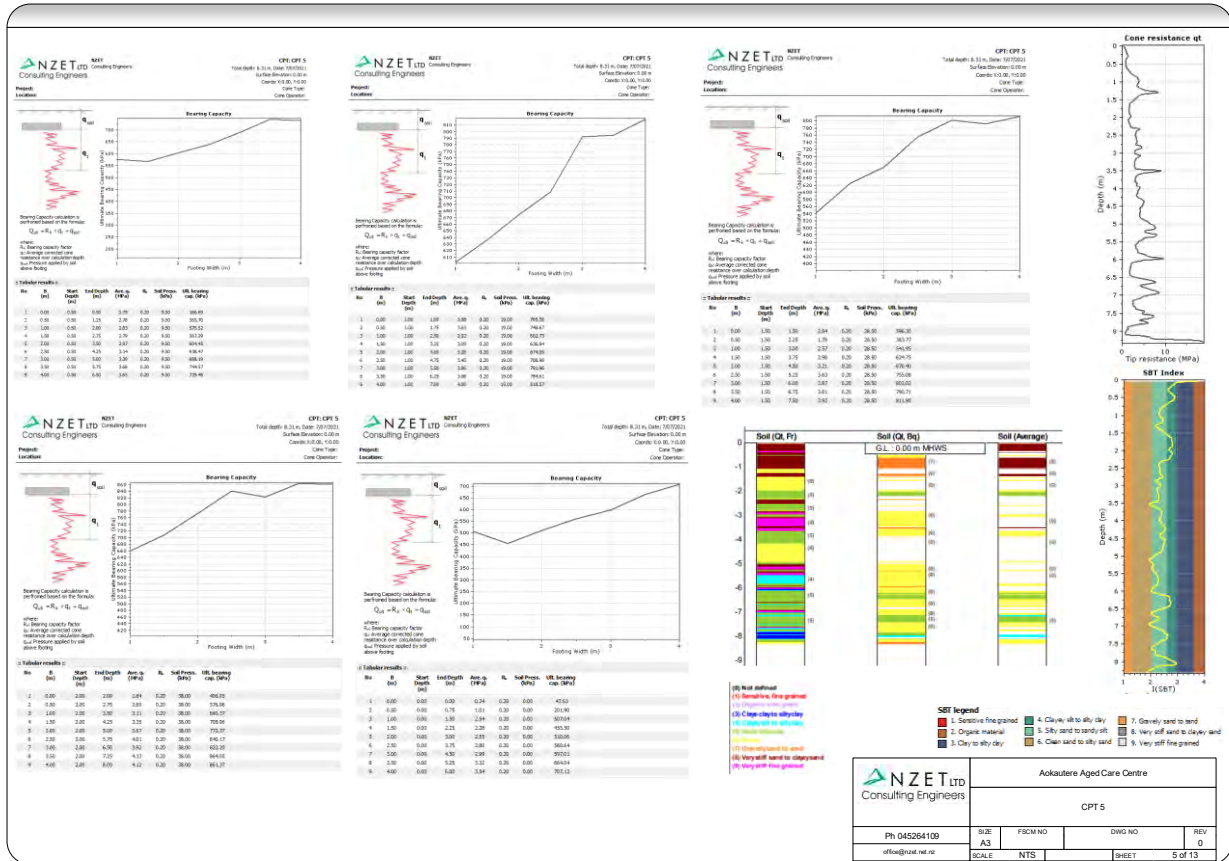


FIGURE 8. EXAMPLE OF CPT RESULTS AND INTERPRETATION.

3.3 WINDOW SAMPLING

To confirm CPT interpretation of soil descriptions, two window samples were taken at CPT locations 5 and 10. The window sampling involved extracting relatively undisturbed samples via tube samplers and geotechnical logging of same. An example report is given in figure 9 overleaf.

GEO CIVIL YOUR PARTNER • BUILD RIGHT		WINDOW SAMPLE LOG PRELIMINARY			-47C Karepepi Drive, Wellington M021796477 E.info@gpccivil.co.nz				
Lab Job No:	8825-001	Borehole No.:	WS01	Sheet: 1 of 1					
Client:	KHF Development	Hole Depth:	8.00 m	Location: Pacific Drive, Palmerston North					
Job:	Geotechnical Investigation	Coordinates:		Date: 01/07/21					
Report No.:	ADD INTERNAL REPORT NUMBER!	Elevation (m):							
Client Ref. No.:	-								
LOG	Geological Interpretation <small>IN ACCORDANCE WITH NZS223:2020</small>	Depth (m)	Legend	Water	Scale Penetrometer <small>NZS4222:2009 Test N.3.2 - Procedure 2 (SHANK 1 TESTING)</small>			Vane Shear <small>(Strength in Pa) Tested in Accordance with NZS3901: Aug 2007</small>	
					1	2	3		Values
ML	Clayey SILT (TOPSOIL) with rootlets, dark brown, soft, moist, low plasticity	0.2							
CL	Silty CLAY, light grey with orange streaking, stiff to firm, moist to wet, low to moderate plasticity	0.4							
ML	Sandy SILT with minor clay, light grey, stiff, moist, poorly graded, low to moderate plasticity, sands are fine	1.0							
CH	Silty CLAY, dark orange with grey mottling, very stiff to stiff, moist to wet, moderate to high plasticity	1.2							
		1.4							
		1.6							
		1.8							
CH	Silty CLAY, dark brownish grey with dark orange mottling, very stiff to stiff, moist to wet, moderate to high plasticity	2.4							
CL	Silty CLAY with minor gravels and carbonaceous material, dark brownish orange with black nodules, very stiff, moist to wet, poorly graded, moderate plasticity, gravels are fine to medium, completely weathered, angular, moderately strong to weak	3.2							
		3.4							
MH	Silty CLAY, dark brownish orange, hard to very stiff, moist to wet, moderate plasticity	3.6							
		3.8							
		4.0							
		4.2							
SW	SAND with minor gravels, dark brownish orange, very dense to dense, moist, well graded, gravels are fine to medium, tightly weathered, angular, moderately strong to strong, sands are fine to coarse	4.8							
		5.0							
		5.2							
		5.4							
CH	CLAY with minor silt, dark orange with grey streaking, hard, moist to wet, moderate to high plasticity	6.0							
	End of borehole, target depth reached	6.2							
		6.4							
Remarks					Water		Investigation Type		
Test location 5					<input type="checkbox"/> Standing Water Level <input checked="" type="checkbox"/> Out flow <input checked="" type="checkbox"/> In flow		<input checked="" type="checkbox"/> Window Sampler <input type="checkbox"/> Window Sampler + Scale (WCS)		
<small>Note: All Scale Penetrometer readings shall occur 1.5m from bore depth and outside the scope of this log</small>									
<small>Note: Scale Penetrometer interpretation to not assessed</small>									
Contractor:		Equipment:		Recorded By:		Checked By:		Supervisor:	
Geocivil		Window Sampler		LOUJR		NOT SELECTED			
				Recorded Date:		Checked Date:			
				1/07/2021				No accredited tests	

FIGURE 9. EXAMPLE OF WINDOW SMAPLING LOG.

4.0 SUMMARISED FOUNDATION PROPERTIES

This data is interpreted as generally indicating:

- Soil type varies from clayey silts to sands
- No groundwater was encountered and therefore the liquefaction risk is considered to be low.
- Soils were firm and should provide good foundation support to commercial scale buildings.
- CPT interpretation of soils description was generally confirmed by window sampling on 2 sites.

The extracted window samples are held by NZET and further testing is being undertaken to identify specific soil characteristics and properties.

ANNEX A: CPT RESULTS AND INTERPRETATION

ANNEX B: WINDOW SAMPLING RESULTS



APPENDIX D

GEOTECHNICAL ASSESSMENT PEER
REVIEW: ENGEO LTD



ENGEО Limited

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T: +64 4 472 0820

www.engeo.co.nz



Project Number 20338.000.001

Geotechnical Review

131 Pacific Drive, Fitzherbert,
Palmerston North

Submitted to:
Woodgate Ltd
176 Fitzherbert East Road
RD1
Aokautere 4471

208

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ENGEO Document Control:

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Distribution (PDF)	Paul Thomas			
Date	Revision Details / Status	Author	Reviewer	WP
15/06/2022	Issued to Client	TV	AS/RJ	DF
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1 Introduction

ENGEO Ltd was requested by Woodgate Ltd to undertake a geotechnical review of the Geotechnical report undertaken by NZET Limited titled Aokautere Subdivision – Pacific Drive – Proposed Retirement Village – Palmerston North dated 09/07/2021, for the property at 131 Pacific Drive, Fitzherbert, Palmerston North (herein referred to as ‘the site’). This work has been carried out in accordance with our signed agreement dated 03/05/2022.

We understand the intended purpose of the NZET report was to determine whether the site was appropriate for a retirement village development and to support a resource consent application. The purpose of our assessment was to undertake a desktop review of the NZET report and highlight any areas that we believe may require further information / comment to support Resource Consent.

ENGEO has been provided with the geotechnical completion report for the site by NZET Ltd.

The NZET Ltd report included:

- A review of the site geology.
- Confirmation of the original nature and stability of the site.
- CPT and window sampling on the proposed build areas.
- Analysis of the measured data.

We consider that, in order to gain consent for the subdivision two items should be addressed:

- i. Certification of the fill.
 - a. If there is sufficient evidence that the fill is placed in accordance with the relevant NZ standards and no further fill is required then no additional consent is required.
 - b. If the fill is found to be not suitable then steps will be required to either remediate, replace or accommodate specific engineering design (SED) for the affected area. Consent for any remedial earthworks would be required in this scenario.
- ii. Hazard assessment against Section 106 of the Resource Management Act.

1.1 Scope of Review

Our desktop review involved a review of the geotechnical report in relation to the following New Zealand Standards and guidelines:

- NZS 4431:1989 – Code of Practice for Earth Fill for Residential Development
- NZS 4404:2010 – Land development and Subdivision Infrastructure
- NZS 4402:1986 – Methods of Testing Soils for Civil Engineering Purposes
- Module 2- Geotech Investigations Earthquake Engineering
- Resource Management Act (1991)

Our review work does not include an in-depth study of the site, site inspections, review of existing test data, undertaking of any independent investigations or verification of calculations.

At the time of writing this report ENGEO was unable to discuss the project with NZET Limited and consequently were unable to request additional information or discuss the results of their testing.

2 Background

As ENGEO understands Resource Consent was granted in 2007 (RM2553) to undertake earthworks at the site, which began within the same year. The works were suspended in June 2011, briefly resumed and ceased again in 2012. The 2021 NZET report identifies the following:

- Removal of unsuitable material was undertaken and installation of subsoil drainage occurred which is still observable below the site.
- Fill material was sourced from ridge lines from either side of the gully.
- Earthworks have not yet been completed, with some filling (and presumably cutting) yet to be undertaken, however this is not further discussed in the NZET Ltd report.
- Design drawings indicated over 10 m depth of fill has been placed.
- Compaction equipment used where fully loaded scrapers with a single wheel load of approximately 25 tonnes.
- Settlement monitoring in between 2011 and June 2013 showed little settlement.
- Earthworks was suspended due to ESC (Erosion and Sediment Control) issues but not due to concerns with the earthworks quality.
- A neighbouring property stormwater pipe sometimes overflows which has caused erosion of the fill platform.

Although it is not specifically stated, ENGEO understands that NZET Ltd was not the engineer on the project during the 2007 to 2012 earthworks.

3 Desktop Study and Review of NZET Report

3.1 Ground Model

There is little information in the NZET in regard to examining the historical earthworks (and it is not clear that this was part of their brief). Figure 5 of the NZET report indicates some cut and fill sections with levels, however, this figure is difficult to read and the fine print is illegible and there is no geotechnical data associated with this. The section shown in Figure 5 also does not include the more recent CPT and window sampling investigation data.

Once all geological issues and risks have been appropriately investigated and quantified then a Geotechnical Model should be produced which is both descriptive and graphical (as per Module 2 Figure 2.1). We would expect this model to show with greater clarity the extent of fill, and the nature and continuity of the underlying materials. This then provides a basis for hazard assessment, in particular slope stability and liquefaction.

3.2 Site Investigations

Figure 7 of the NZET Ltd report highlights the investigation locations. This map is not clear on where the tests are in relation to the fill and infilled gully feature. The testing density is not in line with the recently released Module 2 guidelines (refer Section 4.2) and no explanation is given as to why a lower testing density has been used, and why this was considered appropriate.

3.2.1 CPT Investigation

An in-depth analysis of the CPT data should be provided including the assumptions of the analysis and parameters used. Additionally Figures 8 and 9 within the report are illegible.

It is worth noting that the maximum depth of the fill is 10 m and the CPTs do not reach this depth with the deepest CPT reaching 7.5 m. Additionally, Module 2, Section 2.4.4 recommends that CPT testing for liquefaction should reach 10 to 15 m for residential dwellings and for a large commercial structure at least 20 to 25 m.

It is unclear from the report where the fill is on-site, its depth and as such it is difficult to determine where the boundary between natural and engineered material is.

3.2.2 Window Sampler Investigation

The window sampler logs show soil consistency for each layer however no Scala penetrometer or shear vane data is provided. It is noted that these logs have *preliminary* stamped on them. As with the CPT tests the maximum depth of the window sampler is 6 m and it is not clear if these tests are in natural soils or within the engineered fill platform.

4 Geotechnical Recommendations

4.1 Historical Earthworks Certification

We consider the following information is required to understand the suitability of the fill that has been placed to date, which is required to support any Resource Consent application as outlined in Section 1.

- i. Pre-earthworks testing and reporting i.e. the Lendrum Geotechnical report (ref:2043 dated 11 January 2008).
- ii. Confirmation of removal of unsuitable material.
- iii. The proposed drain design and confirmation that subsoil drains have been installed correctly and an as-built (or drawing) of these locations.
- iv. Testing and description of the fill material being used and any testing that has been undertaken indicating that it is suitable to be used as an engineered fill and the requirements / targets of this testing (such as standard compaction tests in line with NZS 4402 1986 4.1.1 etc.).
- v. Compaction testing density and verification of the engineered fill material.
- vi. Provision of completed 4404 Schedule 1A and 4431 Appendix D – Statement of suitability form if this is applicable based on items ii to v. If the fill does not meet the requirements for these, then why not and recommendations should be provided on how to proceed with relation to the existing fill and obtaining resource consent for the subdivision.

4.2 Additional Information

For resource consent purposes we believe the report requires additional information on the following:

- Further testing in line with Module 2, Table 2.1 of the NZGS Guidelines. This states that for sites which are 1 to 10 hectares for subdivision consent that 6 plus additional 1 per 0.45 hectares in excess of 1 hectare. The special arrangement of tests should be such that the site is adequately characterised and includes sufficient groundwater information.
- A geotechnical completion report with the information highlighted within Section 3.1 for the cut to fill works beneath the proposed development.
- A cut and fill plan which includes cross sections through key areas.
- Assessment of presence / absence of unsuitable material below the existing fill, which may require investigation.
- An assessment against Section 106 of the Resource Management Act providing commentary on whether there is a significant risk from natural hazards including fault rupture, settlement, liquefaction, slope stability and any other significant hazards.

5 Limitations

- i. We have prepared this report in accordance with the brief as provided. This report has been prepared for the use of our client, Woodgate Ltd, their professional advisers and the relevant Territorial Authorities in relation to the specified project brief described in this report. No liability is accepted for the use of any part of the report for any other purpose or by any other person or entity.
- ii. The recommendations in this report are based on the ground conditions indicated from published sources, site assessments and subsurface investigations described in this report based on accepted normal methods of site investigations. Only a limited amount of information has been collected to meet the specific financial and technical requirements of the client's brief and this report does not purport to completely describe all the site characteristics and properties. The nature and continuity of the ground between test locations has been inferred using experience and judgement and it should be appreciated that actual conditions could vary from the assumed model.
- iii. Subsurface conditions relevant to construction works should be assessed by contractors who can make their own interpretation of the factual data provided. They should perform any additional tests as necessary for their own purposes.
- iv. This Limitation should be read in conjunction with the Engineering NZ/ACENZ Standard Terms of Engagement.
- v. This report is not to be reproduced either wholly or in part without our prior written permission.

We trust that this information meets your current requirements. Please do not hesitate to contact the undersigned on (04) 472 0820 if you require any further information.

Report prepared by



Thomas Vollebregt
Engineering Geologist

Report reviewed by



Adam Smith, CMEngNZ (PEngGeol)
Senior Engineering Geologist



Richard Justice, CMEngNZ (PEngGeol)
Principal Engineering Geologist



APPENDIX E

NUISANCE CLAIM TO HIGH COURT.

**IN THE HIGH COURT OF NEW ZEALAND
PALMERSTON NORTH REGISTRY**

**I TE KOTI MATUA O AOTEROA
TE PAPAIOEA ROHE**

CIV-2021-454-

In the matter of An action in nuisance and associated relief

Between **CTS INVESTMENTS LLC** is a duly incorporated company,
pursuant to the law pertaining in the State of Delaware,
United States of America

Plaintiff

And **PALMERSTON NORTH CITY COUNCIL** a City Council
pursuant to the provisions of the Local Government Act
2002

Defendant

STATEMENT OF CLAIM

Dated: December 2021

The Plaintiff by its solicitor, says:

1. The plaintiff, **CTS INVESTMENTS LLC (CTS)** is a duly incorporated company, pursuant to the law pertaining in the State of Delaware, United States of America. It has its address for service situate at care of Dewhurst Law, Barristers & Solicitors, Level 1, 478 Main Street, Palmerston North 4440.
2. The Defendant, **PALMERSTON NORTH CITY COUNCIL (PNCC)** was constituted as a City Council pursuant to the provisions of the Local Government Act 2002, by virtue of the Local Government (Manawatu – Whanganui Region) Reorganisation Order 1989 (Gazette 1989, p 2351).
3. CTS's business undertakings include, inter alia, property finance and development lending, in consequence of which it became the mezzanine financier of Farm Holdings (4) Limited (**FH4L**).
4. FH4L was placed into liquidation on or about 25 May 2016, at which time it was the registered proprietor of that land now comprised in Record of Title 706789.
5. On or about Friday 17th November 2017, in consequence of a vesting order issued by his honour Justice Collins, the land entailed in records of title 160993 and 706789 vested in CTS, in partial satisfaction of the mortgage indebtedness secured to it pursuant to memorandum of mortgage 8927489.2 owed by FH4L to the Plaintiff, at the date of its liquidation.
6. CTS's land entailed in Record of Title 706789 subsist proximate to land the subject of subdivision and development works furthered by Palmerston North Industrial and Residential Developments Limited (the **PNIRD Development Land**).
7. At all material times Palmerston North City Council, being a territorial authority pursuant to the provisions of the Local Government Act 2002 and as constituted by virtue of the Local Government (Manawatu-Whanganui Regional Region) Reorganisation Order 1989 was, and is, the city council having responsibility for the maintenance and operation of the stormwater and associated works infrastructure as vested in it from time to time.

8. The PNIRD Development Land has been the subject of infrastructure instatement and subdivision works, including the instatement and vesting of stormwater and associated stormwater infrastructure works within the land contained in records of title:
 - (a) RT 248187, Lot 4 DP 361098, No 163 Pacific Drive;
 - (b) RT 852781, Lot 59 DP 417171, No 19 Monaco Grove;
 - (c) RT 867052, Lot 60 DP 417171, No 21 Monaco Grove;
 - (d) RT 867053, Lot 61 DP 417171, No 23 Monaco Grove;
 - (e) RT 867054, Lot 62 DP 417171, No 25 Monaco Grove.
9. A concomitant of the stormwater infrastructure works undertaken in respect of the PNRID Development Land entailed the implementation of an 450mm diameter pipe, designed and intended to service the adjacent new lots created by PNIRD, and to be vested in and to thereafter entail a component of the Defendant Council's wastewater infrastructure network (the **PNCC Stormwater Infrastructure**).
10. The PNCC Stormwater Infrastructure, services, and thereby serves to consolidate and direct the stormwater derived from the catchment entailed within, inter alia, records of title 248186, 248187, 248191 – 248194, 248200 – 248211, 248227, 248229, 528971 – 528974, 558726 – 558728, 701363 - 701391, 745886, 738936, 804996, 786283, 537624, 814912, 671743, 813123, 852781, 867052 – 867055, 537625, 605054, 841913, 755353, 724687, 616873, 608544, 737492, 629014, 466131, 648317, together with the associated roading/hard surfaced structures implemented (the **Immediate Catchment**).
11. The stormwater derived from the Immediate Catchment is concentrated and directed to the instated stormwater outflow, and thereafter enters upon the land owned by the Plaintiff.
12. The natural and foreseeable consequence of the concentration and ejection of the consolidated stormwater from the Immediate Catchment via the PNCC Stormwater Infrastructure, is the creation of an outflow onto the CTS land, in circumstances whereby such outflow is, and should reasonably have been anticipated to, create or occasion erosion, scour and sediment outflow within the CTS land, and thereafter with such functions of erosion, scour and sediment generation outflow serving to further significantly adversely eeffect those landowners bordering the CTS land, including inter alia, the adjacent land owned by Terra Civil Limited (formerly

Civil Construction (PN) Limited) being all that land entailed in record of title 968449, and that land held by Gaylene Joyce Tiffen and Heath John Tiffen entailed in record of title WN34C/154 (the **Tiffen Property**).

13. By reason of the vesting and operation of the PNCC Stormwater Infrastructure, the land owned by CTS has been the subject of significant water inflow, scouring, sediment and erosion damage, occasioned by, or materially contributed to its land, by the instatement and operation of the PNCC Stormwater Infrastructure, such that the plaintiff's quiet use and enjoyment of the property has been wrongfully disrupted.
14. The effect of the erosion, scouring and sediment outflow occasioned by the consolidation of water by the PNCC Stormwater Infrastructure not only serves to interfere with the use, enjoyment, development opportunities and amenity of the CTS property, upon an ongoing basis, it further serves to materially contribute to or occasion water, and sediment outflow to the contiguous property held by Terra Civil Limited in record of title 968449, and is likewise adversely affecting the Tiffen Property.
15. Notwithstanding that the PNCC Stormwater Infrastructure was the subject of an (uncontested) declaration decision ENV-20120-WLG-000114 which determined such infrastructure was, at that, time compliant with the regulatory requisites then pertaining, the subsequent effect and operation of such PNCC Stormwater Infrastructure engenders substantial nuisance to the Plaintiff and its proximate landowners

WHEREFORE THE PLAINTIFF CLAIMS:

- A. An injunction to restrain the defendant by itself, its servants or agents, or otherwise from repeating or continuing the said nuisance or any nuisance of a like kind, at any time.
- B. Damages as assessed by this Honourable Court.
- C. Costs of and incidental to these proceedings.

FIRST alternative cause of action: Negligence

The plaintiff repeats the allegations contained in paragraphs 1 to 14 above, and further says:

16. The defendant, at all material times, knew or ought reasonably to have known:
 - (a) That the consolidation of the stormwater outflow derived from the immediate Catchment and/or the serviced components of the PNIRD development land, via the PNCC Stormwater Infrastructure, would, or was reasonably likely to, cause, occasion or materially contributed to those adverse environmental consequences alluded to by the herein, inter alia, scouring, erosion, sediment generation, and loss of amenity as now occasioned, upon an ongoing basis to the CTS development land, and the contiguous land held by Terra Civil Limited by virtue of the operation of the PNCC Stormwater Infrastructure.
 - (b) That the operation of the continued operation of the PNCC Stormwater Infrastructure, as instated, entails a breach of one or more operational standards, including, inter alia, rule 14-18, rule 14-26, rule 14-30 of the Manawatu Whanganui Regional Council (Horizons) One Plan, being that regulatory instrument promulgated by Manawatu Whanganui Regional Council for the purposes of maintenance and regulation of environmental compliance requisites pursuant to the provisions of the Resource Management Act 1991 (the **One Plan**).
 - (c) The adverse environmental consequences being occasioned by the operation of the PNCC Stormwater Infrastructure, and the contention that the same subsist outside of the requisites of the One Plan, have been placed before Palmerston North City Council, however, notwithstanding such advice, it has failed, neglected or refused to remediate, or to attempt to remediate the adverse environmental consequences, and regulatory non-compliance subsisting as a consequence of its instatement operation of the PNCC Stormwater Infrastructure.

WHEREFORE THE PLAINTIFF CLAIMS:

- A. Judgment by way of a determination that the defendant Council was negligent in its conduct vis-à-vis the monitoring, supervision, certification, and operation of the PNCC Stormwater Infrastructure.
- B. An order as to enquiry into damages.
- C. In the alternative, damages as otherwise fixed by this Honourable Court.
- D. Costs of and incidental to these proceedings.

SECOND alternative cause of action: Breach of statutory duty

The plaintiff repeats the allegations contained in paragraphs 1 to 15 hereof, and further says:

- 17. The defendant Council is a city council constituted under the provisions of the Local Government Act 2002, and/or the Resource Management Act 1991.
- 18. At all material times the defendant Council, was subject to regulatory, and compliance obligations, arising, inter alia, as a consequence of the operation of the Resource Management Act 1991 pursuant to which it was seized of statutory duties to comply with operation regional council planning requites in force from time to time, in the furtherance of its infrastructure functions, including, inter alia, being constrained to act in compliance with the provisions of the One Plan.
- 19. That the plaintiff was explicitly known to the defendant to be dependent upon, and therefore vulnerable to, its due performance of its statutory obligations in respect of the design, certification, instatement and operation of the PNCC Stormwater Infrastructure.
- 20. Notwithstanding such statutory duty, the defendant has certified, instated and operated or permitted to so certified, instated and operated the PNCC Stormwater Infrastructure in circumstances where its instatement, and/or current operation comprises a breach of such One Plan provisions, and thereby its statutory requites.

21. The Plaintiff developer was specifically known to the defendant Council, to be susceptible to loss, damage and delay in account of any breach by it of its statutory duty in such regard.

WHEREFORE THE PLAINTIFF CLAIMS:

- A. Judgment for the plaintiff;
- B. An order as to enquiry into damages;
- C. Damages as otherwise fixed by this honourable court;
- D. Costs of and incidental to these proceedings.

This document is filed by **Gregor James Woollaston**, Solicitor for the abovenamed plaintiff of the firm of **Dewhirst Law**. The address for service of the abovenamed plaintiff is at the offices of **Dewhirst Law**, Level 1, The Square Centre, 478 Main Street, Palmerston North.

Documents for service on the abovenamed plaintiff may be left at that address for service or may be:

- (a) Posted to the solicitor at PO Box 250, Palmerston North 4410; or
- (b) Emailed by PDF format to: greg@dewhirstlaw.co.nz



APPENDIX F

URBAN DESIGN REVIEW; URBAN EDGE LTD.



URBANEDGE
PLANNING LTD



URBAN DESIGN ASSESSMENT

131 PACIFIC DRIVE, AOKAUTERE

PREPARED FOR LES FUGLE - TERRA CIVIL LTD

JULY 12 2022



URBANEDGE
P L A N N I N G L T D

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1.0 INTRODUCTION

131 Pacific Drive, Aokautere

1.1 My name is Jaime Devereux. I am a Director at Urban Edge Planning Limited and manage the Urban Design and Landscape Architecture team.

1.2 I have a bachelor's degree in Architecture from Victoria University of Wellington, a Master of Resource and Environmental Planning from Massey University, and a Certificate in Landscape Design from Southern Institute of Technology. I have six years of experience as an architectural designer, approximately five years as a planner, and four years of experience as an urban design advisor for Councils (including Upper Hutt City Council, Hutt City Council, Kapiti Coast District Council, and Wellington City Council). I have provided expert advice for a number of resource consent applications, ranging from residential development to commercial development and provided urban design advice for Councils to assist in the implementation of plan changes.

1.3 I have been engaged by the applicant, Les Fugle, to provide an urban design assessment on the proposed Woodgate Retirement Village to supplement the resource consent application.

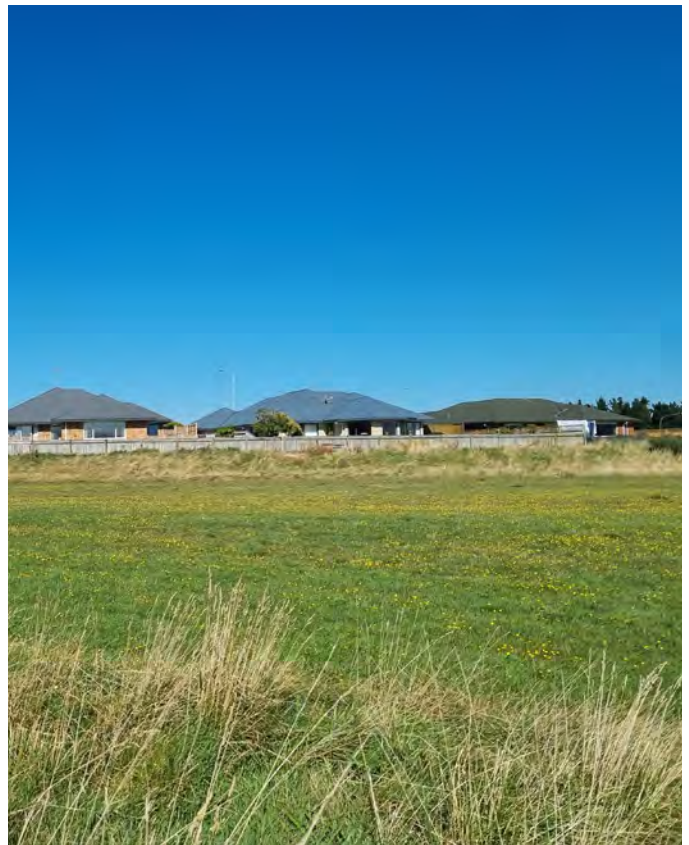


Figure 1: Image of proposed site and adjacent properties

2.0 THE PROPOSAL

2.1 The development is located within the Aokautere Development Area, where protection of the visual character and amenity of landforms is important, especially from residential development. As such, Aokautere Development Area has been defined within the District Plan as having areas appropriate for development and areas with restricted development.

2.2 The proposed development comprises 7 different villa typologies and the main hub building which contains 40 units with a licence to occupy (LTO), 16 rest home beds, 20 dementia care beds, 2 palliative care beds, and 51 hospital beds. The villa complex comprises 138 villas, with:

- 104 two-bedroom duplexes with a single integrated garage;
- 31 two-bedroom standalone villas with a single integrated garage; and
- 3 three-bedroom standalone villas with a double integrated garage.

Type A (n and s), Type B (n and s) are all duplexes with similar floor layouts and differing orientations or the addition of a study nook. Type C (n and s) have a similar internal layout to the duplexes but is a standalone dwelling and contains a study.

Type C (n) DG and D (e) are both standalone dwellings with double garages.

2.3 Development that falls under R10.7.4.6 Retirement Villages and Residential Centres requires an assessment against the relevant assessment criteria a. – j. As the development is for a retirement village, the proposal also requires an assessment against the criteria listed under R10.6.3.3 which is included below.

2.4 A draft Masterplan has been prepared for the Aokautere Development Area. While it is acknowledged that this masterplan includes recommendations for a retirement village in the area, I am of the understanding that it will have no weighting at the time of lodgement of the resource consent application and therefore has not been included within this assessment.



Figure 2: Masterplan of proposed development. Source: Landscape Plans by Eco-Landscapes & Design Ltd.

3.0 ASSESSMENT

3.1 CHARACTER

3.1.1 The extent to which any significant planting and trees are retained, and neighbouring character is reinforced with the type and species of new planting.

The application site is void of any significant vegetation, comprising mostly grass and scrub. A previously filled gully contains large areas of gorse, and a raised area to the east of the past gully comprises areas of fill. An Assessment of Landscape and Visual Effects has been prepared by Angela McArthur of Eco-Landscape & Design Ltd, which concludes that the existing site “currently has low or reduced ecological values” and that the proposal will result in a positive outcome.

A landscaping plan for the site has also been prepared by Eco-Landscape & Design, which includes a wide range of exotic and native species to provide amenity for the development and to assist with integrating it into the wider area.

3.1.2 The extent to which new development relates to common and defining patterns of the height and width of primary building forms, and predominant roof types and pitches.

Existing housing in the area is predominantly defined by single storey, standalone dwellings, interspersed with two storey dwellings. The area is relatively new, with the construction of dwellings under Stage Two of Pacific Heights commencing after 2009 and large residential areas to the east and west of the site, still under development. The majority of houses in the area comprise 4 bedrooms and have a floor area ranging from about 200m² to 260m². Most dwellings comprise hip and/or gable roof forms, although mono-pitch roofs are not uncommon. For photomontage of existing housing character refer to [figure 3](#).

The proposed villas will be consistent in character with existing development in regard to height and scale, with the combined footprint of duplexes equating to a typical larger dwelling. Roof forms have also been kept simple, with a range of hip and/or gables.

The proposed hub building will be inconsistent in character with surrounding dwellings, as the building footprint is large, even though it does not exceed two storeys in height. However, it is noted that there are other large buildings in the local area, such as the OneSchool Global and Brethren Christian Church located on Johnston Drive, which are at least two storeys in height, comprise three large buildings and an extensive car parking area, refer to [figures 4 and 5](#). The church has a large, curved roof form which visually sets it apart from other development in the area. Similar to these buildings, the proposed hub building has been located at the rear of the site, where it is located away from existing residential properties and will have the least impact on the surrounding neighbours.

3.1.3 The extent to which new development in valued character areas relate to common and defining patterns of frontage orientation and alignment.

The proposed development is not located within a defined character area. However, all villas have been oriented so that the front door faces the street it is accessed from. In some instances (for example along the outside perimeter of Road 1 and Road 2, for road references refer to the landscape plans in the attached resource consent application), villas do not align directly with the front boundary so that they can receive maximise sunlight access to the main living areas.

It is noted that several villas will share a boundary with the new public road that will run along the north-western boundary of the site, however, these villas will be accessed by the private internal road to be consistent with the remainder of the development, and to improve security for potentially vulnerable residents.

3.1.4 The extent to which new development relates to common and defining patterns of façade composition and articulation, qualities.

The proposed villas will be clad in typical residential materials, such as bevel backed weatherboards, lightweight plaster, and brick veneer. The architectural plans show villas with a combination of weatherboard cladding and plaster finish, with typologies scattered through the development. However, due to the limited cladding pallet and general building typologies, it is recommended that final cladding materials and a colour pallet is confirmed prior to construction.

Similarly with the hub building, which will be clad with a combination of vertical weatherboards, plaster finish and stone schist. Given this is a substantial building, final confirmation of cladding materials, details and colours is recommended.



Figure 3: Photomontage of existing dwellings. Source: Eco-Landscapes & Design Ltd.



Figure 4: OneSchool Global. Source: Homestead Construction



Figure 5: Brethren Christian Church. Source: Blue Pencil

3.2 SITE PLANNING

3.2.1 The extent to which buildings and related open spaces and landscaping are planned and designed together to deliver high levels of amenity within dwellings and well-located, good quality open spaces.

The development has been designed to maximise sunlight access to all residential units, minimise visual and privacy effects on neighbouring properties, and ensure the safety and privacy for residents as a community.

A landscape masterplan for the site includes areas of planting to provide amenity and assist with integrating the development into the wider area. The landscaping plan includes numerous specimen trees to provide shade and softening of building forms, provide access to shared outdoor areas such as community gardens and seated areas within the villa section, and to larger communal areas around the hub building such as a bowling green and pétanque area. Pedestrian pathways provide links through the site, and internal fences are avoided to provide good passive surveillance and encourage social interaction.

To ensure the safety of residents, a lighting plan for the site is recommended.

3.2.2 The extent to which private and public areas are differentiated and defined.

The whole development will be held under private ownership, including internal roads. However, a new public road will be proposed off Pacific Drive which will provide two access points to the development. One at the north-western boundary which will form the main entrance to the village and hub building, and a smaller access at the north-eastern boundary from the main staff/visitor car park.

The majority of the villas will be located internal to the site and bordered by existing residential development or by the hub building in the northern portion of the site. This has been an intentional design decision made by the applicant to limit villas from fronting or backing on to public roading and to maximise the sense of security for residents.

Nine villas (three duplexes and three standalone villas) will share a boundary with the new public road that will run along the north-western boundary of the site. These villas will be accessed by the private internal road, to be consistent with all other villas and for security reasons. It is acknowledged that this results in a development that essentially turns its back to a public road which is generally discouraged. Ideally, this boundary would be occupied by buildings with activities that can create a buffer to the more private villas and provide activation of the street. If this area is not developed in the future with commercial use, general residential development along this boundary could potentially allow for buildings that are oriented better to address the street. Nevertheless, the boundary treatment has been designed to be kept visually open with pool fencing and softened with hedging to allow for visual connections to the street while still maintaining internal privacy from strangers.

There are no solid external fences to the hub building. Instead, the external boundary is defined by open pool fencing and hedges with pedestrian pathways and garden areas along the outside of the hub building which will allow for human activity at boundaries. The development is not intended to be gated, instead changes in roading surfaces and signage will be implemented to clearly define the development as being private.

3.2.3 The extent to which habitable rooms are oriented towards the east, north or west for good sun, and habitable rooms that face south only are avoided.

All units have been oriented to face north, east or west and forms the design intent behind the general internal roading layout. It is also for this reason that units along the south-eastern boundary are not aligned with the road, or external neighbouring properties, but are instead rotated to provide improved sun access while still facing the street.

All main internal living rooms in villas are oriented north, north-east or north-west. Bedrooms with a southern only orientation are minimised or avoided, and where this does happen, it is for secondary bedrooms rather than the master bedroom. All master bedrooms have a window with a north, east or west orientation.

Given the open nature of the development, with only single storey buildings in the villa portion of the site, and the lack of internal fencing, all villas are expected to receive good sunlight and/or daylight to all internal habitable spaces.

The hub building has been located in the far northern portion of the site where it will receive uninterrupted sun access from the north, west and east. The proposed location of the main road surrounding the site means that this area is also less likely to be shaded by potential future development. The north-south orientation of the hub building's 'fingers' means that every unit and bedroom have a west or eastern orientation at the very least. Two internal courtyards provide sunlight access to units located internal to the building. The low, two storey height of this building means that sunlight access should reach all ground level units.

3.2.4 The extent to which new buildings retain reasonable visual privacy and daylighting for all adjacent residential units and properties.

Only proposed villas will share boundaries with existing residential properties. As all villas are single storey in height and have good physical separation from external boundaries, there will be no unreasonable shading or overlooking of neighbouring properties. Solid privacy fencing will be located along all external boundaries that are shared with residential properties.

3.2.5 The extent to which garages and parking are located and designed to avoid monotony and domination of any street frontage or spaces within the development.

Each dwelling has space for a minimum of 2 car parking spaces, with at least one car in the garage and one in the driveway. This will result in a high vehicle dominance throughout the site. However, given the site is located approximately 1.6km from the closest shops and 1.1km from the closest bus stop, there will be a reliance on vehicles for independence and access to additional amenity that is not provided for within the hub building. Refer to the local context map in *figure 6* for details. Car parking would ideally be clustered in screened locations throughout the development to prioritise the pedestrianisation of the site and minimise vehicle dominance. However, it is acknowledged that the development is for a retirement village where there are likely to be residents with limited mobility, and therefore easy access and close proximity to car parks will be important.

All garages have been designed to be integrated with the associated villa, with internal access and cladding treatments that are consistent with the rest of the building. The main visitor/staff car parking areas to the south of the hub building are bordered by landscaping and split up into sections to allow for additional amenity planting.

3.2.6 The extent to which driveways and entrance courts are designed and landscaped to give visual interest and create an attractive entrance to the development.

To reduce the visual effects of all the car parking and driveways, visual softening of the roading is proposed by avoiding front yard fences and utilising timber screens and amenity planting where outdoor living areas are located between the villa and the street. A large number of specimen trees have been specified throughout the site which add vertical greening and assist with integrating the development into the wider area.

The proposal has been assessed by Tim Kelly, Traffic Engineer at Tim Kelly Transportation Planning Ltd. Mr Kelly has confirmed that traffic speeds can be kept low, with roads able to be shared by pedestrians, bicycles, mobility scooters and cars, with sign posted speed limits of 15 km/hr.

A number of pedestrian pathways, bordered by low level amenity planting and specimen trees provide safe internal connections through the site, including at cul de sacs to ensure the whole development is connected and the need to use roads for pedestrian access is reduced.

Hard surface treatments have not been fully confirmed within the development and it is recommended that there is a condition of consent for a detailed landscaping plan that includes surface treatments to ensure the hard surfacing is appropriately visually broken up.

3.2.7 The extent to which the planning of the development allows views of the street and common spaces within the development to be maintained, including views of open car parking spaces from the dwelling served.

Views to the internal streets and common areas are maintained from villas and the main hub building due to the lack of internal fencing, with the exception of screens around private patios and service areas. This allows for passive surveillance and outlook over the roads and shared spaces from villas, providing a sense of community, allowing for social interactions, and a combined sense of ownership and responsibility.



Figure 6: Local Context Map

3.3 BUILDING DESIGN

3.3.1 The extent to which dwelling fronts including entrances and windows to habitable rooms are oriented to the street edge, and views are maintained to and from the street.

All villas that are accessed from the south have north facing living areas to maximise sunlight access. As such, while these dwellings do not have visual connections to the street from main living areas, they are directly viewed from bedroom windows. There are no visual obstructions, such as fencing or hedging between the villa and the front boundary.

The remaining villas have patios located between the villa and the front boundary for maximum sunlight access. These patios are bordered by timber screening, however visual connections to the street are still provided either from living room/kitchen windows or via the semi-permeable nature of the screening.

In all instances, every villa has windows on the front elevation that will provide views to the private street in which it is accessed from. As previously noted, nine of the villas will have their rear elevation facing the proposed new public road that runs along the perimeter of the development. As such, semi-permeable fencing has been proposed to provide some visual connections to the street.

3.3.2 The extent to which modelling of building form, and secondary forms and detail gives visual interest and a sense of human scale at the occupied and/or publicly visible edges of buildings.

The proposed villas are all single storey and have modest dimensions. The majority of villas comprise two bedrooms, and when combined as a duplex, are similar in scale to existing dwellings in the local area.

The proposed hub building will be the largest building structure in the development, however at two storeys in height, it is not considered to be overly tall. The building form is broken up into 'fingers', which is intended to provide sunlight access to all units and bedrooms, but also assists with breaking up the overall building bulk, refer to the renders in *figure 8*. Areas of landscaping, including hedging and trees, will provide visual softening and screening when viewed from existing and future neighbouring properties.

As shown within the density map in *figure 7*, the level of density is not inconsistent with the established residential areas to the west and east of the site. This assists with managing visual building bulk and dominance, especially when viewed from existing properties to the south on Pacific Drive, and to the east along Monaco Grove, St Heliers Grove and Silicon Way.

3.3.3 The extent to which windows are provided to optimise both daylighting and views while providing for privacy and large blank walls are avoided.

There are no blank walls in the development, including the hub building. Buildings are oriented to maximise sunlight access, with the living areas and largest windows facing north, north-west or north-east. Due to the open nature of the development, even south facing windows (noting these are only limited to secondary bedrooms, with all master bedrooms oriented to receive east or west sunlight) will receive good levels of daylight.

The east-west orientation of individual units and apartments within the hub building means that all habitable spaces will receive at least morning or afternoon sunlight.

3.3.4 The extent to which the living areas of dwellings are located and oriented to optimise sun exposure, natural lighting and views, including to the street or adjacent public open space.

The living areas of all villas are oriented north, north-east or north-west for good sunlight access. All apartments in the hub building are oriented north, west or south to receive good sunlight access.

The majority of villas are oriented with their living area facing the street they are accessed from, thereby providing views over the internal roads. However, south facing villas are oriented with living areas having outlook over shared open spaces between villas instead. This provides a good balance of passive surveillance to the roads and internal open spaces.

The layout of the hub building, with north-south 'fingers' means that all open spaces between these 'fingers' are well overlooked by apartments or units.

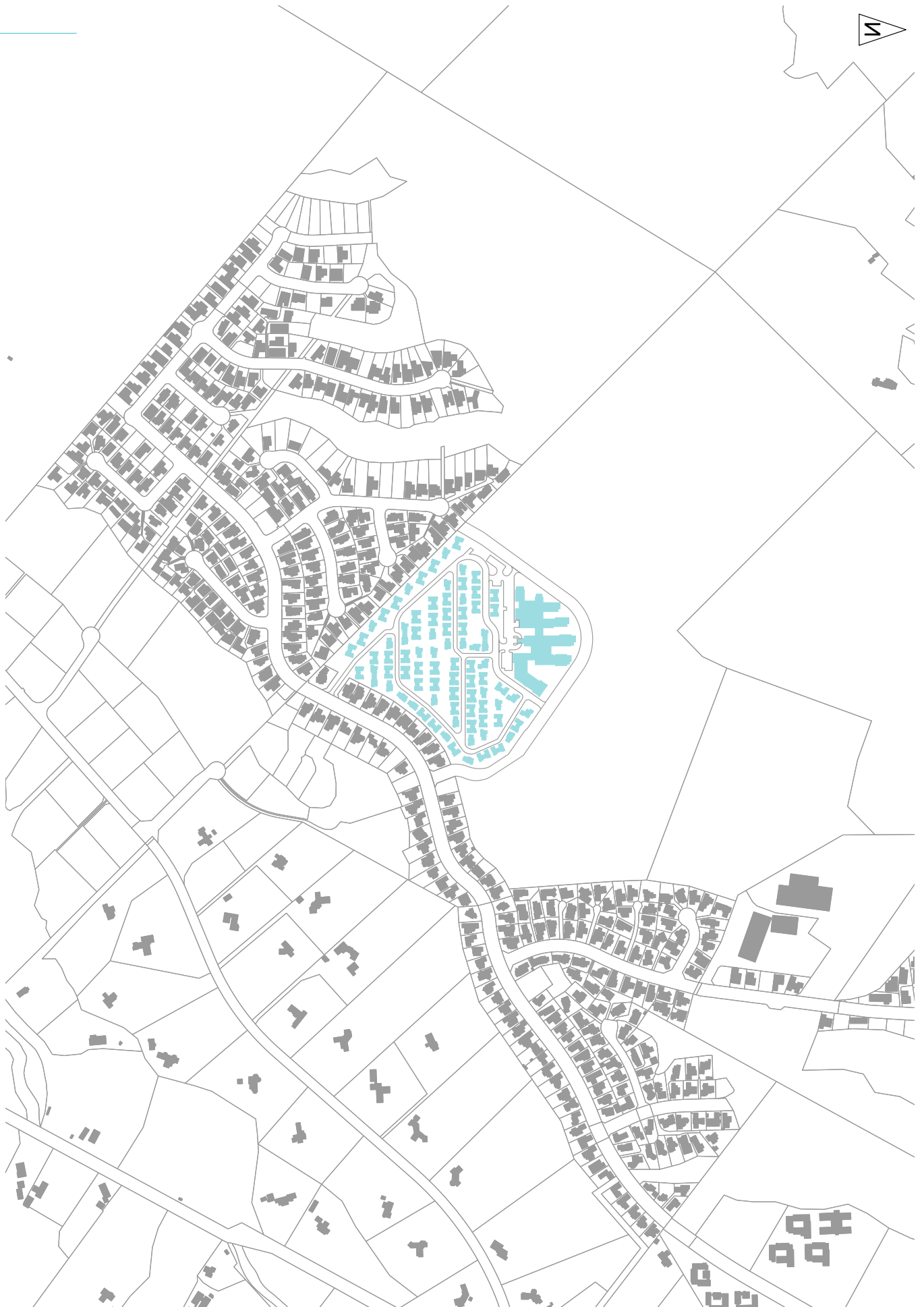


Figure 7: Density Map

3.3.5 The extent to which circulation within the dwellings is sufficiently planned, and spaces including storage are provided an sized to be fit for purpose.

Internal layout within villas is well designed, with a reception area so that entry into the dwelling is not directly into the living room. Each villa has a cupboard located near the entrance for storing coats and shoes etc. Hallways are minimised and each villa is provided with storage cupboards, including provision for hot water cylinders. Internal rooms are of a suitable size to accommodate the number of potential occupants.

Circulation within the hub building is less clear and more information, including dimensions is recommended prior to Building Consent approval.

3.3.6 The extent to which new buildings retain reasonable visual privacy and daylighting for adjacent residential properties.

The proposed villas are single storey in height and set back from neighbouring properties. The two-storey hub building is located well away from neighbouring residential properties, at the northern end of the site. The development will be separated by solid privacy fencing along private external boundaries. As such, reasonable visual privacy and daylighting is provided to adjacent residential properties.

3.3.7 The extent to which individual units are expressed and entrances are signalled and readily visible from the street or entranceways.

All villas have a recessed front door that provides a sheltered space at the threshold or has a porch that extends over the front entrance, with the exception of duplexes A(s) and B(s), although the single storey nature of these dwellings means some shelter will be provided via eaves. A small recess at the front door is recommended as it would be of benefit to provide a better sheltered entrance.

All standalone villas have front doors that directly face the street, with the exception of duplexes which have side access from the driveways. As there is an intention to provide two car parks for these villas (one within the garage and one in front of the garage), pedestrian access to the front door could be obstructed by the parked car. A change in surface treatment to create a pathway and guide parked cars away from the side of the house would be beneficial to accentuate the front door entry and avoid vehicles from blocking the main entrance.

3.3.8 The extent to which the design of the development incorporates energy efficient and water conservation principles.

All units are oriented to maximise solar access. A number of trees have been proposed within the development to provide amenity, however they are well spaced to maintain good sightlines and also ensure sunlight access is still achieved. Most of the trees proposed near villas are either medium or small sized specimen trees.

Water conservation principles have not been included in the design at this stage.



Figure 8: Renders of Hub Building form. Source: Architectural design set - HPA

3.4 OPEN SPACE DESIGN

3.4.1 The extent to which main outdoor spaces are associated with a living area within the dwelling, are reasonably private and of a useable size and oriented to the sun.

As there are no internal fencing between villas, outdoor living areas are spacious. Smaller patios that are directly accessed from the main living room are oriented north, north-east or north-west for sun and made private with amenity planting and an open slat 1.6m to 1.8m tall timber screen.

Apartment buildings in the hub building are smaller, with one-to-two-bedroom apartments, so therefore have smaller outdoor living areas. However, at approximately 1.5m x 3.3m, they are of a sufficient size for a single resident to allow for somewhere to sit and open doors to the outside. Their recessed design and offset between hub 'fingers' means that overlooking between upper level balconies and ground level patios are minimised.

Access to balconies is from bedrooms. A second access from the living area would be of benefit to the apartments.

3.4.2 The extent to which useable, well-oriented balconies are provided to above ground units and where quality at-grade private open space is not reasonably achievable.

Only the upper level, one- and two-bedroom apartments in the hub building have balconies. These are all oriented east or west for good sun and most will have access to good views.

All units have access to shared open space for additional outdoor amenity.

3.4.3 The extent to which good quality shared private open space is provided as a complement to smaller private open spaces or balconies allocated to individual units.

Shared outdoor spaces are located throughout the development to provide additional amenity, such as raised vegetable beds, picnic and barbecue areas, a communal library box, fruit trees and seating areas. Pedestrian pathways create linkages through the site and are bordered by amenity planting.

A village bowling green, communal gardens, pétanque area, outdoor dining area, water features, internal courtyards, pergola areas and linking walkways are proposed along the outer edges of the hub building.

3.4.4 The extent to which boundary treatments such as walls or planting between units balance openness and closure, and are varied to both privacy and views out, and avoid monotony and complete fragmentation of the open space within the development.

Any fencing/screening within the development is limited to small areas only. Instead landscaping provides additional privacy where villas are in close proximity. To encourage the sense of community within the village, outlook and openness is provided between villas, with access to shared pathways and garden areas to encourage social interaction.

3.4.5 The extent to which planting is integrated to provide an attractive setting for and outlook from the dwelling, and provide for privacy, summer shade and winter sun.

A general landscape masterplan has been proposed for the development. This provides areas of planting for:

- Screening and visual softening (i.e. around private patios, between villas and along external boundaries)
- various specimen trees with a range of heights and spread, including deciduous trees to provide summer shade and maintain sunlight to open areas in winter
- communal gardens and seating areas throughout the development
- rain gardens with appropriate native grasses and narrow trees around the proposed car parking and areas of the road, to provide stormwater treatment for stormwater runoff from vehicle areas
- amenity planting and ground cover along internal pedestrian pathways

The combination of these areas will result in an attractive setting for villas and the hub building which is further enhanced and enjoyed by the exclusion of internal fencing.

3.4.6 The extent to which carports and garages are visually compatible with and of a similar standard to the development as a whole.

The proposal comprises a garage in every villa. These are all integrated within the architectural form of the villa to ensure a visually compatible finish and standard to the development.

3.4.7 The extent to which large, highly visible retaining walls are avoided or screened with appropriate planting.

No retaining walls have been proposed in the development. All earthworks are being undertaken to create a level site, with a 5:1 batter located to the north-west portion of the earthworks plan and beyond the extent of the proposal.

3.4.8 The extent to which front yard boundary treatments are sufficiently low to provide for visual connection between the dwelling and the street and allow safe vehicle access across the footpath.

With no front or side boundary fencing, roads and internal pedestrian pathways are provided with passive surveillance from villas. Pedestrian pathways are bordered by landscaping in many areas, with planting limited to low level plants and ground covers to maintain good sight lines and visibility for security. Specimen trees are well separated to ensure there are no areas of concealment or entrapment.

3.4.9 The extent to which suitably screened and located provision is made for rubbish storage and collection.

2m x 2m areas for rubbish collection is proposed to occur from skip bin locations, although this needs to be confirmed. Indicative locations have been included in the landscape masterplan. However, these are likely to need to be screened once sizing and suitable locations have been identified. Indicative locations have been chosen where there is some separation distance from villas to reduce potential odour nuisance.

Each villa has the option of locating personal rubbish bins in the garage and/or in rear service areas that are screened by timber 1.6m – 1.8m timber enclosure areas.

3.4.10 The extent to which suitable, reasonable private and sunny space is provided for open air laundry drying.

Each villa has access to a screened service area at the rear of the unit, with access provided via the rear of the garage. A hard ground surface treatment and close proximity to the laundry provides easy and accessible drying facilities to each villa. While some of the service areas are located to the south of the unit to provide privacy and accessibility, the open nature of the development means that all washing lines will receive some sun for the majority of the year.

4.0 CONCLUSION

131 Pacific Drive, Aokautere

The proposed Woodgate Retirement Village in Aokautere will provide for a range of housing and care options for elderly residents and patients, including 138 villas, 40 apartments, 16 rest home beds, 50 hospital beds and 2 palliative care. Impacts on neighbouring properties has been minimised by proposing a relatively low-density development, with all villas being single storey in height. The larger hub building is located in the northern portion of the site where it is not sharing a boundary with any residential properties, and all proposed new roading is internal to the site which will mitigate traffic noise.

All villas and habitable spaces within the hub building have been located to maximise opportunities for sunlight access and encouraging attractive street frontages that are open and landscaped.

It is noted that the development could be better connected to future development in the wider area by providing active street frontages at external boundaries. However, what the future development would look like has not yet been determined and it is expected that the retirement village will assist with generating future demand for public facilities and commercial development. It would be beneficial to undertake an economic assessment at some stage to ensure areas of commercial development can be planned for in advance and accommodated as soon as the population can support it.

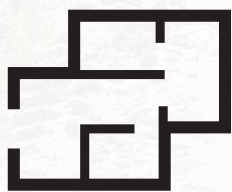
A series of recommendations have been listed below to assist with meeting urban design principles.

Recommendations:

- Clarify roading surface treatments and edges. Preferably, if the roading is to be used as a shared surface, full reliance on slowing traffic is not via road signs alone, and further traffic calming is proposed such as a different, flush surface treatment for pedestrian access, and the inclusion of chicanes and/or rumble strips.
- Clarify external fencing typologies within the detailed landscape plans.
- Villa 132 is rotated 90 degrees clockwise so that the front door is facing the street and access into the garage is easier. This retains the proposed access from Road 2 instead of Road 1 to provide access from a secondary road and allow for planting along the main entrance into the site.
- Villas 98 and 93 are mirrored from CN(e) to CN(w) (or vice versa) to allow for a north and western orientation for the main living areas. It's not clear which is which, but I have assumed the east or west is defined by the main access to the villa.
- A colour and material pallet is provided to demonstrate how variation is provided through the development, including villas and the hub building.
- Provide shelter to the front door of Villas A(s) and B(s).
- Include a change in surface treatment to define pathways to front doors on duplexes.
- Include a lighting plan for the development for safety and security reasons.
- Clarify waste collection methodology.
- Ensure letterbox area is accessible, and in an approved location with NZ Post.
- Provide dimensions and further detailed information on the Hub building.
- Provide physical access to apartment balconies from the living area and not just from bedrooms.
- Clarify how water conservation principles will be addressed.
- Note inconsistency in plan -Type C (n) DG is not displayed on the masterplan

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APPENDIX G

LANDSCAPE AND VISUAL ASSESSMENT:
ANGELA MCARTHUR

Assessment of Landscape & Visual Effects Report

Woodgate Retirement Village

131 Pacific Drive, Aokautere
for Woodgate Ltd
12 July 2022
Revision 2



Prepared by Angela McArthur

Eco-Landscapes & Design Ltd

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Appendices

Appendix 1: Landscape Plans

Appendix 2: Graphic Supplement – Photographs 1-10; Photographs A - H



1. Introduction

My name is Angela McArthur. I am a registered member of Tuia Pito Ora New Zealand Institute of Landscape Architects and principal of my own practice, Eco-Landscapes and Design. I have been practicing in the field of landscape assessment and design for over 25 years. I have been engaged by Woodgate Ltd to provide a landscape report for the proposed retirement village at 131 Pacific Drive, Aokautere.

I have provided specialist advice in relation to landscape and visual effects, landscape character and visual amenity for a range of resource consent applications including low density residential and lifestyle subdivisions. I have prepared and presented evidence for resource consent hearings before Consent Authorities and the Environment Court, in Wellington, Horowhenua and Manawatu Regions.

The purpose of this report is to provide an assessment of landscape and visual effects. The assessor must identify the existing landscape values relevant to the character of the site and local area. The degree or scale of an effect will be determined in consideration with design measures proposed to avoid, remedy or mitigate adverse effects and the outcomes sought in the statutory planning provisions.

To understand the site and its wider context I have visited the site and local area on 9 March 2022.

2. Scope of Report

The scope of this Landscape and Visual Assessment Report will address:

- Description of the proposal
- Assessment Methodology
- Existing Environment
- Relevant Planning Matters
- Assessment of Landscape and Visual Effects
- Recommendations and Conclusions
- Appendix 1: Landscape Plans
- Appendix 2: Graphic Supplement

3. The Proposal

3.1 *This report should be read in combination with other Relevant Application Documents Referenced and Appendix 1 and 2.*

- The Retirement Village proposal is shown in the Proposal Overall Village Site Plan; Retirement Hub Building Elevations, Ground and First Floor Plans, Revision A dated 15/06/22 prepared by HPA Group;
- Villa Elevations are shown as 9 design configured as duplex and standalone options in drawings title Proposed Village Villa Elevations dated 26/08/21 prepared by HPA Service;
- Earthworks Drawings 2043-221 Sheets 1-4 & Indicative Stormwater Layout 2043-220 Revision A, dated June 2022 prepared by Pirie Consultants Ltd;
- Urban Design Assessment dated 12 July 2002 prepared by Urban Edge Ltd.
- Appendix 1: Landscape Plans
- Appendix 2: Site Visual Analysis Photographs 1-10 and Context Photographs A-H



3.2 Key Details of Proposal

The total Site area is 8.7 Ha. The Applicant seeks resource consent for the retirement village comprising:

- Earthworks to level out the Site with the fall towards gullies generally in the west and to some extent in the north.
- Retirement Village buildings catering to a range of living options which include:
 - 138 single level villas configured as 9 design options located at the southern end of the Site. Duplex options include building Types A(n), A(s), B(n), B(s) and standalone building Types C(s), C(n) and D(e);
 - The retirement hub buildings include facilities for a café, dining and administration; apartments for independent living and facilities for rest home, dementia, palliative and hospital care;
- New public road off Pacific Drive includes 2.5m wide shared path both sides and landscaping;
- Three vehicle entrances to the retirement village site include one from Pacific Drive and two entrances from the proposed public road;
- Shared path for pedestrian and cycle access through southern corner of Site linking Pacific Drive and Monaco Grove;
- Internal roads and carparking for 90 vehicles (including 4 disability car parks);
- All villas have internal garaging and a carpark space, planting for visual interest and privacy, patio and clothesline areas;
- Retirement hub buildings up to 10m, landscaped carparking areas landscaped with amenity planting and outdoor activity areas;
- Pedestrian walkways, communal gardens and amenity planting throughout the site;
- Fencing and buffer planting along all site boundaries.
- External building colours will be subdued natural hues of green, brown or grey.

4. Assessment Methodology

4.1 Methodology Guidelines

Landscape effects are measured against the existing landscape values and the character attributed to the existing environment. Landscape values relate to the physical conditions of the landscape and their aesthetic qualities. Landscapes are experienced visually.

Visual effects are a subset of landscape effects and relate to the change in landscape character or loss of landscape values as experienced in views by the viewer.

Change itself does not necessarily constitute an adverse landscape or visual effect.

Landscape is dynamic and constantly changing over time both due to natural and human intervention.

The magnitude of visual effect(s) will depend on factors such as: the elevation, orientation, separation distance, background and foreground context, number of viewers, frequency of view and likely future character anticipated for the site. The degree or scale of an effect will be determined in consideration with design measures proposed to avoid, remedy or mitigate adverse effects and the outcomes sought in the statutory planning provisions.



In assessing the level of landscape and visual effects the nature of effects can be assessed in terms of whether this will be positive (beneficial) or negative (adverse) or neutral where landscape and visual change is benign.

Cumulative effects should also be considered in the overall assessment of landscape and visual effects. Additional landscape and visual effects on the wider character area and change over time is considered in helping the determine the overall level of effects.

The New Zealand Institute of Landscape Architects (NZILA) provides guidance in the Te Tangi a Te Manu: Aotearoa New Zealand Landscape Assessment Guidelines dated 5 May 2021. I have used the following seven-point scale for determining the level of effects.

Level of Effects: Very High - High - Moderate to High- Moderate - Moderate to Low - Low - Very Low

A 'Moderate to Low' scale of effects would generally equate to 'minor' in RMA terminology.

Less than Minor		Minor	More than Minor			
Very Low	Low	Moderate –Low	Moderate	Moderate-High	High	Very High

Table 1 – Description of scale of effects

Effect Rating	Description of effect and Definition
Very High	The proposal will result in a total loss of key elements/features/characteristics. ie. there will be a complete change in landscape character and in views for the receiving landscape
High	The proposal will result in a major loss of key elements/features/characteristics. ie. Little of the pre-development landscape character will remain and views of the proposal will be prominent
Moderate - High	The proposal will result in modification of several key elements/features/characteristics. ie. the pre-development landscape character evident but materially changed and will be prominent in views.
Moderate	The proposal will result in a partial loss or modification of several key elements/features/characteristics. ie new elements may be prominent in views but not necessarily uncharacteristic within the receiving landscape
Moderate - Low	The proposal will result in a minor loss or modification to one or more key elements/features/characteristics .ie new elements are not prominent within views or uncharacteristic within the receiving landscape.
Low	The proposal will result in little material loss of or modification to key elements/features/characteristics. ie. modification or change is not uncharacteristic or prominent in views and can be readily absorbed within the receiving landscape
Very Low	The proposal will result in negligible loss of or modification to key elements/features/ characteristics of the existing and receiving landscape. There will be negligible change in views



4.2 Assessment Process

To prepare the Landscape and Visual Assessment the following tasks were undertaken:

- Familiarisation with the application Site through desk top study of the area using Palmerston North City District Plan Planning Maps and Aerials in combination with site visits to the application site and surrounding area.
- I visited the site and surrounding area on the 9th March 2022 observing the Site and immediate and local area, including natural features and the likely viewing catchment. This has determined the viewing audience and viewpoints from the public road and neighbouring properties where the proposal will be visible.
- Review of relevant statutory provision
- Assessment of landscape and visual effects
- Recommendations and Conclusions

5. Existing Environment

5.1 Site Location and Character

The Site is located within the Aokautere Development Area approximately 1.2km from the intersection of Pacific Drive and Aokautere Road (State Highway 57), and 6km from Palmerston North City Centre (Refer to Figure 1. Site Location Plan)

Currently the Site is undeveloped land located to the rear of existing residential development along Pacific Drive, Monaco Grove, St Heliers Grove and Silicon Way.

The site character is a mix of flat grassed areas and the gorse covered section across the middle of the Site. The gorse covered section generally extends over previous earthworks to fill the gully and stockpile material possibly for future use. Currently the local stormwater pipe from Monaco Grove discharges onto the Site. Naturally the Site would drain into Johnstone's Gully located to the northwest. Primarily any natural and landscape characteristics of the gully landform have been removed. Refer to Appendix 2, Site Analysis Photographs 1 and 2 which show the degraded condition of the land within the modified gully.



Figure 1. Site Location Plan – Woodgate Retirement Village – 131 Pacific Drive, Aokautere (Image PNCC Aerial mapping)



5.2 Landscape Values

The Site is within the Aokautere Development Area and has not been identified as an Outstanding Natural Feature (ONF), Outstanding Natural Landscape (ONL) or as a Significant Amenity Landscape in the PNCC District Plan. However, the area of the old gully is shown on Map 10.1 Aokautere Development Area as part of the local network of gullies where development is restricted.

In my view, the natural gully character within the site and any contribution to local amenity has long been removed. Restoration of the old gully area and residential development that can to some degree reflect the past character through rain gardens and appropriate housing as proposed will help maintain and enhance landscape values of the Site.

Currently the Site has amenity values specifically relating to:

- The sense of openness and spaciousness
- Open views towards North Gully, Moonshine Valley and Tararua Ranges in the distance.

5.3 Site Visibility and Context

The extent and degree to which the Site is visible from the surrounding area was considered on the site visit. Site visibility will range from full open views, partial views through to glimpses.

Appendix 2: Site Visual Analysis Photographs 1-10 and Context Photographs A- H have been taken to illustrate the Site's existing visibility and the visual catchment where the Site is visible from within the surrounding area. **Figure 2:** The Visual Analysis Plan has identified locations where photographs were taken from.

The visual catchment of the Site is relatively restricted due to the flat topography and foreground fencing and vegetation within neighbouring properties. The viewing audiences include:

Public Locations:

- Partial to restricted views of the Site for road users along Pacific Drive.

Private Locations:

- Open to Partial view from the rear of properties adjoining Site along Pacific Drive, Monaco Grove, St Heliers Grove and Silicon Way.

Site Visual Analysis Photographs 1-10 and Site Context Photographs A – H show views from the site and of the surrounding area and views into the Site.

The Site is open to the north with distant views towards the residential area along Johnstone Drive to the northwest, Silicon Way to the northeast and North Gully to the north. Vegetation within the Site and neighbouring sites in the immediate surrounding area limit visibility from many locations in the visual catchment (Refer to Appendix 2, Site Analysis Photographs 6,7, 9,10).

Site Context Photographs A, B show that the site is open to the north which is currently undeveloped with Moonshine Road rural residential area in the distance view to the north (Refer to Site Context Photograph B). The landscape character reflects the grass terraces and incised gully landform where vegetation is generally regenerating bush and gorse.



Site Context Photographs C, D, show that the site and general area to the north. The landscape character again reflects the grass terrace and modified gullies where vegetation cover is primarily gorse.

Site Context Photographs E, F, G, H show the surrounding residential character found in adjoining streets.

Other views into the Site for residents include are from Johnstone Drive where the separation distance from the Site is approximately 200m. Views towards the Site from these residents will form a small component of the overall view.

In summary the Site is reasonably discrete, visible at the street entrances and for residents within properties adjoining the site along Pacific Drive, Monaco Grove, St Heliers Grove and Silicon Way. from the northern aspect only.

6. Relevant Planning Matters

6.1 Resource Management Act (RMA)

Relevant RMA provisions addressed in this report include

- Section 7(c) – the maintenance and enhancement of amenity values
- Section 7(f) – the maintenance and enhancement of the quality of the environment

6.2 Horizon Regional Council One Plan

Chapter 6 – Indigenous Biological Diversity, Landscape & Historical Heritage

Issue 6-1: Indigenous biological diversity

Indigenous biological diversity is not being maintained in the Region. As a result of historical land development practices, only a small proportion of the original extent of indigenous habitats remains. The diversity within remaining areas is declining owing to their isolation or as a consequence of a range of activities, most notably:

- *pest plants and pest animals*
- *stock access*
- *land drainage, which impacts upon wetlands*
- *perched culverts and other barriers to fish migration*
- *run-off and discharges causing poor water quality*
- *vegetation clearance.*

The site currently has reduced or low ecological values. Overall, the proposal will enhance and restore the site. Amenity exotic and native species are proposed throughout the site.

Stormwater discharge from the local area and the Site will be managed in accordance with the updated layout shown in the proposed Stormwater Layout Revision A, 2043-220 dated June 2022 prepared by Pirie Consultants. Rain gardens adjacent to main roads and carparking areas within the retirement and grass swales both side of the public road will help reduce and manage run off into Johnstone Gully (Refer to Appendix 1: Landscape Plans).

6.3 Palmerston North City – Residential Zone – Aokautere Development Area

6.3.1 Earthworks - Relevant Objectives and Policies

Objective 1 To provide for earthworks activities where the associated adverse effects are able to be avoided, remedied, or mitigated.

Policy 6.3.3.1.2 To avoid, remedy, or mitigate any adverse effects on the environment from earthworks on: Natural Landform; Landscape Values; Visual Amenity Values; Adjoining Properties; Natural Hazards and Processes; Effects on the National Grid.



The general pattern of development in the Aokautere area has been to develop housing along terraces and to protect incised gullies apart from where connector roads have been constructed. Some of these gullies to the west have been incorporated into Palmerston North city's open space network. However, in the earlier stages of residential development some of the upper gullies were filled and the areas flattened for housing. This has occurred within the application Site where the gully has been filled and stockpiled material is now overgrown with gorse.

Earthworks proposed are primarily to create a consistent slope throughout the Site to enable further development. Updated stormwater management and landscaping proposed will improve the landscape and amenity values currently found within the site (Refer to Appendix 1 Landscape Plans).

Initially, adverse effects of earthworks will be **moderate to high** on visual amenity for local residents. However once exposed earthworks are restored initially with grass and the construction and landscaping completed for the retirement village, adverse effects will reduce to **low**.

6.3.2 R10.7.4.6 Retirement Villages and Residential Centres – Residential Zone

Assessment Criteria Relevant the Landscape and Visual Effects

d. To ensure the design and appearance of any building, structure or sign is in character with, and complementary to the ambience and amenity values of the surrounding residential neighbourhood.

The proposal is to construct lifestyle villas around the southern half of the site and locate the more intensive retirement complex buildings and carparking at the northern end. The retirement hub will be easily accessible from the new public road and is set back from the street boundary amongst landscaped garden areas. The retirement hub is mix of one and two levels with a maximum building height of 10m. The overall design and layout of buildings concentrates the higher and more intensive development away from existing residential areas. Services vehicles will enter the site from the new public road.

In my view, buildings forms and layout on the site are complementary to the ambience and amenity values of the surrounding residential neighbourhood.

e. To ensure that any detracting from the visual amenity of the surrounding residential neighbourhood is avoided, remedied or mitigated by appropriate landscape works or screening.

Initially there will be adverse construction effects. However, the Site will be fenced and in time landscaped along boundaries adjoining residential properties. A 1.5m wide border of shrubs is proposed inside the boundary fence with taller specimen trees proposed for screening and visual interest around villas and retirement hub buildings. In my view adverse visual intrusion effects and loss of visual amenity for the surrounding residential neighbourhood will be **low**.

g. The extent to which appropriate landscaping elements have been incorporated to enhance the character, ambience and amenity values of the adjoining residential neighbourhood.

Extensive landscaping is proposed around the retirement village. Landscape elements include deciduous and evergreen specimen trees, rain gardens and amenity planting for year-round interest, privacy and integration. Activity amenity areas provided for residents will include the



bowling green, petanque court, internal connecting walkways, courtyard gardens, communal vegetable gardens and BBQ and seating areas throughout the site. For site landscaping and selection of species proposed refer to Appendix 1 Landscape Plans.

Roadside drainage swales and specimen tree planting and 2.5m wide shared pathway is proposed each side of the new collector road from Pacific Drive. A shared path is proposed from the entrance at 153 Pacific Drive through the corner of the site to Monaco Grove. The public will not be restricted for entering the retirement village although no formal public greenway space is proposed beyond the connection with the end of Monaco Drive.

h. The extent that on-site planting has been implemented to reduce the activities visual intrusion on adjacent properties and break up areas of hard surfacing, such as fence lines and paved areas.

Solid fencing is proposed at boundaries adjoining Pacific Drive, Monaco Grove, St Heliers Grove and Silicon Way. Many of the properties already have solid 1.8-2m high fencing and foreground vegetation between houses and the boundary currently restricting views into the site. Hard surfacing will be concentrated internally within the site. Boundary planting will generally provide a buffer screening from the proposed public road where the fencing style will be permeable. A high percentage of the site will remain as permeable areas of grass and trees (Refer to Appendix 1 Landscape Plans Sheet 6 for fencing styles proposed).

In summary, given the local landscape context and existing residential development in the area, the proposal will not substantially change the broader landscape characteristics of the area.

7. Assessment of Landscape and Visual Effects

The assessment of landscape and visual effects is based on a combination of the landscape's sensitivity and visibility together with the nature and scale of the development. The scale of landscape and visual effects has been determined by the seven-point scale ranging from very low to very high. A description of each scale of effect is shown in Table 1. Section 4 of this report.

Effects considered relate to landscape character and visual amenity effects. This will involve the change in character from open and undeveloped to urban in form and potential loss of visual amenity for surrounding residents and road users in view of the Site.

7.1 Landscape Effects

The Site is currently open grass and rough ground areas. The earthworks proposed will make changes to existing site contours to enable development of the new road and the retirement village. Overall levels across the site will be reduced by up to 4m in some locations. Earthworks will create a consistent downward slope to the west and north across the Site. The public road proposed will extend the roading network and create opportunities for further residential and business development in the area. The site has no vegetation of significance to be protected.



7.1.1 *Landscape Character Effects*

The conversion of 8.7 Ha of land currently zoned for residential development will lead to a moderate to low change in landscape character for the Site. A significant level of amenity, open space areas and planting is proposed for the retirement village and the new public road. (Refer to Appendix 1: Landscape Plans).

Given the local landscape context and existing residential development in the area, the proposal will not change the broader landscape characteristics of the area.

In my view the Site is a logical extension for residential growth and the location for retirement village with a range of living options.

7.1.2 *Summary of Landscape Effects*

Initially landscape effects will be **moderate** due to effects of earthworks and construction effects. However, with appropriate landscaping and planting as proposed the development will in time integrate with the landscape setting. As planting establishes the new public road and the retirement village will appear as an extension to the growing urban form in the area. Overall, adverse landscape effects will be **low**.

7.2 *Visual Effects*

Visual effects and loss of visual amenity are considered in terms of potential effects. The degree of visual effects will depend on a number of factors such as: the type of viewer, orientation, separation distance, foreground and background context and elevation of the viewer.

7.2.1 *Public Viewers – Road Users*

Due to the location of the Site public viewers are limited to distant road users or glimpses from the existing site entry points at 131 and 153 Pacific Drive. Currently the only open views into the site are from areas of undeveloped land only located north of the site, which I understand is currently owned by the Applicant and restricted from public access (Refer to Appendix 2: Site Analysis Photographs A,B,C,D).

Due to the lack of vantage points adverse visual effects for road users and the public will be **low to very low**.

7.2.2 *Private Locations - Resident Viewers*

Residents potentially affected are within adjoining sites along Pacific Drive, Monaco Grove, St Heliers Grove and Silicon Way. These properties are:

- 129, 133,135,137,141,143,145,149,149,151,155 Pacific Drive
- 18,20,21,22,23,24,25 Monaco Grove
- 8,10,11,12 St Heliers Grove
- 21,23,15,27 Silicon Way



Along Pacific Drive all houses are single level apart from the house at 143 Pacific Drive where there are clear views from the upper level overlooking the site (Refer Appendix 2, Site Analysis Photographs 1,4,6,9)

Along Monaco Grove, St Heliers Grove and Silicon Way all houses are single level with outlooks over the site (Refer to Appendix 2, Site Analysis Photograph 7 and Context Photograph E, G).

For more distant residents to the west along Johnstone Drive and the Pacific Drive there are partial to open views into the Site. The retirement village will be noticeable however at considerable distance.

7.2.3 Summary of Visual Effects – Resident Viewers

Address	Distance from Site	Nature of View	Description and Assessment of Potential Visual Effects
129,133,135,137,141, 143,145,147,149,151, 155 Pacific Drive	Adjoining southwest boundary	Open to Partial	All properties currently have fences and many with established vegetation in foreground between house and fence. The proposal would change the open outlook to a more developed one. Earthworks will reduce ground levels close to the mutual boundary. For adjoining resident current distant outlooks will be retained. The applicant proposes solid fencing and buffer boundary planting of shrubs along all site boundaries. Villa style development along this edge of the site will be single level and set back at least 3m from the mutual boundary. Retirement Hub buildings are set back at least 170m from this site boundary. Overall adverse visual effects of the proposal once planting establishes will be low
18,20,21,22,23,24,25 Monaco Grove; 8,10,11,12 St Heliers Grove; 21,23,15,27 Silicon Way	Adjoining southeast boundary	Open to Partial	All properties currently have boundary fences. The proposal would change the open outlook to a more developed one. Earthworks will reduce ground levels close to the southeast corner of the Site. For adjoining residents, current distant outlooks will be retained. The applicant proposes solid fencing and buffer boundary planting of shrubs along all site boundaries. Villa style development along this edge of the site will be single level and set back at least 3m from the mutual boundary. Retirement Hub buildings will be set back at least 130m from this site boundary. Overall adverse visual effects of the proposal once planting establishes will be low



The visual amenity of the Site will change however it will be consistent with the existing local context for this developing suburban area. Planting within the retirement village and street trees along both sides of the proposed public road will help to integrate future buildings and filter views into the site.

8. Recommendations

It is recommended that landscaping for the proposed public road and retirement village be undertaken in accordance with Appendix 1: Landscape Masterplan. Final planting and specification details will be shown on the final landscape plans required as a condition of consent.

Recommendations made in the Urban Design Assessment regarding confirmation of roading and footpath surface treatments, final fencing/screen designs, letter box locations and bin enclosure details will be shown on the final landscape plans.

Buildings colours for roofs and exterior cladding be restricted to subdued natural hues of green, brown or grey.

9. Conclusions

The proposed retirement village will lead to a change in landscape character for the Site. However, given the local landscape context and existing residential development in the area the proposal is appropriate. Overall landscape and visual effects due to the proposal will be positive.

The earthworks proposed will provide a consistent slope over the site to enable development for the new road and the retirement village. The public road proposed will extend the roading network and create opportunities for further residential and business development in the area.

Updated stormwater management and landscaping proposed will improve the landscape and amenity values currently found within the site. Rain gardens and grass swales adjacent to roads and carparking areas will help to manage additional run off from the Site (Refer to Appendix 1: Landscape Plans).

While the visual amenity of the Site will change the proposed development will be consistent with the existing local context for this developing suburban area. Planting with the retirement village and street trees along both sides of the proposed public road will help to integrate buildings and filter views into the site.

In my view the retirement village proposal is a logical extension for residential growth in this part of Aokautere.

Angela McArthur
Eco-Landscapes & Design Ltd
Registered Member of the New Zealand Institute of Landscape Architects



Appendix 2

Graphic Supplement

Woodgate Retirement Village

Application for Resource Consent

Pacific Drive, Aokautere

Date: July 2022



Figure 1. Site Location Plan (PNCC Gis Mapping)

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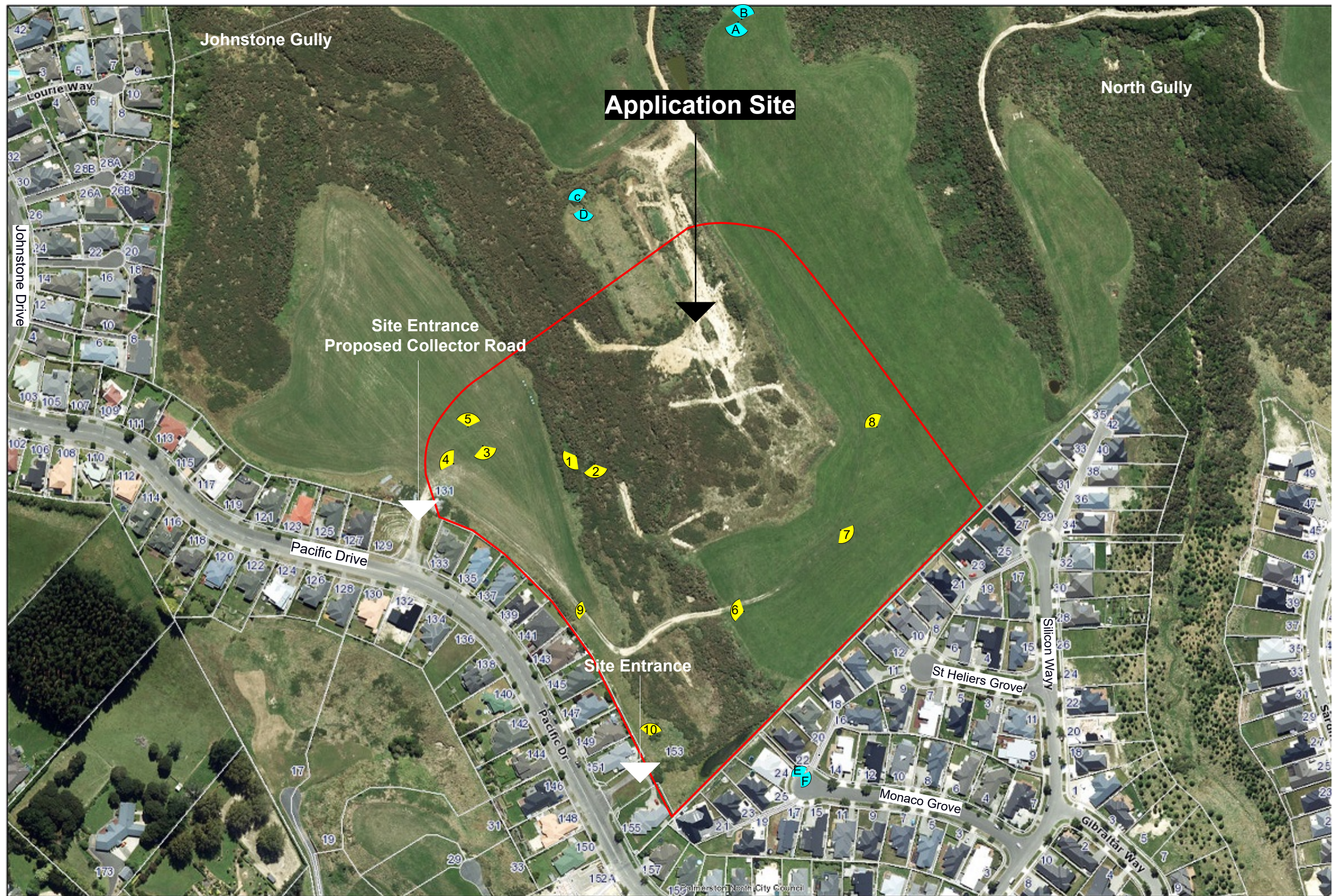


Figure 2. Site Analysis & Context Plan

Site is within Aokautere Development Area (PNCC District Plan) and Residential Development Zone - Palmerston North City Proposed Plan Change G

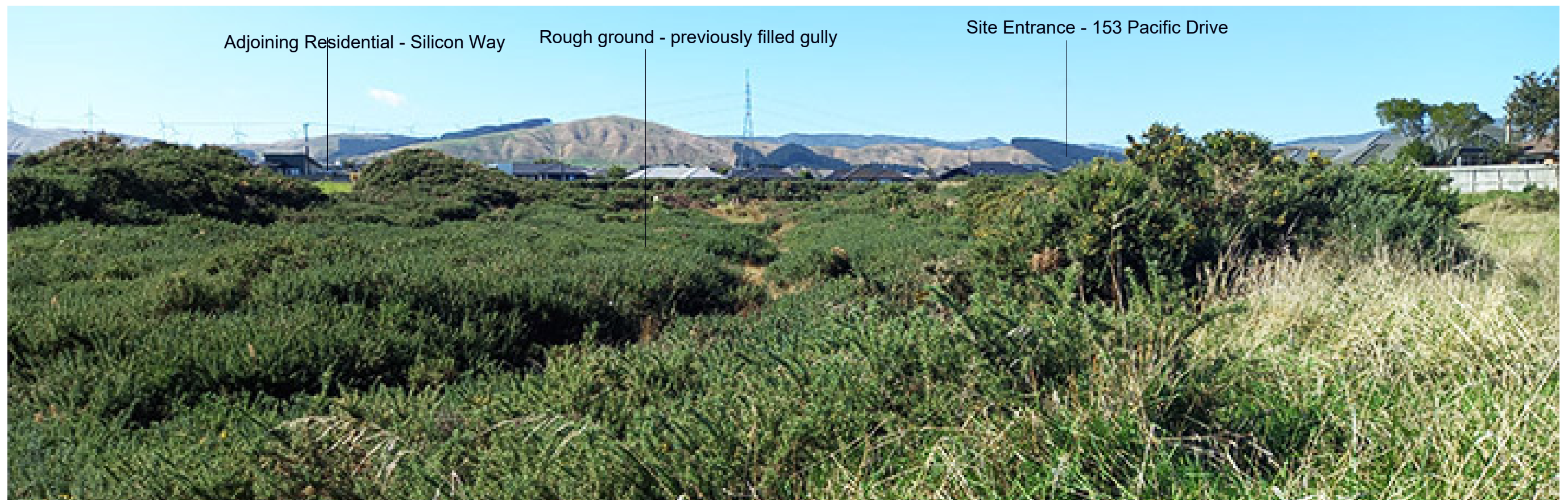


Legend

- Site Boundary
- Dwelling/Neighbourhood
- 1 Site Analysis & Character Photograph
- A Site Context Photograph



Site Analysis Photograph 1. View looking south to south west towards Pacific Drive and adjoining residential



Site Analysis Photograph 2. View looking south towards southern corner of Site



Boundary with Pacific Drive Neighbours

Site Analysis Photograph 3. View looking south east across eastern side of Site, Photos location close to Site entrance at 131 Pacific Drive



Residential development - Pacific Drive

Residential development - Johnstone Drive

Site Analysis Photograph 4. View looking northeast from close to eastern edge of proposed Site boundary





Site Analysis Photograph 5. View from close to eastern boundary looking north - northwest towards Johnstone Drive, Johnstone Gully in foreground



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Residential development Silicon Way, St Helliers, Grove, Monaco Grove

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Site Analysis Photograph 7. View looking towards residential development adjoining Site to the south and east.

Residential Area - Johnstone Drive

Gully north of Site



Site Analysis Photograph 8. View looking north and northwest across northern end of Site. Unmodified gully north of site identified.





Site Analysis Photograph 9. View looking along site boundary abutting rear of sites along Pacific Drive



Site Analysis Photograph 10. View overlooking south eastern part of Site from southern corner close to entrance at 153 Pacific Drive



Site Context Photograph A. Viewpoint looking south. Location approximately 200m north of proposed retirement villlage north boundary.



Site Context Photograph B. Viewpoint looking north. Location approximately 200m north of proposed retirement village boundary.



Site Context Photograph C. Viewpoint approximately 100m north of Site northern boundary. View looking north towards Johnstone Drive. Johnstone Gully in foreground view



Site Context Photograph D. Viewpoint location approximately 100m north of northern Site boundary. View towards the south with Site in foreground view.



Site Context Photograph E. View from end of Monaco Grove - looking towards Site and Drainage Reserve proposed as shared pathway



Site Context Photograph F. View from just inside Site - location of primary entrance from 153 Pacific Drive and proposed shared pathway - residential character Pacific Drive



Site Context Photograph G. View from front garden at 27 Silicon Way towards Site NW aspect overlooks Site



Site Context Photograph H. Monaco Grove Street Character - typical of new residential development in the local area.





APPENDIX H

INTEGRATED TRANSPORTATION
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Woodgate Lifestyle Village, Aokautere, Palmerston North Integrated Transportation Assessment

prepared by: **Tim Kelly Transportation Planning Ltd**

for: **Woodgate Ltd**

June 2022

Reference: woodgate lifestyle village ita v3 jun22.docx



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1 Background & Scope

1.1 Background

Woodgate Ltd proposes to construct and operate a retirement village (the Woodgate Lifestyle Village (the **Village**)) at 131 Pacific Drive in Aokautere, Palmerston North.

The proposal has a potential to generate effects in terms of traffic activity, parking demand, pedestrian/cycle movements and servicing.

1.2 Scope

The purpose of this document is to assess the proposal in terms of these potential effects, identify any required mitigation measures and assess compliance with the relevant provisions of the Palmerston North City Council District Plan (**PNCCDP**).

This document forms part of an Assessment of Environmental Effects (**AEE**), which in turn supports the application for resource consent to be lodged with the Palmerston North City Council (**PNCC**).

2 Existing & Future Situation

2.1 Location

The location of the application site is shown by **Figure 2.1**.

This has an access with the north-eastern side of Pacific Drive and frontage with a yet-to-be constructed unnamed Collector road (the **Collector Road**) which accesses Pacific Drive.

2.2 Road Environment

Pacific Drive is a cul-de-sac which connects Aokautere Drive (State Highway 57) at its northern end with areas of mainly new development to the south, over a distance of approximately 2.1 kms.

Throughout its length, Pacific Drive has a legal width of around 22m providing for a 12m wide carriageway accommodating two-way traffic with unrestricted kerbside parking. Footpaths are provided to both sides, separated from the carriageway by grassed berms. The alignment of the road is reasonably straight with a negligible gradient, providing for good sightlines in both directions. A 50 km/hr speed limit is applicable and street-lighting is provided.

The intersection of Aokautere Drive with Pacific Drive is priority controlled with movements from Pacific Drive being subject to a 'Stop' control. Aokautere Drive is subject to a 70 km/hr speed limit in this area. A wide flush median on Aokautere Drive provides for a right-turn bay 23m in length for traffic turning in to Pacific Drive. Sightlines are good in this area, being approximately 250m to the south-west and 220m to the east.

Johnstone Drive is of a slightly lower standard than Pacific Drive, having a legal width of 20m and carriageway width of 10.8m. Again, this provides footpaths behind grassed berms and street lighting. This connects with Pacific Drive at a priority intersection 350m to the north of the application site and provides a more direct link to Aokautere Drive for vehicle movements to/from the north-east. The intersection with Aokautere Drive is of a similar type and standard to that provided at Pacific Drive but with the addition of a left-turn slip lane for movements entering Johnstone Drive from the NE. Sight-distances are around 200m to the SW and over 250m to the NE.

Photos at **Annexure A** show the general road environment in this area.



2.3 Traffic Volumes & Conditions

Traffic volumes for Pacific Drive, Johnstone Drive and their intersections with Aokautere Drive have been reported in a Transportation Assessment (TA) for the Aokautere Structure Plan.¹

Link Counts

This document reports the following summaries of Council counts for March 2021:

- Pacific Drive: average daily traffic volume 2,465 vehs/day (8% heavy vehicles), with weekday evening peak hour volume of 281 vehs/hour (5-6pm) and Saturday peak hour volume of 183 vehs/hour (10-11am); and
- Johnstone Drive: average daily traffic volume 465 vehs/day (18% heavy vehicles), with weekday evening peak hour volume of 52 vehs/hour (3-4pm) and Saturday peak hour volume of 50 vehs/hour (7-8am and 3-4pm).

The proportions of heavy vehicles in these counts appear high and may reflect existing building construction activity within the catchment area of these roads.

Intersection Turning Volumes

The TA also reports the results of turning count surveys undertaken in April 2021 (outside of the school holiday period), for the weekday evening peak and Saturday mid-day peak periods.

The implied link volumes for Pacific Drive and Johnstone Drive from these surveys are higher than the Council counts. This is most likely due to the location of the link counts being further from the Aokautere Drive intersections:

- Pacific Drive: weekday evening peak hour volume of 339 vehs/hour and Saturday peak hour volume of 241 vehs/hour;
- Johnstone Drive: weekday evening peak hour volume of 112 vehs/hour and Saturday peak hour volume of 77 vehs/hour; and
- Aokautere Drive: weekday evening peak hour volume of 830 – 1,290 vehs/hour and Saturday peak hour volume of 700 - 950 vehs/hour.

Traffic Volumes

The side-road volumes are not high and consequently congestion is not currently a significant issue in this area. Assessments of the operating performance of the intersections using SIDRA² was reported in the TA, confirming that all turning movements currently operate at Level of Service (LOS³) A.

¹ Palmerston North City Council – Aokautere Structure Plan: Transportation Assessment. Harriet Fraser Traffic Engineering and Transportation Planning, 14 March 2022.

² Signalised and Un-signalised Intersection Design and Research Aid.

³ Level of Service is a six-point scale used to describe traffic conditions, in which LOS A represents free-flow conditions and LOS F represents heavily congested conditions.

2.4 Crash History

The crash history for Pacific Drive, Johnston Drive and the connecting section of Aokautere Drive for the period since January 2017 has been obtained from the database maintained by Waka Kotahi (WK) and is summarised by **Figure 2.3**.

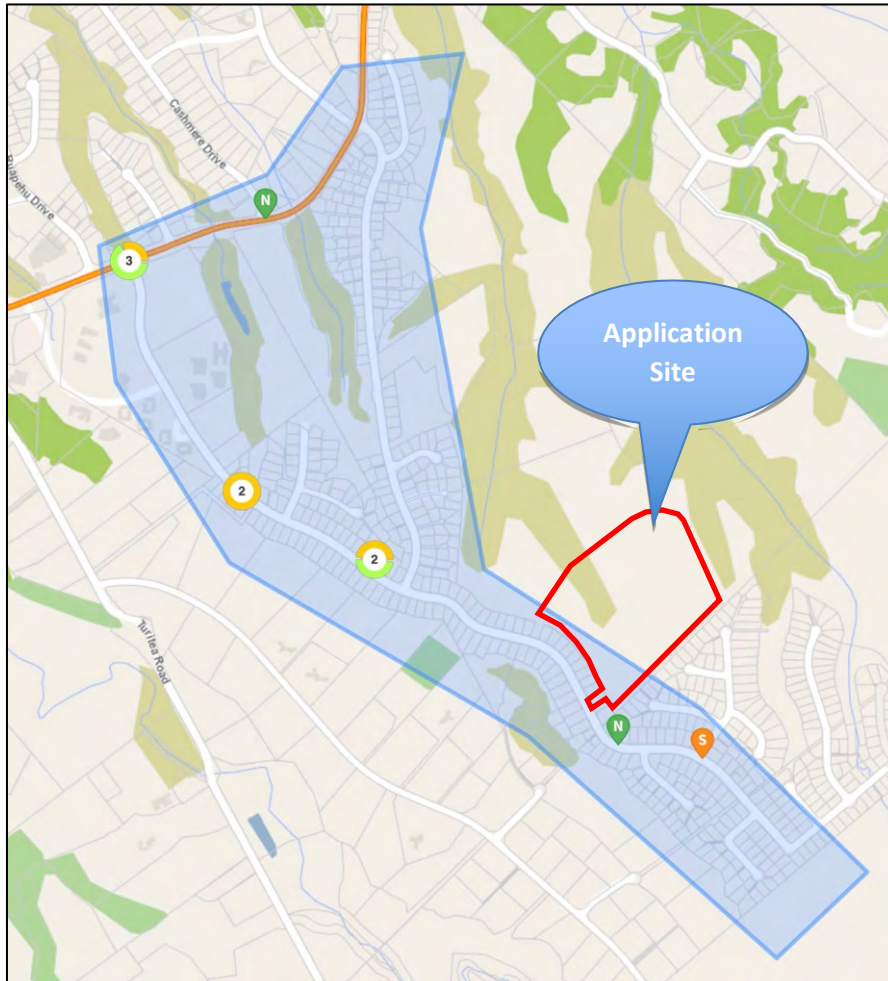


Figure 2.3: Crash Plot for Area Road Network (January 2017 on)

Red line indicates approximate boundary of application site.

(Source: WK Crash Analysis System)

This identified a total of 10 incidents, of which three occurred at the Aokautere Drive / Pacific Drive intersection and involved minor failures to give-way or rear-end collisions. One occurred on Aokautere Drive at the Cashmere Drive intersection and involved vehicle damage only.

The remaining incidents occurred on Pacific Drive or Johnstone Drive:

- January 2017 (Sunday, 12pm) – a NW-bound vehicle collided with a parked car to the NW of the Abby Road intersection (one minor injury);
- February 2017 (Sunday, 7pm) – a westbound vehicle lost control and collided with a tree on Pacific Drive to the SE of the application site (no injuries);

- October 2018 (Tuesday, 8pm) – a NW-bound vehicle lost control and collided with a tree on Pacific Drive to the NW of the Abby Road intersection (one minor injury);
- May 2020 (Sunday, 3pm) – a westbound motorcycle collided with the rear of a westbound car which stopped suddenly, on Pacific Drive just W of the Silicon Way intersection (one serious injury);
- May 2021 (Saturday, 10pm) – a vehicle collided with a parked car on Johnstone Drive, just N of the Pacific Drive intersection (no injuries); and
- April 2022 (Wednesday, 8am) – a NW-bound vehicle collided with a parked car on Pacific Drive, a short distance NW of the Johnstone Drive intersection (no injuries).

This record of recent crashes does not indicate any systemic safety problems with the road network in this area and none of the incidents occurred immediately adjacent to the application site.

By law, only those crashes involving personal injuries are required to be reported. Accordingly, it is possible that a number of other non-injury crashes may have occurred which have not been included in these records.

2.5 Walking, Cycling and Public Transport

As described above, the roads in this area provide continuous footpaths to both sides, connecting to the commercial area of Aokautere.

Aokautere Drive has on-road cycle lanes on both directions. Elsewhere, cyclists in this area share the roadspace with general traffic.

The 113 bus service connects the Palmerston North city centre with the northern section of Pacific Drive, with the closest stops around 1.1 kms from the application site. This service operates on a 45 minute frequency on weekdays.

3 The Proposal

3.1 Concept

The proposal is for the construction and operation of a Lifestyle Village to be accessed from Pacific Drive in Aokautere.

Figure 3.1 shows a Masterplan for the proposed development. Further details are provided by plans which form part of the application material.

3.2 Lifestyle Village

Components

The Woodgate Lifestyle Village will comprise:

- 140 self-contained villas with provision for off-street parking (in most cases, one vehicle within a garage and another on a driveway);
- Licence-To-Occupy (LTO) apartments (40)
- a rest home (77 beds) and dementia facility (maximum 20 beds);
- communal facilities (café, indoor spaces, bowling green, gardens;
- administration area, kitchen, laundry etc.; and
- construction of a Collector Road between Pacific Drive and Silicon Way, running around the north-western and north-eastern sides of the Village.

Staffing

The number of staff on-site at any time will vary by time of day and week but is expected to be around 115 Full-Time Equivalent (FTE) with a total headcount of 140. This includes external maintenance activities. With some shift-working, not all of these staff would be on the site at any one time.

External Access

The design details of the Collector Road have not yet been finalised, but there are no constraints to the achievement of general compliance with the relevant requirements of the PNCC Engineering Standards⁴:

- road reserve – 19.1m wide;
- footpaths – two @ 2.5m wide;
- grass berm – two @ 1.5m wide;
- cyclists – two cycle lanes @ 1.5m wide;
- traffic lanes – two lanes @ 3.0m wide; and
- parking – two sides @ 2.1m wide.

⁴ Engineering Standards for Land Development. Palmerston North City Council (Fourth Edition, August 2021).

Primary vehicular access to the Village will be from the south-eastern side of the Collector road, approximately 220m from its intersection with Pacific Drive. This will provide access to the staff / visitor parking area, the administration block and café / facilities. The crossing width will be 12m. The available sightlines at the access intersection will be approximately 120-130m to the left (south-west) and 110-120m to the right (north-east).

A secondary vehicular access will be formed to the Collector road on the north-eastern side of the site, providing direct access to the staff/visitor parking areas. The crossing width will be 8m. The available sightlines at this intersection will be approximately 120-130m to the left (north-west) and 140-150m to the right (south-east).

A third access to the site will be directly from the Pacific Drive frontage, at a point approximately 230m from the intersection with the Collector road. This will provide more direct access to units within the southern part of the village. This will have sightlines in excess of 160m in both directions.

Internal Roads

The design philosophy seeks to promote a low-speed environment in which residents and visitors can walk, cycle or use mobility scooters without feeling intimidated by vehicle movements, consistent with the wider objectives for amenity which the Village aims to provide.

The main access road will facilitate full two-way movement with a carriageway width of at least 8m. This will continue to the eastern side of the site, from where it will form part of an access road around the periphery of the village with a width of 5.5m-6m. Other internal roads will branch off this route, providing access to groups of villas.

The internal road network will be subject to a (sign-posted) speed limit of 15 km/hr.

Parking

Aside from the parking associated with the individual villas, areas will be defined for parking associated with staff / visitors. A total of 90 parking spaces are proposed. While detailed dimensions are not available, all of the parking spaces will be able to comply with the dimensional requirements of Standard AS/NZS 2890.1: 2004.⁵

Disability Accessibility

Full accessibility will be provided for wheelchair and mobility scooter users within the Village, and between the Village and adjoining areas.

The residents and staff/visitor parking areas will include the provision of four spaces for vehicles associated with residents and visitors having a disability. These spaces will have dimensions compliant with the requirements of Standard AS/NZS2890.6: 2009⁶.

⁵ Parking Facilities. Part 1: Off-Street Car Parking. Standard AS/NZS 2890.1: 2004. *Standards New Zealand, 2004.*

⁶ Parking Facilities. Part 6: Off-Street Car Parking for People with Disabilities. Standard AS/NZS2890.6: 2009. *Standards New Zealand, 2009.*

Public Transportation

The completion of this and other developments in this area may justify a change to the bus route enabling access to this part of Pacific Drive, though this will be determined by the regional council in response to overall levels of demand.

The Village is likely to operate its own minivans for group resident travel to/from local attractions and facilities.

Pedestrian & Cycling

Footpaths within the site will provide for internal connectivity on foot. Cycling will be accommodated on the internal roads, within a low speed and volumes environment.

The proposal includes provision of a pedestrian / cycle connection between Monaco Grove and Pacific Drive.

Beyond the site, there are no specific on or off-street cycle lanes in this area and cycles will share the roadscape with general traffic.

The site will provide cycle parking and end-of-trip facilities (changing areas and showers) for use by staff and visitors.



FIGURE 3.1: Site Masterplan

4 Assessment of Effects

4.1 Potential Effects

Potential effects arising from the operation of the Village relate to:

- the safety of vehicle movements to and from the Village;
- the safe and efficient operation of the internal road network;
- the safety and convenience of pedestrian and cycle movements;
- adequacy of off-street parking provision;
- servicing of the Village;
- wider network effects, including impacts on the operating efficiency of the Aokautere Drive / Pacific Drive intersection; and
- construction of the Village.

4.2 Safety of Vehicle Movements to and from the Village

All of the access intersections will provide sightlines consistent with the low traffic speeds in this area, ensuring that drivers will have plenty of opportunity to view and react to other vehicle movements.

Traffic volumes, either on the adjoining roads or those entering and leaving the Village, will not be at a level that would warrant the provision of right-turn bays at the access points.

For these reasons, all vehicle movements to and from the Village will be undertaken safely and with a negligible risk of any conflict with background movements.

4.3 Safe and Efficient Operation of the Internal Road Network

The low internal speed limit and the geometry of the internal network will promote a low-speed environment in which vehicles, pedestrians and cyclists can share the internal roads.

Together with good standards of inter-visibility between all road-users, the internal road network will operate safely.

4.4 Safety and Convenience of Pedestrian and Cycle Movements

As noted above, pedestrians and cyclists will be able to safely share the use of the internal road network within an environment where speeds and the levels of traffic activity are very low.

Internal connections will provide more direct routes for pedestrian movements, especially between the southern and central areas of the Village.

The provision of a pedestrian / cycle connection between Monaco Grove and Pacific Drive will improve the convenience of these modes of transportation.

4.5 Parking Provision

With each villa providing two off-street parking spaces, there will be no requirement for residents or their visitors to park on the internal road network.

The provision of specific on-site parking areas will meet all of the demands likely to be generated by the Village, ensuring that it will be self-sufficient with regard to parking provision.

Accordingly, it is not anticipated that the operation of the Village will give rise to any regular demand for the use of kerbside parking on adjacent roads.

The provision of four appropriately sized disability parking spaces close to building entry/exit points is likely to meet the demands generated by the site (if operation of the facility indicates that further disability spaces are required, these can be readily provided).

4.6 Servicing

Smaller service vehicles (such as courier vans) will be able to make deliveries/collections from outside of the administration building.

Larger service vehicles (such as for laundry collection) will make collections/deliveries utilising a recessed bay adjacent to the services building. Refuse and recycling for the Village as a whole will be aggregated and stored adjacent to the staff / visitor parking area. This will avoid a requirement for the associated vehicles to route through the internal road network servicing individual villas.

All service vehicles will be able to turn within the site or drive through the site, utilising a different point to exit. As such, there will be no requirement for service vehicles to reverse to or from the road frontages.

4.7 Wider Network Effects

The operation of the Village will result in some additional traffic activity on the adjacent road network.

Assessment Period

Whilst the existing traffic count information (described in **Section 2**) indicates that traffic volumes are highest during weekday morning and evening commuter periods, the number of vehicle movements associated with the operation of the Village during these periods will not be significant. This is because residents will not be making the trips associated with employment or educational activities which require travel at these times.

However, residents and visitors can be expected to make more travel during the Saturday period. Accordingly, the Saturday peak period has formed the basis of an assessment of the performance of the Aokautere Drive / Pacific Drive intersection.

Traffic Generation

Assumptions regarding rates of traffic generation for the activities proposed are summarised by **Table 4.1**.

Activity	Units	Number	Daily Trip Rate	Trips/Day	Saturday Peak	Trips/Hour
			<i>vehs/day</i>	<i>vehs/day</i>	<i>% of trips</i>	<i>vehs/hr</i>
Villas	number	140	4	560	20%	112
Apartments	number	32	3	96	20%	19
Care Centre	beds	86	2	172	20%	34
Staff	persons	100	2	200	10%	20
Total						185

TABLE 4.1: Trip Generation (*Saturday peak period*)

As a Lifestyle Village, the associated quantum and patterns of transportation demands can be expected to differ from those for more traditional retirement village complexes and for this reason the application of empirical observations from such complexes is of limited value.

The most significant characteristics of the proposal which are likely to affect transportation demand are:

- a focus upon younger retirees, who are likely to be more mobile and make greater use of vehicles for travel;
- higher levels of walking and cycling for internal trips within the Village and external local trips; and
- a wide range of internal facilities within the Village, reducing the need to travel externally.

For traditional suburban residential developments, trip generation rates of 8 or 9 vehicle trips / dwelling / day are used for assessment purposes. Lower rates of 3 or 4 vehicle trips/day have been assumed for the 'independent-living' residential components of the Village. This acknowledges that trips will not be made by residents for work purposes, but that with reasonable levels of mobility and vehicle ownership trips will be made for a variety of other purposes. This rate also reflects a likelihood that residents will have some visitors arriving by car. For the assessed Saturday period, 20% of the daily trips are assumed to take place in the 'peak' hour.

For the care centre, the daily trip rate assumes one return vehicle movement per occupant associated with visitation and/or servicing requirements. Again, 20% of the daily trips are assumed in the 'peak' hour'.

Up to 100 staff are assumed to arrive and leave the care facility during the course of a day, but with only 10% of these during the assessed Saturday peak period.

The café and other on-site facilities will service the needs of the Village only and are not expected to attract any external patronage.

Summation of the components above suggests a total of 185 external vehicle trips during the assessed Saturday mid-day peak-hour period.

Traffic Distribution

As a ‘worst-case’, it has been assumed that all of this additional traffic activity routes via the Aokautere Drive / Pacific Drive intersection (with none using Johnstone Drive and its intersection with Aokautere Drive). The distribution of the additional trips by turning movements has been assumed to reflect the existing balance of turning movements at the intersection.

Access Performance

The performance of the Aokautere Drive / Pacific Drive intersection has been assessed using the SIDRA intersection analysis software.

The results of the assessments are summarised at **Table 4.2**.

Aokautere Drive / Pacific Drive Intersection		Sat Peak Period	
		Development Scenario	
Turning Movement LOS - Delays (secs/veh)		No Development	With Development
Approach	Turn		
Aokautere Dr (E)	Left	6	6
	Ahead	0	0
	Right	0	0
	Approach	0	0
Pacific Drive (S)	Left	9	10
	Right	11	13
	Approach	9	10
Aokautere Dr (W)	Ahead	0	0
	Right	8	8
	Approach	2	3
INTERSECTION		2	3

KEY: Level of Service	
A	
B	
C	
D	
E	
F	

Table 4.2: SIDRA Results

These results indicate that:

- without the development, all turning movements operate at LOS A, with the exception of the (low volume) right turn movement from Pacific Drive, which operates at LOS B; and
- the effect of the development would be to marginally increase delays experienced by movements exiting Pacific Drive, but with no overall change in the LOS.

In summary, even for this ‘worst-case’ scenario in which all of the Village-related traffic is assumed to route via the Pacific Drive intersection, the operation of the Village will not impair the operational performance this intersection.

It is stressed that these results relate to the Saturday peak period. At most other periods, levels of traffic demand would be lower than that assessed with consequently lower levels of delay for turning movements.

Overall, the operation of the Village will not have any tangible adverse effects upon the operation of the immediate or wider road networks.

4.8 Construction

The construction phase of the development will result in some additional vehicular, especially truck, activity.

At this stage, the logistics of the construction works have not been defined to a level enabling details of truck and other construction vehicle movements to be quantified.

The potential for any temporary effects will be managed through a requirement for a Construction Traffic Management Plan (**CTMP**) as a condition of consent. This document will define such details as:

- the timing and programme of construction activity;
- the number and timing of larger truck movements;
- the route(s) which trucks will take;
- the necessity for temporary traffic management on adjoining streets;
- staff parking;
- measures to avoid the migration of site material (mud, dust etc) onto the public road network; and
- complaint and communication protocols.

The CTMP will be subject to approval by PNCC.

5 District Plan Provisions & Compliance

This section assesses the ability of the proposal to comply with the relevant rules and standards of the operative Palmerston North City Council District Plan (**PNCCDP**).

5.1 Operative District Plan

The application site falls within the 'Residential Zone' as defined by the PNCCDP.

Aokautere Drive is classified as a 'Major Arterial Road' in the road hierarchy defined by the PNCCDP. Pacific Drive is classified as a 'Minor Arterial Road'.

PNCC is in the process of developing a Plan Change to facilitate development within the wider Aokautere Development Area. As this has not yet been notified, it carries little 'weight' in terms of the need for the assessments described in **Section 4** to take account of the pattern of development which might eventuate.

5.2 PNCCDP Section 10: Residential Zone Objectives & Policies, Rules

There are no residential zone objectives and policies of direct relevance to transportation matters.

Section 10.7.4 of the PNCCDP defines 'Retirement Villages and Residential Centres' as Discretionary activities, with the following relevant assessment criteria:

(b) The extent to which the effects of the generation of additional traffic are addressed through efficient and effective parking and access provisions.

(c) The extent to which additional traffic generated impacts on the safe and efficient operation of the roading network and internal circulation and manoeuvring areas, taking into account the location of the activity.

These matters have been addressed at **Section 4** of this document.

5.3 PNCCDP Section 7: Subdivision Objectives & Policies, Rules

An assessment against the relevant objectives and policies for district-wide subdivision matters is presented in **Table 5.1**.

Subdivision of the larger property is required to create the title for the Lifestyle Village, and subdivision will be required at a later stage in order to vest the proposed Collector road in Council.

With regard to access issues, Section 7.6.1 of the PNCCDP requires that access arrangements comply with the access performance standards of R20.4.2(a) of the PNCCDP. This is addressed below.

5.4 PNCCDP Section 20: Land Transport (Objectives & Policies)

An assessment against the relevant objectives and policies for district-wide land transport matters is presented in **Table 5.2**.

The proposal is compliant in all respects.

5.5 PNCCDP Section 20: Land Transport (Performance Standards)

An assessment against the relevant land transport performance standards is presented in **Table 5.3**.

The only area of non-compliance relates to the requirement for all vehicular access to be from the Collector road rather than Pacific Drive. In this case, the proposed access from Pacific Drive will operate safely and will provide improved connectivity for Village residents in the southern part of the Village. Accordingly, this non-compliance is considered to be 'technical' in nature with no associated adverse effects.

TABLE 5.1: COMPLIANCE WITH RELEVANT PNCCDP SECTION 7 (SUBDIVISION) OBJECTIVES AND POLICIES


Objective / Policy	Compliance	Commentary
<p>Objective 2: To ensure that subdivision is carried out in a manner which recognises and gives due regard to the natural and physical characteristics of the land and its future use and development, and avoids, remedies or mitigates any adverse effects on the environment.</p> <p><u>Policies</u></p> <p>(2.2) To ensure that all new lots have safe and adequate vehicle access from the roading network by providing that:</p> <ol style="list-style-type: none"> 1. Every lot is to have access from a formed existing road, or a new road to be formed, to enable vehicles to enter the site with the dimensions of the access sufficient to accommodate the level of vehicle usage anticipated. The access should be designed to enable vehicles to turn within the lot and to leave it in a forward direction. 2. The construction is to be to a standard and of materials to support the anticipated traffic, require minimum maintenance and to control and dispose of stormwater runoff. 3. Any allotment with frontage to a Major or Minor Arterial road which has no alternative means of access to an existing public road in the local network, shall have access arrangements approved by Council, in terms of an Access Management Structure Plan. <p>(2.3) To ensure safe, convenient and efficient movement of people, vehicles and goods in a high quality environment with minimum adverse effects by providing that:</p> <ol style="list-style-type: none"> 1. the layout of the transport network shall, as appropriate for their position in the roading hierarchy, ensure that people, vehicles and goods can move safely, efficiently and effectively, minimise any adverse effect on the environment, make 		<p>The lots created will have adequate and safe access.</p> <p>Roads created by the subdivision and within the Lifestyle Village will ensure that people, vehicles and cycles can move safely and efficiently, consistent with their status within the road hierarchy.</p> <p>Emergency vehicles will be able to access all residential areas.</p>

TABLE 5.1: COMPLIANCE WITH RELEVANT PNCCDP SECTION 7 (SUBDIVISION) OBJECTIVES AND POLICIES

Objective / Policy	Compliance	Commentary
<p>provision for network utility systems and make provision for amenity values. The layout of the transport network shall:</p> <ul style="list-style-type: none"> • provide adequate vehicular access to each lot; • link to, and provide for, and be compatible with the existing and future transport networks, taking into account orderly and integrated patterns of development and adjoining developments; • connect to all adjoining roads, providing for choice of routes where practicable; • identify significant destinations and provide for safe and convenient access to these by all modes; • encourage multi-modal street links, providing pedestrian links; and • provide adequate access for emergency vehicles. 		

TABLE 5.2: COMPLIANCE WITH RELEVANT PNCCDP SECTION 20 (TRANSPORTATION) OBJECTIVES AND POLICIES


Objective / Policy	Compliance	Commentary
<p>Objective 1: The City's land transport networks are maintained and developed to ensure that people and goods move safely and efficiently through and within the City.</p> <p><u>Policies</u></p> <ul style="list-style-type: none"> i. Identify and apply the roading hierarchy to ensure the function of each road in the City is recognised and protected in the management of land use, development and the subdivision of land. ii. All roads in the City have function and design characteristics consistent with their place in the roading hierarchy. iii. Maintain and upgrade the existing roads in the City and provide for new roads to meet the current and future needs of the City. iv. The road network stormwater control system shall protect the road, road users and adjoining land from the adverse effects of water from roads and minimise any adverse effects on the environment. v. Require all new public roads, private roads and vehicle accesses to be designed and constructed to meet performance standards relating to the safety and efficiency of vehicle movement, and to ensure the safe use of the road transport network for all users, particularly in respect of: <ul style="list-style-type: none"> a) road width and alignment which should be sufficient for two vehicle lanes except where traffic volumes are insufficient; b) the formation and surface sealing of all roads and vehicle accesses to standards appropriate to the volume of traffic expected to be carried; c) provision for necessary network utility facilities within roads; and d) safe design and construction of roads, road access points and intersections, including alignment, gradient, vehicle parking, manoeuvring and turning requirements. 		<p>This assessment demonstrates that the proposed operation of the Lifestyle Village will not result in adverse effects upon the safe and efficient operation of the road network in this area.</p>

TABLE 5.2: COMPLIANCE WITH RELEVANT PNCCDP SECTION 20 (TRANSPORTATION) OBJECTIVES AND POLICIES

Objective / Policy	Compliance	Commentary
vi. Encourage the development of safe and accessible pedestrian paths and cycleways, as well as convenient and accessible cycle parking, to support the opportunity for people to use active and non-vehicular modes of transport throughout the City vii. To support and encourage the provision of public transport and its use throughout the City as an integral part of the transportation system. viii. Convenient, safe and accessible car parking, loading and manoeuvring facilities are available for residents, staff, visitors and customers for all activities without creating congestion or conflicts with moving vehicles, pedestrians or cyclists on adjacent roads.		
<p>Objective 2: The land transport network is safe, convenient and efficient while avoiding, remedying or mitigating adverse effects in a way that maintains the health and safety of people and communities, and the amenity values and character of the City's environment.</p> <p><u>Policies</u></p> 2.1 [not relevant] 2.2 To avoid, remedy or mitigate the impact of roads and parking areas on visual amenity values of the community by requiring the provision of landscaping. 2.3 [not relevant] 2.4 Avoid adverse effects on amenity and character by ensuring that new roads are well designed and visually complement the character of the surrounding areas.	✓	This assessment demonstrates that the proposed operation of the Lifestyle Village will not result in adverse effects upon the safe and efficient operation of the road network in this area. New roads within the Village (which will be privately operated and maintained) will be constructed to a standard which is consistent with other roads in this area and which will ensure efficiency and safety of use.
<p>Objective 3: The safety and efficiency of the land transport network is protected from the adverse effects of land-use, development and subdivision activities.</p> <p><u>Policies</u></p>	✓	This assessment demonstrates that the additional vehicular activity associated with the operation of the proposed Lifestyle Village will not be

TABLE 5.2: COMPLIANCE WITH RELEVANT PNCCDP SECTION 20 (TRANSPORTATION) OBJECTIVES AND POLICIES

Objective / Policy	Compliance	Commentary
<p>3.1 Avoid, remedy or mitigate the adverse effects of increased traffic or changes in traffic type, which would compromise the safe and efficient operation of any road or level crossing, or the safe and convenient movement of pedestrians and cyclists on roads or at level crossings.</p> <p>3.2 Require vehicle crossing places and vehicle entrances from public roads to be located, constructed and maintained to standards appropriate to the expected traffic volumes, pedestrian movement and speed environment of each road.</p> <p>3.3 Ensure that buildings and activities do not compromise land transport network safety, including maintaining the necessary clear sight lines for road vehicles at level crossings and road intersections.</p> <p>3.4 Ensure adequate on-site parking and manoeuvring space is provided for each type of activity in a safe and visually attractive manner.</p> <p>3.5 Ensure that buildings and activities make provision for adequate and safe on-site loading.</p> <p>3.6 Control the location, design and extent of advertising signs to ensure that they do not interfere with the safe and efficient use of land transport networks.</p>		<p>large in volume, will be no more than anticipated by the district in the zoning of this area, and will not adversely affect the safe and efficient operation of the road network.</p>

TABLE 5.3: COMPLIANCE WITH RELEVANT PNCCDP SECTION 20 (TRANSPORTATION) PERFORMANCE STANDARDS

Standard	Compliance	Commentary
(A): VEHICLE ACCESS: STANDARDS		
(i) – (v) : (n/a)		
(vi): Number of Vehicle Crossings, Locations and Sight Distances		Site will have no more than one crossing per 30m of frontage, with only one (minor) access to Pacific Drive.
a) Maximum number of vehicle crossings per site shall be 1 per 30m of total frontage, with a maximum of two accesses per site in the Rural Zone and for sites fronting Major or Minor Arterials, and a maximum of three for all other sites.	✓	
b) Where a site has frontage onto both an arterial and non-arterial road frontage, any vehicle access shall be from the secondary road frontage.	✗	<i>Compliance would require that all access is from the Collector road rather than Pacific Drive (a Minor Arterial road). The operation of a minor access to Pacific Drive will not generate any adverse effects in terms of the safe and efficient operation of Pacific Drive.</i>
c) (n/a)		
d) (n/a)		
e) Any part of a vehicle crossing shall not be closer to the intersection of any roads than listed (20m for a local frontage intersecting with an arterial road, speed limit <70 km/hr)	✓	Closest vehicle crossing will be >30m from nearest intersection.
f) Minimum sight distances at accesses, as listed (posted speed limit 50 km/hr, local road = 55m, minor arterial road 115m).	✓	The minimum sight distance requirements will be exceeded.

TABLE 5.3: COMPLIANCE WITH RELEVANT PNCCDP SECTION 20 (TRANSPORTATION) PERFORMANCE STANDARDS

Standard	Compliance	Commentary
g) Required sight distances to be available over their full length.	✓	
h) (n/a)		
i) Any access to a parking area with more than six spaces ... shall be maintained, built and retained for its intended purpose so as to ensure that vehicles are not required to reverse either on or off a public road.	✓	These are not public roads. Off road parking area will not require any reverse manoeuvring to or from spaces.
j) (n/a)		
(vii): All vehicle accesses are to be formed in a permanent, dust free surface.	✓	
(viii): All vehicle accesses shall comply with width, passing and queuing standards: <ul style="list-style-type: none"> for an access serving 7-20 residential units and more than 100m in length, requirements are for a minimum legal width of 9m, a formed width of 5.5-6m, a separate footpath 1.5m wide. 	✓	The main access will be able to comply with these requirements.
(ix): All vehicle accesses involving straight ramps to have maximum gradients of 20% (up to 20m length), 16.7% (>20m).	✓	
(x): (n/a – Rural Zone)		
(xi): (n/a – Rural Zone)		

TABLE 5.3: COMPLIANCE WITH RELEVANT PNCCDP SECTION 20 (TRANSPORTATION) PERFORMANCE STANDARDS

Standard	Compliance	Commentary
(xii): (n/a – fully reticulated water supply system is available)		
(B): PARKING: STANDARDS		
<p>(i): Parking Spaces for People with Disabilities</p> <p>(a) Number: Parking for the disabled to be provided as follows: one space where 20 or less total spaces provided, two spaces where 21-50 total spaces provided, one space for every additional 50 total spaces.</p> <p>(b) Location: Accessible car parking spaces shall connect to an accessible route and be located as close as practical to the entrances to the building.</p> <p>(c) Location: Accessible routes to have maximum transverse grade 1:50, maximum longitudinal grade 1:33, minimum clear width 1.2m, kerb ramps without lip and maximum grade 1:8, no conflicts with manoeuvring vehicles.</p> <p>(d) Mobility Space Design: minimum width 3.5m, length 5m, height 2.5m.</p> <p>(e) Surface: accessible space(s) shall provide a stable, firm, slip resistant, even surface with a slope < 1:50.</p> <p>(f) Identification: accessible space(s) to have clear ground marking in accordance with the international symbol of access. Directional signage to be provided if accessible parking space(s) are not readily visible from carpark entry.</p>	✓	<p>The number of disability spaces proposed (4) exceeds the requirement (3) based upon the total number of parking spaces proposed (90). All of the other requirements can be met.</p>
(ii): (n/a – Inner Business Zone)		
(C): CAR PARK LANDSCAPE DESIGN: STANDARDS		

TABLE 5.3: COMPLIANCE WITH RELEVANT PNCCDP SECTION 20 (TRANSPORTATION) PERFORMANCE STANDARDS

Standard	Compliance	Commentary
<p>Any car parking area within in all non-residential development and activity shall include the following landscape features:</p> <ul style="list-style-type: none"> • any part of a car parking area fronting a road shall feature one specimen tree capable of growing to 5m within 10 years along every 10m of car parking frontage; • trees planted to meet the requirement above shall be so planted as to separate car parking activities from pedestrian activities on the street; • any tree planted on a frontage shall be planted in an area with a minimum width of 2m and with a total area per tree of not less than 4m²; • an average of 1 specimen tree per 10 parks must be provided for internal car park areas; and • any trees located within a car park must have a protection area containing low planting with a minimum dimension or diameter of 1.5m. The specimen trees, on-going growing conditions and low planting must be maintained to a high standard at all times. 	✓	Although not directly applicable (because the proposal is for a residential development), the site will be subject to extensive landscaping for amenity purposes.
(D): FORMATION OF PARKING SPACES: STANDARDS		
<p>Any parking spaces required shall be formed to ensure their convenient, safe and efficient use and be designed in accordance with the following standards:</p> <ol style="list-style-type: none"> i. (single space garages) ii. (double space garages) 	✓	There are no impediments to the achievement of compliance with these requirements.

TABLE 5.3: COMPLIANCE WITH RELEVANT PNCCDP SECTION 20 (TRANSPORTATION) PERFORMANCE STANDARDS

Standard	Compliance	Commentary
<ul style="list-style-type: none"> iii. Vehicle circulation routes width minimum 3.5m (one-way), 5.5m (two-way) iv. Queuing space in accordance with R20.4.1(a)(viii) to be provided v. All car parking spaces to comply with the dimensions and construction requirement detailed in Appendix 20C. vi. All car parking areas to be formed in a permanent, dust-free surface with kerbing, drainage and marking out of each space. vii. An additional 1m clearance to be added at the end of blind aisles which are 15m or more in length. viii. Any car parking space with a side directly next to a wall, support column or other obstacle which is 300mm high or more to provide an additional 300mm width. ix. The gradient of off-street parking surfaces to be no more than 1:20 (parallel to parking angle), 1:16 (any other direction). x. Any parking area designed to accommodate more than six spaces shall be design so as to ensure than vehicles are not required to reverse either on or off a public road. xi. All manoeuvring of vehicles to be contained on site. xii. All required spaces to be available for their intended use at all times and without need to move another vehicle. xiii. Any parking area providing >15 spaces between a public footpath and any building or recreational space shall provide a connecting footpath. 		

TABLE 5.3: COMPLIANCE WITH RELEVANT PNCCDP SECTION 20 (TRANSPORTATION) PERFORMANCE STANDARDS

Standard	Compliance	Commentary
Safe pedestrian access to be provided throughout the parking area.		
(E): LOADING SPACE PROVISION: STANDARDS		
<ul style="list-style-type: none"> i. Adequate provision (both in terms of the type and numbers of vehicles) to be made on the site for loading and unloading. ii. All loading and unloading to be within the site without impeding access to parking / manoeuvring / circulation areas or adversely affecting the flow of vehicles / pedestrians / cyclists along the frontage road. 	✓	Adequate provision is proposed within the site. Movements to/from the site will be able to be undertaken without adversely affecting the safety of other vehicle, pedestrian or cycle movements.
(F): LOADING SPACE DESIGN: STANDARDS		
<ul style="list-style-type: none"> i. Any loading spaces to meet defined minimum dimensions. ii. Where the service vehicle is loaded or unloaded from the ground, additional width sufficient to meet the anticipated loading and unloading requirements, including by forklift, shall be provided. iii. Maximum gradient of 1:25 within loading area. iv. (n/a – gated loading area) v. (n/a – multiple tenants) 	✓	Servicing requirements for the Village will be minimal with sufficient space on-site to accommodate service vehicles.
(G): CYCLE PARKING – PROVISION AND DESIGN: STANDARDS		
<ul style="list-style-type: none"> i. Cycle parking provision must be made on-site – where more than 10 employees, 1 space per 10 employees. ii. Cycle parking facilities to meet the minimum dimensions in Appendix 20D and be securely anchored, support the bicycle frame and front wheel and allow for the bicycle frame to be secured. 	✓	There are no impediments to the achievement of compliance with these requirements.

TABLE 5.3: COMPLIANCE WITH RELEVANT PNCCDP SECTION 20 (TRANSPORTATION) PERFORMANCE STANDARDS

Standard	Compliance	Commentary
<p>iii. Cycle parking should not impede pedestrian thoroughfares, accessible routes, vehicle circulation or manoeuvring areas.</p> <p>iv. Cycle parking facilities intended for short-stay use to be located as close as possible to and no more than 50m from at least one main pedestrian entrance to the building.</p> <p>v. Where cycle parking is intended for long-stay use, such as for staff, then facilities shall be located in a covered and secure area, unless they are located in an area where access by the general public is generally excluded.</p> <p>vi. Cycle parking facilities shall be maintained and not be obstructed by the subsequent erection of any structure or the storage of goods or be used for any other use than cycle parking.</p> <p>vii. Where an assessment of the required cycle parking facilities is to provide for employees, then employees to be calculated on the basis of the maximum number of employees on-site at any time on a day-to-day basis.</p>		
(H): CYCLE PARKING – END OF TRIP FACILITIES: STANDARDS		
<p>Where staff cycle parking spaces are required, end-of-trip facilities shall be provided on-site as follows:</p> <ul style="list-style-type: none"> • 1-10 cycle parks required: none • 11-100 cycle parking required: 1 shower per every 10 staff cycle parks required, 1 locker per every staff cycle parking provided. 	✓	There are no impediments to the achievement of compliance with these requirements.

6 Conclusions & Recommendations

6.1 Conclusions

Woodgate Ltd proposes to construct and operate a retirement village (the Woodgate Lifestyle Village) at 153 Pacific Drive in Aokautere, Palmerston North.

The proposal has a potential to generate effects in terms of traffic activity, parking demand, pedestrian/cycle movement and servicing.

This assessment has reviewed these transportation aspects and potential effects of the proposal, and concludes that:

- the zoning of the site anticipates this type of development and associated vehicular activity;
- the proposed vehicular accesses will operate safely and without adversely affecting the operating of the adjoining roads;
- the internal road network will operate safely within a low speed and volume environment, enabling vehicles, pedestrians and cyclists to share the roadscape;
- the additional vehicular movements will be able to be accommodated with only minimal impacts upon the operating performance of the Aokautere Drive / Pacific Drive intersection;
- sufficient on-site parking will be provided to ensure that the Village will be self-sufficient with regard to parking provision;
- the inclusion of a direct pedestrian / cycle route between Monaco Grove and Pacific Drive will be beneficial for the promotion of these forms of travel;
- the operation of the Village will comply with all of the relevant objectives and policies and most of the performance standards of the district plan; and
- any adverse effects associated with the areas of potential non-compliance will be less than minor.

On the basis of the transportation issues addressed by this assessment and subject to the recommendations below, the proposal is supported from a transportation planning perspective.

6.2 Recommendations

It is recommended that consent be subject to:

- a condition requiring the preparation and approval of a construction traffic management plan;
- more detailed plans showing:
 - the dimensions of parking spaces;
 - the access from the Collector Road; and
 - the proposed cross-section of the Collector Road.



Photo 1

View to N along Pacific Drive
(secondary access location on
right)
(Streetview, December 2019)



Photo 2

View to N along Pacific Drive
(unnamed road intersection
location on right)
(Streetview, December 2019)



Photo 3

View to S along Pacific Drive
(unnamed road intersection
location on left)
(Streetview, December 2019)



Photo 4

View to N along Pacific Drive towards Aokautere Drive intersection

(Streetview, December 2019)



Photo 5

View to E along Aokautere Drive towards Pacific Drive intersection

(Streetview, January 2021)



Photo 6

View to W along Aokautere Drive towards Pacific Drive intersection

(Streetview, January 2021)



APPENDIX I

ECONOMIC ASSESSMENT: MIKE
COPELAND

**THE ECONOMIC BENEFITS OF THE PROPOSED WOODGATE LIFESTYLE VILLAGE AT
AOKAUTERE, PALMERSTON NORTH**

**Report Prepared for
Woodgate Retirement Trust**

**By
Mike Copeland
Brown, Copeland & Co Ltd**

18 October, 2021

INTRODUCTION

Background to the Project

- 1 The Woodgate Retirement Trust (Woodgate) wish to develop a lifestyle retirement village in Aokautere, south east of Palmerston North (the Project). The address is 131 Pacific Drive and the development will be on about 7 hectares but with earthworks covering 10.7 ha of an existing 48 hectare title. The proposed retirement village is anticipated to house around 130 to 150 villas of varying sizes, 20 apartments, a hospital and a dementia care facility providing 82 rest home beds and a wide range of recreation and retail servicing activities. The land is zoned residential and retirement villages and hospitals are both classed as discretionary activities within this zone.

Purpose and Scope of Report

- 2 The purpose of this report is to assess the economic (and social¹) effects of the Woodgate Lifestyle Village proposal. The remainder of the report addresses the following:
 - 2.1 Increases in employment, incomes and expenditure in the local Palmerston North economy during the construction phase of the Project;
 - 2.2 Increases in employment, incomes and expenditure in the local Palmerston North economy during the operational phase of the Project;
 - 2.3 Other economic benefits of the Project;
 - 2.4 A discussion of the potential economic costs of the Project; and
 - 2.5 Some overall conclusions.

INCREASED ECONOMIC ACTIVITY IN PALMERSON NORTH DURING PROJECT CONSTRUCTION²

- 3 The Project's construction is expected to take 2.5 years. The Project has an estimated construction cost of approximately \$110 million (excluding consenting and land costs and GST). The majority of the equipment, materials and services required for the Project's construction will be sourced from within Palmerston North City, with the remainder sourced from elsewhere within New Zealand.

¹ A number of the economic effects of the Project also have a social dimension to them.

² Unless stated otherwise, data in this section provided by Woodgate. This is supplemented with material sourced from a report – *Putting Care In Our Communities*; prepared by PricewaterhouseCoopers New Zealand for Summerset Group Holdings Limited; May 2013 (the PWC report).

- 4 During the retirement village's construction, an on-site workforce equivalent to 500 one year³ full time equivalent (FTE) employees will be required, implying an average of 200 on-site employees over the Project's 2.5 year construction period. Wage and salary payments for these employees are estimated to average \$16.0 million per annum.⁴ Non-labour costs therefore total \$70 million or \$28.0 million per annum over the 2.5 year construction period. It is assumed around 70% (\$19.6 million per annum) will be spent with local Palmerston North businesses. These include local construction goods and service suppliers, retail and wholesale trade outlets, business service providers, building product manufacturers and other local industries.
- 5 These are the direct economic impacts for the Palmerston North economy during the Project's construction. However in addition to these direct expenditure, employment and income economic impacts there are indirect impacts arising from:
 - 5.1 The effects on suppliers of goods and services provided to the site from within the Palmerston North economy (i.e. the "forward and backward linkage" effects); and
 - 5.2 The supply of goods and services to employees at the site and to those engaged in supplying goods and services to the site (i.e. the "induced" effects). For example, there will be additional jobs and incomes for employees of supermarkets, restaurants and bars as a consequence of the additional expenditure by employees directly involved in the village's construction at the site and living within Palmerston North.
- 6 Multipliers can be estimated to gauge the size of these indirect effects. The size of the multipliers is a function of the extent to which an area's economy is self-sufficient in the provision of a full range of goods and services and the area's proximity to alternative sources of supply. Multipliers for expenditure⁵ (2.6), employment (2.3) and household income (2.3) have been taken from the PWC report to estimate total impacts (i.e. direct plus indirect impacts) for the Palmerston North economy during the 2.5 year construction period of:
 - 6.1 Additional expenditure of \$51.0 million per annum;
 - 6.2 460 additional jobs; and
 - 6.3 \$36.8 million per annum in additional wages and salaries.

³ The actual time elapsed to construct the village will be longer than one year with some workers employed on-site for more than one year and others for less.

⁴ Based on an average salary (including overtime) per employee of \$80,000 per annum.

⁵ The PWC report does not contain multipliers for expenditure. Instead the local economy gross domestic product (GDP) multiplier has been used.

- 7 As indicators of levels of economic activity, economic impacts in terms of increased, or the retention of, expenditure, incomes and employment within the local economy are not in themselves measures of improvements in economic welfare or economic well-being. However, there are economic welfare enhancing benefits associated with increased or retained levels of economic activity. These relate to one or more of:
- 7.1 Increased economies of scale: Businesses and public sector agencies are able to provide increased amounts of outputs with lower unit costs, hence increasing profitability or lowering prices;
 - 7.2 Increased competition: Increases in, or the retention of, the demand for goods and services allow a greater number of providers of goods and services to enter markets and there are efficiency benefits from increased levels of competition;
 - 7.3 Reduced unemployment and underemployment⁶ of resources: To the extent resources (including labour) would be otherwise unemployed or underemployed, increases in, or retention of, economic activity can bring efficiency benefits when there is a reduction in unemployment and underemployment. The extent of such gains is of course a function of the extent of underutilised resources within the local economy at the time and the match of resource requirements of a project and those resources unemployed or underemployed within the local economy; and
 - 7.4 Increased quality of central government provided services: Sometimes the quality of services provided by central government such as education and health care are a function of population levels and the quality of such services in a community can be increased if increased or retained economic activity maintains or enhances population levels.
- 8 It is reasonable to presume that increases in economic activity (i.e. expenditures, incomes and employment) within the Palmerston North economy as a consequence of the Project's construction (and operation – see next section of this report) will give rise to one or more of these four welfare enhancing economic benefits for the local community.
- 9 Not only does the Resource Management Act at Section 32 2(a) require consideration of opportunities for economic growth and employment, but local, regional and national governments all seek to increase and/or retain levels of economic activity within their borders.

⁶ Underemployment differs from unemployment in that resources are employed but not at their maximum worth; e.g. in the case of labour, it can be employed at a higher skill and/or productivity level, reflected in higher wage rates.

INCREASED ECONOMIC ACTIVITY IN PALMERSTON NORTH DURING PROJECT OPERATION⁷

- 10 Once operational, the lifestyle retirement village will require inputs of goods and services and employee labour. Apart from labour, Woodgate has estimated annual expenditure on goods and services provided by Palmerston North businesses to the retirement village will average around \$10 million per annum. These are likely to include security services, laundry services, gardening services, building and electrical maintenance services and suppliers of pharmaceutical and other medical products.
- 11 Woodgate anticipate an on-site workforce at the new retirement village of between 110 and 120 FTE staff with wages and salary payments of between \$5.5 million and \$6.0 million per annum⁸.
- 12 Multipliers for expenditure (2.25), employment (1.8) and household income (1.9) from the PWC report are used to estimate total impacts (i.e. direct plus indirect impacts) for the Palmerston North economy during the operation of the retirement village of:
- Additional expenditure of \$12 to 13.5 million per annum;
 - 200-216 additional jobs; and
 - \$10.5 million-\$11.4 million per annum in additional wages and salaries.
- 13 These direct plus indirect economic effects take account of the village operator's expenditure, employment and wage and salary payments but no account of the retirement village residents' spending within the local economy. To the extent that the proposed retirement village at Aokautere leads to an increase in (or retention of) Palmerston North's population and households, there will be additional expenditure within the local economy and flow on benefits in terms of additional employment and income. This indicates that the operating phase expenditure, employment and income impacts have been conservatively estimated.

OTHER ECONOMIC BENEFITS⁹

Improved Housing Affordability

- 14 The PWC report suggests that retirement villages yield an average population density of 49 persons per hectare, which is more than twice that of the average New Zealand city.

⁷ Unless stated otherwise, data in this section provided by Woodgate. This is supplemented with material sourced from a report – *Putting Care In Our Communities*; prepared by PricewaterhouseCoopers New Zealand for Summerset Group Holdings Limited; May 2013 (the PWC report).

⁸ I.e. an average salary (including overtime) per employee of \$50,000 per annum.

⁹ Much of the material in this section of the report is drawn from the PWC report.

Residents moving into a new retirement village, as is proposed by Woodgate for the Aokautere site, will typically move out of lower-density houses into the higher density retirement village thereby freeing up land and dwellings capable of housing a greater number of occupants.

15 The Project will:

- Increase the number of dwellings within the Palmerston North – i.e. on the Project site;
- Provide for an increase in the occupancy of vacated existing dwellings; and
- Create the possibility of redeveloping existing dwellings more effectively (e.g. conversion of low density housing to medium density housing).

Providing Fiscally Efficient Healthcare and Other Services

16 The proposed retirement village will provide more efficient healthcare and other services to the Palmerston North community improving the level and effectiveness of healthcare and freeing up Government and district health board (DHB) resources for other health care services. In particular the retirement village will:

16.1 Provide on-site 24 hour nursing services, enabling more timely and cost effective care including checking residents take the correct medicines at the correct times, nutrition monitoring, blood pressure monitoring, wound inspection and dressing and the earlier detection of health ailments;

16.2 Provide an alternative to hospital care in the case of the earlier discharge of hospital patients, hospice care, the care of the chronically ill (patients assessed as having a maximum of 12 weeks to live), short-term respite care, the care of accident victims and the care of persons under 65 requiring long term care because of illness. The retirement village care bed costs, at around \$160 per day, will be much less than the costs of providing a public hospital bed for these types of care;

16.3 Provide a centralised location for general practitioners and other health care providers to visit a number of patients, reducing their and/or their patients transport costs. For example, the legislation relating to In Between Travel (IBT) requires home healthcare workers to be reimbursed for their travel time (in addition to their vehicle costs) and this has significantly added to the costs to DHBs in providing home health care services.¹⁰ Having clients located within a concentrated area reduces such costs, whoever is the provider and funder;

¹⁰ See Home and Community Support (Payment for Travel Between Clients) Settlement Act, 2016. This is referred to as the in-between travel (IBT) legislation and came into effect on 1 March 2016.

16.4 Reduce the number of emergency call out responses; and

16.5 Privatised some health care costs to the residents themselves, further reducing the costs of, and pressure on, publically provided health care services.

Creating Safer Communities

17 Retirement villages, such as that proposed by Woodgate at Aokautere, create a safer environment in which risks to older people residing in the village can be substantially reduced. These safety benefits relate to safer, age-appropriate principles incorporated in the village design and construction, reductions in both the real and perceived risks of crime affecting residents and a reduction in the need for residents to travel on public roads resulting in reduced road accident costs. Also having available appropriate equipment and training of staff can reduce the risk of injuries to staff as compared to home care outside of retirement homes by for example family members or home support workers.

Promoting Independence and Supporting Positive Aging

18 By providing a continuum of care, from independent living to full palliative care the proposed retirement village will enable its residents to live with a level of independence consistent with their specific needs for as long as possible. The retirement village will also support improved health outcomes, companionship, social engagement and a sense of belonging. These outcomes not only provide direct benefits to village residents and their families and friends, but also indirectly benefit the wider community by reducing publically funded healthcare costs.

Increasing the Cost-effectiveness of Palmerston North City Council's Provision of Services

19 As a result of the Project, there will be increased rates income for the Palmerston North City Council. In part this will be offset by the increased cost of services that need to be provided by the Council. However, because of:

19.1 Economies of scale;

19.2 Reduced upfront capital and ongoing maintenance costs for the Council as a result of Woodgate being responsible for all their own on-site capital expenditure and on-site maintenance costs for drains, roads, etc.; and

19.3 Consolidation of rates invoices into a single payment from the village to the Council

there is likely to be a net increase in Council income available for the provision of enhanced ratepayer services or a reduction in the pressure for rates increases.

Providing Benefits to Village Residents' Families

- 20 A new retirement village in Aokautere will bring benefits to residents' family members in that:
- 20.1 Family member carers can be freed up to return to the workforce; and
 - 20.2 Transport costs will be reduced for family members residing nearby if without the Project their elderly relations need to be placed in retirement villages more distant to family members' places of residence.

POTENTIAL ECONOMIC COSTS OF THE PROPOSED WOODGATE LIFESTYLE VILLAGE

Utilities

- 21 Externality costs can arise when utilities provided by central or local government (e.g. roads, water supply, storm water and flood control systems and wastewater disposal) are not appropriately priced. In the case of Woodgate's proposed new retirement village at Aokautere, no such externality costs will arise.
- 22 Woodgate will be responsible for meeting the costs of access to and from the site. Woodgate, visitors to the site and the village residents will also make payments via road user charges, fuel taxes and rates for the ongoing maintenance and necessary upgrades to the local council road network.
- 23 With respect to water supply and wastewater and storm water disposal the Project will pay for connections to the Council infrastructure together with development levies, rates and any applicable user charges, which will be subsequently recovered from the retirement home's residents. There will be no cross-subsidisation by other ratepayers.

Local Road Congestion Costs

- 24 It is understood that the Project will have vehicle access by way of a new collector road linking to Pacific Drive, which has capacity to accommodate the full development of this growth area. Consequently, it is not anticipated that the Project will generate any material local road congestion costs.

Property Value Changes

- 25 Any property value changes (e.g. for properties that will be adjacent to, or near, the proposed new retirement village) are a reflection of, and not in addition to non-economic or "intangible" effects. This has been accepted by the Environment Court¹¹.

¹¹ See *Chen v Christchurch City Council* 1997; and *Foot et al v Wellington City Council* 1998.

CONCLUSIONS

- 26 Woodgate's proposed new retirement village at Aokautere will have a local catchment for residents able to transfer to the village but continue to live within or near their existing community.
- 27 The new retirement village will enhance the social and economic well-being and the health and safety of the residents of the Palmerston North community by:
- Creating additional expenditure, employment and income within the local economy during the Project's 2.5 year construction period;
 - Creating additional expenditure, employment and income within the local economy once the retirement village is operational;
 - Improving housing affordability;
 - Providing fiscally efficient healthcare and other services;
 - Creating a safer community;
 - Promoting independence and supporting positive aging;
 - Increasing the cost-effectiveness of Palmerston North City Council's provision of services; and
 - Providing benefits to village residents' families.
- 28 The new retirement village will improve resource use efficiency by:
- Increasing economic activity and population in the Palmerston North economy, enabling increased economies of scale, increased competition, greater utilisation of resources and improvements in the level of services provided by central government;
 - Providing fiscally efficient healthcare and other services;
 - Increasing the cost-effectiveness of Palmerston North City Council's provision of services; and
 - Freeing-up time and reducing transport costs for village residents' family members;
- 29 During its construction and operation the new retirement village will provide opportunities for economic growth and employment.

- 30 Woodgate's proposed new Aokautere lifestyle village will not give rise to economic externality costs.



APPENDIX J

RESOURCE CONSENT APPLICATION TO
HORIZONS FOR EARTHWORKS APP-
2022203764.



Our Ref: 2043 S7 Consent Checklist.docx

LANDUSE CONSENT CHECKLIST

- Form 9
- Planning Report
- Copies of Consent Plan
- Environment Impact Assessment
- Locality Plan
- Land Stability Report
- Certificate of Title
- Presence of Rivers/Streams/Lakes/Sea.
- NZTA Report
- Horizons RC Report
- Building Line Restrictions
- Subject Easements
- Amalgamation Conditions Required
- Access Lot Document No. Required
- Building Plans
- Site Photographs
- Easement Schedule
- Other Details Erosion and Sediment Control Plan

Payment of Planning Fees by

- Into Council's bank account or payment direct to Council
- Charge deposit fee to our account
- Charge all other fees to our Client C/- Pirie Consultants Ltd

Resource Consent application form cover sheet

This form needs to be completed with all consent applications submitted to Horizons Regional Council. If sending multiple applications this cover form only needs to be completed once.

Consent holder name: CTS Investments LLC
 (Please note: Resource Consents can be issued to a person(s), company. If you choose to have your consent in the name of a Trust, Estate or Partnership please ensure the full names of all trustees/partners are stated above)

Contact person: (if different from above) L. Fugle (Owners Agent) / P. Pirie (Consultant)

Phone no: _____ Fax no: _____
 Mobile no: 021 517 311 Best contact time: Work hours
 Email address: fugle@xta.co.nz
 Postal address: c/- Pirie Consultants Ltd
 Post code: _____

Please tick each of the following consents you are applying for and attach the respective application forms to the back of this form:

- | | |
|---|--|
| <input type="radio"/> Drilling of Well
Lodgement fee \$320 incl GST | <input checked="" type="radio"/> Land Disturbance / Vegetation Clearance
Lodgement fee \$920 incl GST |
| <input type="radio"/> Surface Water Take
Stock Water: lodgement fee \$1,050 incl GST
Irrigation: lodgement fee \$1,300 incl GST
Other: lodgement fee \$920 incl GST | <input type="radio"/> Ground Water Take
Stock Water: lodgement fee \$1,380 incl GST
Irrigation: lodgement fee \$2,000 incl GST
Other: lodgement fee \$920 incl GST |
| <input type="radio"/> Dairyshed Discharge
Lodgement fee \$1,200 incl GST | <input type="radio"/> Dairyshed Change of Consent Conditions
Lodgement fee \$870 incl GST |
| <input type="radio"/> Change in Land Use Activity to Dairy Farm
Lodgement fee \$920 incl GST | <input type="radio"/> Existing land use for intensive farming
Lodgement fee \$920 incl GST |
| <input type="radio"/> Existing land use and discharge activities for intensive farming
Lodgement fee \$1,500 incl GST | <input type="radio"/> Addition of Land Parcels
no charge |
| <input type="radio"/> Gravel Take
Lodgement fee within allocation \$1,800 incl GST | <input type="radio"/> Works in a Waterbody
Lodgement fee \$920 incl GST |
| <input type="radio"/> Change of Consent Conditions
Lodgement fee \$920 incl GST | <input type="radio"/> Other
Lodgement fee \$920 incl GST |

Continued Overleaf

Location/ property address of the proposed activity: 131/153 Pacific Drive

Aokautere

Legal description of all land titles (this can be found on your rates demand): _____

Lot 9B DP 330144 & Lot 1003 DP 490091

Valuation numbers for all land titles (this can be found on your rates demand): _____

14700 - 12300

Map reference (if known): _____

Map attached showing location

Ring Horizons Regional Council's Consents Team on freephone 0508 800 800 if you require a map

Do you own the property where this activity will take place? Yes No

If no, please state owner of property? —

Contact details of property owner: As above

Please note that written approval is required from this landowner and should accompany this application

Contact person at Horizons Regional Council

If you have already dealt with a member of the consents team please advise their name? —

Signature of applicant: [Signature] PH Pirie Date: 29/3/22
(or person authorised to sign on behalf of the Applicant) Agent

Address for service of applicant if different from above: C/- Pirie Consultants Ltd
Box 10050 P.M.

Phone no: 357 5303 Fax no: —

Mobile no: _____ Best contact time: Work Hours

Contact person: Ail Pirie

Have you attached the following:

- Activity application forms as ticked above
- Map showing location and all required points of reference as requested on the activity application form
- Lodgement fee

Please note: if you do not provide enough information your application may not be accepted

The information provided on this form will be used to process the consent application and, if granted, to monitor the exercise of the consent. The information requested is required by the Resource Management Act 1991. Horizons Regional Council may disclose the information if a request is made by another party, under provisions of the Local Government Official Information and Meetings Act. Horizons Regional Council may also publicly disclose some of this information in circumstances where consent conditions have been breached. Under the Privacy Act 1993, you have the right of access to personal information about you held by Horizons Regional Council and you are also entitled to request information about you to be corrected.

Application for Resource Consent: Land Disturbance (Earthworks) and/or Cleanfill

Form B: Activity Information and Assessment Form

A complete Administration Form (Form A) MUST accompany this Activity Information and Assessment Form (Form B) when lodging your application. The purpose of this form is to provide the applicant with guidance on information that is required under the

Resource Management Act 1991. These forms are to act as a guide only, and Horizons Regional Council reserves the right to request additional information.

APPLICANT NAME

ETS Investments LLC

(Refer to Form A)

1

APPLICATION PURPOSE

What is the purpose of this application (select one)

New consent

Renewal of consent

Consent number Expiry date.....

Consent term sought 35 year
(Max. 35 years)

Resource consents are typically aligned with the relevant common catchment expiry dates in Policy 12-5 of the One Plan.

N/A

What is the reason for the proposed land disturbance? (E.g. subdivision, quarry)

See report

Please specify the type of works which occur (please tick)

- Soil disturbance and/or roading and tracking
- Cleanfill placement – natural material such as clay, soil and rock and other inert materials such as concrete or brick
- Overburden placement – clay, soil and rock associated with quarries and mining
- Earthworks associated with a structure
- Quarry
- Other – specify in more detail below

Please note some district and city councils require additional earthworks consents. Please make sure you contact the relevant council to ensure this is not the case.

2 LOCATION

Location of the proposed discharge Asketere

Address 131/153 Pacific Drive

Map reference (NZTM 2000) E N.....

Legal description Lot 9B DP 330144 & Lot 1003 DP 490091

3 DESCRIPTION OF PROPOSED ACTIVITY

Please describe the present land use of the site (please tick)

- Farming (beef, dairy, sheep etc)
- Reserve (conservation, recreational, marginal strip)
- Exotic forest native forest/regenerating bush/rare, threatened or at-risk site*
- Other – please specify

**As defined in Schedule F of the One Plan*

Please describe the contour of the land at and surrounding the site. Please also indicate the percentage of the site that the contour type covers.

Flat 100 %

Rolling %

Steep %

Very steep (over 20 degrees/hill country erosion management area) %

Predominant soil type (please tick)

- Sand
- Loam
- Pumice
- Silt
- Clay
- Peat
- Other – (please specify)

Describe the extent of any soil erosion

See report

Are there any waterways (including drains), wetlands or lakes near the land disturbance site and how far away are they?

Please note this includes both artificial waterways, permanently flowing and intermittently flowing waterways with a bed greater than 1m

None

What is the total area in m² which will be disturbed?

8.4 ha

What is the total volume of material that will be disturbed, or for a clean fill site, disposed of?

37,400 m³

For earthworks, where will you dispose of the cleared material?

On site

What time of year do you intend to do the works?

During earthworks construction season

How long will the works take to complete? (If the work is being undertaken in stages please describe these).

11 weeks

What type of vegetation currently covers the site?

See report

Will the site be revegetated? Please describe what will be planted.

See report

For cleanfill sites, where will the material be imported from?

N/A

4 RULE ASSESSMENT

Rule 13-1 of the One Plan permits earthwork activities and Rule 14-21 of the One Plan permits certain cleanfill activities as long as you can meet certain conditions and standards. Please ensure your activity is not a permitted activity under these rule(s). If you require assistance, please contact the consents team on freephone 0508 800 800.

Please indicate which rule of the One Plan your activity falls under 13.2

Chapters 13 and 14 can be accessed via <http://www.horizons.govt.nz/publications-feedback/one-plan>.

5 ASSESSMENT OF ENVIRONMENTAL EFFECTS

For your application to be considered, an assessment of effects must be included. Please answer all questions below. Additional information may need to be provided depending on the scale and significance of your proposal.

Detail any hazardous or toxic chemicals or hydrocarbons (such as fuel) that are related to your activity and may be used or stored on site. Describe how these will be managed to avoid risk to the environment.

N/A

Describe any effects your operation may have on the neighbourhood, including dust, sedimentation of waterways, land stability and cultural effects. Other areas that need effects assessed are historic sites and recreational areas, such as parks, scientific areas, and scenic features.

See report

6 GOOD MANAGEMENT PRACTICES AND MITIGATION MEASURES

Please supply an Erosion and Sediment Control Plan appropriate to the scale of the works. The method and or management tools contained within the plan shall be in general accordance with Section 8 of the "Erosion and Sediment Control Guidelines for the Wellington Region" dated September 2002. This document can be sourced from www.gw.govt.nz.

An Erosion and Sediment Control Plan normally contains two parts, a written methodology and a site plan. The written methodology contain information on various aspects of the project and proposed erosion and sediment controls including how sediment loss will be minimised. The site plan provides a visual understanding of what the site looks like and includes details such as the location of erosion and sediment control devices and other relevant features.

Please confirm an Erosion and Sediment Control Plan is attached

Yes No

What, if any, monitoring do you propose to carry out to avoid, remedy, mitigate the potential adverse environmental effects of the proposal?

See report

In a large operation, regular compliance tests may be required to be undertaken for any discharges such as those from sediment retention ponds. How do you plan to monitor the discharges?

See report

For cleanfill operations you must ensure there is a record of material in accordance with the "A Guide to the Management of Cleanfills (Ministry for the Environment, 2002)". Please advise how you will meet these requirements?

N/A

7 CONSIDERATION OF ALTERNATIVES

Please include a description of any possible alternative locations or methods for undertaking the any discharges associated with the works (E.g. discharge of sediment from earthworks site or location of cleanfill site) and why these alternatives have not been selected.

N/A

8 CONSULTATION/AFFECTED PARTIES

Please include evidence of any consultation undertaken for this application. This may include (but not be limited to) consultation with adjoining landowners, other consent holders in the immediate area, iwi, government departments/ministries (e.g. DOC), territorial authorities and recreational associations (E.g. Fish and Game New Zealand). Please ensure you have considered any Statutory Acknowledgements in the Horizons Region. For more information visit (<http://www.horizons.govt.nz/about-our-region-and-council/iwi-and-hapu/statutory-acknowledgements>). If you are in doubt about who you should be talking to the call a member of the consents team on freephone 0508 800 800.

Please provide details of those you have identified as parties who may be affected. If you have discussed your proposal with any of these parties, please record any comments made by them and your response to them and submit this with your application.

Name See report

Address

Affected party approval form attached

Name

Address

Affected party approval form attached

Name

Address

Affected party approval form attached

Name

Address

Affected party approval form attached

9 NATIONAL ENVIRONMENTAL STANDARDS

NATIONAL ENVIRONMENTAL STANDARDS FOR SOURCES OF HUMAN DRINKING WATER (NES-DW)

Are there any public water supplies that could be affected by your proposal? Yes No

An assessment under the NES-DW will need to identify any sources of human drinking water that supply more than 25 people that might be affected by any discharge. Horizons Regional Council holds a list of such water supplies within its region and will be able to provide assistance when identifying water supplies within the vicinity of the farming activity.

Discussion with the water supply operator may also be beneficial in determining whether the supply could be affected and what measures can be taken to ensure the quality of the water supply is maintained.

N/A

Please state any other NES that you consider may be relevant to your activity and provide an assessment against that NES.

See report

10 RELEVANT STATUTORY PROVISIONS

The Resource Management Act 1991 requires this application to include an assessment of the proposed activity against the One Plan. Answering the following questions will satisfy this requirement. If you are unable to answer the questions below, or you believe your proposal is inconsistent with the relevant policies and documents discussed, it is recommended you seek professional planning assistance to help you with your application. For a complete copy of the One Plan visit <http://www.horizons.govt.nz/publications-feedback/one-plan>.

REGIONAL POLICY ASSESSMENT

The objectives and policies of Chapters 4 (Land) and 5 (water) are relevant to this application.

Is the activity consistent with the relevant provisions of the Regional Policy Statement? Yes No

Please provide reasons for your answer above

See report

Please list any other relevant objective and /or policies of the Regional Policy Statement and provide an assessment of the activity against those objectives and/or policies.

See report

REGIONAL PLAN ASSESSMENT

Objective 13-1 and Policy 13-1 and 13-2 of Chapter 13 of the Regional Plan are relevant to this application.

Is the activity consistent with the relevant provisions of the Regional Plan? Yes No

Please provide reasons for your answer above

See report

If there are other sections of the One Plan or any national planning document (e.g. NZ Coastal Policy Statement) that you consider are relevant, please provide an assessment of the activity against those relevant objectives/policies of the One Plan and/or national document.

N/A

11 ADDITIONAL CHECKLIST INFORMATION

- A SITE plan to scale showing:
- Site boundary
 - Location of roads and property boundaries
 - Buildings and residential properties
 - Location of any sensitive sites (e.g. historical places, sites of importance to iwi) in the proximity of the site
 - Identification of any rare, threatened or at-risk habitats
 - Any waterways including ephemeral waterways, drains, lakes and/or wetlands.
- An Erosion and Sediment Control Plan appropriate to the scale of the works.
The method and or management tools contained within the plan shall be in general accordance with Section 8 of the "Erosion and Sediment Control Guidelines for the Wellington Region" dated September 2002.

Please contact the consents team on freephone **0508 800 800** if you require assistance with your application.



Our Ref: 2043 Stage 7 HRC Consent Report 28032022.docx

28 March 2022

The Regional Planner
Horizons Regional Council
Private Bag
Palmerston Nth

Dear Sir/Madam,

**Landuse Consent for CTS Investments LLC
131 & 153 Pacific Drive, Aokautere**

1.0 Introduction

- 1.1 This consent is being applied for to enable earthworks to be performed to create a suitable building platform for Stage 7 of the Woodgate subdivision to enable the development of a retirement complex.
- 1.2 The application seeks consent for large scale earthworks covering an area exceeding 2500m². A Landuse consent for earthworks will also be applied for from the Palmerston North City Council.
- 1.3 While the application is for the earthworks for the retirement complex, the earthworks plans show details of the full extent of earthworks proposed for the property to enable the land to be reshaped for the future development. A separate landuse consent application is to be applied for, at a later date, when the earthworks which are not part of the retirement complex are required.
- 1.4 Please charge all fees direct to my Client, CTS Investments LLC.

2.0 Development Proposal

- 2.1 The Applicant is presently developing a retirement complex on residential land at the rear of houses on Pacific Drive. The development is situated in the southern corner of the Applicant's land encompassing an area of approximately 8.4ha of the 48ha property.
- 2.2 The earthworks involve the completion of the filling in the area of the future development of what was once the Johnstone Drive Gully that has been significantly filled with work ceasing in 2011. Material for the filling is to be obtained by the continuation of the excavation of the ridge to the east to create a suitable building platform. The area of the earthworks does not include the land on the western side of the original gully which were completed in 2010. The earthworks do not extend to the other parts of the Johnstone Drive Gully to the north that have been partially filled. Refer to attached plans.
- 2.3 An erosion and sediment control plan has been prepared detailing all aspects of the earthworks. Refer to the attached document.

- 2.4 The quantities for the extent of the work involved are:
- Area of site affected by the earthworks is 8.4ha.
 - Area of cut is 4.4ha.
 - Area of fill is 4.0ha.
 - Volume of topsoil is 11,100m³. Some of the previously excavated topsoil is stockpiled along the western edge of the top of the former gully. This material and that excavated in the cut area is to be replaced on the reshaped land.
 - Volume of cut/fill material for the filling of the gully is 37,400m³.
 - The maximum depth of fill is 4.4m.
 - The maximum depth of cut is 4.9m.

3.0 Planning Requirements

- 3.1 The land disturbance is a Controlled Activity pursuant to Rule 13.2 of the One Plan. There are not any other landuse consents required as the Johnstone Drive Gully no longer exists.
- 3.2 Standards of Rule 13-2 Large scale land disturbance are complied with as follows:
- (a) The earthworks do not involve any land within the coastal foredune.
 - (b) The earthworks are to be performed in accordance with an Erosion and Sediment Control Plan. An ESCP has been prepared and is included in this application.
 - (c) All runoff from the earthworks will be treated in accordance with the approved ESCP.
 - (d) The area of disturbance does not contain a watercourse.
 - (e) The area of disturbance does not contain a wetland or a Schedule B feature.

4.0 Legal Description

- 4.1 The property is described as Lot 98 DP 330144 and Lot 1003 DP 490091, contained in RT 706789 having an area of 48.1154ha.
- 4.2 The earthworks are entirely within Lot 98 DP 330144.
- 4.3 The title is subject to a right of way easement however this unaffected by the earthworks.
- 4.4 The title is subject to an encumbrance and a consent notice from the Palmerston North City Council but these relate to Lot 1003 DP 490091 which is unaffected by the earthworks.

5.0 National Environmental Standards

- 5.1 The property is not subject to any form of contamination.
- 5.2 National Environmental Policy and Standards for Freshwater are not relevant to the application.

6.0 Assessment of Effects

- 6.1 The effects of the proposed earthworks are limited to the property itself and are considered to be as follows:
- (a) Erosion, sedimentation and dust from exposed surfaces
 - (b) Construction noise.
 - (c) Vibration from compaction.
- 6.2 The above effects are to be mitigated as follows:
- (a) An erosion and sediment control plan will be implemented to prevent erosion and sedimentation of the earthworks and ensure dust is reduced to a minimum. This will involve:
 - Provision of silt retention ponds etc.
 - Diverting all clean water runoff away from areas where earthworks are occurring.
 - Limiting the amount of exposed ground to as little as possible.

- Re-grassing and/or placing hard fill on exposed ground as soon as possible.
- Wetting areas as necessary to control dust.
- Ceasing work during times of heavy rain and/or high wind.
- The area of exposed ground and haulage roads are to be kept to a minimum and will be wetted as necessary.

(b) All construction noise is to be within statutory limits and hours of work in accordance with PNCC engineering standards.

(c) It is not anticipated that any adjoining property will be affected by vibration from compaction machinery.

6.3 One Plan Objectives and Policies

The relevant Objectives and Policies are assessed as follows:

Objective 13-1

- (a) The earthworks will not cause any accelerated erosion or result in damage to any people, buildings or infrastructure. The excavation and filling is to occur using a methodology to ensure that the required standard of construction is achieved with the necessary testing and monitoring being performed.
- (b) An ESCP is to be implemented to ensure that there is not any increase in sedimentation of the watercourse within the property or in any other location.

Policy 13-1

- (a) The Application fully complies with the requirements for the processing of the consent sought. Default timeframes for the activation of the consent apply.
- (b) The Application is a consent application for large-scale land disturbance.

Policy 13-2

The relevant policies are complied with as follows:

- (a) The earthworks involve only minor vegetation clearance of grass, gorse, blackberry and scrubby regrowth while not impacting upon any other resource.
- (b) An Erosion and Sediment Control has been prepared for the control of all of the effects of the earthworks.
- (c) Not applicable.
- (d) Not applicable.
- (e) Not applicable.
- (f) Not applicable.
- (g) The earthworks are not on any land subject to a natural hazard.
- (h) Not applicable.
- (i) Not applicable.
- (j) The work is to occur in accordance with industry standards and codes of practice, and monitored by a professional experienced in earthworks.
- (k) An erosion and sediment control plan is to be prepared to ensure that all effects of the construction, including excavation and filling, are reduced to minimise any adverse effects.
- (l) Not applicable.
- (m) Not applicable.

7.0 **Rangitane o Manawatu Claims Settlement Act**

7.1 The proposal is currently being discussed with Rangitane in association with another development occurring on the adjoining property to the north, being a road crossing of the Johnstone Drive Gully.

7.2 Rangitane are to provide details of any effects on their cultural values as part of a joint report.

8.0 Notification Assessment

8.1 It is considered that there are not any affected parties, that consent is not required from any party, and that notification of any form is not required for the following reasons:

- The earthworks are a Controlled Activity.
- All effects are contained within the Applicant's land.
- The earthworks are for a future retirement development which involves normal standard construction, whose effects are of a temporary nature and necessary to enable the development to occur.
- The earthworks do not affect or impact upon any other property.

9.0 Other Matters

9.1 Any excess and/or unsuitable material is to be stored on the Applicant's land in a location that does not affect any existing watercourse or adjoining property. This material is to be topsoiled and grassed to prevent erosion. There will not be any material removed from the site.

9.2 Hours of work are to be in accordance with the PNNC Engineering Standards for Land Development. The earthworks are may be monitored by PNCC engineering staff as part of the overall monitoring of the construction engineering.

9.3 It is proposed that an accidental archaeological protocol be developed and approved by Horizons RC and Rangitane as a condition of consent and that this is required prior to any earthworks beginning.

10.0 Conclusion

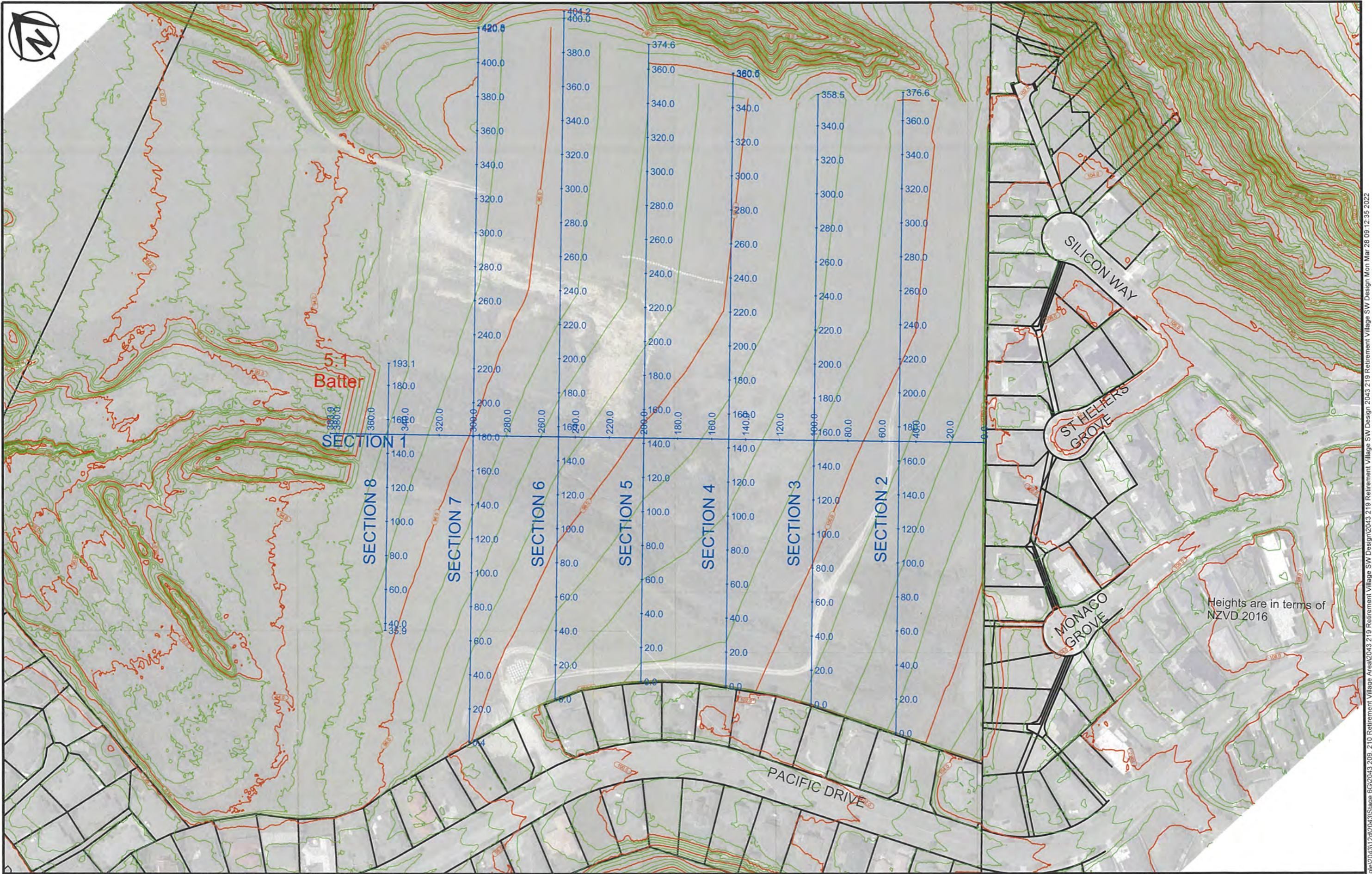
10.1 It is considered that Council must grant consent to the earthworks proposal as it is in accordance with the Objectives, Policies and Rules of the One Plan. There are not any non-conformances with the rules.

10.2 I trust this is the information you require and please contact me if you have any queries or wish to visit the site.


Yours faithfully,



P. H. Pirie
Consulting Surveyor



Heights are in terms of NZVD 2016


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 Palmerston North
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 The Contractor must verify all dimensions on the job before commencing work.

PACIFIC DRIVE
 PALMERSTON NORTH **326**

EARTHWORKS FOR
 RETIREMENT VILLAGE
 CTS INVESTMENTS LLC

Date: **AUGUST 2021**
 Scale (@ A3 size) **1:2000**
 Job No. **2043-221**
 Sheet 1 of 4 Rev A

Z:\Client Data\Fugle\2043\12\2043\Stage 6\2043\Stage 6\2043\209_210 Retirement Village Area\2043 219 Retirement Village SW Design\2043 219 Retirement Village SW Design Mon Mar 28 09:12:35 2022

EXISTING GROUND

DESIGN SURFACE

Datum RL 85.00

FINISHED SURFACE	101.01	99.53	99.41	99.29	99.15	99.02	98.87	98.72	98.57	98.41	98.24	98.07	98.04	98.00	97.96	97.93	97.89	97.86	97.92	97.87
EXISTING GROUND LEVEL	101.01	99.89	98.44	98.09	97.89	99.99	100.77	101.48	101.98	102.46	102.40	102.13	101.95	101.53	101.16	100.82	100.43	99.43	97.92	97.87
CUT AND FILL	0.00	-0.36	0.97	1.19	1.27	-0.98	-1.90	-2.76	-3.41	-4.05	-4.16	-4.06	-3.91	-3.53	-3.19	-2.89	-2.54	-1.57	0.00	0.00
CHAINAGE	0.00	20.00	40.00	60.00	80.00	100.00	120.00	140.00	160.00	180.00	200.00	220.00	240.00	260.00	280.00	300.00	320.00	340.00	360.00	360.46

XS -4

HORZ. 1:1500
VERT. 1:500

Datum RL 85.00

FINISHED SURFACE	100.99	99.41	99.21	99.00	98.79	98.57	98.36	98.14	97.91	97.69	97.46	97.23	97.17	97.13	97.10	97.06	97.02	97.00	96.99	97.01
EXISTING GROUND LEVEL	100.99	99.53	99.25	99.91	96.66	95.95	96.48	100.81	100.66	100.73	97.56	98.92	102.73	100.49	100.13	100.04	99.79	99.19	98.36	97.01
CUT AND FILL	0.00	-0.12	-0.05	-0.91	2.13	2.62	1.88	-2.68	-2.75	-3.04	-0.10	-1.69	-5.57	-3.36	-3.03	-2.98	-2.76	-2.19	-1.36	0.00
CHAINAGE	0.00	20.00	40.00	60.00	80.00	100.00	120.00	140.00	160.00	180.00	200.00	220.00	240.00	260.00	280.00	300.00	320.00	340.00	360.00	374.62

XS -5

HORZ. 1:1500
VERT. 1:500

Datum RL 85.00

FINISHED SURFACE	100.59	98.89	98.64	98.39	98.14	97.90	97.66	97.42	97.19	96.96	96.74	96.52	96.32	96.29	96.25	96.21	96.18	96.14	96.14	96.13	96.52	96.11
EXISTING GROUND LEVEL	100.59	98.84	98.58	98.40	98.17	99.26	95.11	94.12	96.10	96.70	97.04	97.23	96.17	100.30	99.63	99.46	99.31	99.06	98.55	97.84	96.52	96.11
CUT AND FILL	0.00	0.05	0.06	-0.01	-0.03	-1.36	2.55	3.30	1.08	0.26	-0.30	-0.70	0.15	-4.02	-3.38	-3.24	-3.13	-2.91	-2.41	-1.71	0.00	0.00
CHAINAGE	0.00	20.00	40.00	60.00	80.00	100.00	120.00	140.00	160.00	180.00	200.00	220.00	240.00	260.00	280.00	300.00	320.00	340.00	360.00	380.00	400.00	404.23

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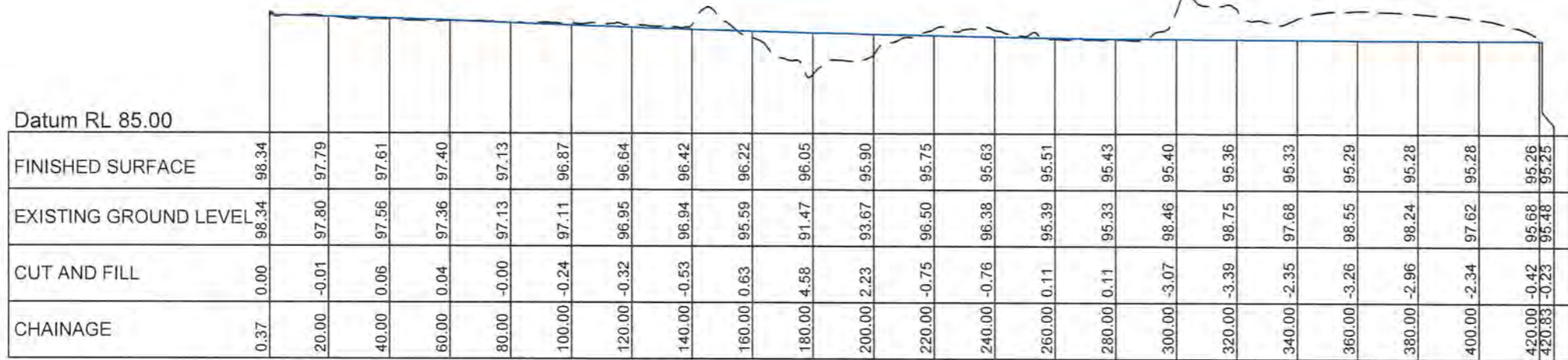
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PACIFIC DRIVE
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EARTHWORKS FOR
RETIREMENT VILLAGE
CTS INVESTMENTS LLC

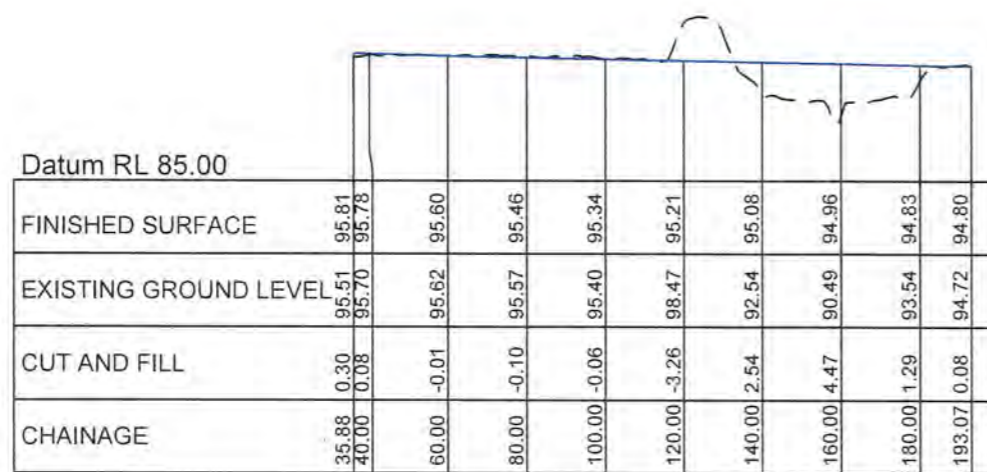
Date: **AUGUST 2021**
Scale (@ A3 size) 1:1250
Job No. **2043-221**
Sheet 3 of 4 Rev A

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PACIFIC DRIVE
PALMERSTON NORTH **329**

EARTHWORKS FOR
RETIREMENT VILLAGE
CTS INVESTMENTS LLC

Date: **AUGUST 2021**
Scale (@ A3 size) 1:1250
Job No. **2043-221**
Sheet 4 of 4 Rev A

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APPENDIX K

EROSION AND SEDIMENT CONTROL PLAN:
ENVIROPAC LTD



CTS Investment LLC
 - Woodgate Subdivision Rehabilitation Works -
EROSION AND SEDIMENT CONTROL PLAN
(TC-ESCP-2)

Document Preparation
Willem Venter – Environmental Professional @ EnviroPrac Ltd
Document Approved
Les Fugle – Client

Version	Date
2	28/03/2022

Document History and Status

Revision	Date	Author	Approved By	Status
1	19/12/2021	Willem Venter	Mr. L. Fugle	Draft
2	28/03/2022	Willem Venter	Mr. L. Fugle	Draft

Revision Details

Revision	Details
A	Issued for Client Approval Resource Consent Application - Draft
1	Issued to Horizon Regional Council for Certification - Draft
2	Minor changes made – Issued to Horizons Regional Council for Certification

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Acronyms / Definitions	
ESC	Erosion and Sediment Control
ESCP	Erosion and Sediment Control Plan
ha	Hectare
HRC	Horizons Regional Council
PNCC	Palmerston North City Council
SF	Silt Fence
SRP	Sediment Retention Ponds
SSF	Supper Silt Fence
USLE	Universal Soil Loss Equation

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Disclaimers and Limitations

EnviroPrac Environmental Consultant Ltd has been appointed to develop the Erosion and Sediment Control Plan (ESCP) to support the Resource Consent Application process for the required rehabilitation works at 153 Pacific Drive in preparation for future development. The content of the ESCP is subject to the data provided by the developer in November/December 2021 and was developed to the assumption that no changes will occur.

EnviroPrac Environmental Consultant Ltd accepts no liability whatsoever for any reliance on or use of this plan, in whole or in part, for any use or purpose other than the Purpose or any use or reliance on the plan by any third party. The consent holder is responsible to adhere to the specifications and resource consent conditions including the implementation, monitoring and maintenance of the ESCP.

1. Project Description

The scope of the ESCP is limited to the rehabilitation of a section of land located towards the South-Western corner on 153 Pacific Drive. Figure 1 below illustrates the property boundary and location.

Construction works was undertaken previously within the property boundaries and the works was partially completed in 2010 however, earthworks was ceased following action between the developer and Horizons Regional Council (HRC). Since the site was abandoned, severe erosion occurred due to an increase of stormwater from neighbouring properties flowing onto the abandoned site. Gully erosion of up to three metres deep has been observed within the proposed fill zone and channel erosion is increasing in size and more noticeable within the property boundary. Therefore, a resource consent is being obtained to commence rehabilitation of the property. The proposed area to be earth worked is 8. hectare (ha) with 4.4 ha designated for cut and 4 ha for filling of a portion of the existing gully located towards the Western side of the property.

It is envisioned that the entire project will be completed within 11 weeks with a few days of rehabilitation to follow. A breakdown of the proposed works is outlined in Table 1 below and will be subject to clear weather conditions.

Table 1: Indicative Construction Time Frame

Construction Activity	Construction Period
Installation of clean water diversion	4 days
Installation of ESC devices and bunds	1 week
Cut and Fill works	9 weeks
Rehabilitation	3 days

The ESCP plan for the above proposed work has been prepared in accordance with the Wellington Regional Council "Erosion and Sediment Control Guidelines for the Wellington Region, February 2021" and will be implemented by the consent holder.

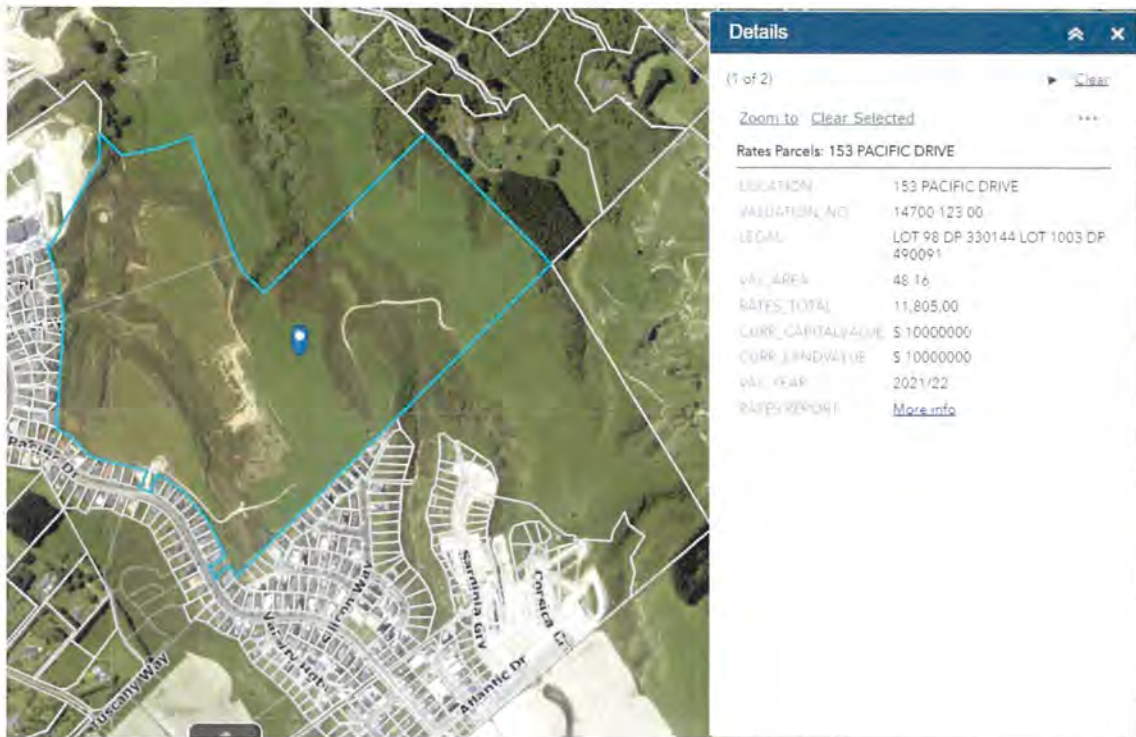


Figure 1: Rehabilitation on 153 Pacific Drive, Fitzherbert

2. Site Description

To managing erosion and sedimentation effectively it is important to understand the existing as well as receiving environment in correlation to the proposed activities for example: the soil in the area has a near neutral pH and therefore PAC is suitable to be used on site as a flocculant instead of an alternative flocculant to manage the pH levels of the sedimentation ponds. A combination of desktops surveys, Met Data, previous ESCP for the proposed activities, geotechnical report and site inspections was used to address Section 2.

2.1 Soil, Vegetation and Elevation Characteristics

Soil Characteristics:

The rock type has been classified as loose sedimentary units with overlying silts, clay-sand sands. The near surface soil profile within the property is recognised as Perch/Pallic-gley (Figure 2) and its occurrence is well known within the Manawatu. Parent materials are commonly loess derived from schist or greywacke which covers 12% of New Zealand.

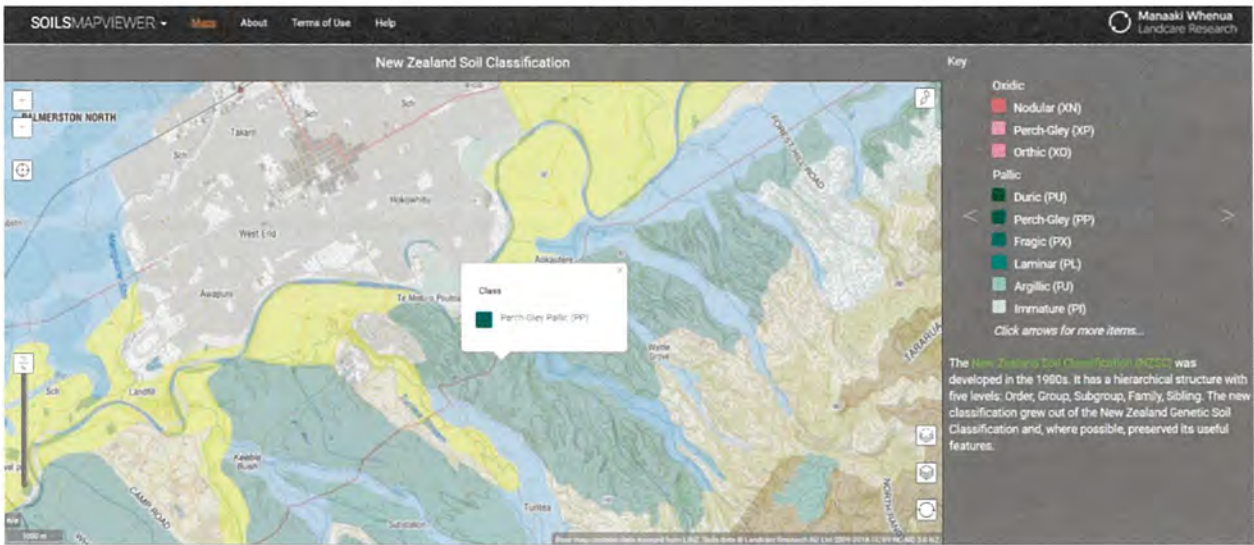


Figure 2: Soil Classification

The pH of this soil is near neutral ranging between 5.8 – 6.4 (Figure 3), it has a medium to high nutrient content, low concentrations of secondary oxides and low organic matter contents. Permeability of the soils are moderate over slow (Figure 4) with moderate being 1.52 – 15.24 centimetres p/hr and slow <1.52 centimetres per/hr.

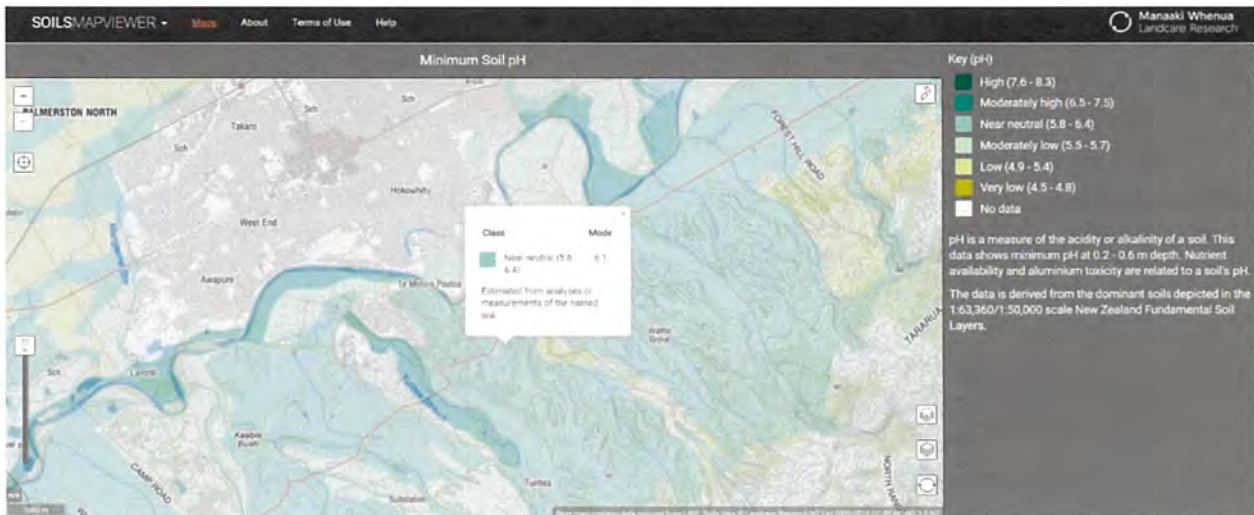


Figure 3: Soil pH

Soil drainage refers to the rate/degree of water being removed by surface run-off. Several factors are considered like the flow through the soil to underground spaces, evaporation, and transpiration. Perch/Pallic-Gley are typically periodically saturated in winter and spring and dry out in the summer. The presence of perched water tables on impermeable subsurface layers in such soils is common. This soil type has a moderate to slow permeability with limited rooting depth, and medium to high bulk density.

They are susceptible to erosion because of high potential for slaking and dispersion. The site has a Hydromorphic Class 3 (Imperfectly Drained) Figure 5.

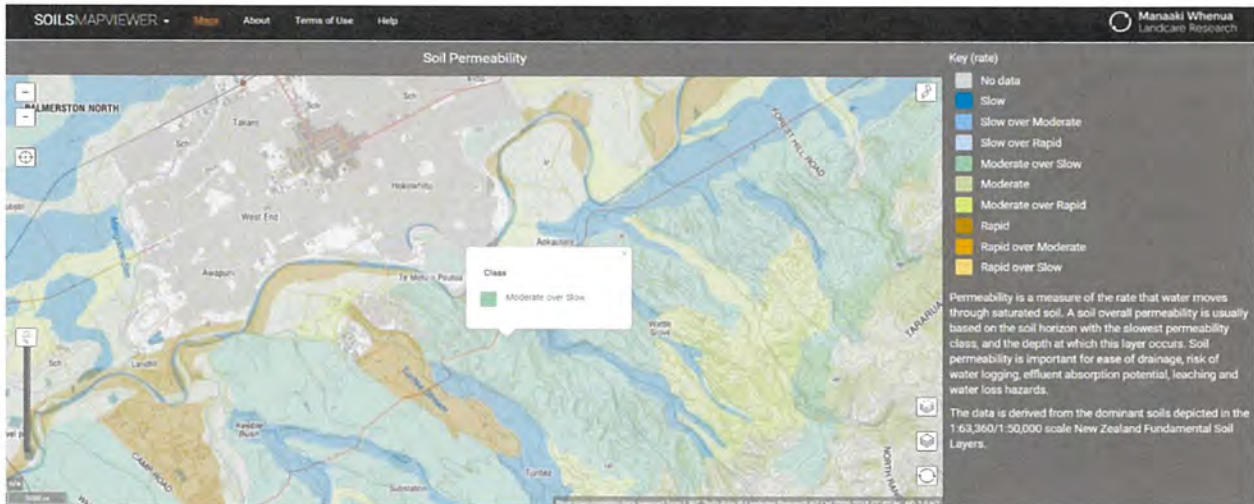


Figure 4: Soil Permeability

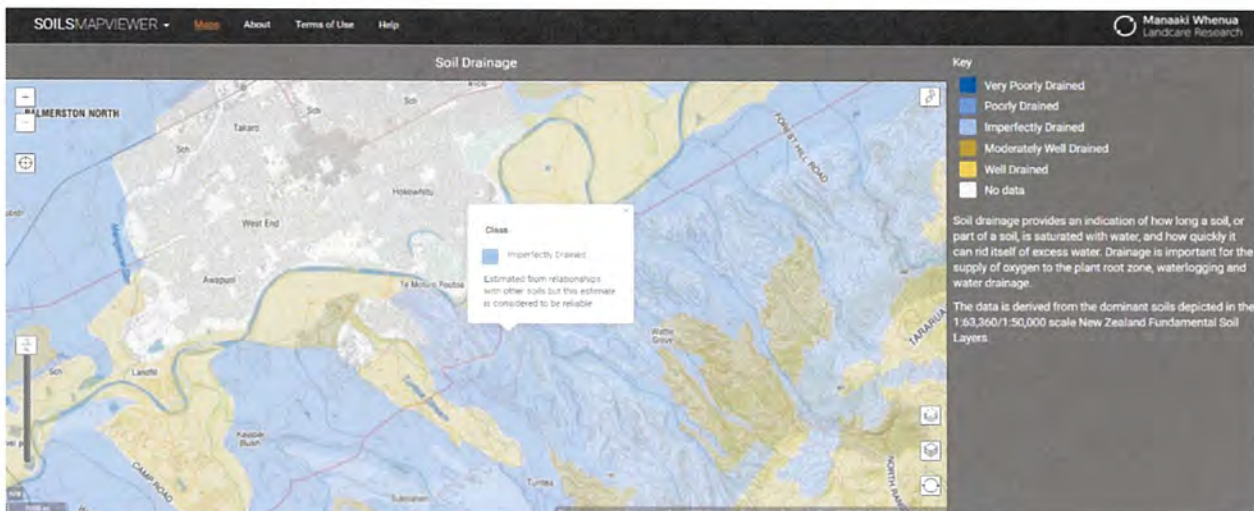


Figure 5: Soil Drainage

Vegetation Cover:

The property is mainly covered by crop land with some exotic scrubs located within the gullies throughout the properties Figure 6. As per PNCC Geosite map (Figure 7) illustrating the greater area is stabilised with some minor disturbances visible in the middle. Therefore, sufficient turf is available to be used for erosion control within the works footprint.

Site Elevation:

The area to be rehabilitated is illustrated in Figure 8 below, the elevation range between 92m and 106m with 106m being the single highest point on the property boundary located towards the South. Several low points have been identified within the zone that will be suitable for SRP locations to ensure sufficient flow of runoff to reach the designated ponds relative to the catchment zone.

More in depth detailed elevation maps are also available within Annexure B because elevation plays such a significant role in identifying the location of ESC devices it was decided to make use of 1 metres contour lines to ensure runoff flowing to the designated ESC devices.



Figure 8: Google Earth Image of Property Boundary and Contour Lines

2.2 Weather Conditions

Historical weather data has been obtained from the Niwa Taihoro Nukurangi publications of regional climatologies for Manawatu-Wanganui. The data was sourced from several station located within the Manawatu-Wanganui and covers over 25 years of data collection. Based on the data it is evident that the mean monthly rainfall is at its lowest in January and then gradually increases towards the winter months, Figure 9.

The performance, monitoring and maintenance of ESC devices is extremely impacted by weather conditions especially precipitation and therefore weather monitoring will play a vital role in any ESCP. This is further discussed in depth under Section 6. Figure 9 – 12 provides additional background weather data that may influence construction progress for example: available day light between summer and winter, direction of wind to management wind erosion etc.

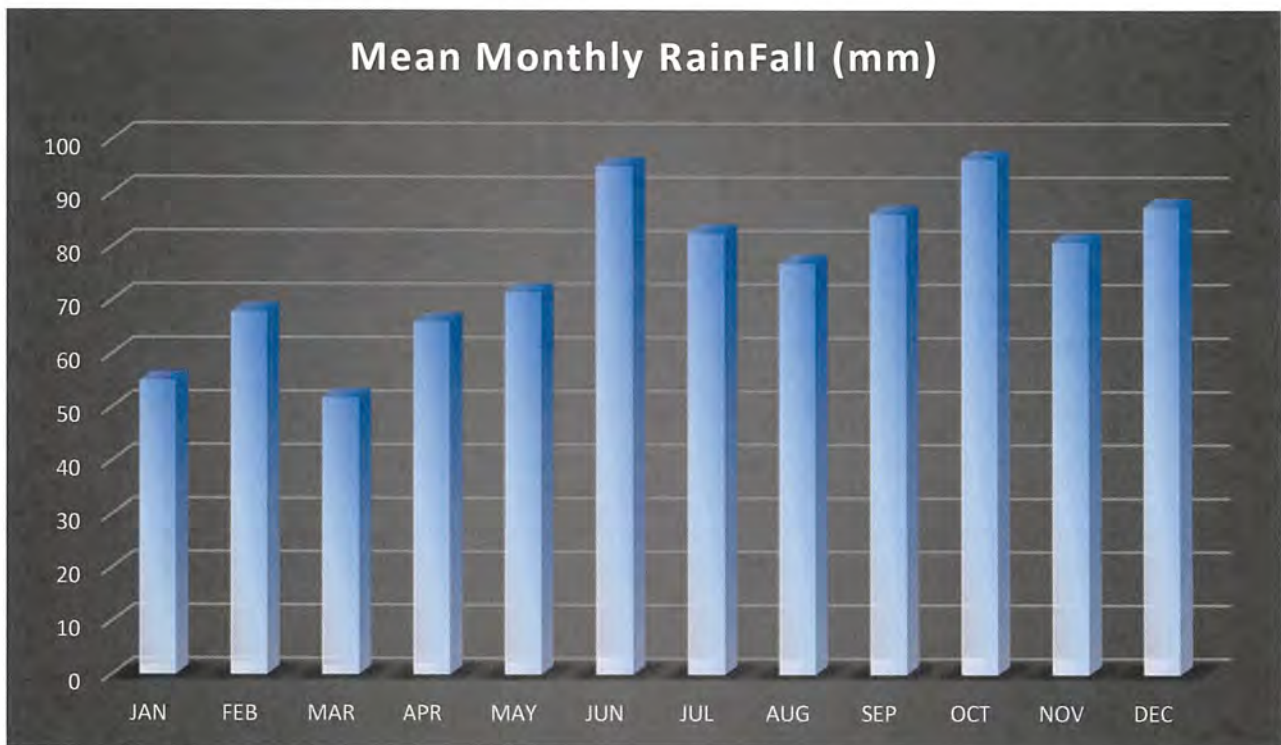


Figure 9: Historical Rainfall data

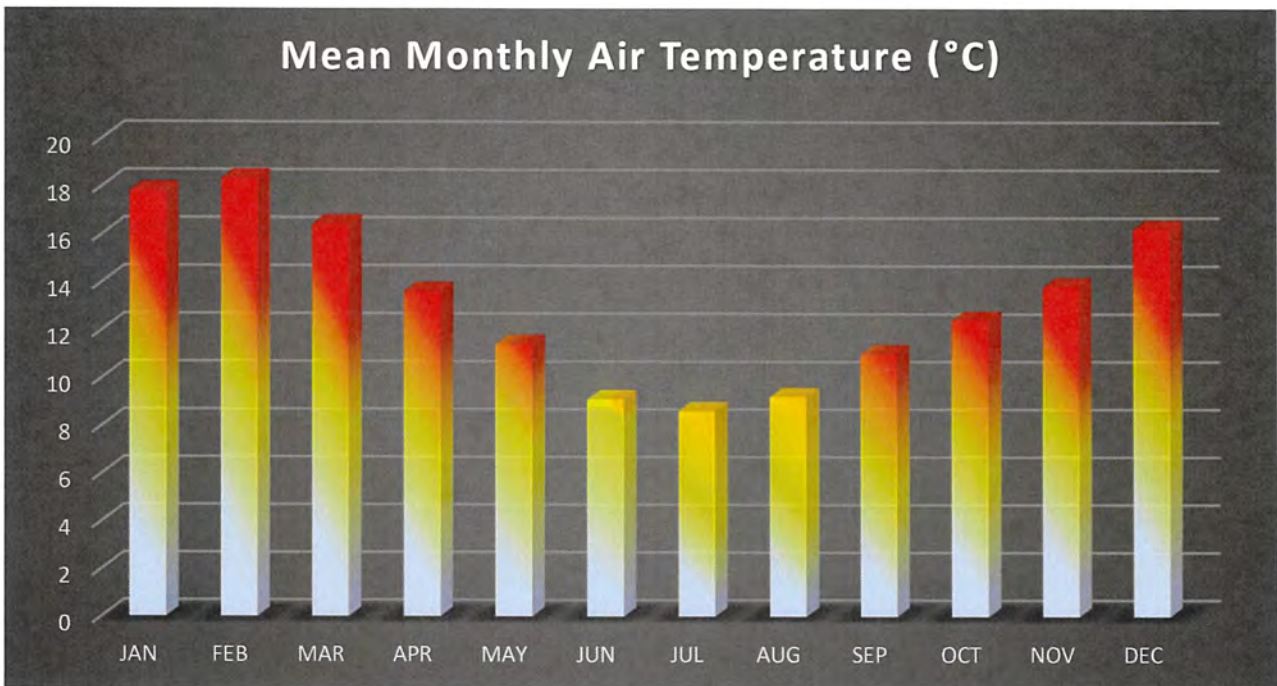


Figure 10: Historical Temperature

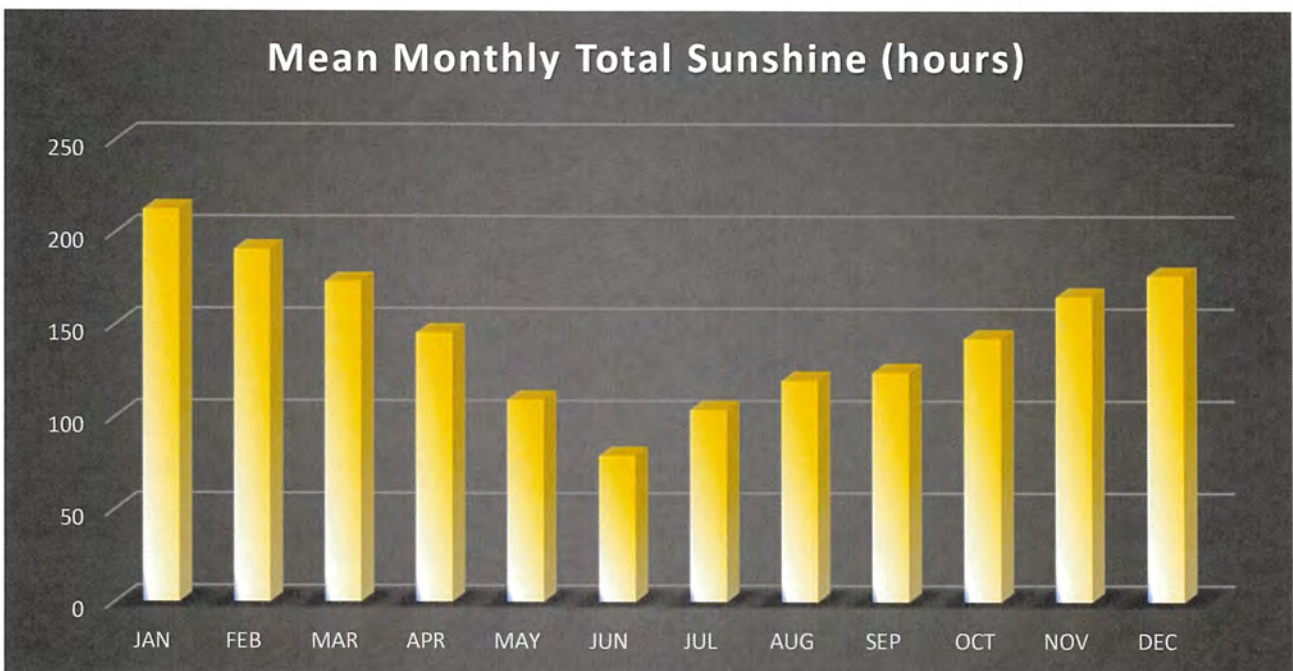


Figure 11: Historical Highest Wind Speed

It is not anticipated that wind erosion will have a noticeable impact on the construction site however, due to the location of the site being adjacent to residential properties care needs to be taken to prevent dust being of a nuisance to nearby landowners.

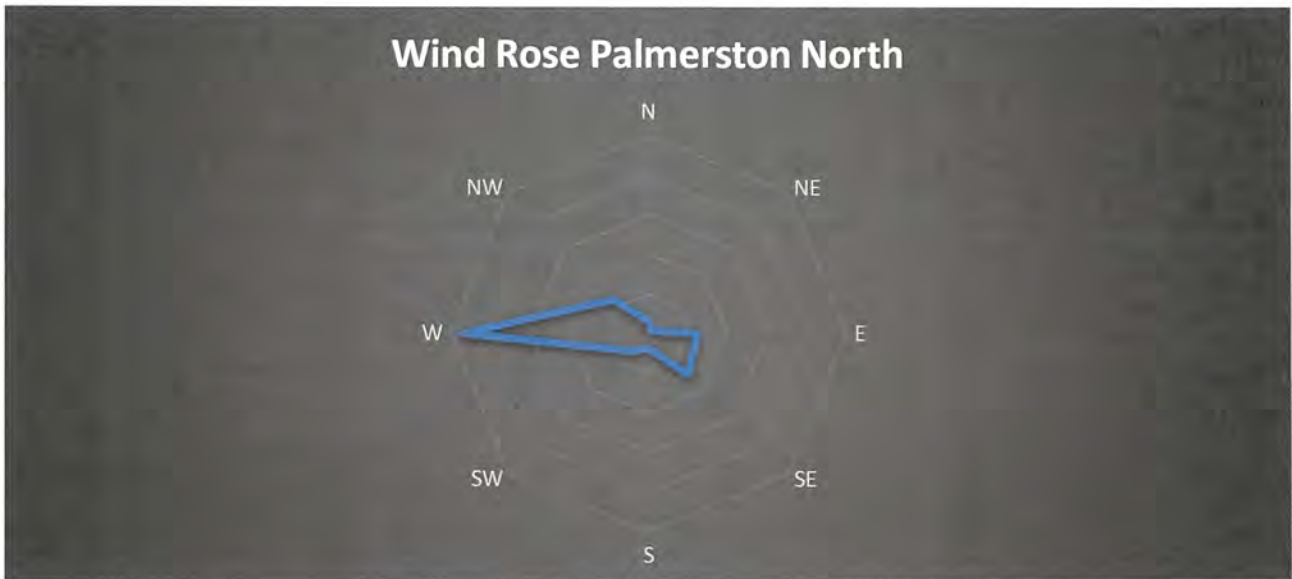


Figure 12: Historical Wind Direction

3. Estimated Sediment Yield

The Universal Soil Loss Equation (USLE) is a tool that has been used in New Zealand to estimate potential annual soil loss on a slope based on rainfall pattern, soil type, topography, vegetation cover and management practices. The equation is used to determine potential high-risk areas and should not be used to determine the appropriate ESC practices. It must be noted that the USLE has several limitations as it is only capable to calculate sheet and rill erosion, therefore does not consider gully or channel erosion.

Due to the nature of the existing environment and the construction footprint being so localised the USLE was not adopted within the ESCP.

4. Erosion and Sediment Control

To minimise the adverse effects of sedimentation discharge onto the receiving environment the ten fundamental principles of ESC has been adopted. This will be achieved by implementing the following:

1. Minimise Disturbance
2. Stage Construction
3. Protect Slopes
4. Protect Receiving Environment
5. Rapidly Stabilise Exposed Areas
6. Install Perimeter Controls and Diversions

7. Employ Sediment Retention Devices
8. Get Trained and Develop Experience
9. Adjust the ESCP as Needed
10. Assess and Adjust Your ESC Measures

Minimise Disturbance:

The extent of the site is defined by the design and disturbance shall be limited to the design and ESC parameters. During the construction stage exposed areas must be limited as much as practical by implementing the following:

- Training and awareness of the content of the ESCP.
- Identifying the construction footprint and no-go zones.
- Limit earthworks to what is only required at the time.
- Progressively stabilise exposed areas as work progress and final design levels are achieved. This can be achieved by placing down turf, geotextiles, erosion control matting, hay mulch etc for instant stabilisation and hydroseeding for long term stabilisation and rehabilitation.

Stage Construction

Progressive stabilisation of completed areas will be an ongoing process to limit the potential from erosion and dust generation.

Protect Slopes

Cut and fill areas should be monitored daily and recommendations made by geotechnical specialist can be implemented, if required.

Protect Receiving Environment

The receiving environment will be protected by implementing the following:

- Minimise site footprint and identifying no-go zones.
- ESC devices will be installed inline with the Wellington ESC guidelines of February 2021 and the projects ESCP will be adhered to.
- Diverting clean water away from site footprint.
- Earthworks can only commence once ESC devices have been as-built and provided to HRC.
- Adhering to the projects resource consent conditions.
- Only undertake works authorisation has been obtained for.

Rapidly Stabilise Exposed Areas

As above the generation of sedimentation will be reduced by progressive stabilisation and closing off work as soon as possible. The use of hay mulch, hydroseeding, coco matting etc. is all methods of stabilisation that can be used to achieve the desired outcome.

The use of geotextile might be required on the “clean-side” of the diversion bunds if vegetation cover is not suitable. The edges of the geotextile must be buried to minimise the potential for the wind to lift or run-on (water) to flow underneath the geotextile. In addition, preference is given to heavy geotextiles including coconut erosion matting and hessian matting.

Where hydroseed is used to stabilise the ‘clean’ side of diversion bunds this is on the following basis:

1. The length of slope is no greater than 5m.
2. The material being hydroseeded is topsoil.
3. That should grass not take and the hydroseed cover deteriorate, the areas will be re hydroseeded, or some other method of stabilisation will be considered.

Install Perimeter Controls and Diversions

Perimeter controls to divert flows from works areas will be either temporary drains or bunds; preference will be given to utilising bunds rather than excavating drains. This will be used throughout the entire site to direct sediment-laden flows to sediment retention devices. Once again preference will be given to utilising bunds rather than excavating drains. Silt fences will be used in localised areas as identified on the ESC maps.

Employ Sediment Retention Devices

Due to the size of the exposed earthwork areas, it was decided to use Sediment Retention Ponds (SRP) as the main detention devices, Table 2 below containing the device criteria. Silt Fences will be utilised for smaller catchment areas and silt socks can be deployed where and if needed.

Table 2: SRP Device Criteria

Rehabilitation Site		
Catchment Area		SRP Design Criteria
SRP 1	3.27 ha	* 2% storage Volume pe contributing ha * Forebay Installed at inlet with: # Geotextile lined bund # Level spreader * Floating Decants & Anti-seep collars * Compacted spillway with geotextile/concrete * Chemical Treatment & 2x decanting system
SRP 2	3.93 ha	* 2% storage Volume pe contributing ha * Forebay Installed at inlet with: # Geotextile lined bund # Level spreader * Floating Decants & Anti-seep collars * Compacted spillway with geotextile/concrete * Chemical Treatment & 2x decanting system

Get Trained and Develop Experience

It is recommended to use experienced operators for the installation of the ESC devices to ensure the integrity of the devices will meet the minimum requirements and hold up during heavy rain events. A list of resources has been imbedded within the ESCP to help the consent holder if the consent holder desires to utilise professional services.

Adjust the ESCP as Needed

If the ESCP is required to undertake changes post certification, then these changes must be discussed with HRC, and approval obtained prior to implementation.

Assess and Adjust Your ESC Measures

Monitoring requirements are addressed in Section 6 and entails daily, weekly as well as pre- and post-rain event inspections. The monitoring will highlight any maintenance arising and will also be an opportunity to assess the effectiveness of the controls and make changes when and if needed.

4.1 Erosion Control Practices

Several erosion control practices have been identified to be used on site ranging from clean water management, dirty water management and soil or surface management. A brief description of each practice is described in the ESCP, and it is recommended that the user familiarises himself with the content of the Wellington ESC guideline.

Water Management Control

Clean Water Diversions – this practise comprises a non-erodible channel and/or bund constructed out of dirt with the purpose too primarily intercept and convey clean water found outside of the disturbed construction footprint away from the site. This reduces the potential for sediment generation and decreases unwanted pressure on sedimentation controls. The ESC design for this project make use of clean water diversions and it is important to stabilise the water side of the bund by either using turf or geotextiles. Figure 13 illustrate a cross section and the design requirements for a clean water diversion.

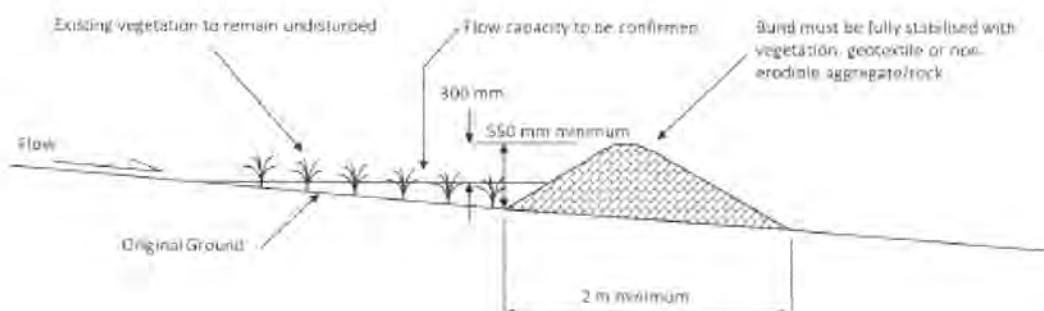


Figure 13: Cross-Section of Clean Water Diversion

Dirty Water Diversion – Is a non-erodible channel and/or bund with the purpose to convey dirty water derived from land disturbance to a sedimentation device for treatment like in the case of this plan towards SRPs'. Figure 14 below illustrates the cross section and design requirements of a dirty water bund. A widespread practice is to place knockout pits in the flow path of a dirty water bund/channel to entrap sediment, prior to the runoff entering the main treatment pond. This will reduce the load on the main SRPs and is recommended to be implemented.

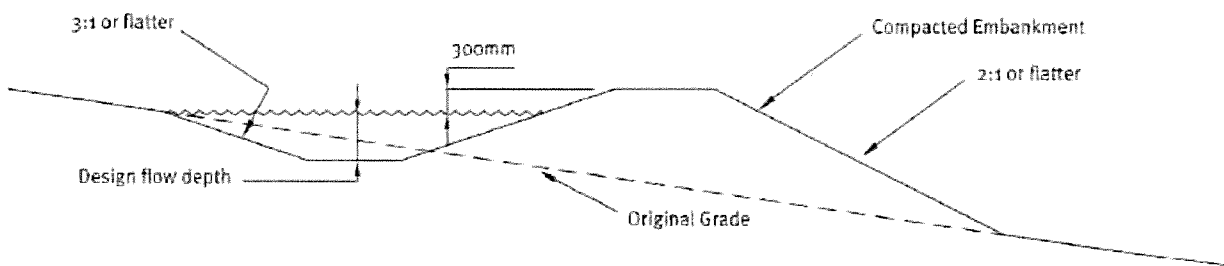


Figure 14: Cross-Section of Dirty Water Diversion

Contour Drains (cut-offs) – this water management control will be needed to break the overland flow and reducing the slope length, therefore reducing the velocity and erosive power of runoff. Cut-off drains might be needed during the rehabilitation works to ensure the correct catchments is flowing to the designated SRP. Cut-off drains will have a minimum compacted bank height of 25mm and a minimum depth of 500mm. It shall be broad enough to create a low profile and allow large plant to travel over it. A cross-section design is provided in Figure 15 below.

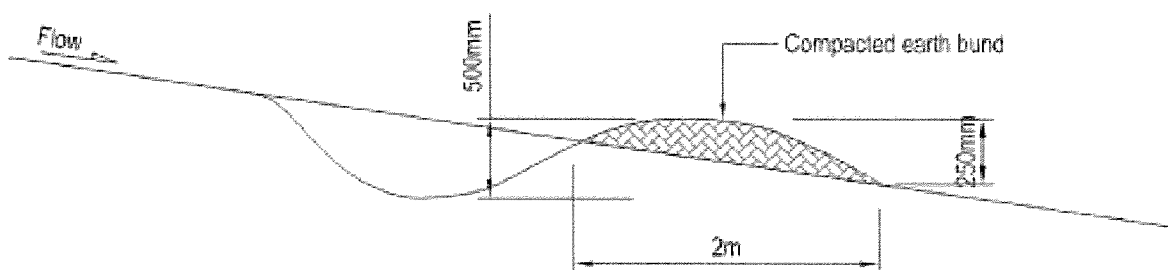


Figure 15: Cross-Section of Cut-off Drain

Check Dams – The use of check dams will be needed if erosion is noticeable on the clean side of diversion bunds or when high velocity water is noticed during heavy rain events. The purpose of the check dams is to reduce the velocity of concentrated flow and therefore reducing the erodibility factor. Check dams can be constructed out of rock or sandbags and the spacing between check dams are decided by the slope – see Figure 16. The cross-section figure 17 below illustrates the design requirements of check dams.

Slope of site (%)	Spacing (m) between dams with a 450 mm centre height	Spacing (m) between dams with a 600 mm centre height
Less than 2%	24	30
2 - 4%	12	15
4 - 7%	8	11
7 - 10%	5	6
>10%	Unsuitable - use stabilised channel or specific engineered design	Unsuitable - use stabilised channel or specific engineered design

Figure 16: Check Dam Spacing Requirements

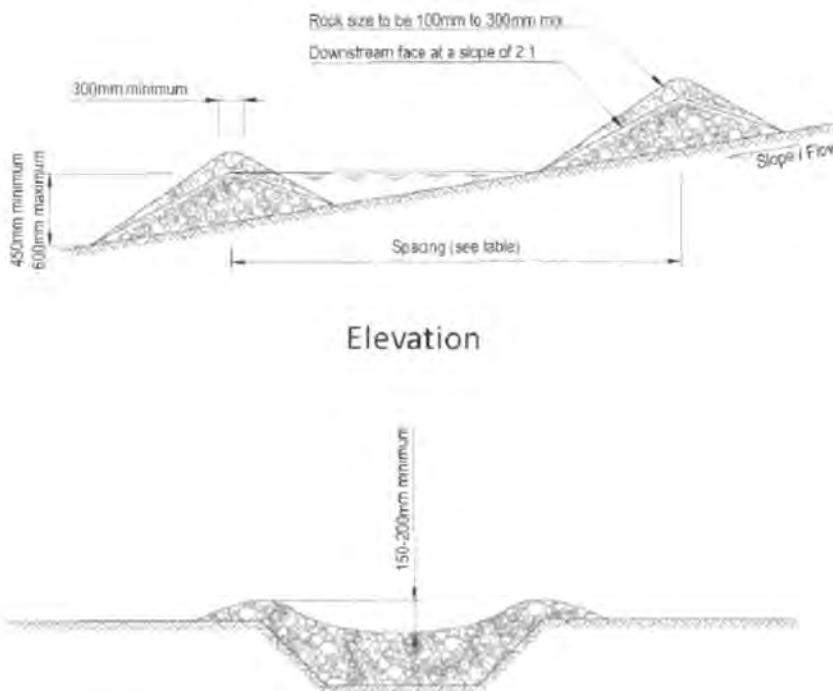


Figure 17: Check dam Cross-Section

Soil and Surface Stabilisation

The best method to reduce the risk of erosion and sedimentation is to have a stabilised site. This section addresses the different methods available to achieve a stabilised site during and after construction. Stabilisation methods will be needed as part of the construction methodology for the site.

Topsoiling – topsoil shall be kept within the controlled catchment zones and added sediment controls for example SF can be installed around the stockpile. Topsoil rapidly improves the rehabilitation process when combined with hydroseeding or hay mulch.

Hydroseeding – this is the application of a seed mix with fertiliser, paper or wood pulp with water and is applied over an area for revegetation. The application rate should be determined by the hydroseeding company and if there are any vegetation requirements derived from the resource consent it shall be considered prior to application.

Mulching - this stabilisation method is classified rapid stabilisation and therefore often used during the decommissioning process of ESC ponds. Mulching can be used anywhere where protection of the soil surface is needed, and care need to take when applying to steep batters.

Geotextiles and Erosion Control Blankets

This practice involves the placement of geotextiles, mats, plastic covers and ESC blankets to stabilise the disturbed soil area and it is recommended that an experience operator is used to ensure compliance with the ESCP and Wellington ESC Guidelines. This will instantly reduce the erosion potential of the disturbed area and cuts erosion on critical sites. Geotextiles will be on the inlet and outlet side of the SRP, lining of clean water diversion channels/bunds, culvert inlet and outlet and for the stabilisation of areas of high-risk to erosion.

Geotextiles are discussed more in depth on page 81 of the Wellington ESC guidelines, and it is recommended to obtain guidance from ESC suppliers around their products and how to install it to gain best results. To indicate what material is available, see Figure 18 – Figure 20.




Material subtype	Design criteria
Biodegradable rolled erosion control products	
<p>All</p>	<ul style="list-style-type: none">• Biodegradable rolled erosion control products are used where vegetation growth is required. They will provide stabilisation against raindrop erosion and low velocity flows until vegetation is established.• They typically comprise jute fibres, curled wood fibres, straw, coconut fibre or a combination of these materials.• For a product to be considered 100% biodegradable, the netting, sewing or adhesive system that holds the biodegradable mulch fibres together must also be biodegradable.• The following examples meet the above requirements and should be selected based on site-specific conditions and manufacturer's recommendations.
<p>Jute</p> 	<ul style="list-style-type: none">• Jute (refer Figure 61) is a natural fibre that is made into a yarn, which is loosely woven into a biodegradable mesh. It is designed to be used in conjunction with vegetation with a life of approximately 1 year.• The material is supplied in rolled strips and needs to be secured to the soil with U-shaped staples or stakes in accordance with the manufacturer's recommendations.
<p>Straw blanket</p> 	<ul style="list-style-type: none">• Straw blankets (refer Figure 62) should be machine-produced mats of straw with a lightweight biodegradable netting top layer. The straw should be attached to the netting with biodegradable thread or glue strips. The blanket should be of consistent thickness and the straw evenly distributed over the entire area of the blanket.• Straw blankets should be furnished in rolled strips a minimum of 2 m wide, 25 m long and 0.27 kilograms per square metre (kg/m²).
<p>Wood fibre blanket</p>	<ul style="list-style-type: none">• Wood fibre blankets are composed of biodegradable fibre mulch with extruded biodegradable netting held together with adhesives. The material is designed to enhance revegetation.• The material is furnished in rolled strips, which are secured to the ground with ground staples or pins in accordance with the manufacturer's recommendations.

Figure 18: Geotextiles and Erosion Control Blankets

Material subtype	Design criteria
Biodegradable rolled erosion control products	
Coconut fibre blanket	<ul style="list-style-type: none"> • Coconut fibre blankets (refer Figure 63) should be machine-produced mats of 100% coconut fibre with biodegradable netting on the top and bottom. The coconut fibre should be attached to the netting with biodegradable thread or glue strips. The blanket should be of consistent thickness and the coconut fibre evenly distributed over the entire area of the blanket. • Coconut fibre blankets should be secured in place with ground staples or pins in accordance with the manufacturer's recommendations.
	
<p>Figure 63: Coconut fibre blanket used to stabilise batters while allowing grass to grow through</p>	
Coconut fibre mesh	<ul style="list-style-type: none"> • Coconut fibre mesh is a thin permeable membrane made from coconut or corn fibre that is spun into a yarn and woven into a biodegradable mat. It is designed to be used in conjunction with vegetation and typically has a lifespan of several years. • The material is furnished in rolled strips which are secured to the soil with ground staples or pins in accordance with the manufacturer's recommendations.

Material subtype	Design criteria
Non-biodegradable rolled erosion control products	
All	<ul style="list-style-type: none"> • Non-biodegradable products are a permanent erosion control measure that may have a benefit in a temporary situation of extended duration, such as a temporary stream diversion that will be in place for longer than 12 months. • They typically comprise polypropylene, polyethylene, nylon or other synthetic fibres. In some cases, a combination of biodegradable and synthetic fibres is used to construct the material. Netting used to hold these fibres together is typically non-biodegradable as well.
Plastic netting	<ul style="list-style-type: none"> • Plastic netting is a lightweight biaxially-orientated netting designed for securing loose mulches such as straw to soil surfaces to establish vegetation. • It is supplied in rolled strips and is photodegradable. • The netting should be secured with ground staples or pins in accordance with the manufacturer's recommendations.

Figure 19: Geotextiles and Erosion Control Blankets

Material subtype	Design criteria
Non-biodegradable rolled erosion control products	
Plastic mesh	<ul style="list-style-type: none"> Plastic mesh is an open-weave geotextile composed of an extruded synthetic fibre woven into a mesh with an opening size of less than 50 mm. It is used in combination with revegetation or to secure loose fibre such as straw to the ground. The netting is supplied in rolled strips and should be secured with ground staples or pins in accordance with the manufacturer's recommendations.
Synthetic fibre with netting	<ul style="list-style-type: none"> This comprises a mat of durable synthetic fibres treated to resist chemicals and UV light. The mat is a dense, three-dimensional mesh of synthetic fibres stitched between two polypropylene nets. The mats are designed to be revegetated and provide a permanent composite system of soil, roots and geomatrix. The netting is supplied in rolled strips and should be secured with ground staples or pins in accordance with the manufacturer's recommendations.
Bonded synthetic fibre	<ul style="list-style-type: none"> Bonded synthetic fibre mats consist of a three-dimensional geomatrix nylon (or other synthetic) matting. Typically, they have more than 90% open area which facilitates root growth. The mat's tough root reinforcing system anchors vegetation and protects against hydraulic lift and shear forces created by high volume discharges. It can be installed over prepared soil followed by seeding into the mat (refer Figure 64). Once vegetated, it becomes an invisible composite system of soil, roots and geomatrix. The netting is supplied in rolled strips and should be secured with ground staples or pins in accordance with the manufacturer's recommendations.
	
<p>Figure 64: Bonded synthetic fibre mat used as erosion protection and medium for revegetation</p>	

Material subtype	Design criteria
Combination synthetic and biodegradable products	
All	<ul style="list-style-type: none"> These products consist of biodegradable fibres such as wood fibre or coconut fibre with a heavy polypropylene net stitched to the top and a high-strength continuous filament geomatrix or net stitched to the bottom. They are designed to enhance revegetation. The material is supplied in rolled strips and should be secured with ground staples or pins in accordance with the manufacturer's recommendations.

Figure 20: Geotextiles and Erosion Control Blankets

4.2 Sediment Control Practices

Sediment control practices can be described as the “reactive approach” and the last line of defence when erosion control practices failed or was not practical. This section will describe the different sedimentation devices to be used on site but will not go into depth around the installation thereof. It is recommended that an experience operator is used for the installation of all sedimentation devices to ensure compliance with the ESCP and Wellington ESC Guidelines. There are very informative installation videos available from Cirtex YouTube channel and it can be accessed via the following link: <https://www.youtube.com/playlist?list=PLH5R-zP6COS5qnawLczZOAPHPEiaVDn5>

Silt Fence (SF) and Super Silt Fence (SSF) – is a temporary barrier of woven fabric that is used to capture coarse sediment carried in runoff. Runoff water will be caught by the fence allowing for sediment particles to drop out. Extra care must be taken when installing SF and SSF as mistakes are often made.

Common mistakes like not imbedding the fences 200mm deep, overlapping the fabric joints or installing returns as per specifications is often seen.

Silt Socks – silt sock might be used from time to time during the project, although it was not specifically showed in the design or methodology it is still mentioned as silt sock is often used in emergency scenarios on relative flat surfaces. This device is a tubular in form and filled with filter material like sawdust, wood, compost, bark, or straw. It has limited capacity to flat surfaces but are easily deployed by hand.

Sediment Retention Pond – this control will be the main sediment control device that will be utilised on the sites and it is a temporary pond formed by excavation or by constructing an embankment. It consists out of an forebay, inlet, decanting system and outlet. Appendix B holds the overall ESC map as well as a detail design of all the SRP devices to be constructed on sites.

Coagulant & Flocculant Treatment – Flocculant will be used on the project as the suitable chemical treatment. Flocculation is the process where soil particles joints together following the addition of the reagent to form” flocs.” As the particles are getting heavier and heavier it starts to drop out and settle down at the bottom of the pond. Bench testing was performed to decide the best dosing rate and chemical suitability and is addressed under Section 5. Other chemical treatment like batch dosing might be required during or after arain event as well.

Care needs to be taken when handing chemicals and always follow the materials safety data sheets of the chemicals to ensure the safety of yourself and your employees. Please ensure that the correct Personal protective Equipment is used when handling chemicals.

4.3 ESC Installation and Construction Methodology

- Rehabilitation Site ESC & Methodology -

The ESC devices relating the rehabilitation works entails the construction of two silt fences as an initial control during the construction of the two SRP that will act as the main ESC devices for the site. A clean water diversion bund will be used to divert clean stormwater from the adjacent residential property and convey the clean water past the construction footprint. As construction progress and final levels are achieved progressive stabilisation will be undertaken. Cut-off drains will be constructed to break the catchments up into smaller sections and this will also decrease the volume of sediment runoff flowing towards the SRP for treatment.

Vegetation clearance will be undertaken first to allow access to install ESC devices.

The ESC Methodology is broken into 3 stages as detailed below.

Stage 1: Storm Water Diversion

A clean storm water diversion channel and bund combination will be constructed to divert stormwater from the adjacent property past the construction footprint. The clean water diversion bund section will be either turfed or geotextile and stretches from the outlet up to the temporary road culvert crossing to allow construction plant to cross from one side to another within the property. All along the diversion bund check dams will also be installed to reduce water velocity. From the culvert up to the existing stormwater pond a lined clean water diversion channel will be constructed. The channel will be lined with geotextile and riprapped to reduce the velocity of storm water. Prior to livening the stormwater channel – the existing pond will be pumped out and the last section or the connection between the channel and existing pond will be constructed.

Stage 2: ESC installation

All ESC will be constructed and as-built prior to bulk earthworks. ESC installation will be undertaken in the following sequence:

1. Install the SRP silt fences and as-builts to be submitted to HRC
2. SRPs to be constructed and as-built
3. Install all dirty water bunds and as-built. It is important to ensure fall is achieved all along the dirty water bunds towards the allocated SRPs.

Stage 3: Cut and Fill

Topsoil stripping will be undertaken and stockpiles will be located within each catchment zones. As work progress and final design levels is achieved completed sections will be stabilised. Fill will be undertaken in the Southern end of the property first and move towards the North to ensure runoff will fall towards the allocated SRPs.

On completion of all works, the devices will be decommissioned in line with Section 4.5

4.4 ESC As-Builts

As erosion and sediment control devices is completed, they will have to be as-built by using the forms in Appendix C. This is an important part as it confirms that the controls meets the design criteria and is often used as evidence to support compliance with the ESCP and Wellington ESC Guidelines.

The as built process has been broken up and is illustrated in the flow chart below:

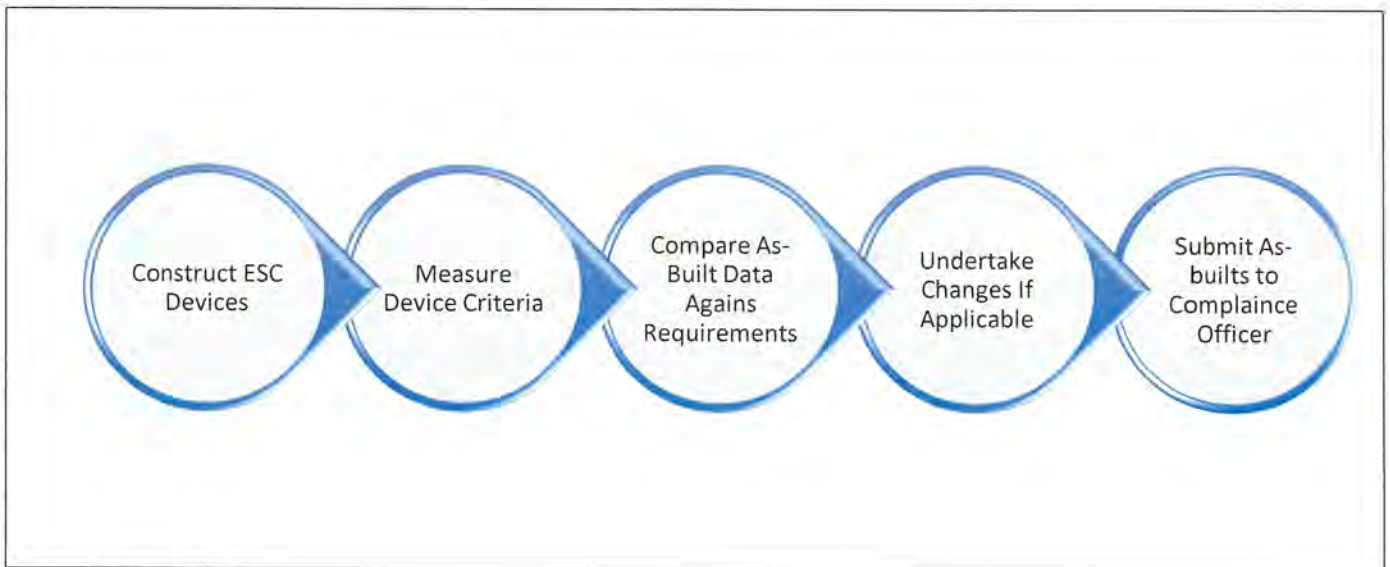


Figure 21: As-Built Process

4.5 ESC Decommissioning and Rehabilitation

All sedimentation devices (SRP, silt fences, super silt fences) showed within the ESC design are to remain until all surfaces within the contributing catchments are stabilised by grass (strike > 80%), aggregate or other appropriate stabilisation measure like hay mulch.

Once the above stabilisation criteria have been met, the decommissioning of controls will meet the following standards:

- The decommissioning of sediment retention ponds will be undertaken to achieve the proper outcome in line with the rehabilitation requirement of the resource consent if any.
- Prior to backfilling of any devices, the silt fence or super silt fences that were utilised during the installation of devices will be reinstated if needed (particularly over the spillways), note this requirement will be subject to the duration of the backfilling.

- Any accumulated sediment is to be removed as part of this decommissioning and will be disposed of in line with NZ legislation.
- Because of the exposed areas sediment retention pond decommissioning will be rapidly stabilised following the final landscaping for the area. Where this final landscaping requires grassing, added stabilisation in the form of hay mulch may be appropriate.
- Any recyclable materials as the result of silt fence or super silt fence removal, waratahs, wire, tensioners, waratah caps etc. will be kept and reused as practical.
- The geotextile from the silt fences or super silt fences is not (typically) suitable for reuse so will be removed from site as waste.
- As with the silt fence material, geotextile used for site stabilisation will be recycled if practical, where this is not practical it will be removed from site as waste.
- Though out the duration of the project, the ability to salvage and recycle silt fence and geotextile will continue to be investigated. Off-site recycling opportunities will also be investigated.

5. Bench Testing

Bench testing was undertaken in line with the Wellington ESC guidelines of February 2021 Appendix F1.0 "Bench Testing Methodology" page 47 – 51

Soil samples was collected from the proposed construction site and soil was weighed out to 1kg. A slurry was made using a 1kg: 1L ratio where an additional 19L of rainwater was added to the slurry. Bench test jars of 1.5L was used during the bench test as per Figure 22 & 23 below. A PAC dilution was made using 1ml of PAC to 99ml of water and this dilution was used during bench testing. Each jar was labelled and filled with sediment-laden mixture up to 1L, where the PAC dilution was added according to the jar to PAC mixture ratio as per Figure 22 below.

The results of the bench testing are noted in Table 3 below at the end of this Section.

Flocculant test jar	Concentration (mg of Al/L)	Concentration (Parts of Al per million, ppm)	Volume of 1% solution (ml)
0	0 (control)	0	0
1	1 mg/L	1 ppm	1.56
2	2 mg/L	2 ppm	3.1
3	4 mg/L	4 ppm	6.2
4	6 mg/L	6 ppm	9.4
5	8 mg/L	8 ppm	12.5
6	10 mg/L	10 ppm	15.6

Figure 22: Flocculant Concentrations for Various Volumes of PAC

Bench Test Results:

After conducting the bench test procedure, data was recorded as per Table 3 below, the initial pH of the slurry was 6.5 with a NTU value of greater than 1000. (The NTU meter reader can only read up to 1000 NTU). The pH is within the allowed 5.5 – 8.5 range and therefore it is not anticipated to use alternative chemicals other than PAC. It is recommended to monitor the pH as part of the weekly test and if the pH is low then lime flour can be added to raise it. If the pH is high then PAC can be added to the pond. Care needs to be taken when batch dosing is undertaken and pH monitored for at least 1 hour after batch dosing will be required. During the clarity also dropped out very quickly and based on the test, it was determined that the best results will be achieved by using 6mg/L PAC.

Further bench testing will be undertaken if required and will be identified during the daily site inspections. If any new soil types are excavated then another bench test will be undertaken to confirm the correct chemical dosing is still applicable.

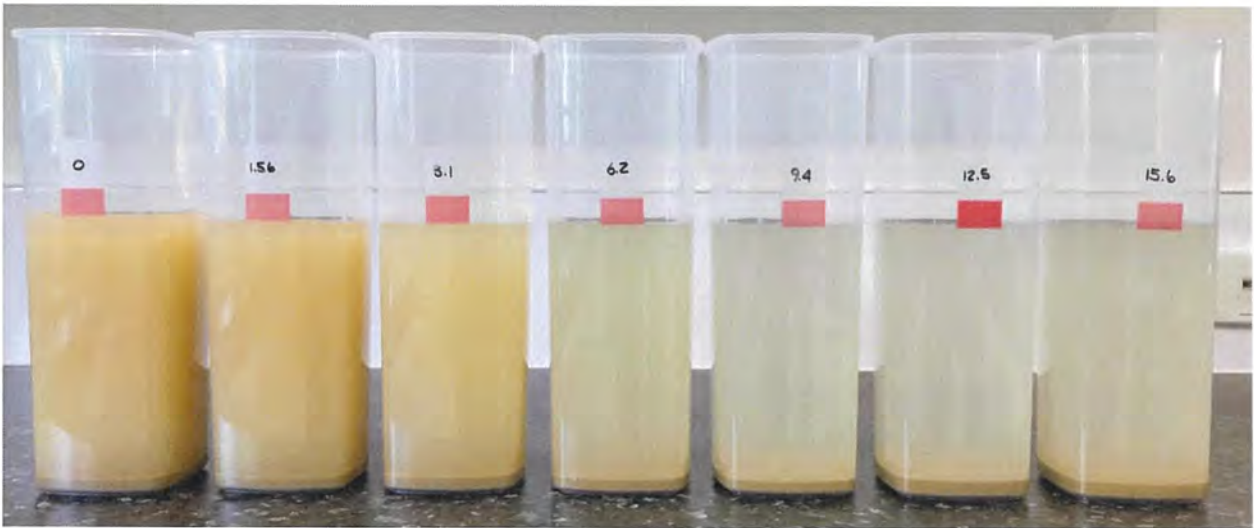


Figure 23: Rehabilitation Site Bench Test

Table 3: Bench Testing Results

Aluminium Concentration (mg/L)	Clarity (mm) after 5mins	Clarity (mm) after 30mins	Clarity (mm) after 60mins	Final pH after 60 mins	Final Turbidity after 60 mins (NTU)
0	10	25	25	6.4	1000
1	10	25	25	6.4	1000
2	15	30	30	6.3	772
4	20	55	55	6.1	236
6	50	110	110	5.8	105
8	100	145	150	5.6	75.8
10	120	140	140	5.3	98.2

*Acceptable pH range 5.5 – 8.5 and Clarity of 100mm to be achieved

6. Maintenance and Monitoring

6.1 Maintenance

All ESC devices require ongoing maintenance especially after a heavy rain event. Ongoing maintenance will not only keep the devices in a well working condition, but it can also save time and money as it can prevent major failures of devices. The consent holder shall ensure sufficient resources is available for to ongoing monitoring and maintenance of all devices and immediately undertake the required repair work where needed.

6.2 Site Monitoring

Weather Monitoring:

Current and Long-term weather forecasts will be constantly monitored to ensure that construction activities are planned and resourced to address any changing weather conditions.

This monitoring will utilise various forecasting services including the NZ MetService and MetVUW web sites.

Daily Site Inspections:

Informal daily inspections will verify that the approved controls still are installed correctly and that they are operating efficiently. Any maintenance issues will be recorded, and the completion of the maintenance requirements will be verified on subsequent inspections. These inspections will also identify those areas requiring stabilisation as required by the progressive stabilisation requirements. Any minor adjustments to the Erosion and Sediment Control measures will be decided at this time.

Daily inspections will ensure that all Erosion and Sediment Controls are inspected before and immediately after periods of rain. Critical Erosion and Sediment Controls will also be inspected during periods of rain to verify the efficiency of the controls. Appendix D contains a checklist that can be used to guide the consent holder around what to look for. This checklist is indicative only and will require regular updates as the ESC installation progress.

Daily inspections will be undertaken by the Site Foreman or Site Engineers as part of their regular site activities.

Regular monitoring of the weather forecast will also be undertaken to ensure that all construction activities on site take account of forecast weather conditions. In particular, the effects of significant weather events will be considered, in general terms, in case of a heavy rain warning all sediment controls will be inspected and where appropriate exposed surfaces will be stabilised with geotextile, aggregate or mulch

Appendix A – Resource Consent

(Application in Progress)

Appendix B – ESC Design Drawings

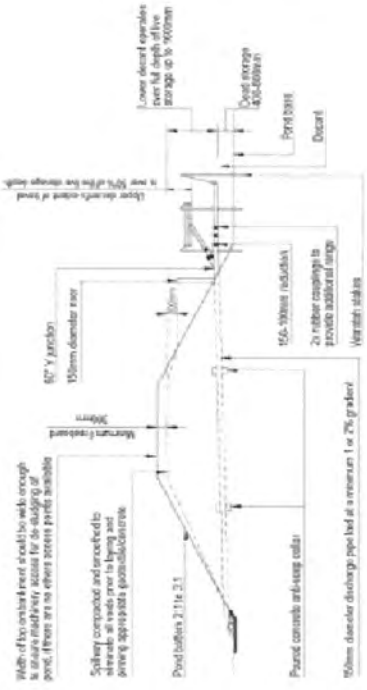
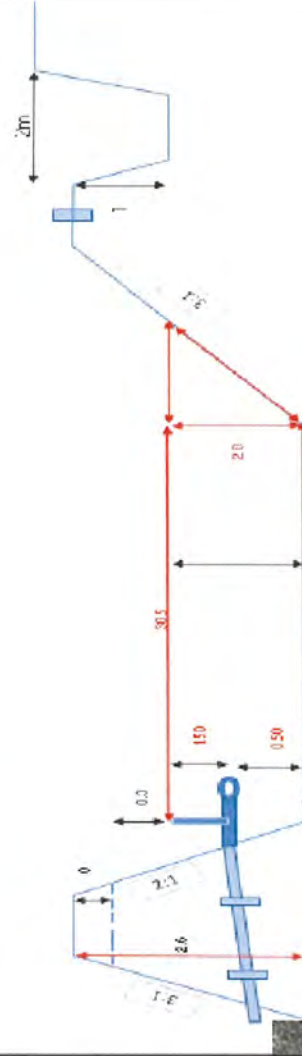
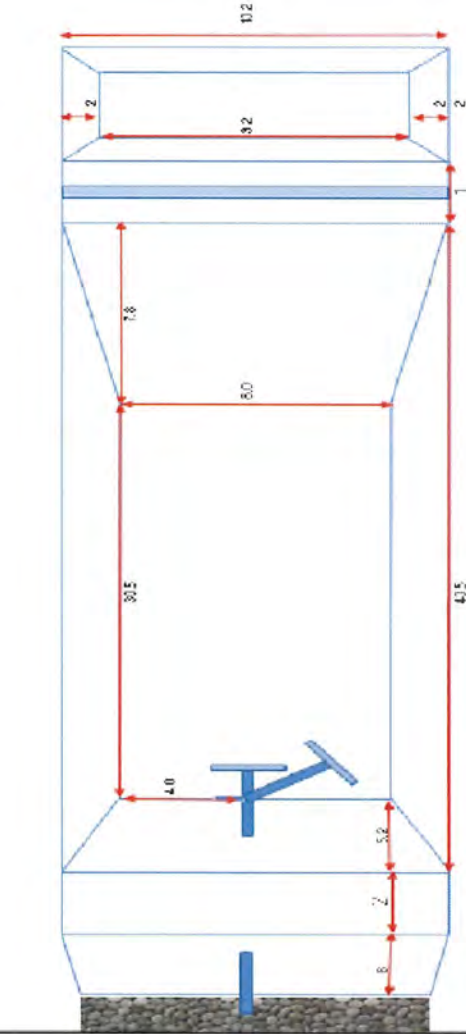


- Silt Fence
- Storm Water Diversion
- Dirty Water Diversion Bund
- Sediment Retention Pond
- Property Boundary

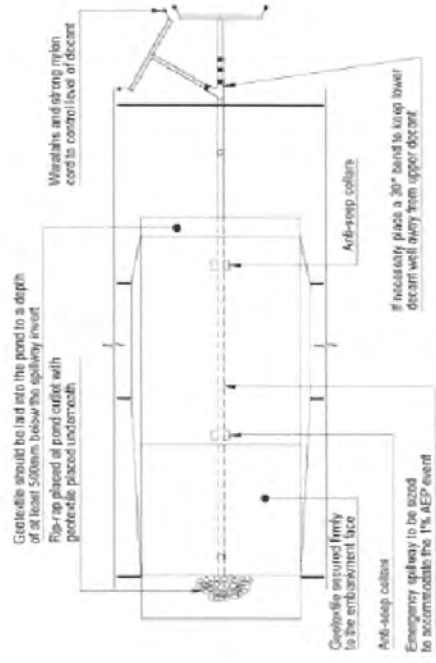
EROSION AND SEDIMENT CONTROL DESIGN
Woodgate Rehabilitation – Map

- Notes:
1. Ongoing ESC monitoring & maintenance required
 2. All ESC to be installed according to Wellington ESC Guidelines February 2021
 3. Water management to be in line with Wellington ESC Guidelines February 2021
 4. Construction to remain within ESC catchment zones/parameters
 5. Locations shown are indicative and are to be confirmed on site by consent holder

SRP 1 Rehabilitation Site



Cross - section



Plan

Appendix C – As-built Templates



Bund Identifier (Name/Number):

Diversion Bund As Built Checklist		
	Actual	Design
Contributing catchment area (m ²)	<input type="text"/>	<input type="text"/>
Maximum Gradient in Contributing Catchment (%)	<input type="text"/>	<input type="text"/>
Maximum Longitudinal Gradient of bund&channel (%)	<input type="text"/>	<input type="text"/>
Bund Compaction method	<input type="text"/>	
Bund/channel Stabilisation method	<input type="text"/>	
Armouring	<input type="text"/>	
Able to Convey 5% AEP event plus 300mm freeboard?	<input type="checkbox"/>	<input type="text"/>
Discharge Point Stabilisation	<input type="checkbox"/>	<input type="text"/>
Bund 550mm High and 2m Wide	<input type="checkbox"/>	<input type="text"/>
Diversion Inlet > 3:1	<input type="checkbox"/>	<input type="text"/>
Diversion Embankment > 2:1	<input type="checkbox"/>	<input type="text"/>
Diversion Channel 1m minimum width	<input type="checkbox"/>	<input type="text"/>
Council approved variations	<input type="text"/>	

Please sign below to confirm that the as-built information in this sheet and the accompanying completed as-built diagram is accurate and the device identified on this sheet has been constructed in accordance with the Horizons Regional Council approved Erosion & Sediment Control Plan for the site and the "Erosion and Sediment Control Guidelines for Soil Disturbing Activities", January 2009 document or Horizons Regional Council approved variations.

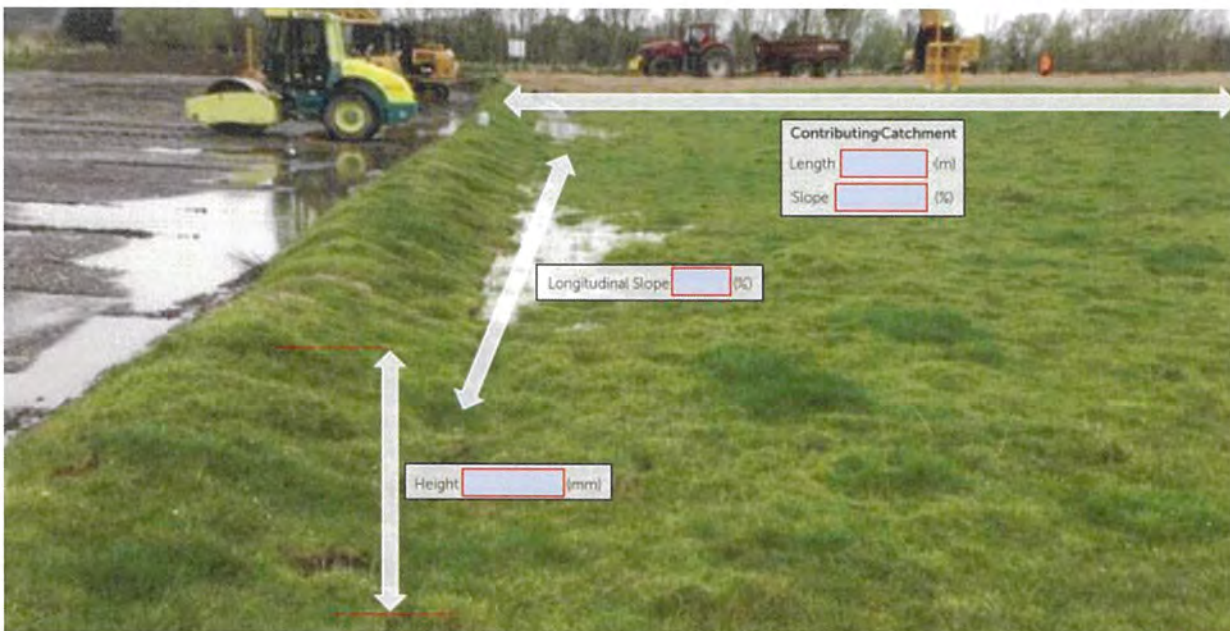
Suitably qualified person (name and company):

Signed and dated:

Please provide surveyed drawings of as-builts, which include all of the above details along with this certification sheet. An example of a suitable Diversion Bund as-built is attached.

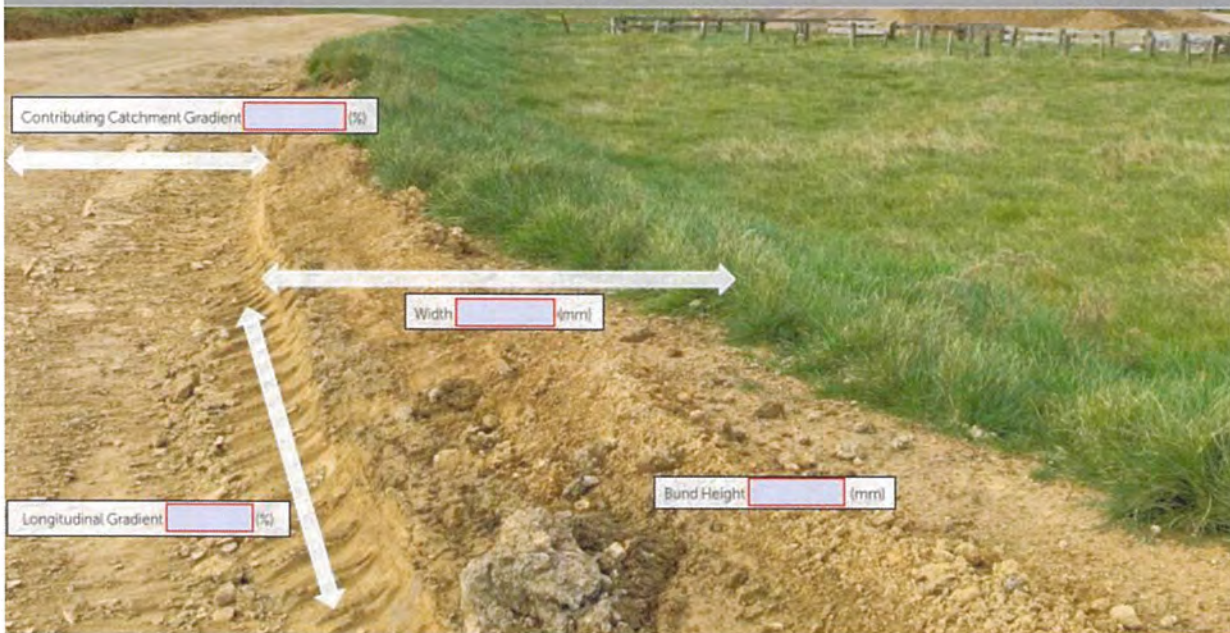
Note: As-builts are not approved by Horizons Regional Council. Responsibility for construction of the structures and accuracy of the as-builts rests with the certifying agent. This list is not exhaustive and should be used to highlight some key "Erosion and Sediment Control Guidelines for Soil Disturbing Activities" requirements.

For more information visit www.horizons.govt.nz
or freephone Horizons on **0508 800 800**



Clean Water Diversion As Built Diagram

Note: where the as-built information differs from the approved ESCP or Horizons Regional Council guidelines data supporting its compliance is to be provided



Dirty Water Diversion As Built Diagram

Note: where the as-built information differs from the approved ESCP or Horizons Regional Council guidelines data supporting its compliance is to be provided





SRP Identifier (Name/Number):

Sediment Retention Pond As Built Checklist				
	Actual		Design	
Contributing catchment area (m ²)	<input type="text"/>		<input type="text"/>	
Dead storage volume and depth	Volume <input type="text"/> m ³	Depth <input type="text"/> m	Volume <input type="text"/> m ³	Depth <input type="text"/> m
Live storage volume and depth	Volume <input type="text"/> m ³	Depth <input type="text"/> m	Volume <input type="text"/> m ³	Depth <input type="text"/> m
SRP dimensions at base (m)	Length <input type="text"/>	Width <input type="text"/>	Length <input type="text"/>	Width <input type="text"/>
SRP dimensions at primary spillway (m)	Length <input type="text"/>	Width <input type="text"/>	Length <input type="text"/>	Width <input type="text"/>
Primary spillway height (m)	<input type="text"/>		<input type="text"/>	
Length/width (inlet to decant)	<input type="text"/>		<input type="text"/>	
Inlet batter (3:1)	<input type="checkbox"/>		<input type="checkbox"/>	
Embankment compaction method	<input type="text"/>		<input type="text"/>	
Emergency spillway width and depth (m)	Width <input type="text"/>	Depth <input type="text"/>	Width <input type="text"/>	Depth <input type="text"/>
Emergency spillway able to pass 100 year event	<input type="checkbox"/>			
Emergency spillway stabilised	<input type="checkbox"/>			
Discharge point stabilised	<input type="checkbox"/>			
Outlet pipe diameter	<input type="text"/>			
Anti-seep collars (photo evidence)	<input type="checkbox"/>			
Freeboard between primary and emergency spillway (mm)	<input type="text"/>		<input type="text"/>	

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	Actual		Design	
No of floating decants/holes per decant	No of Decants <input type="text"/>	No of Holes <input type="text"/>	No of Decants <input type="text"/>	No of Holes <input type="text"/>
Can decants be raised above primary spillway	<input type="checkbox"/>			
Weighted decants	<input type="checkbox"/>			
Weighted manhole riser	<input type="checkbox"/>			
Level spreader level and height	<input type="checkbox"/>	<input type="text"/>	Height <input type="text"/>	m
Level spreader full width of SRP	<input type="checkbox"/>			
Level spreader stabilised	<input type="checkbox"/>			
Level spreader concrete haunching	<input type="checkbox"/>			
Forebay depth and volume (m)	Depth <input type="text"/>	Volume <input type="text"/>	Depth <input type="text"/>	Volume <input type="text"/>
Flocculation				
Flocculation device	<input type="checkbox"/> Shed	<input type="checkbox"/> Box	<input type="checkbox"/> Automated	
Tray size (m ²)	<input type="text"/>			
Low flow hose height (mm)	<input type="text"/>			
High flow hose height (mm)	<input type="text"/>			
Dispensing location	<input type="checkbox"/> Main Flow		<input type="checkbox"/> 5m prior to forebay	
Council approved variations	<input type="text"/>			

Please sign below to confirm that the as-built information in this sheet and the accompanying completed as-built diagram is accurate and the device identified on this sheet has been constructed in accordance with the Horizons Regional Council approved Erosion & Sediment Control Plan for the site and the 'Erosion and Sediment Control Guidelines for Soil Disturbing Activities', January 2009 document or Horizons Regional Council approved variations.

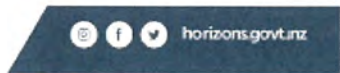
Suitably qualified person (name and company):

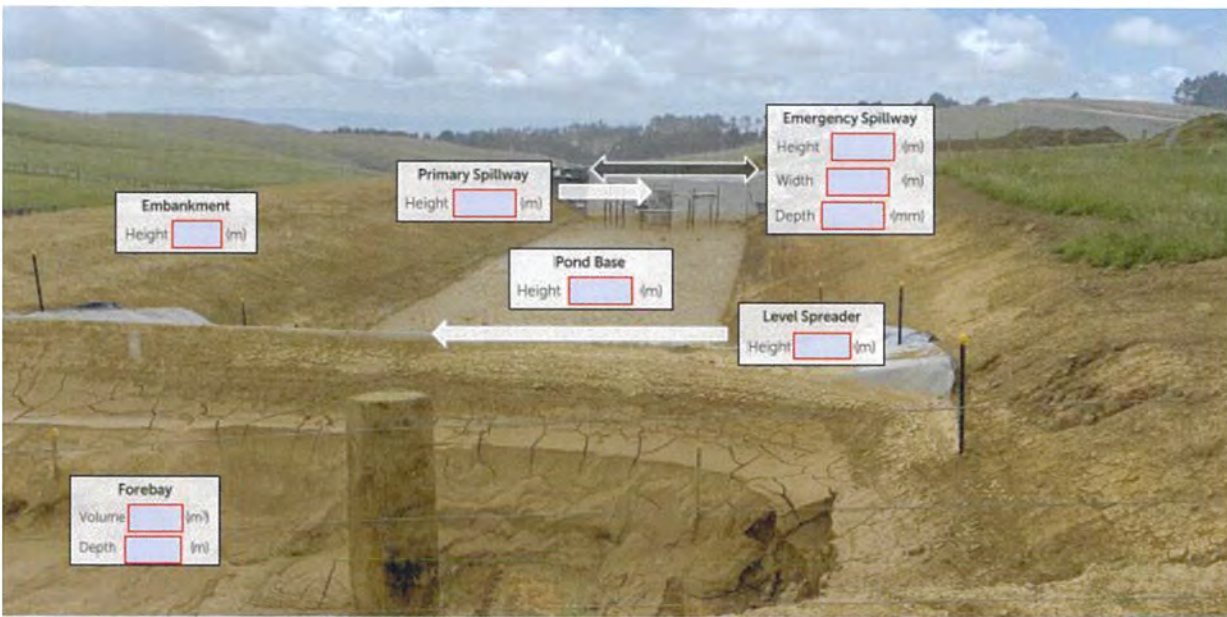
Signed and dated:

Please provide surveyed drawings of as-builts which include all of the above details along with this certification sheet. An example of a suitable SRP as-built is attached.

Note: As-builts are not approved by Horizons Regional Council. Responsibility for construction of the structures and accuracy of the as-built rests with the certifying agent. This list is not exhaustive and should be used to highlight some key Erosion and Sediment Control Guidelines for Soil Disturbing Activities requirements.

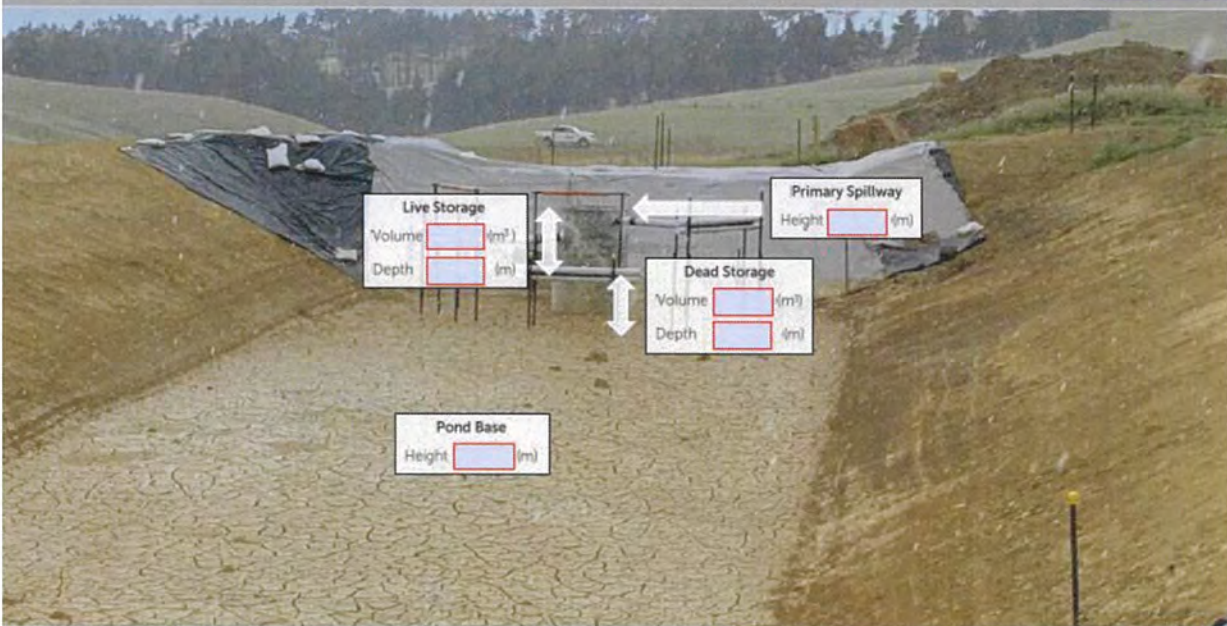
24 hour freephone 0508 800 800
 fax 06 952 2929 | email help@horizons.govt.nz
 Private Bag 11025, Manawatu Mail Centre, Palmerston North





Sediment Retention Pond (SRP) As Built Diagram

Note: where this as-built information differs from the approved ESCP or Horizons Regional Council guidelines data supporting its compliance is to be provided.



Sediment Retention Pond (SRP) As Built Diagram

Note: where this as-built information differs from the approved ESCP or Horizons Regional Council guidelines data supporting its compliance is to be provided.





Silt/Super Silt Fence Identifier (Name/Number):

Silt Fence/Super Silt Fence As Built Checklist		
	Actual	Design
Contributing catchment area (m ²)	<input type="text"/>	<input type="text"/>
Contributing catchment slope length (m)	<input type="text"/>	<input type="text"/>
Contributing catchment slope (%)	<input type="text"/>	<input type="text"/>
Longitudinal slope of silt fence (%)	<input type="text"/>	<input type="text"/>
Space and length of returns	<input type="text"/>	<input type="text"/>
Space between support posts	<input type="text"/>	
Support wire installed	<input type="checkbox"/>	<input type="text"/>
Trenched in 200mm	<input type="checkbox"/>	<input type="text"/>
Height (mm)	<input type="text"/>	
Method of sealing joints	<input type="text"/>	
Sheet flow only	<input type="checkbox"/>	<input type="text"/>

continues overleaf


 For more information visit www.horizons.govt.nz
 or freephone Horizons on 0508 800 800



Additional Super Silt Fence Requirements	
Chain mesh/netting backing	<input type="checkbox"/> <input type="text"/>
Double layer of fabric	<input type="checkbox"/> <input type="text"/>
Council approved variations	<input type="text"/>

Please sign below to confirm that the as-built information in this sheet and the accompanying completed as-built diagram is accurate and the device identified on this sheet has been constructed in accordance with the Horizons Regional Council approved Erosion & Sediment Control Plan for the site and the 'Erosion and Sediment Control Guidelines for Soil Disturbing Activities' January 2009 document or Horizons Regional Council approved variations

Suitably qualified person (name and company)

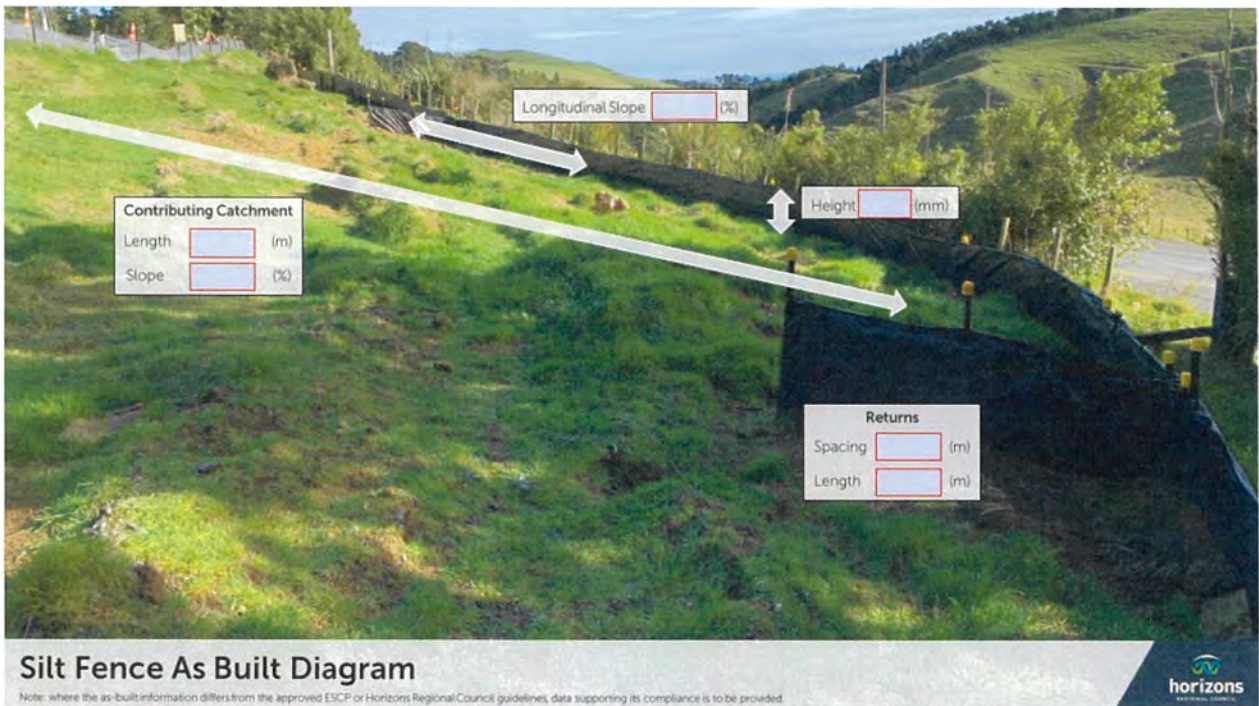
Signed and dated

Please provide surveyed drawings of as-builts, which include all of the above details along with this certification sheet. An example of a suitable silt fence as-built is attached

Some As-Built drawings approved by Horizons Regional Council have expired. It is the user's responsibility to ensure that the drawings and details of these devices will still comply with the Council's not enforceable and obsolete and the relevant Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities requirements.

24 hour freephone 0508 800 800
 fax 06 952 2929 | email help@horizons.govt.nz
 Private Bag 11025, Manawatu Mail Centre, Palmerston North





Appendix D – Monitoring and Rain Event Checklist

Date:	
Time:	Woodgate Subdivision Rehabilitation Works - ESCP Version : 2
Weather Conditions:	
Area(s) Inspected:	
Name Of Inspector:	

Reason For Inspection			
Daily-Check	Pre-Rainfall	During Rainfall	Post-Rainfall

SRP - CHECKS			
Criteria	YES	NO	Comment
Are all internal pond batters intact? (If, No - arrange repair works)			
Are all external pond batters intact? (If, No - arrange repair works)			
Is the forebay > 40% full of sediment (If yes, arrange a cleanout)			
Is the floc dosing system working (If, No - arrange repair works)			
Is there enough floc in the dosing system (If, No - top up with floc)			
Is the decanting system still intact? (If, No - arrange repair works)			
Is the T-bars blocked? (If Yes - arrange cleanout)			
Is the SRP discharging sediment with a clarity of less than 100mm? If yes, and is safe to do so, undertake immediate remedial actions including (but not limited to):* Raising the T-bars* Installing more downstream ESC too protect nearby watercourses* Repairing any damaged or eroded areas			

Is the level spreader intact? (If, No - arrange repair works)			
Is the dead storage space free of sediment? (If, No - arrange a cleanout)			
Is the outlet point of the pond stabilise? (If, No - arrange repair works)			
Is the emergency spillway intact? (If, No - arrange repair works)			
Is the primary spillway intact? (If, No - arrange repair works)			

SILT FENCE / SUPER SILT FENCE - CHECKS

Criteria	YES	NO	Comment
Is the entire length of the fence still 200mm embedded into the ground? (If, No - arrange repair works)			
Is the fence free of any holes/ rips and damages? (If, No - arrange repair works)			
Is the fence free of sediment build-up in front of the fence? (If, No - arrange clean-up)			

DIVERSION BUNDS AND CHANNELS - CHECKS

Criteria	YES	NO	Comment
Is the entire length of the bunds at 550mm height "freeboards"? (If, No - arrange repair works)			
Is the entire clean side of the diversion stabilise? (If, No - arrange stabilisation works)			
Are all cut-off drains in place? (If, No - arrange installation)			

Appendix E – Local ESC Supply Contact Details

12/19/21, 3:45 PM

GoodRich Environmental Solutions, Erosion Control Specialists, Palmerston North

GoodRich
Environmental Solutions

Home Products and Services Case Studies Contact About Related Businesses Telemetry Login

"GoodRich Environmental Solutions Ltd is New Zealand's leading expert in erosion control and bio-engineering. We take pride in giving our clients the best possible service and products backed up by decades of knowledge and experience."

BOOK FOR A FREE CONSULTATION

DESIGN, BUILD AND SUPPLY
Your Erosion Control Specialists

PRODUCTS & SERVICES

 Bio-Engineering	 Dust Control	 Oversowing	 Sediment Control
 Bio Socks	 Stream Rehabilitation	 Subdivisions	 Landfills

<https://www.goodrich.nz>

1/3

12/19/21, 3:45 PM

GoodRich Environmental Solutions, Erosion Control Specialists, Palmerston North



GoodRich

TECHNOLOGIES



GoodRich Technologies is a branch of GoodRich, and is the first company in New Zealand to develop an automated solution for on-site water treatment to ensure sediment ponds are treated as needed and in real time.

<https://www.goodrich.nz>

2/3

12/19/21, 3:45 PM

GoodRich Environmental Solutions, Erosion Control Specialists, Palmerston North



**All the products we use within our services are environmentally friendly.
Our Sediment pond units are designed to cater for all needs.
And our user friendly, custom-made products provide solutions which meet New Zealand's
environmental legislation.**

WORK GALLERY

Proud Members Of

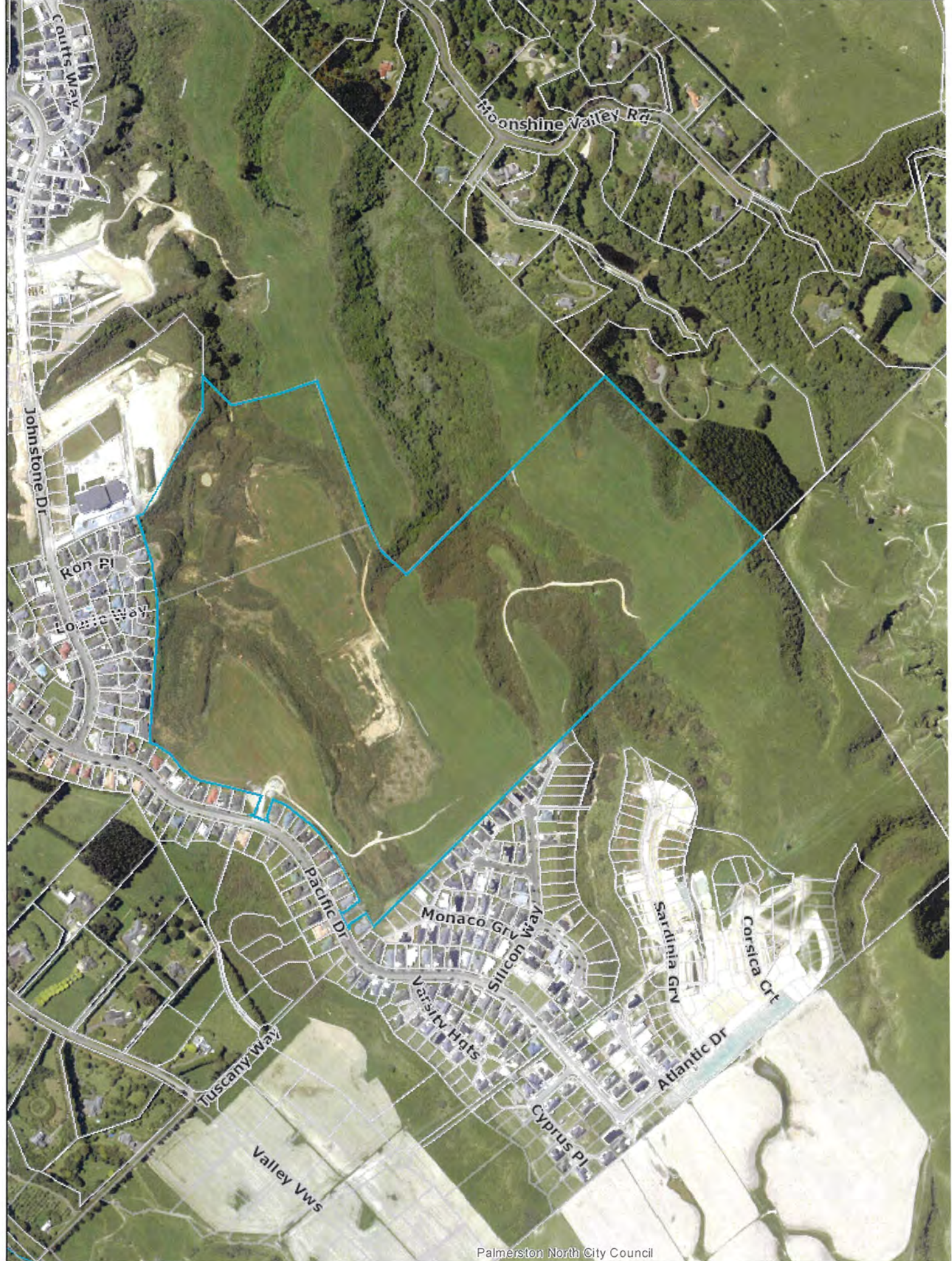


CONTACT US

Head Office:
 9 Francis Way
 Roslyn
 Palmerston North, 4414

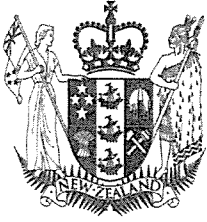
(06) 355 3625
0800 425 655





Palmerston North City Council





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




R. W. Muir
Registrar-General
of Land

Identifier **706789**
Land Registration District **Wellington**
Date Issued 18 December 2015

Prior References

123781 617072

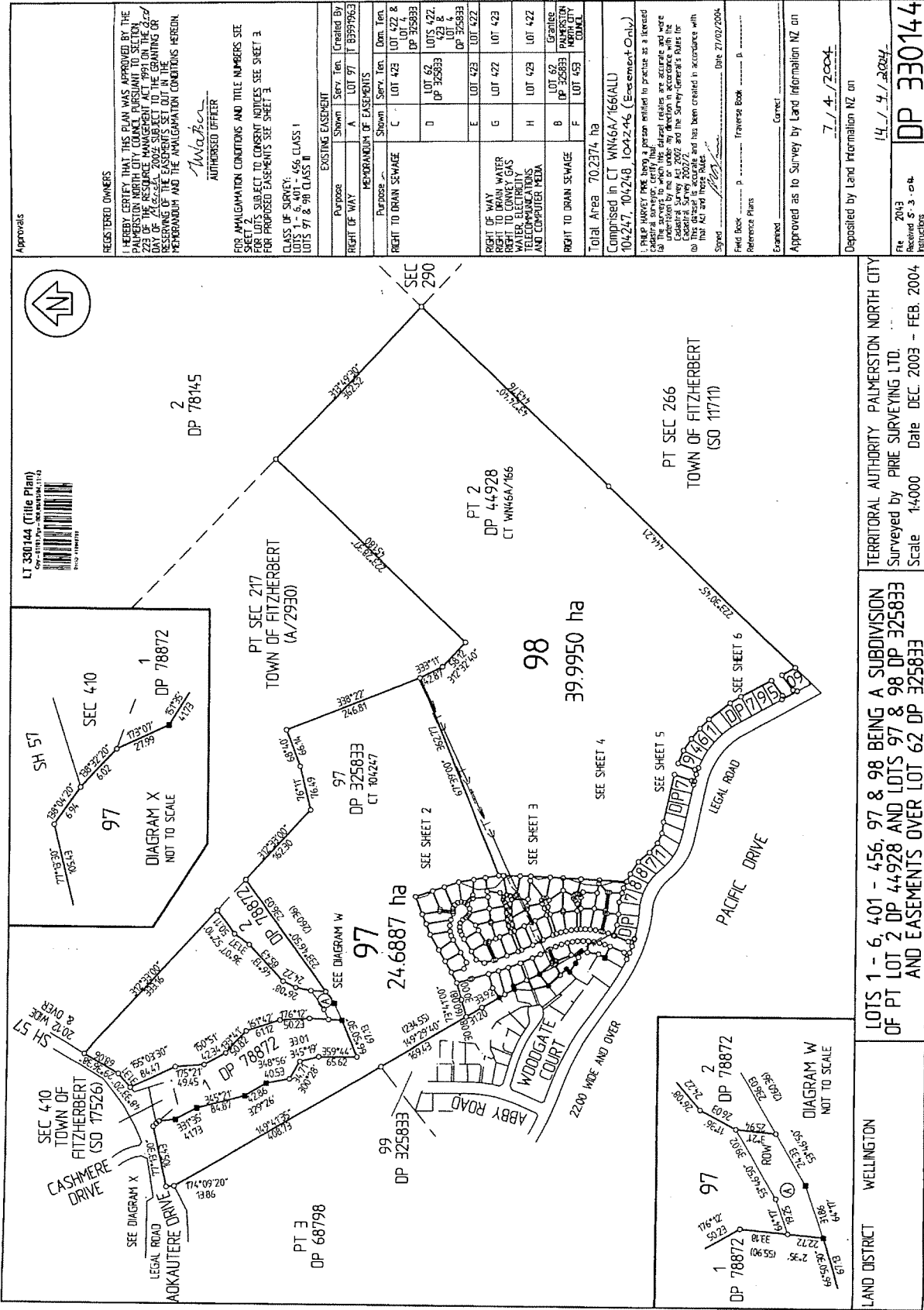
Estate Fee Simple
Area 48.1554 hectares more or less
Legal Description Lot 98 Deposited Plan 330144 and Lot
1003 Deposited Plan 490091

Registered Owners

CTS Investments LLC

Interests

Subject to a right of way over Lot 98 DP 330144 marked A on DP 364252 created by Easement Instrument 7250827.1 - 27.2.2007 at 9:00 am
8927489.2 Mortgage to CTS Investments LLC - 1.12.2011 at 11:23 am
9527250.3 Encumbrance to Palmerston North City Council - 26.9.2013 at 3:30 pm (affects Lot 1003 DP 490091)
9527250.4 Mortgage Priority Instrument making Encumbrance 9527250.3 first priority and Mortgage 8927489.2 second priority - 26.9.2013 at 3:30 pm
10169351.2 Variation of Mortgage 8927489.2 - 17.11.2015 at 11:58 am
Subject to Section 241(2) and Sections 242(1) and (2) Resource Management Act 1991(affects DP 490091)
10292952.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 18.12.2015 at 12:57 pm (affects Lot 1003 DP 490091)



Approvals

REGISTERED OWNERS

HEREBY CERTIFY THAT THIS PLAN WAS APPROVED BY THE TERRITORIAL AUTHORITY (TO WHICH I AM REFERRED TO SECTION 223 OF THE RESOURCE MANAGEMENT ACT 1991 ON THE 22nd DAY OF 21.02.2004) SUBJECT TO THE GRANTING OR RESERVING OF THE EASEMENTS SET OUT IN THE MEMORANDUM AND THE AMALGAMATION CONDITIONS HEREON.

M. Wilson
AUTHORISED OFFICER

FOR AMALGAMATION CONDITIONS AND TITLE NUMBERS SEE THESE LOTS. SUBJECT TO CONSENT NOTICES SEE SHEET 3 FOR PROPOSED EASEMENTS SEE SHEET 3.

CLASS OF SURVEY: (66 CLASS 1)
LOTS 97 & 98 CLASS II

EXISTING EASEMENT	
Purpose	Shown Serv. Ten. Created By
RIGHT OF WAY	A LOT 97 B5997963
MEMORANDUM OF EASEMENTS	
Purpose	Shown Serv. Ten. Dim. Ten.
RIGHT TO DRAIN SEWAGE	C LOT 429 LOT 422 & LOT 4
	D LOT 62 LOTS 422, 423 & LOT 4
	E LOT 523 LOT 422
RIGHT OF WAY	G LOT 422 LOT 423
RIGHT TO DRAIN WATER	H LOT 423 LOT 422
RIGHT TO CONVEY GAS	
RIGHT TO CONVEY TELEPHONE WIRE AND COMPUTED MEDIA	
RIGHT TO DRAIN SEWAGE	B LOT 62 PALMERSTON NORTH CITY
	F LOT 453 COVELE

Total Area 702374 ha

Comprised in CT WN46A/1661AU
104247, 104248, 104249 (Easement Only)

I, PIRE SURVEYING LTD, being a person entitled to practice as a licensed surveyor, do hereby certify that the survey and the plan are true and correct in accordance with the provisions of the Survey Act 2002 and the Survey-General's Rules for the Survey of 2002/02. The plan is accurate and has been created in accordance with the Act and the Rules.

Signed: *[Signature]* Date: 27/02/2004

Field Book: *[Blank]* Traverse Book: *[Blank]*

Reference Plans: *[Blank]*

Examined: *[Blank]* Correct

Approved as to Survey by Land Information NZ on: *[Blank]*

Deposited by Land Information NZ on: *[Blank]*

File: 2043
Received 5:30 pm
Instructions: DP 330144

SHEET 1 OF 6

TERRITORIAL AUTHORITY PALMERSTON NORTH CITY
Surveyed by PIRE SURVEYING LTD.
Scale 1:4000 Date DEC. 2003 - FEB. 2004

LOTS 1 - 6, 401 - 456, 97 & 98 BEING A SUBDIVISION
OF PT LOT 2 DP 44928 AND LOTS 97 & 98 DP 325833
AND EASEMENTS OVER LOT 62 DP 325833

LAND DISTRICT WELLINGTON

APPENDIX C



9 August 2022

Woodgate Limited
C/- Thomas Planning Ltd
2A Jacobson Lane
Ngaio
Wellington 6035

Via email: paul@thomasplanning.co.nz

Dear Paul

RETURN OF INCOMPLETE RESOURCE CONSENT APPLICATION PURSUANT TO SECTION 88 OF THE RESOURCE MANAGEMENT ACT, WOODGATE LIMITED, 131-153 PACIFIC DRIVE, PALMERSTON NORTH

This letter refers to your application to construct, operate and maintain a retirement village complex and associated infrastructure in the residential zone, and including associated earthworks, and a three-lot subdivision at 131 – 153 Pacific Drive, Palmerston North. This application was received by Council on 13th July 2022.

Pursuant to section 88(3) of the Resource Management Act 1991 (the Act) the Council may, within 10 working days of lodgement, determine that the application is incomplete if the application does not: include the information prescribed by regulations; or, include the information relating to the activity, including an assessment of the activity's effects on the environment, that is required by Schedule 4 of the Act. The Council must give written reasons for its determination if the application is deemed to be incomplete.

The processing officer has reviewed your application to ensure we have all the information we require to receive the application pursuant to section 88(3) and Schedule 4. Unfortunately, your application is not complete, so we are returning it to you. I am unable to accept your application in its current form because it does not address in sufficient detail the relevant matters as listed below:

Geotechnical

1. The Geotechnical Assessment report prepared by NZET Ltd is insufficient for the purpose of the proposal because of the outstanding items mentioned in Section 4 of the Engeo Limited report. For the application to be considered complete, the geotechnical assessment report must contain the following specific information:
 - i. Pre-earthworks testing and reporting i.e. the Lendrum Geotechnical report (ref:2043 dated 11 January 2008) for where earthworks has been previous undertaking.



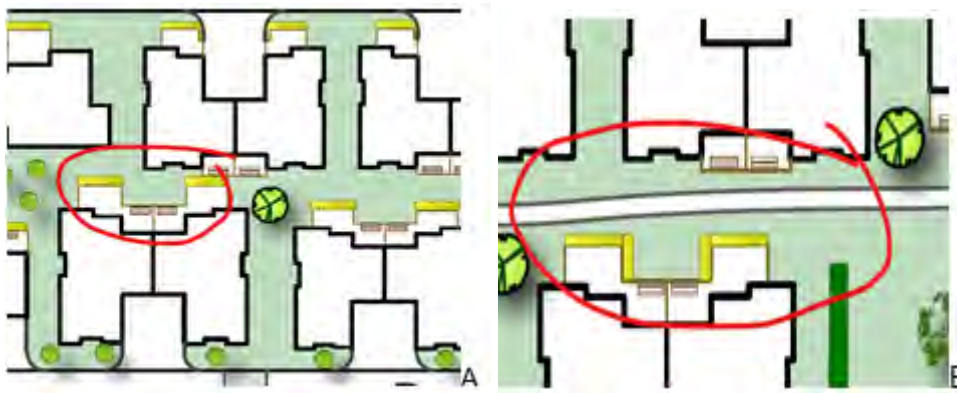
- ii. Confirmation of removal of unsuitable material where earthworks has been previous undertaking.
- iii. The proposed drain design and confirmation that subsoil drains have been installed correctly and an as-built (or drawing) of these locations.
- iv. Testing and description of the fill material being used and any testing that has been undertaken indicating that it is suitable to be used as an engineered fill and the requirements / targets of this testing (such as standard compaction tests in line with NZS 4402 1986 4.1.1 etc.).
- v. Compaction testing density and verification of the engineered fill material.
- vi. Provision of completed 4404 Schedule 1A and 4431 Appendix D – Statement of suitability form if this is applicable based on items ii to v. If the fill does not meet the requirements for these, then why not and recommendations should be provided on how to proceed with relation to the existing fill and obtaining resource consent for the subdivision.
- vii. Further testing in line with Module 2, Table 2.1 of the NZGS Guidelines. This states that for sites which are 1 to 10 hectares for subdivision consent that 6 plus additional 1 per 0.45 hectares in excess of 1 hectare. The special arrangement of tests should be such that the site is adequately characterised and includes sufficient groundwater information.
- viii. A geotechnical completion report with the information highlighted within Section 3.1 (of the NZET report) for the cut to fill works beneath the proposed development.
- ix. A cut and fill plan which includes cross sections through key areas to show what works have been undertaken in the past.
- x. Assessment of presence / absence of unsuitable material below the existing fill, which may require investigation.
- xi. An assessment against Section 106 of the Resource Management Act providing commentary on whether there is a significant risk from natural hazards including fault rupture, settlement, liquefaction, slope stability and any other significant hazards.

Landscape and Urban Design

2. There is insufficient information contained in the technical reports relating to landscape and urban design matters to demonstrate that proposal has been designed to ensure that actual and potential adverse effects on the environment will be acceptable. Specifically, the application must include the following:
 - i. A schedule of private outdoor areas (size and dims) for all dwelling/apartment units, cross referenced to a diagram that identifies the open spaces on plan.
 - ii. An assessment against R10.7.4.6 Assessment Criteria of the Palmerston North City District Plan.



- iii. Sun shading studies to confirm sunlight access into ground level apartments that face onto internal courtyards (provide sun shading at mid-winter, hourly from 8am to 4pm).
- iv. Sun shading studies to confirm sunlight access into all villas that sit to the south of / and very close to adjoining villas (e.g. at screen A grab below) (provide sun shading at mid-winter, hourly from 8am to 4pm).
- v. A plan identifying outdoor laundry drying for apartments.
- vi. Information on how privacy is achieved along the private backs of villas from users of communal paths (screen B grab below).
- vii. A statement by health care designers HPA as to how the proposed masterplan will provide an appropriate retirement village environment.



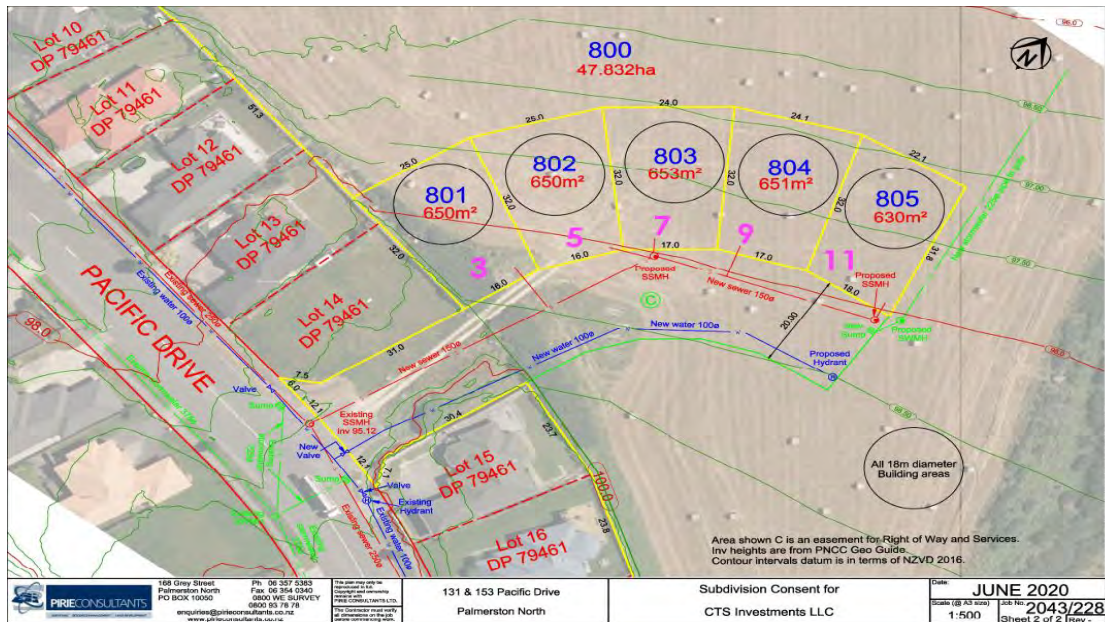
Three Waters

3. There is a lack of information provided within the application with regard to stormwater management. It is noted that while the following description is provided on Page 11 of the application, very little technical detail of how stormwater is to be managed has been provided:

"Stormwater from the development will be located within the internal road network and will drain from northeast to southwest to join a main line which will pick up the existing stormwater discharge from a 450 mm pipe from Monaco Grove and convey the stormwater north east along the internal road to the collector road and then to a head wall at the head of Johnson Gully.

This will discharge to Johnson Gully to the north and has been sized to accommodate conveyance of stormwater from the adjacent residential area to the southeast, as well as the proposed development. The pipe will connect to the Council pipe with a 450 mm diameter and will then increase in stages as lateral pipes connect from within the site. At the site exit the pipe size is expected to be 750 mm as shown on Drawing 2043-220.

Therefore, a comprehensive Stormwater Management Plan (SMP) prepared by a chartered professional stormwater engineer must be provided with the application. The SMP must address all items listed in section 6.2.2 of the PNCC Engineering standards for land development.



Proposed residential subdivision scheme plan (SUB 6938)

8. The section of the application "4.2 subdivision rules (6)" states the retirement village road and services will ultimately be vested to council. If this is the intention the scheme plan is required to be updated to reflect this as there are no road corridors presently shown.
9. Design details and engineered drawings of the proposed stormwater discharge location headwall are required to demonstrate how the proposed stormwater discharge will be managed to ensure there is no downstream erosion.

General

10. Please provide right of way design details for proposed right of way easement B on Scheme Plan 2043-299 Sheet 2 of 2 dated June 2022.
11. Please clearly confirm the name of the applicant as there are several references to CTS Investments LLC within the application.

Traffic Management

12. There are several information gaps within the Integrated Transport Assessment (ITA) thus preventing a full and comprehensive assessment of actual and potential adverse effects on the safety and efficiency of the transport network. The information gaps are set out below:
 - i. An explanation of what is meant by 'village recreation vehicles' and where the parking area for these vehicles is located.
 - ii. The application is required to detail approximately how many staff might be on site at any one time.
 - iii. Confirmation is sought whether the three vehicle accesses will be formed as vehicle crossings or intersections. This affects how these connection points are assessed in terms of the District Plan provisions

and from a safety perspective. Will the entries be gated? And if so where will the gates be located and at what times would they be closed.

- iv. The ITA describes that the main access road will have a carriageway width of at least 8m and the access road around the periphery of the village will have a width of 5.5m-6m. No dimensions are shown on the plans and no cross-sections provided. Plans showing the cross-sections for the various internal roads are requested including the 'no exit' accesses to clusters of villas.
- v. Additional information is sought with regard to ensuring that the intended speed environment is achieved.
- vi. The ITA explains that the dimensions of the parking spaces will meet the requirements of AS/NZS2890:1 and AS/NZS2890.6. This has not been demonstrated on the plans which do not included dimensions.
- vii. The ITA includes that 'Full accessibility will be provided for wheelchair and mobility scooter users within the Village, and between the Village and adjoining areas'. Further information is sought regarding the nature of any kerbs within the site and whether villa driveway connections are flush with the internal road.
- viii. It is noted in the ITA that cycle parking and end-of-trip facilities will be provided but no assessment is included of the number of cycle parks needed or their probable location. An assessment is needed of the number of spaces required so that if plans are not provided demonstrating compliance that a condition of consent can be drafted.
- ix. Section 4.6 of the ITA describes servicing, further information is sought regarding:
 - truck manoeuvring to/ from the service bay adjacent to the Admin building and how pedestrians will be able to safely move through this area;
 - the location of the rubbish storage area and truck paths for collection;
 - how rubbish is collected from the individual villas, in particular by what sort of vehicle and whether from individual villa frontages or localised collection points; and
 - which of the internal roads will be used by service vehicles accessing the services and rubbish storage areas.
- x. Table 4.2 in the ITA provides a summary of the forecast performance of the Aokautere Drive/ Pacific Drive intersection during the Saturday midday peak. Further information is sought regarding any effects on the length of the right turn queue for vehicles turning into Pacific Drive and whether the queue remains within the available queuing capacity. Confirmation is sought regarding the assumption for vehicles turning right out of Pacific Drive and whether they are assumed to wait for a gap in both traffic flows on SH57.

- xi. ITA Table 5.1 page 18 includes that emergency vehicles will be able to access all residential areas. This should be confirmed through dimensioned plans and/or swept paths for a general appliance (8m rigid truck).
- xii. Regarding ITA Table 5.2 Obj/Pol 3.6, confirmation is sought regarding the location of any village signage and possible effects on sight lines from the site accesses along the frontage public roads.
- xiii. ITA Table 5.3 (A)(vi)e) includes that the separation requirement of accesses from intersections is achieved. Further information is sought regarding the separation distances, and any associated safety effects, of the existing neighbouring driveways on Pacific Drive to each of the new intersections.
- xiv. ITA Table 5.3 (A)(viii) indicates that the vehicle accesses will have a formed width of 5.5-6m with a separate 1.5m wide footpath. The plans do not show continuous footpaths along the access roads.
- xv. Regarding ITA Table 5.3 (D) confirmation is sought regarding the circulation routes having a minimum two-way width of 5.5m and the provision of 1m extensions to blind parking aisles.
- xvi. ITA Table 5.3 (E), further information is sought regarding the manoeuvring of trucks to and from the service bay and rubbish collection area and the safe interaction with pedestrians and mobility scooter users.
- xvii. ITA Table 5.3 (F), further information is sought regarding the size of service vehicles and the number of service vehicle movements.
- xviii. ITA Table 5.3 (G), further information is sought regarding the assessed number of cycle parks required and where these parks will be located.
- xix. The ITA includes reference to the provision of a pedestrian/cycle link between Pacific Drive and Monaco Drive. A CPTED assessment is required to accompany this aspect of the proposal.

You are entitled to formally object to the return of this application pursuant to Section 357 of the Resource Management Act 1991. If you wish to object then the objection must be made in writing and served on the Council, to the attention of the Head of Planning Services, within 15 working days of the receipt of this letter being Monday 29th August. The objection must state the reasons for objecting.

If you decide to re-submit and updated and complete which includes the above information, it will be treated as if it were a new application. It would be beneficial to hold a pre-application meeting with the various experts to discuss the information deficiencies to assist with ensuring that any resubmitted application is complete.

Please note that the timeframe for making this decision under section 88 of the Act has been extended pursuant to section 37 of the Act due to special circumstances. A report detailing the reasons for this timeframe extension will be sent to you separately.



PAPAIOEA
PALMERSTON
NORTH
CITY

Should you have any queries in relation to the above information or information that needs to be supplied as part of your application please contact Phil Hindrup our Senior Consultant Planner who will be processing this application on 021 247 7335 or alternatively email phil@phocusplanning.co.nz

Yours sincerely,

Swastika Nadan
Senior Planner

APPENDIX D

Susana Figlioli

From: Phil Hindrup <phil@phocusplanning.co.nz>
Sent: Tuesday, 9 August 2022 2:17 pm
To: paul@thomasplanning.co.nz
Cc: Swastika Nadan; Emma Somerville
Subject: Return of incomplete resource consent application pursuant to section 88 of the Resource Management Act, Woodgate Limited, 131-153 Pacific Drive, Palmerston North
Attachments: RC 6923 131-153 Pacific Drive - Woodgate Limited S88 Letter.Final.pdf

Good afternoon.

Please find attached a letter setting out Council's decision to determine the application to construct, operate and maintain a retirement village complex and associated infrastructure in the residential zone, and including associated earthworks, and a three-lot subdivision at 131 – 153 Pacific Drive, Palmerston North, incomplete in accordance with section 88 of the RMA.

If you would like to discuss the contents of the attached decision, please feel free to contact me.

Regards

PHIL HINDRUP BRP
PRINCIPAL PLANNER | DIRECTOR



021 247 7335 | phil@phocusplanning.co.nz

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APPENDIX E

16 August 2022

PALMERSTON NORTH CITY COUNCIL

**EXTENSION OF TIME LIMITS PURSUANT TO SECTION 37
OF THE RESOURCE MANAGEMENT ACT 1991,
LU 6923 131 & 153 PACIFIC DRIVE, PALMERSTON NORTH**

1. REASON FOR REPORT

The reason for this report is to provide background information to assist with the decision to extend time limits applying to the above land use consent application under the Resource Management Act 1991 (the Act).

2. THE APPLICATION

The application to construct, operate and maintain a retirement village complex and associated infrastructure in the residential zone, and including associated earthworks, and a three-lot subdivision at 131 and 153 Pacific Drive, Palmerston North.

This application was received by Council on 13th July 2022.

Council has determined the application was incomplete in accordance with section 88(3) of the Act on 9th August 2022, being 20 working days after the application was first lodged.

The special circumstances that apply to the additional time required is due to the complexity of the application which included stormwater, urban design, traffic assessment for the comprehensive development.

3. CONSIDERATION

Section 37 of the Resource Management Act 1991 provides that:

37 Power of waiver and extension of time limits

*“(1) A consent authority or local authority may, in any particular case,-
(a) extend a time period specified in this Act or in regulations, whether or not the time period has expired.”*

37A Requirements for waivers and extensions

“(1) A consent authority or local authority must not extend a time limit or waive compliance with a time limit...in accordance with Section 37 unless it has taken into account -

(a) The interests of any person who, in its opinion, may be directly affected by the extension or waiver; and

(b) The interests of the community in achieving adequate assessment of the effects of any proposal, policy statement or plan; and

(c) Its duty under Section 21 to avoid unreasonable delay.

- (2) *A time period may be extended under Section 37 for-*
 (a) *A time not exceeding twice the maximum time period specified in this Act; or*
 (b) *A time exceeding twice the maximum time period specified in this Act if the applicant or requiring authority requests of agrees.”*
- (3) *Instead of subsections (1) and (2), subsections (4) and (5) apply to an extension of a time limit imposed on a consent authority in respect of—*
 (a) *an application for a resource consent; or*
 (b) *an application to change or cancel a condition of a resource consent; or*
 (c) *a review of a resource consent.*
- (4) *A consent authority may extend a time period under section 37 only if—*
 (a) *the time period as extended does not exceed twice the maximum time period specified in this Act; and*
 (b) *either—*
 (i) *special circumstances apply (including special circumstances existing by reason of the scale or complexity of the matter); or*
 (ii) *the applicant agrees to the extension; and*
 (c) *the authority has taken into account the matters specified in subsection (1).*
- (5) *A consent authority may extend a time period under section 37 so that the extended period exceeds twice the maximum time period specified in the Act only if—*
 (a) *the applicant agrees to the extension; and*
 (b) *the authority has taken into account the matters specified in subsection (1).*
- (6) *A consent authority or a local authority must ensure that every person who, in its opinion, is directly affected by the extension of a time limit or the waiver of compliance with a time limit, a method of service, or the service of a document is notified of the extension or waiver*

Special Circumstances

It is considered that the following special circumstances apply which justify the timeframe extension.

- i. The application is complex due to its scale and complexity which required the involvement of six technical experts to provide comment on the completeness of the application.
- ii. The application involves legal matters in relation to a nuisance claim which required legal review.
- iii. Staff absences due to winter illness added to delay in feedback response times.
- iv. There is a history of enforcement matters on the site which required careful consideration
- v. There is an adjacent subdivision application by the same landowner over which part of the proposal lies which required special consideration.

These circumstances made it not possible to complete a full assessment against section 88(3) of the Act within the normal 10 working day time limit,

Matters in taken into account under S37A Subsection (1)


The interests of the applicant have been taken into account in extending this timeframe. It has been suggested by the applicant that this information could have been provided by way of request for further information under section 92 of the Act. If one were to apply that rational, it is noted that the processing of the application would have been placed on hold while the applicant set out to fulfill such a request. It is also noted that there would be no material difference to the applicant in "time lost" whether they obtain the necessary information to satisfy the section 88 test or whether they provide the necessary information via a request for further information. The point is the applicant would need to obtain the information which would delay the proposal. It is also noted that no pre-application meeting was requested, which is considered best practice for an application of this scale. Such a meeting would have assisted in highlighting deficiencies in the application, saving time later in the process.

The interests of the community have also been taken into account. Given that there are information gaps in the application, it was prudent to address these prior to the application being accepted in accordance with the expectations set by section 88. Failure to do so would potentially result in more than one further information and the potential need to apply the discount policy framework, which would be an unnecessary burden to the community as rate payers, due to a Council's ability only stop processing times once.

All care has been taken to avoid unreasonable delay.

4. RECOMMENDATION

That pursuant to Section 37 and 37A of the Resource Management Act 1991 the time limit to determine whether application LU 6923 was incomplete in accordance with Section 88(3) of the Act is extended to 20 working days after the application was first lodged.



Phil Hindrup
SENIOR PLANNER

DECISION

That the time limit to make a determination application LU 6923 was incomplete in accordance with Section 88(3) of the Act was extended to 9 August 2022.

Dated this 16th August 2022.



Swastika Nadan
SENIOR PLANNER

APPENDIX F

Susana Figlioli

From: Phillip Hindrup <Phillip@stradegy.co.nz>
Sent: Wednesday, 10 August 2022 4:14 pm
To: Phil Hindrup
Subject: Fwd: Return of incomplete resource consent application pursuant to section 88 of the Resource Management Act, Woodgate Limited, 131-153 Pacific Drive, Palmerston North

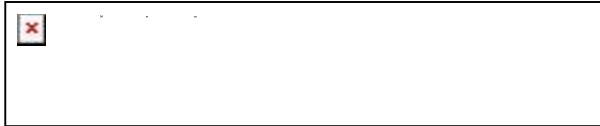
Attachments: image001.png; RC 6923 131-153 Pacific Drive - Woodgate Limited S88 Letter.Final.pdf

PHIL HINDRUP BRP

PRINCIPAL PLANNER | DIRECTOR

MOBILE 0212477335

WWW.STRADEGY.CO.NZ



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Begin forwarded message:

From: Les Fugle <S7(2)(a) Personal Privacy>
Date: 10 August 2022 at 15:03:54 NZST
To: Phillip Hindrup <Phillip@stradegy.co.nz>, Paul Thomas <paul@thomasplanning.co.nz>
Subject: Fwd: Return of incomplete resource consent application pursuant to section 88 of the Resource Management Act, Woodgate Limited, 131-153 Pacific Drive, Palmerston North

On behalf of applicant and pursuant to the RMA 1991 s357 please treat this as an Objection to the return of the application.

The reason for objection is matters raised were capable of addressing via s92 request for further information or via fixing consent condition(s)

Please request Council administrator set hearing down at the Hearing Committee earliest availability

From: Phil Hindrup <phil@phocusplanning.co.nz>
Sent: Tuesday, August 9, 2022 2:17 PM
To: Paul Thomas <paul@thomasplanning.co.nz>
Cc: Swastika Nadan <swastika.nadan@pncc.govt.nz>; Emma Somerville <Emma.Somerville@pncc.govt.nz>
Subject: Return of incomplete resource consent application pursuant to section 88 of the Resource Management Act, Woodgate Limited, 131-153 Pacific Drive, Palmerston North

Good afternoon.

Please find attached a letter setting out Council's decision to determine the application to construct, operate and maintain a retirement village complex and associated infrastructure in the residential zone, and including associated earthworks, and a three-lot subdivision at 131 – 153 Pacific Drive, Palmerston North, incomplete in accordance with section 88 of the RMA.

If you would like to discuss the contents of the attached decision, please feel free to contact me.

Regards

This email is intended solely for the use of the addressee and may contain information that is confidential or subject to legal privilege. If you receive this email in error please immediately notify the sender and delete the email.

APPENDIX G



26 August 2022

Woodgate Limited
C/- Thomas Planning Ltd
2A Jacobson Lane
Ngaio
Wellington 6035

Via email: paul@thomasplanning.co.nz

Dear Paul

RESPONSE TO SECTION 357 OBJECTION, WOODGATE LIMITED, 131 & 153
PACIFIC DRIVE, PALMERSTON NORTH

I write in response of the email received from Les Fugle 10 August 2022 outlining his reasons for the objection to the section 88 Return of Application letter dated 9 August 2022.

I have considered the reasons detailed in Mr Fugle's email and the points raised in our recent discussions together.

I wish to confirm that the decision to return your application under section 88(3) of the Resource Management Act 1991 stands.

Mr Fugle had advised that he wished for the matter to be set down before Council's Hearing Committee. Given our recent discussions to address the information deficiencies, it is hoped that a hearing is no longer sought after, with efforts put towards obtaining the information as part of a new application.

However, if that is not the case, please confirm and I will look to set down a date to hear your objection by Council's Hearings Committee.

Yours sincerely,

Jeff Baker
Planning Services Manager

INTRODUCTION

- 1 My full name is Phillip John Hindrup.
- 2 I repeat my qualifications and experience as set out in my report filed on 8 February 2023.
- 3 This evidence briefly responds to matters raised in the submission given on behalf of the objector dated 16 February 2023.
- 4 At paragraph 5, Mr Fugle says that a matter for the commissioner's consideration is whether there were special circumstances to justify a s 37A extension of time. However, this is not subject to Mr Fugle's objection under s 357 of the Resource Management Act 1991 ("RMA").
- 5 On the second page of his submission, Mr Fugle is critical of the Council for not advising him what information was missing, enabling a chance to comment before making its decision to return under s 88(3). However, there is no requirement for a council to provide this opportunity to applicants after lodgement and there are practical limitations meaning that this sort of engagement is not particularly useful given the limited window of time provided under s 88(3). While in some circumstances dialog with an applicant may well be all that is required to address information deficiencies, this is not one of those cases in my opinion.
- 6 As a related point, Mr Fugle criticises my evidence as misleading where I pointed out that a pre-application meeting would have been helpful here. While it is correct that the Council was aware of the applicant's intention to build the retirement village, being aware of these intentions is not the same thing as holding a genuine pre application meeting between the applicant's representatives and the Council's experts, which never occurred. Had there been such a preapplication meeting, it might have been the case that some of these issues could have been resolved, but (as above) in my opinion this would not have been an effective alternative in the period after the application is lodged with Council.

- 7 Mr Fugle notes that territorial authorities have a discretion whether to accept an application even if some of the information specified within Schedule 4 RMA has not been provided. Whether that is true or not, in my opinion it was not appropriate in these circumstances to accept the application as complete, particularly given the nature and extent of the inadequacies identified in the s 88(3) notice and addressed in my evidence.
- 8 Broadly speaking, it appears to be accepted by Mr Fugle that there were information deficiencies with the application, and his core argument is that the Council should simply have addressed these perceived deficiencies in a different way. I cannot agree with this, and I do not consider that deferring all the concerns to the s 92 stage would have been appropriate here.
- 9 Mr Fugle makes the point that after the application was returned, the Council accepted a similar application as complete for an earthworks consent in the same location. I do not consider that this is an appropriate comparison or that it shows the Council wrongly relied on s 88(3) here. The retirement village application was for the construction, development, and operation of a retirement village, and this entailed a very different set of considerations than a proposal only involving earthworks. For example, roading, urban design, reticulated stormwater, and various relevant provisions of the planning documents needed to be addressed with sufficient information for the retirement village, but not for the earthworks consent that was subsequently accepted.
- 10 Ultimately, due to the accumulation of many deficiencies of information that were present here and in relation to the nature of the site and the proposal, it remains my opinion that it would have been irresponsible for the Council not to return the application as incomplete in reliance on s 88(3).

Phillip John Hindrup
24 February 2023