MEMBERSHIP

Councillor Tangi Utikere (Chairperson)
Councillor Susan Baty
Councillor Aleisha Rutherford

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

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

Heather Shotter
Chief Executive, Palmerston North City Council
HEARING BY COMMISSIONERS

28 November 2019

ORDER OF BUSINESS

(Note: All pre-circulated evidence is available for viewing on the Palmerston North City Council website – https://www.pncc.govt.nz/council-city/meetings/hearings/)

1. Hearing of an Application Pursuant to Section 8B of the First Schedule of the Resource Management Act 1991 for the operation of a non-rural activity in a Rural Zone at 126 Turitea Road, together with a subdivision consent for a two lot subdivision of that land.

To consider the following:

(i) Guardian Tree Services Limited

Legal submissions and evidence. (Application attached)

(ii) Submitters (Submissions attached)

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<tbody>
<tr>
<td>SO-1*</td>
<td>Sarah &amp; Ollie Shannon</td>
</tr>
<tr>
<td>SO-2*</td>
<td>Dean &amp; Paula Rankin</td>
</tr>
<tr>
<td>SO-3*</td>
<td>Kevin Orr &amp; Siann Aburn</td>
</tr>
</tbody>
</table>

(Note: Those identified with an asterisk, indicated their wish to be heard at the hearing.)
(iii) Palmerston North City Council

Section 42A Report presentation and review. (Attached)

(iv) Right of Reply of Applicant

1. Exclusion of Public

The Commissioners will reserve the right to make the decision with the public excluded pursuant to section 48(2)(a)(i) of the Local Government Official Information and Meetings Act 1987.
6 May 2019

Palmerston North City Council
Planning Services
Private Bag 11034
Palmerston North 4442

Attn: David Forrest

RESOURCE CONSENT APPLICATION – 126 TURITEA ROAD, PALMERSTON NORTH

Dear David,

Please find enclosed an application for resource consent for the operation of Guardian Tree Services (land use consent) and a two lot fee simple subdivision (subdivision consent) of the site at 126 Turitea Road, Palmerston North.

The application fees are to be paid directly by Guardian Tree Services or their representative. Please send all future invoices to the applicant.

The Property Group Limited is the agent for this application and should be the first contact for any correspondence or telephone discussions. Please feel free to contact me should you have any questions with regard to the application. I would also appreciate an opportunity to review any draft conditions, should they be necessary, prior to the issue of consent.

Yours sincerely

[Signature]

RYAN O’LEARY
Senior Planner
Mobile: 027 469 8992
Email: roleary@propertygroup.co.nz
FORM 9
Application for resource consent
Section 88, Resource Management Act 1991

To: Palmerston North City Council

Applicant: Guardian Tree Services Ltd
PO Box 5541
Palmerston North 4441

Agent: Ryan O’Leary - Senior Planner
Mobile: 027 469 8992
Email: roleary@propertygroup.co.nz

Address for Service: The Property Group Limited
PO Box 12066
Palmerston North 4444

Site Address: 126 Turitea Road, Palmerston North

Legal Description: Lot 3 Deposited Plan 84688

Owner of Sites: Guardian Tree Services Ltd

Consent For: Land Use Consent - Non-Complying Activity
Subdivision Consent – Discretionary Activity (Unrestricted)

Description: Land use consent for the operation of a Non-Rural Activity in the Rural Zone
Subdivision Consent for a two-lot fee simple subdivision of land

Enclosed: Application Form and AEE
Appendix 1 – Record of Title
Appendix 2 – Proposed Development Plans
Appendix 3 – Plans of Proposed Right of Way Upgrade
Appendix 4 – Proposed Subdivision Scheme Plan & Topographical Survey
Appendix 5 – Site Photos
Appendix 6 – Written Approvals
Appendix 7 – Preliminary Site Investigation
Appendix 8 – Horizons Regional Council Correspondence
Appendix 9 – Submission from Starter Plants Ltd on PPC15A
Appendix 10 – Compliance with Access Standards
Appendix 11 – Traffic Movements for Starter Plants Ltd
Appendix 12 – Consultation with Tane Mahuta Manawatu Inc
Appendix 13 – Consultation with PNCC Parks & Reserves
Appendix 14 – Traffic Assessment from Traffic Concepts

Signed: RYAN O’LEARY
Senior Planner

Date: 6/05/19
APPLICATION FOR RESOURCE CONSENT

Guardian Tree Services
126 Turitea Road, Palmerston North

Guardian Tree Services Ltd

6 May 2019
QUALITY CONTROL

<table>
<thead>
<tr>
<th>Title</th>
<th>Application for Resource Consent – Guardian Tree Services</th>
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<tbody>
<tr>
<td>Client</td>
<td>Guardian Tree Services Ltd</td>
</tr>
<tr>
<td>Job No</td>
<td>715080</td>
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<tr>
<td>Prepared by</td>
<td>Ryan O’Leary – Senior Planner</td>
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<td>Signature</td>
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<tr>
<td>Reviewed by</td>
<td>Rachel Ritchie – Senior Planner</td>
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<td>Signature</td>
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Declaratory Statement - Conflicts of Interest:

I acknowledge that I, the author of this application, is also a signatory to the decision made by the Palmerston North City Council on 11 May 2018 to vary Consent Notice 8724884-2 that applies to the subject site. The application to vary Consent Notice 8724884-2 was made by Starter Plants Ltd, who have since sold the property to Guardian Tree Services Ltd. Starter Plants Ltd have no on-going interest in the site.

This decision to grant the variation to Consent Notice 8724884-2 was prepared by another independent planner. I declare my previous involvement in this application was limited to a peer review capacity and signatory only, as required in performing my duties as employed as Senior Planner by the Palmerston North City Council. The variation granted by the Council was registered on the Record of Title for the subject site on 18 May 2018.

I have now been engaged by the purchasers of the site, Guardian Tree Services Ltd, who seek a land use consent to utilise the site for a different purpose (unrelated to the consent notice) and a subdivision consent to create two individual allotments. In my view, the variation to this consent notice is an independent matter from any potential subdivision consent. The variation to the consent notice effectively enables a house site to be constructed on the underlying allotment ‘as of right’. Any potential subdivision consent would be subject to a separate application process to the Palmerston North City Council and sufficiently unrelated to the variation to the consent notice decision.
1. INTRODUCTION

Guardian Tree Services Ltd hereby apply for resource consent from the Palmerston North City Council ("Council") for all land use consents required to operate ‘Guardian Tree Services’, being a non-rural activity located within the Rural Zone. A subdivision consent is also sought to enable a two-lot fee simple subdivision of the subject site.

The proposal is further described in the application and relates to the property at 126 Turitea Road, Palmerston North.

2. SITE DESCRIPTION

The 2.28ha site is known as 126 Turitea Road and is legally described as Lot 3 Deposited Plan 86488. A copy of the Record of Title of this property is included in Appendix 1.

The site is currently operated as a commercial nursery by ‘Starter Plants Ltd’ (SPL) who presently employ up to 7 on-site staff. The site contains existing sorting sheds, storage facilities, shade houses and other similar structures associated with SPL’s operations. The majority of the site is used for growing plants in perennial beds arranged in a grid pattern, divided by grassed areas and linear hedging. The site contains Class II Soils in accordance with the Land Resource Inventory.

The eastern portion of the site is used as a series of themed, well-manicured gardens. To the north-east of the property is a site containing the Turitea Stream (land owned by Palmerston North City Council and held as a reserve).

![Image 1: Site Location – 126 Turitea Road, Palmerston North](image)

Access to the site is provided via an existing tree-lined shared driveway off Turitea Road. This is shared by four other rural-residential properties (secured via a right of way). The subject site is also subject to a right of way that provides access to 128 Turitea Road and 130 Turitea Road. These are shown as right of way areas ‘B’ and ‘A’ respectively on the Deposited Plan included in Appendix 1. The site is bounded by 134 Turitea Road to the west; 128 Turitea Road to the north-west; 132 Turitea Road to the south; and 136 Turitea Road to the east. To the north of the site is existing farmland at 85 Old West Road.
3. THE PROPOSAL

3.1 Land Use Consent

Guardian Tree Services Ltd (‘GTS’) are a small-scale arborist and landscaping service specialising in tree pruning, tree removals and landscaping work. The business provides its services to both urban and rural environments and has a well-established client base within Manawatu, Hawkes Bay and surrounding districts.

GTS have been based at their Napier Road site in Palmerston North for a number of years, however, their current site is intended to be re-zoned from Rural Zone to Residential Zone in the near future which has necessitated GTS acquiring another suitable rural site to accommodate their existing activity.

This proposal seeks land use consent to enable the operation of Guardian Tree Services from the site at 126 Turitea Road. The activity will utilise the site and existing buildings as a depot for their small-scale arborist activity. However, the site also provides the opportunity to utilise a portion of the current existing nursery perennial beds for growing made-to-order trees and landscaping supplies. There will be sold wholesale to existing clients (no gate sales).

The proposed arborist activity involves the following core components:

(i). Site used as a ‘base’ for staff, and to store equipment and vehicles overnight (and throughout the day when not in use).

(ii). Typically the activity involves 7 staff, although numbers can fluctuate between 5 and 8 staff members from time to time.

(iii). The hours of operation are typically 8.00am to 5.30pm Monday to Friday. Typically staff arrive at the site at 8am for initial set-up (loading up gear for the day and undertaking safety checks) before staff vacate the site. Staff typically arrive back between 4 and 5pm for pack-down and clean-up. Staff are typically not on-site for most of the day as arborist work undertaken is located off-site.

(iv). On the occasion where work is located at a greater distance from the yard, some staff might arrive at 7am. This is not a common occurrence. There would be no activity on the site before 7am.

(v). Should weekend work occur on the site, this is generally limited to office type activities (clearing emails and phone messages, invoices etc) rather than yard-based activities.

The activity will utilise the existing buildings (sorting sheds, machinery and storage areas) for their equipment. However, the existing shade-house and timber shelter (left-hand side of image below) will be demolished and a portion of this will be gravelled to allow greater ease of vehicle manoeuvrability from the storage/sorting sheds. The back wall of the existing shed (shown on the image below) will also be demolished to provide undercover carparking for staff.

GTS also seek to construct an additional 2-bay pole shed, being 18m(L) x 9m(W)x 4.6m (H) for the storage of vehicles and machinery.

Redundant sections of the perennial beds will be planted back in grass seed and progressively planted with made-to-order trees. Mulch will be sorted onsite in identified storage areas to service the horticultural use of the site.
The proposal is shown in greater detail on the plans submitted with Appendix 2 of this application.

Image 2: Shade-house and timber shelter to be demolished

3.2 Subdivision Consent:

The applicant also proposes to subdivide the existing property into two rural-residential sections, as shown on the proposed scheme plan included in Appendix 4.

Proposed Lot 1 will be 1.15ha (Gross) and 1.07ha (Net). It will contain the existing buildings and gravelled surface area presently utilised by Starter Plants Ltd. Proposed Lot 1 is intended to accommodate Guardian Tree Services operations, as proposed separately as part of the land use consent application outlined under Section 3.1 above. The proposed boundary of Lots 1 and 2 is intended to align with the linear row of hedging running north to south within the property; and,

Proposed Lot 2 will be 1.12ha (Gross) and 1.09ha (Net). Lot 2 is proposed as a vacant allotment capable of accommodating a residential dwelling in the future. Although a specific dwelling location has not been identified, it is most likely to be located in the southern portion of the site close to the proposed access and on the high point of the land to avoid potential sources of inundation.

Any new dwelling will be required to provide on-site water supply (water tanks) and would not utilise the existing ‘trickle-feed’ water supply provided to the subject site.

3.3 Upgrade of the Proposed Right of Way

The applicant proposes to upgrade the existing right of way as shown in Appendix 3 of this application. The proposed right of way upgrade works will involve resurfacing the drive, widening the entrance and the construction of 3 other passing bay areas. All proposed works will be located within the legal right of area or within legal road. It will be to the benefit of all users. The works do not involve the removal of any established mature trees.
4. **STATUTORY FRAMEWORK**

4.1 **Palmerston North City Plan**

The site is located in the *Rural Zone* in the Palmerston North City District Plan. The site and its surrounds are located within the Rural-Residential Overlay, as shown as the ‘hatched’ area in *Image 3* below. The site to the north is zoned ‘Conservation and Amenity Zone’ and contains the Turitea Stream and adjoining Esplanade Reserve.

![Image 3: Excerpt from District Plan Zoning Map](image)

4.2 **Planning History**

The site has been occupied for nursery activities since circa 1930. On 31 July 1998 the Palmerston North City Council granted subdivision consent to subdivide the former parent allotment into new 7 allotments (Sub Reference No: RM 1343). These 7 allotments are shown on the Deposited Plan included in Appendix 1. Four Lots (Lots 4 to 7) were proposed to be vested with the Palmerston North City Council (as Esplanade Reserve). Lots 1 and 2 were created for rural residential purposes (being 130 and 128 Turitea Road, respectively). Lot 3 was to accommodate the existing nursery activity and was to be subject to a consent notice (B72484-2) which sought to prohibit the construction of residential buildings on the site (Condition 1).

It is noted that a sufficiently large Esplanade Reserve was provided to Council through this subdivision that would routinely be required under the Act. The Esplanade Reserve was intended to provide direct access to the Turitea Stream for the public from Turitea Road.

On 29 January 2015 the Palmerston North City Council publicly notified Plan Change 15A-H as part of its Sectional Review of its District Plan. In particular, Plan Change 15A – *Rural Zone* and Rural Subdivision involves a complete review of the Rural Zone provisions with a particular focus on rural-
residential subdivision. The plan change was to support the implementation of the Rural-Residential Land Use Strategy and proposed new resource management objectives and policies for rural subdivision and amends the rules and minimum lots sizes for rural subdivisions.

The owner of the subject site, Starter Plants Ltd, were a submitter on Plan Change 15A (SO-88), requested that their site be included in the Rural-Residential Overlay. They stated in their submission their expressed intention to subdivide the property into two 1ha+ sections, included as Appendix 10 of this application. Council’s City Planning Manager, Mr David Murphy, acknowledged that presence of Class II Soil within the subject site but ultimately recommended (in his right of reply to the hearing’s commissioners) \(^1\) to include 126, 128 and 130 Turitea Road in the rural-residential overlay. Mr Murphy also noted that this “would enable one additional lot and a dwelling to be established on each lot”.

The Commissioners adopted Mr Murphy’s recommendation and the Council publicly notified its decision on 8 September 2016 which included the subject site and its surrounds within the Rural-Residential Overlay Area, as shown on Image 3 above. No specific reasons are provided by the Hearing’s Panel as to the reasons for its inclusions.

On 11 May 2018, the Palmerston North City Council granted an application to vary consent notice B724884-2, effectively cancelling condition 1 which prohibited the construction of residential buildings. This variation was registered on the Record of Title on 18 May 2018.

4.3 Plan Change 22A-G

Plan Change 22A-G is the final plan change in the Sectional Review of the District Plan. The Plan Change focuses on those sections of the District Plan that have not been reviewed or sections that have only been reviewed in part. The plan change contains amendments to the objectives, policies, rules, definitions of the following (relevant) sections:

- Introduction, Information Requirements and Monitoring
- Signs
- Noise
- Subdivision
- Transport
- Natural Hazards

Plan Change 22A-G was notified by Council on 12 April 2018. A public hearing was held 2, 3 & 12 October 2018. The decision on the plan change was public notified on 24 January 2019. The period for Appeals to be lodged with the Environment Court with respect to the plan change has expired and no appeals have been received. As such, the plan change can be considered to be effectively operative under Section 86f of the Act.

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4.4 Activity Status - Palmerston North City District Plan:

4.4.1 Land Use Consent

Pursuant to Rule 9.9.1 of the Palmerston North City District Plan, the land use consent application must be assessed as a Non-Complying Activity. The activity is not specifically provided for as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity under the District Plan.

It is noted that Rule 9.8.2 of the District Plan provides for Sawmills and Rural Industries as a Discretionary (Unrestricted) Activity.

Rural Industries are defined in the District Plan as:

“land and/or buildings used for industry which involves the processing of primary products and/or is better located in the rural area because of the need to achieve a separation from other activities, or land and/or buildings used by rural contracting businesses to provide services related to the primary production sector, including but not limited to agriculture, aerial topdressing, forestry, earthmoving and construction, and transport”.

Whilst this definition is broad and the proposed activity contains attributes that are consistent with the definition of a Rural Industry. The proposed arborist activity is a service (as opposed to an industry) which will service both rural and urban environments and it is accepted that the proposed activity falls outside the confines of this definition. As such, the proposal must be assessed as a Non-Complying Activity under Rule 9.9.1.

Consent is also required under Rule 20.5.1 (Land Transport Section) for non-compliance with the relevant access provisions of the District Plan. An Audit of these access provisions is provided in Appendix 10 of this application. On-site parking and loading space will be provided on-site in accordance with the relevant permitted activity provisions.

Under Rule 20.5.1, any permitted activity which does not comply with one or more of the performance standards in R20.4.2 is a Restricted Discretionary Activity. Council restricts is discretion to the following matters:

(a) Avoiding, remediying or mitigating adverse effects on the safety and efficiency of the land transport network;

(b) Avoiding, remedying or mitigating any other effects deriving from non-compliance with the particular standard(s) that is not met;

(c) Whether the approval of the Road Controlling Authority, NZTA, or Kiwi Rail has been obtained.

4.4.2 Subdivision Consent

Any subdivision within the Aokautere Rural Residential Area, the Moonshine Valley Rural Residential Area and the Rural Residential Overlay (as shown on the Planning Maps) which does not comply with the Restricted Discretionary Activity Performance Standards (R7.16.2.1) for Existing Buildings, Natural Hazards and On-site Services, Esplanade Reserves, Intensive Farming and Quarrying Buffer Zone is a Discretionary Activity.
Compliance with the Performance Standards under R7.16.2.1 is outlined below:

<table>
<thead>
<tr>
<th>(a) Existing Buildings</th>
<th>Complies: No increase in non-conformity</th>
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<tr>
<td>Where any land proposed to be subdivided contains existing buildings, there shall be no increase in the degree of non-conformity with any Permitted Activity performance standards for the Rural Zone.</td>
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<tr>
<th>(b) Minimum Lot Area</th>
<th>Complies: Proposed Lots 1 and 2 are greater than 1ha in area (net).</th>
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<td>iii. In the Rural Residential Overlay Area - 1 ha, excluding lots for access, utilities or reserves</td>
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<tr>
<th>(c) Natural Hazards and On-Site Services</th>
<th>Does not Comply: No Geotechnical Report or statement of professional opinion is provided.</th>
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<tr>
<td>All subdivisions must submit a geotechnical report and statement of professional opinion from a registered engineer experienced in soils mechanics or geotechnical engineering that certifies that the land is suitable for building construction, with regard to:</td>
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<td>i. the proposed residential building platform and associated facilities;</td>
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<td>ii. the vehicle access to the residential building platform; and</td>
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<tr>
<td>iii. the area for on-site wastewater disposal system (and discharge area).</td>
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<tr>
<th>(d) Esplanade Reserves</th>
<th>Does not Comply: The Esplanade Reserve provided is already less than 20m.</th>
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<tr>
<td>In respect of lots less than 4 hectares in area, an esplanade reserve at least 20 metres in width shall be set aside from such lots along the bank of any river whose bed has an average width of 3 metres or more where the river flows through or adjoins the lot concerned.</td>
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<tr>
<th>(e) Intensive Farming and Quarrying Buffer Zone</th>
<th>Complies: No Intensive Farming or Quarrying activity within 500m of the subject site.</th>
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<tr>
<td>No rural residential subdivision shall be approved so as to result in a site for a new dwelling within 500 metres of any land or buildings associated with an existing intensive farming or existing intensive pig farming operation or existing quarrying operation.</td>
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The proposal must be assessed as a Discretionary Activity under Rule R7.16.3.1(3).

4.4.3 Overall Activity Status:

The land use consent is assessed as a Non-Complying Activity and the subdivision consent is assessed as a Discretionary Activity.
4.5 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES)

Starter Plants Ltd engaged Geoworks to investigate the historical land uses within the site, given its prior and current use as a nursery. The results of this investigation, as attached in Appendix 7, concludes that within the site there has not been any historical bulk storage or use of persistent pesticides. Whilst chemicals have been used within the area of the perennial beds and driveway area, these are not persistent in the environment.

Given this conclusion, the site has not been subject to any land use on the Hazardous Activities or Industries List (HAIL). As such, the NES does not apply to the assessment of the application.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

In accordance with section 88(2)(b) of the Act and Clause 1(d) of Schedule 4 to the Act, this assessment of environmental effects of the proposed activity has been prepared in such detail as corresponds with the scale and significance of the effects that it may have on the environment.

5.1 Permitted Baseline and Exclusions from District Plan Noise Rules

In forming the opinion for the purposes of s95 and s104(1)(a), adverse effects on the environment can be disregarded if the Plan permits an activity with that effect.

It is my view that the permitted baseline is particularly relevant to the assessment of this proposal in comparing the adverse effects associated with:

(a) The construction of one residential dwelling within the subject site (in compliance with the permitted activity provisions of Rule 9.5.5).

(b) The growing of trees and landscaping supplies for horticultural use. Horticulture is identified as a permitted activity within the Rural Zone under Rule 9.5.1. Consequently, it is noted that R6.2.6.2(1)(d) specifies that noise generated by permitted activities in the Rural Zone (under Rule 9.5.1) are not controlled by the noise rules of the District Plan.

(c) The physical works associated with the resealing, repair of the shared driveway. This work can be undertaken as a permitted activity and is excluded from the earthworks rules.

(d) The removal of any trees along the shared driveway as may be required to enable the upgrade of the shared driveway. These trees are not subject to any statutory heritage or landscape protection(s). The applicant may well undertake this work in advance of any resource consent decision to improve the safety and function of the shared driveway for existing activities.

In my opinion, the District Plan permits an activity with the effects identified above and it is appropriate in my view to disregard the adverse effects associated with these activities.
5.2 Positive Effects:
When assessing the effects of an activity, there can be a tendency to focus on the negative or adverse effects. However, effects on the environment include positive effects. Indeed, the High Court in its decision in Elderslie Park v Timaru District Council\(^2\) stated that:

“To ignore real benefits that an activity for which resource consent is sought would bring necessarily produces an artificial and unbalanced picture of the real effect of the activity”.

Accordingly, the assessment below includes an assessment of the positive effects of granting resource consent to the proposal. These positive effects include:

(i). Enabling the continued operation of Guardian Tree Services Ltd, co-locating their arborist operations with their landscaping supplies side of their business;
(ii). Providing for the utilisation of both rural land and (existing) buildings to support a landscaping supplies activity which is to be co-located with an arborist depot activity;
(iii). The provision of a new rural-residential allotment within an area identified for that purpose (the Rural-Residential Overlay); and
(iv). The upgrade of the right of way with improved safety features, to the betterment of all users\(^3\).

5.3 Effects on Neighbouring Properties:
The primary effects of the proposed activity will be experienced by neighbouring properties, being: 128, 132, 134 and 136 Turitea Road. Any other property will be sufficiently separated from the subject site by physical distance and/or topographical features and will be partially screened from view by intervening structures on neighbouring sites.

Operation of Guardian Tree Services Activities

5.3.1 Amenity Effects – Physical Works
In this case the existing environment includes a long-established commercial nursery (Starter Plants Ltd). Their present use of the site separates the site into 3 primary uses:

(i). ‘A working area’: containing the existing sorting sheds, storage facilities, shade houses and other similar structures associated with their operations.
(ii). ‘A growing area’: used for growing plants in perennial beds arranged in a grid pattern, divided by grassed areas and linear hedging.
(iii). ‘Manicured Gardens’: A series of themed, well-manicured gardens adjoining the Turitea Stream.

The proposed physical modifications to the site are associated with Guardian Tree Services Operations are largely limited to the ‘working area’ described above, where the main operations of the commercial nursery are presently located. The proposed alterations to existing buildings are relatively modest. The activity involves the demolition of some existing structures (tunnel houses and sheltered areas) and the construction of the 18m x 9m pole shed (4.6m high) in more or less the same location.

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\(^2\) Elderslie Park Limited v Timaru District Council [1995] NZRMA 433

\(^3\) It is acknowledged that the physical upgrade of the right of way may be undertaken independently of this proposal and in advance of any resource consent decision and, if so, may not be a positive effect directly attributable to the proposal.
The proposed pole shed is to be located approximately 95m away from the building at 128 Turitea Road and will be largely screened from view by existing well-established vegetation (as shown in the site photos included in Appendix 5). Its location will also mean it will be screened from view from the dwelling at 130 Turitea Road by the existing buildings, storage sheds and well-established peripheral vegetation on site. This dwelling will be located over 50m away from the proposed pole shed structure.

The apron area leading to this pole-shed is to be surfaced to enable vehicle maneuvering and the free-flow of vehicles to exit the site in a forward-facing direction. However, this area will largely be screened by the existing hedging and other vegetation established around the periphery of this working area.

The current view of the site from the shared driveway to 128 Turitea Road, with existing vegetation, is shown on Image 4 below. It is acknowledged that whilst using the right of way/shared driveway, users will gain a greater view of the proposed activity. However, views into the site will be fleeting as users transition through the space and would not be dissimilar to the current experience.

![Image 4: View of Shared Driveway of 128 Turitea Road](image)

The dwelling at 132 Turitea Road is located over 70m to the south of the proposed pole shed. This dwelling is sited on topography approximately 9m higher than the subject site. The primary outlook from this dwelling is north-westwards, with views towards the subject site screened by existing vegetation within this property.

The dwelling at 134 Turitea Road is located approximately 165m west of the proposed pole shed building. This dwelling is is sited on topography approximately 6m higher than the subject site. Views from this dwelling is obscured by existing topographical features and vegetation within the subject site. It is acknowledged that views of the proposed activity will be possible for users of the shared driveway that provides access to 132 and 134 Turitea Road. However, views into the site will be fleeting and users transition through the space and would not be dissimilar to the current user experience.
Overall, I consider that the adverse visual effects of the proposed physical works within the site will be less than minor on the wider environment and on any party.

5.3.2 Amenity Effects – Upgrade of the Driveway

The applicant anticipates that it will be required to upgrade the shared driveway to 126, 128, 130, 132 and 134 Turitea Road. This includes the resurfacing of the driveway with a two-coat chip seal and providing for passing opportunities in appropriate location(s) along the driveway. A plan indicating the proposed driveway upgrade is included in Appendix 4. This upgrade has been designed to ensure the safe function of the right of way whilst minimising the loss of existing well-established trees.

It is acknowledged that these trees contribute to some extent to the amenity of these rural-residential properties through providing a tree-lined driveway to the existing residences. The proposed upgrade works do not propose the removal of any well-established tree, however, it should be noted that these trees are wholly contained within the existing legally defined right of way easement (see Appendix 1 of the application). These trees can be removed to enable unimpeded rights of access by the applicant (should they wish to do so), or any other party with an interest in the right of way for that matter.

As discussed in Section 5.1 above, it is appropriate in my view for these adverse effects to be disregarded noting that the District Plan permits their removal and there are no specific protections that apply to these features. The applicant may undertake the proposed upgrade works independently of this resource consent application for the betterment of all parties and to improve the safety and function for existing activities, should they wish to do so. These works may be completed in advance of any resource consent decision. In such a case, these adverse effects cannot be said to be an effect ‘of’ the proposal but rather, an effect which can occur independent of this proposal. In my view, it is appropriate to disregard the effects in these regard in accordance with the permitted baseline. I consider the effects on any neighbouring property to be less than minor in this regard.

The applicant has also sought to minimise the loss of other vegetation, with removal proposed only to enable the required upgrading works and the construction of passing bays. These works are shown in greater detail within the plans included in Appendix 3 of the application.

In my opinion, having regard to the effects of the permitted baseline, I consider that the effects on the amenity of any party associated with the upgrade of the right of way/shared driveway will be less than minor.

5.3.3 Amenity Effects – Non-Rural Activity

The subject site has a long-established history use as a commercial nursery. The proposal involves an alternative use of the site, using the existing buildings to store equipment and vehicles overnight (and throughout the day when not in use). The arborist depot activities will utilize the ‘working area’ of the site. Activities will be largely located within buildings or existing sheds, screened by existing vegetation. The remainder of the site would be used for horticultural activities.
The nature of GTS’s core arborist business is that for the majority of the day staff are based off-site where tree work or landscaping works can be undertaken. The site will be used as a ‘base’ for staff. It is envisaged that staff will arrive at the site in the morning, leave in one of the vehicles (2x utes, Diahatsu truck or Hino) and then return to site in the later afternoon and exit in their private or fleet vehicle. The Isuzu Forward is the largest vehicle on the site which it used only on an ‘on-demand’ basis. Guardian Tree Services estimate that this would occur between once a week or once a fortnight (on average).

Jobs are planned to be ‘back-to-back’ to maximise chargeable work and minimise time spent travelling back and forth to the yard. Typically staff arrive at the site at 8am for initial set-up (loading up gear for the day and undertaking safety checks) before staff vacate the site. Staff typically arrive back between 4 and 5pm. There will be very little comings and goings from the site through-out day. The site is generally vacated by 5.30pm. Set-up and clean-up will be undertaken within the existing storage sheds.

A general comparison of the key aspects of the current activity and the proposed activity is included below, with data supplied from the Director of Starter Plants Ltd, Mr Eddie Welsh, as included in Appendix 12 of the application.

Comparison of ‘Existing’ vs ‘Proposed’ activity:

<table>
<thead>
<tr>
<th></th>
<th>Starter Plants Ltd</th>
<th>Guardian Tree Services Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff Numbers</strong></td>
<td>7 staff (3 full time and 4 part time)</td>
<td>7 staff (fluctuate between 5 and 8)</td>
</tr>
<tr>
<td><strong>Hours of Operation</strong></td>
<td>8am – 5pm Monday to Friday 1 staff member on weekends</td>
<td>8am – 5.30pm Monday to Friday Occasional set-up at 7am Staff are not on-site for most of day Only occasional weekend activity limited to office activities or horticultural activities/maintenance</td>
</tr>
<tr>
<td><strong>Deliveries/Pick up from site</strong></td>
<td>4x large trucks per month (plant pick ups, mulch, soil etc) 3x courier vans per week</td>
<td>No deliveries</td>
</tr>
<tr>
<td><strong>Heavy Vehicles Max Truck weight</strong></td>
<td>5820kg (Tare Weight GVM of truck (Max combined weight of the truck and load) is 10600kg.</td>
<td>6330kg</td>
</tr>
</tbody>
</table>

The primary conclusions I draw from the table and information above are:

(i). Guardian Tree Services will have similar numbers of staff, if not a modest increase. However, staff will not be located on-site for large portions of the day as arborist activities are located off-site.
(ii). The hours of operation will also be similar. However, set up activities may occur earlier on occasion. However, staff will not be on-site for most of the day, leading to a comparative reduction of on-site activity throughout the day.

(iii). There will be less deliveries required by Guardian Tree Services and no heavy vehicle movements associated with these activities.

(iv). Guardian Tree Services activities will primarily be concentrated within the ‘working area’ previously utilised by Starter Plants Ltd.

(v). The maximum truck weights are similar for both activities, and potentially less from Guardian Tree Services.

(vi). Heavy vehicle movements are likely to occur daily, with Guardian Tree Service concentrating the movements:

   (a) *in the morning:* with staff arrival in private vehicles or company utes to pick up heavy vehicles and equipment and their subsequent departure shortly thereafter; and

   (b) *in the later afternoon:* with staff returning heavy vehicles and equipment and their subsequent departure in private vehicles or company utes shortly thereafter.

Conversely, *Starter Plants* activities involved the arrival of staff which were based on site throughout the day, in addition to heavy vehicles arriving throughout the day. Heavy vehicle movements from Guardian Tree Services activities are therefore more likely to be travelling in the same direction as vehicles exiting the driveway from neighbouring private residences during the morning; and returning to the site in the evening.

In addition to the above, it is noted that no heavy vehicles would drive only along the shared driveway directly and *not* past any existing residence, with the exception of 130 Turitea Road (where written approval has been received).

The overall extent of on-site activity occurring throughout the day is likely to be less, as staff will be on-site. However, activity will be concentrated in the hours taken to perform morning set up/preparations; and, evening pack-down.

Overall, I consider that the effects of the proposal on the environment and any particular party where written approval has not been received will be less than minor.

5.3.4 Amenity Effects – Subdivision

The proposal involves a two-lot fee simple subdivision of land within an area of land. Lot 1 will encompass the existing buildings and working areas of the site intended to accommodate Guardian Tree Services activities. Lot 2 will be a separate rural-residential allotment capable. The site is located within the Rural-Residential Overlay Area, being an area identified for rural-residential subdivision and development. The proposal will comply with the minimum lot size requirement of the District Plan. The boundaries of each allotment will reflect the existing land use patterns and site features, being based on the linear hedging which lines the periphery of the perennial planting beds. In this regard, I consider that the size, shape and configuration of the proposed allotments are appropriate.

It is noted that, prior to subdivision, the District Plan would anticipate the construction of a residential dwelling within the subject site ‘as of right’. The proposed subdivision would enable the construction of an independent dwelling on each allotment (e.g. one additional dwelling than what could occur as of right). In any case, potential building platform locations will be sufficiently screened and given existing site features; the separation distance; and the relative topography from any other residential
dwelling, I consider that the effects of the proposed subdivision on the amenity of any other property will be less than minor.

5.4 Traffic Safety Effects and Effects on the Roading Network

It is noted that, prior to this application, the shared driveway was utilised by four individual rural-residential properties (each with one dwelling), in addition to both staff and truck movements for Starter Plants Ltd activities.

With this proposal, the site will be used as a ‘base’ for Guardian Tree Service staff who work is predominantly based ‘off-site’. It is envisaged that staff will arrive at the site in the morning, leave in one of the vehicles (2x utes, Dihatsu truck or Hino) and then return to site in the later afternoon and exit in their private or fleet vehicle. The Isuzu Forward is the largest vehicle on the site which it used only on an ‘on-demand’ basis. Guardian Tree Services estimate that this would occur between once a week or once a fortnight (on average).

Heavy vehicle movements are likely to occur daily, with Guardian Tree Service concentrating the movements:

- in the morning: with staff arrival in private vehicles or company utes to pick up heavy vehicles and equipment) and their subsequent departure shortly thereafter; and
- in the later afternoon: with staff returning heavy vehicles and equipment and their subsequent departure in private vehicles or company utes shortly thereafter.

As shown in Appendix 3 of the application, the proposal involves various safety improvements and a physical upgrade to the shared driveway, to the benefit of all parties. This includes: resurfacing the drivable area; physically upgrading the access onto Turitea Road; and, providing additional four passing opportunities along the length of the driveway (including the entry), as shown on the plans included in Appendix 3 of the application.

The applicant has sought an independent Traffic Assessment from Gary Clark of Traffic Concepts, whose assessment is included in Appendix 14 of the application. In relation to the potential traffic safety effects of the proposed subdivision and arborist activity and expresses the opinion that:

“In terms of risk, the safety of the right of way relates to the design and the speed. The right of way with its current formation width reduces the speed as it constrains the forward sight distances to create a lower speed environment. The lower operating speed of the right of way means the opposing traffic will be able to stop before a conflict situation occurred. Should a collision occur it will be a damage only crash as the impact speeds would be very low.

The design of the right of way has a formation width of around three metres with grassed shoulders along most of its length and especially where there are the highest number of users. The formation width along with the grass areas allows for opposing traffic to pass.

There are no safety issues with the formation of the right of way”
Notwithstanding Mr Clark’s conclusion with respect to traffic safety, Mr Clark does recommend additional measures within the right of way design for efficiency reasons (as there are no safety matters that need addressing in his opinion. These recommendations are outlined in Section 7 of his assessment but are summarised below:

1. Localised widening at the entrance to allow for two-way traffic. The widening should be to approximately 5.5 metres and not remove any trees;
2. A small area (around eight metres long and 5.5 metres wide) of widening at the corner near the access to 134 Turitea Road to provide a waiting area for opposing traffic;
3. Provide a small area (around eight metres long and 5.5 metres wide) of widening at this junction to allow two vehicles to pass.

These measures have all been adopted by the applicant and are incorporated in the plan included in Appendix 3. The updated plan has been reviewed by Mr Clark who has since confirmed his support for the proposed right of way upgrade.

Whilst it is acknowledged that the proposal will result in some increase of heavy traffic movements from Guardian Tree Services activities, these are more likely to be travelling in the same direction as vehicles exiting the driveway from neighbouring private residences during the morning; and returning to the site in the evening. The driveway is a low speed environment and the provision of several passing opportunities and good visibility (following the removal of some existing trees and vegetation), the risk of vehicular conflict will be low and can be appropriately managed.

The entrance to the site will be widened to enable two vehicles to enter and exit safely at the same time. Where vehicles are exiting the site, there is adequate space for vehicles to stop and wait with clear visibility in both directions. Where vehicles pulling into the site are able to turn into the site immediately, adequate space is provided on Turitea Road for vehicles to pull off onto the left-hand side of the road until oncoming traffic has cleared.
Any increase in traffic volumes, nor the types of vehicles are anticipated to result in any adverse effects on the local roading network.

Having analysed the proposed right of way upgrade in light of the existing and proposed use, Mr Clark concludes that:

“The analysis of the right of way shows that the likelihood of a crash is low and any consequence of a crash would be a damage only incident, if it did occur. There are three recommendations that are designed to improve the efficiency of the right of way. These will improve the ability of opposing traffic to pass.

The right of way will not meet the requirements of the Palmerston North City Council Engineering Standards or NZSA404 provisions for the access. The assessment above shows that while not meeting the geometric provisions of these documents, the right of way can function efficiently and with no safety issues.

Any effects are less than minor and easily accommodated within the right of way and surrounding road network”.

I accept Mr Clark's advice in this regard and I consider that adverse effects on traffic safety and/or effects on the roading network will be less than minor on the wider environment. The adverse effects on any party will be less than minor. Positive effects will also occur through the proposed improvements (for efficiency) and the proposed upgrade works which will be to the betterment of all users.

5.5 Natural Hazards

As detailed within the correspondence with Horizons Regional Council in Appendix 8 of this application, the site is subject to flooding in a 1 in 200yr flood event, based on the modelling by Horizons Regional Council (as shown on the proposed scheme plan). On Lot 1, a building site could be located clear of the 1 in 200 year flooding model. For Lot 2, the likely building location would be in the southern portion of the site (see Appendix 3), within the outer reaches of a 1 in 200 year flood event (0.5% Annual Exceedance Period). Modest earthworks will be required to raise the ground level clear of the 1 in 200 year flood level. Earthworks would in the order of 706m³ (volume), raising the existing ground level up by 0.25m over an area of approximately 177m². The applicant anticipates adhering to a minimum floor level requirement for the construction of future residential buildings (as may be appropriate).

The risk of flooding occurring on the proposed building sites of Lots 1 and 2 during a 1 in 200 year flood can therefore be avoided, and the associated effects can be considered to be less than minor.

Subdivision Effects:

The proposal involves a two-lot fee simple subdivision of land within an area of land identified for this purpose. The location of the proposed boundaries are based on the existing land use and/or existing

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1 It is envisaged that any such earthworks would comply the permitted activity provisions for earthworks under Rule 6.3.6.1.
site features. In my opinion, the District Plan would sufficiently regulate the location of future buildings within the site.

Each allotment will be of a sufficient size to accommodate an effluent disposal system, as would be required for any future residential dwelling. The existing effluent disposal field over the proposed boundary would need to be decommissioned.

Any new dwelling will be required to provide on-site water supply (water tanks) and would not utilise the existing ‘trickle-feed’ water supply provided to the subject site. Any new dwelling would be required to meet the permitted activity provisions under Rule 9.5.5 in relation to water supply for firefighting purposes.

The effects of the proposal are considered to be no more than minor on the wider environment and less than minor for any party.

5.6 Effects Conclusion

Having considered the adverse effects of the proposal on the residential amenity of surrounding properties (both individually and collectively) and having considered the permitted baseline, I consider that the effects of the proposal will be less than minor for all parties. No parties are considered to be adversely affected.

6. OBJECTIVES, POLICIES AND ASSESSMENT CRITERIA

6.1 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:

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.

3. The integrated and efficient provision of, and access to, infrastructure, network utilities and local services is facilitated for all residents.

5. A variety of high quality residential living environments are provided to satisfy the needs of all residents.

6. Rural subdivision and development is directed away from Class I and II versatile soils.

7. The infrastructural demands of rural subdivision and development are minimised.

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.
9. Subdivisions, buildings and infrastructure are designed and constructed to promote a coordinated, healthy and safe environment.

12. A wide range of business and economic activities are provided for.

14. The City Centre remains the primary focus for retail, office, commercial and cultural activities within the City. Other commercial centres will be planned to ensure that they support the primary role and function of the City Centre.

15. Active engagement from tangata whenua within resource management decisions.

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.

19. The effects of natural hazards are avoided or mitigated taking into account the effects of climate change and the significant social disruption caused by natural hazard events.

23. Infrastructure operates in a safe and efficient manner, and the effects of activities which could impact on the safe and efficient operation of this infrastructure are avoided, remedied or mitigated.

24. All forms of transport, including public transport, walking, cycling and private vehicles are adequately provided for to assist with sustainable energy use and a healthy lifestyle.

**Comment:** The proposed subdivision will allow for planned rural-residential growth within land identified for that purpose. The proposal will be consistent with the broad City View objective to sustain a compact, orderly and connected urban form. The potential adverse effects of natural hazards (inundation) have been taken into account. The proposal is not consistent with City View Objective 6 as the proposed subdivision will be located on land with Class II soils. However, as is discussed further below, the land is located within an identified Rural-Residential Overlay and, noting the consent history, further subdivision of the land will be consistent with the strategic planning framework (despite the presence of versatile soils).

Infrastructure demands from the proposed subdivision will be appropriately minimised, with any new lot being self-sufficient in terms of stormwater, water supply and effluent disposal. The distinction between urban and rural character will be maintained.

The City Centre will remain the primary focus for commercial activities, however, this proposed arborist activity in the Rural Zone will enable a landscaping supply portion of the business to co-locate with the operation of its small scale depot. The proposal will utilise the existing facilities formerly used by Starter Plants Ltd and enable the efficient use of existing physical resources.

The applicant has consulted with Tānemuiarangi o Manawatu Inc, being the mandated iwi with an interest in the Turitea Stream (a tributary to the Manawatu River). Consultation is attached in Appendix 12 of this application.

In my opinion, the proposal is consistent with the broad city view objectives of the District Plan, however, it is acknowledged that the proposal has some conflict with City View Objective 6.

6.2 **Objectives and Policies – Subdivision (Section 7) Rural Zone**

**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.
Policy 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.

Policy 1.3 To ensure that all proposed new lots have been designed to allow development and use without any adverse effects on the environment which cannot be adequately avoided, remedied or mitigated.

Comment: As discussed in the Planning History section outlined above (Section 4.2), the subject site was an inclusion into the rural-residential overlay area as a result a submission on Plan Change 15A-H. In my view, a two lot subdivision of the land is consistent with the integrated management of the use, development and protection of land, as identified by this overlay. The proposed subdivision will generally be consistent with the existing land use patterns, with boundaries configured to existing site features (including hedging, the location of driveways and existing rights of way). In my opinion, the amenity values of adjoining properties will be maintained. Any adverse effects of the proposed subdivision can be adequately avoided, remedied or mitigated.

I consider that the proposal will be consistent with Objective 1 and its corresponding policies above.

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.

Policy 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. ... 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.

Policy 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.

Policy 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.

Policy 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
• 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.

Comment: All lots will have areas and dimension sufficient to meet the needs of users and to sustain the land resource.

Safe and adequate vehicle access from the roading network will be provided and suitably upgraded. All lots will be capable of enabling vehicles to turn within the lot and to leave it in a forward direction. The proposed right of way upgrade will be constructed to meet Council’s Engineering Standards. It will support the anticipated traffic volumes of existing and proposed allotments. The proposed works will ensure vehicles and goods can move safely, efficiently and effectively. It will provide improved visibility for users of the right of way and introduce 5 passing opportunities along its length, minimising potential vehicular conflicts.

I consider that the proposal is consistent with the above policies.

Policy 2.5 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.

Comment: Any changes to the existing land form will be modest, limited to earthworks (fill) of an area as required to enable the construction of a building platform within Lot 2. The majority of existing vegetation within the site will be retained around the periphery of the perennial beds and the manicured landscape gardens adjoining the Turitea Stream will also be retained. The removal of vegetation will be limited to areas to enable the construction of building platforms and associated residential activities structures (such as access and manoeuvring).

There are no protected trees on-site. It is acknowledged that established trees within the right of way are proposed to be removed to enable the construction of additional passing opportunities and improved sight-lines. These works will improve safety and are located within the defined right of way area. As such, these could be legitimately be removed by any user(s) to enable the upgrade of the right of way.

I consider that the proposal is not inconsistent with the above policy.

Policy 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:

...  
2. The provision of structures and systems able to accommodate the anticipated flows and withstand the anticipated loads.

...
6. In rural areas including the areas identified on the Planning Maps for rural residential subdivision, sewage will be disposed of on-site in accordance with Clause G13 of the Building Code as set out in the First Schedule to the Building Regulations 1992 and the requirements of the One Plan for on-site domestic wastewater treatment systems, in particular the Manual for On-site Wastewater Systems Design and Management (Manawatu-Wanganui Regional Council, 2010). And the size, shape and arrangement of allotments:

- recognises the physical constraints of the site;
- is capable of disposing the anticipated wastewater loads on-site;
- permits appropriate access for maintenance and servicing.

Policy 2.8 To provide water for consumption, health and hygiene and firefighting by requiring that:

... 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.

Policy 2.9 To safeguard people, property and the environment from the adverse effects of surface water by ensuring that:

... 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.

Policy 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 fibre-optic 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.

...  

Comment: Each lot within the proposed subdivision will be provided with a separate effluent disposal system located wholly within the proposed allotment. The applicant anticipates a condition of consent that requires this to be installed prior to s224 certification.

Lot 1 (utilised by Guardian Tree Services) will retain its trickle feed water supply. Proposed Lot 2 will be required on-site water supply and will not connect to the City’s reticulated network. Water supply for fire-fighting purposes will also be required for the construction of any dwelling (as required by the permitted activity performance standard under Rule 9.5.5).

Stormwater will continue to discharge from site to the Turitea Stream in a similar manner as present. The right of way upgrade works will be required to be designed, in accordance with the Council’s Engineering Standards, to ensure any additional stormwater is appropriately controlled and disposed of without increasing the rate of discharge.

Both allotments will be capable of connecting to the electricity and telecommunications network(s).
I consider that the proposal is consistent with the above policies.

Policy 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.

Comment: As discussed in Section 4.2 (Planning History) above, the Council was previously provided with a large esplanade reserve through a previous subdivision of the site which is intended to provide direct access to the Turitea Stream for the public from Turitea Road. The existing esplanade reserve is therefore conveniently located for public use. The applicant has consulted with Palmerston North City Council’s Reserves Team in relation to this subdivision who have advised that no further esplanade reserve is required (see Appendix 13 of this application).

I consider that the proposal will be consistent with the above policy.

Objective 3: To ensure that subdivision of land and buildings in rural areas is consistent with integrated management of the use, development and protection of land and other natural and physical resources and
(a) retains the productive capability of rural land and recognises the valuable contribution made by class 3 soils
(b) enables small landholdings for intensive horticulture activities in the Flood Protection Zone
(c) provides for limited rural residential development on land which contains less versatile soils
(d) maintains the low density development pattern in the Moonshine Valley Rural Residential Area.
(e) provides for efficient and effective on-site services and regular maintenance
(f) avoids connection to the City’s reticulated infrastructure network and consequential impacts on network efficiency and the extension and/or upgrade of the infrastructure network, including the road network
(g) preserves or enhances rural character
(h) avoids reverse sensitivity effects
(i) enables the acquisition or disposal of land for network utilities, public works and quarrying.

Assessment of Objective 3 and Policy 3.5 (Subdivision - Chapter 7):

Objective 3 of the subdivision policies seeks to (among other things): ensure that the subdivision of land in rural areas is consistent with the integrated management of the use, development and protection of land and other natural and physical resources. The District Plan also seeks to retain the productive capability of rural land; provide for limited rural residential development on land which contains less versatile soils; and preserves or enhances rural character.
This objective is intended to be achieved through a number or corresponding policies which either have an ‘enabling’ function; or an ‘inhibiting’ function.

Policy 3.2 has a ‘inhibiting’ function. It seeks to avoid the subdivision of rural land into allotments of less than 20 hectares. However, this policy specifically excludes “Subdivisions for rural-residential purposes in areas identified for that purpose on the planning maps”. As such, Policy 3.2 does not apply to this subdivision proposal.

In my opinion, the most relevant policy to the assessment of this application is Policy 3.5. This policy has an ‘enabling’ function. It seeks to enable the subdivision of rural land into small allotments for rural-residential purposes in the areas identified for that purpose on the Planning Maps where it can be demonstrated that (among other things) the subdivision; avoids Class 1 and Class 2 versatile soils and maintains the availability of versatile soil resources for use, by future generations.

In my opinion, Objective 3, Policy 3.2 and Policy 3.5 do not read as a coherent suite of objectives and policies when given that sites containing Class I and Class II soils are in fact located in areas identified for rural-residential purposes. As outlined in Section 4.2 of this application, the subject site has been included within the Rural-Residential Overlay following a plan change process with the expressed intention of undertaking a two-lot subdivision of the land.

I note that Policy 3.5 only seeks to enable rural-residential subdivision where those matters outlined can be demonstrated. The wording of Policy 3.5 does not go so far to exclude or prohibit subdivision where such matters cannot be demonstrated. Rather, such directive language is only used in Policy 3.2 where subdivision below 20ha is to be ‘avoided’, however, Policy 3.2 specifically excludes subdivision into smaller allotments in identified rural-residential areas.

I accept that the subject site includes Class II Soil and the proposed subdivision cannot be said to maintain the availability of the soil resource for use by future generations in accordance with Policy 3.5. I accept that this subdivision proposal does not benefit from the ‘enabling’ function of Policy 3.5. However, this is not necessarily fatalistic to the proposal in my view. However, to give this greater importance in this context would make the potential benefits of this (recently established) rural-residential overlay, in effect, unrealisable for the land owner.

Similarly, with respect to the overarching objective (Objective 3), I accept that the proposal cannot be said to retain the productive capability of rural land. I acknowledge that the proposal would result in some loss of productive capability. However, it is noted that a portion of the site (utilised by Guardian Tree Services) will remain in productive use and the remainder of Lot 2 (not occupied by the proposed dwelling) will also remain available for productive purposes. Notwithstanding this, I consider that the proposal remains consistent with “integrated management of the use, development and protection of land and other natural and physical resources”. The proposal will result in two allotments capable of rural-residential development within an area identified on the planning maps for rural-residential purposes.

Assessment of Policy 3.5

Policy 3.5 To enable the subdivision of rural land into small allotments for rural-residential purposes in the areas identified for that purpose on the Planning Maps, where it is demonstrated that:
(a) The subdivision avoids Class 1 and Class 2 versatile soils and maintains the availability of versatile soil resources for use, by future generations;

(b) The subdivision does not result in, or contribute to, a concentration of urban activities in the rural area;

(c) The subdivision does not compromise the Council’s urban growth plans and strategies;

(d) The proposed subdivision is capable of being efficiently and effectively serviced by on-site water and wastewater services and the wastewater treatment system meets the requirements of the Manawatu-Wanganui Regional Council’s One Plan and Manual for On-site Wastewater Systems Design and Management (Manawatu-Wanganui Regional Council (2010));

(e) The subdivision does not create additional demands for an extension or upgrade of any service or road, where that extension or upgrading is not in the economic interest of the City, nor result in network ineﬃciencies for the City’s integrated water, wastewater and road networks;

(f) The adverse effects of flooding and stormwater are avoided or mitigated, including the management of the effects of speciﬁc flood hazard mitigation measures on people, property, infrastructure and the natural environment;

(g) The subdivision achieves sustainable and eﬃcient land transport connectivity and integration with the surrounding development pattern and land use activities;

(h) The subdivision avoids ribbon development along road corridors and the need for additional access points along state highways and arterial roads;

(i) The subdivision identiﬁes and protects the special characteristics of any archaeological and registered historic sites, sites of importance to Tangata Whenua; spawning rivers and;

(j) Any adverse effects of the subdivision on other areas of amenity, ecological or cultural signiﬁcance (e.g. trees, groups of trees, notable and protected trees, sites, vegetation and habitats) are avoided, remedied or mitigated;

(k) The subdivision does not create signiﬁcant adverse effects on the characteristics and values of regionally Outstanding Natural Features and Landscapes, as deﬁned on Map 9.1 The Tararua Ranges Landscape Protection Area;

(l) Any signiﬁcant adverse effects of the subdivision on the landscape character of the area, and in particular hilltops and ridges, knolls, rock outcrops and special landform features; watercourses, wetlands and native vegetation are avoided, remedied or mitigated;

(m) The subdivision preserves rural character and amenity, and in particular maintains the openness of the rural landscape and visual amenity through the sensitive placement of building sites within the topography, landscaping and planting;

(n) Actual and potential reverse sensitivity effects in relation to existing land use activities, including infrastructure and physical resources of regional or national importance, and network utilities, existing or consented Wind Farms, activities allowed by zoning, or areas anticipated for urban growth, are avoided or can be adequately mitigated.

Comment: As discussed above, it is acknowledged that the proposed subdivision is not consistent with item (a) of Policy 3.5, as the subdivision does not avoid Class II soils. In my opinion, greater weight should be given to the presence of the rural-residential overlay. The proposal will result in two allotments capable of rural-residential development within an area identified on the planning maps for rural-residential purposes. In any case, the portion of the site (utilised by Guardian Tree Services)
will remain in use for productive purposes and the remainder of Lot 2 (not occupied by the proposed dwelling) will also remain available for productive purposes. The subdivision does not compromise the Council’s urban growth plans and strategies in this regard, in particular, the Council’s Rural-Residential Growth strategy.

Each allotment will be capable of providing onsite water and wastewater services/treatment system efficiently and effectively; and, in a manner that meets the requirements of the Manawatu-Wanganui Regional Council’s One Plan and Manual for On-site Wastewater Systems Design and Management (Manawatu-Wanganui Regional Council 2010). Lot 1 will retain its trickled feed supply from the Council’s Reticulated Water Supply Network, with any new dwelling being required to be serviced separately through on-site water tanks. The proposal will not result in any network inefficiencies for the City’s integrated water or wastewater networks.

The subdivision will connect to the existing roading networks and will not facilitate the extension or upgrade to any Council service or roading infrastructure or result in any inefficiencies in its operation. The subdivision will achieve efficient connectivity and integration with the land transport network.

Stormwater can be appropriately managed on-site and adverse effects from flooding/inundation can be avoided or mitigated through raising the ground level. A minimum floor level condition of consent is anticipated by the applicant.

Turitea Stream is noted as a site of importance to Tangata Whenua, who have been consulted as part of this proposal. Whilst the proposed subdivision adjoins the stream, no physical changes are proposed to this stream or any land within its vicinity.

The majority of existing vegetation within the site will be retained around the periphery of the perennial beds and the manicured landscape gardens adjoining the Turitea Stream. The removal of vegetation will be limited to areas to enable the construction of building platforms and associated residential activities structures (such as access and manoeuvring). The removal of established trees within the right of way will be minimised and are only proposed where it enables the construction of additional passing opportunities and improved sight-lines. These works will improve safety and are located within the defined right of way area. As such, these could be legitimately be removed by any user(s) to enable the upgrade of the right of way.

There would be no significant adverse effects on the landscape character of the area, with only minimal change in land form to provide a suitable building platform. Building sites will be sensitively placed and the majority of established landscaping and planting will be maintained, positively contributing to rural landscape and visual amenity values. In my view, the subdivision would preserve the rural character and amenity of the surrounding area.

The immediately surrounding area is predominantly rural-residential in character. There are no actual or potential reverse sensitivity effects in relation to those existing land use activities.

I consider that the proposal is consistent with Policy 3.5 above and its overarching objective (Objective 3).

**Objective 4**

*To ensure that the subdivision process secures the provision of esplanade reserves and esplanade strips in appropriate areas.*

**Policy 4.1**

*To require 20 metre wide esplanade reserves along rivers whose beds have an average width of three metres or more in respect of new allotments under 4 hectares, subject to 4.3 below.*
Policy 4.2 To require 20 metre wide esplanade reserves along the following rivers and streams in respect of new allotments of 4 hectares or more, subject to 4.3 below:

... (c) Turitea Stream (from the Manawatu River to the City’s water supply area) ...

Policy 4.3 To enable waivers and reductions in width of esplanade reserves and the use of esplanade strips in place of esplanade reserves when land is subdivided, provided that:

1. The purpose of esplanade reserves and esplanade strips specified in Section 229 of the Act is achieved;

2. It is not appropriate to set aside or create an esplanade reserve or esplanade strip of the specified width by reason of particular circumstances, including the following (but not by way of limitation):
   - security of plant, machinery, stock or other property
   - public safety
   - farm management
   - hardship
   - subdivisions where no additional allotments are created, and subdivisions where allotments less than 4 hectares are to be held together with other land and the resultant area exceeds 4 hectares.

3. The following matters are recognised and provided for:
   a. ecological values, including riparian vegetation, water quality, potential for erosion and the impact of flooding and the enhancement of aquatic and terrestrial habitat; and
   b. social values, including values for public access to and along rivers and lakes, and the need for public access to and along water bodies; and
   c. enhancement of landscape, recreational and/or wilderness experiences; and
   d. the protection of archaeological and registered historic sites, wahi tapu, provision of access to areas of importance to Tangata Whenua; and
   e. the value for education and interpretation with regard to the functioning of natural ecosystems; and
   f. the reduction of downstream risks and costs to landowners and communities; and
   g. the benefits and costs of provision and maintenance of esplanade reserves and esplanade strips, including the costs of compensation for any increased width of reserve.

Policy 4.4 To encourage subdividers to plan esplanade reserves and/or esplanade strips as an integral part of the subdivision of land fronting to or containing significant rivers.

Comment: It is noted that a sufficiently larger Esplanade Reserve was provided to Council through this subdivision that would routinely be required under the Act. The Esplanade Reserve was intended to provide direct access to the Turitea Stream for the public from Turitea Road. As included in Appendix 12 of the Application, the Council have advised that it will not be seeking an Esplanade Reserve or strip in this proposed subdivision given the past Esplanade Reserve provided of additional width on the other side of Turitea Stream. As such, it is appropriate to enable a waiver of the esplanade reserve requirement as the purpose in Section 229 of the Act has been achieved.

Objectives and Policies Conclusion - Subdivision

The objectives and in the policies Subdivision Section (Chapter 7) of the District Plan provide specific and focused guidance for decision makers considering the appropriateness (or otherwise) of granting
resource consent applications, and if granted, what conditions to impose. Lastly, I note that under Section 104(1)(b) the objectives and policies are matters to ‘have regard to’ in the analysis of determining the application under Section 104 of the Act. I have had regard to these policies and in my opinion, it is an appropriate response to grant consent to this subdivision proposal.

6.3 Objectives and Policies - Rural Zone (Section 9)

Objective 2: To encourage the effective and efficient use and development of the natural and physical resources of the rural area.

Policy 2.1 To avoid, remedy or mitigate the adverse effects of activities on land of high productive capability and versatile soils.

Policy 2.2 To ensure that the adverse effects of activities in the rural area are avoided, remedied or mitigated such that the amenities of the area and nearby urban areas are maintained.

Policy 2.3 To control the actual or potential environmentally adverse effects of activities in the rural area, including the adverse effects of:
- odour;
- noise;
- traffic;
- visual impact.

Policy 2.4 To encourage the maintenance of sustainable land-uses in the rural area.

Policy 2.5 To identify areas subject to natural hazards, and to ensure the adverse effects of the natural hazard are avoided, remedied or mitigated and, where appropriate, prohibit use and development of hazard prone areas.

Comment: The subject site contains Class II soils and the land use consent sought by Guardian Tree Services Ltd will occupy the space presently utilised by Starter Plants Ltd. Additional adverse effects on the productive capability of the soils from the proposed activity will be avoided. Furthermore, the remaining portion of the site to be occupied by Guardian Tree Services will be utilised (or will remain available to be utilised) for productive purposes.

The potential adverse visual effects and traffic effects generated by the proposal have been discussed in Section 5 of this application. In my opinion, the adverse effects of activities on the amenities of the area will be maintained and will not be significantly different that the previous activity which occupied the site as a commercial nursery. Adverse effects are considered to be acceptable and/or can be sufficiently mitigated.

The scale/scope of the proposal, including the number of staff and the hours of operation, will effectively control the potential noise effects generated by the proposed activity. The proposal is not considered likely to generate any additional odour sources. Mulch will be stored and spread across the site in a similar manner as presently occurs by Starter Plants Ltd.

I consider that the proposal is consistent with the above objectives and policies.
Objective 3: To maintain or enhance the quality and natural character of the rural environment.

Policy 3.1 To provide for the health and safety of rural dwellers by establishing specific noise limits for the rural area.

Policy 3.2 To encourage the adoption of sustainable land use practices.

Policy 3.3 To control the adverse visual effects on the rural environment (including effects on rural dwellers) of activities that disturb the land surface, introduce buildings, remove and/or process natural material.

Comment: The site is to be used as a ‘base’ for Guardian Tree Services staff. Existing buildings will be used for the storage of equipment and vehicles. Staff will load up their equipment and leave site for the majority of the day, returning late afternoon to unload their working equipment. All activities associated with this use will be largely located within the ‘working area’ of the site previously occupied by Starter Plants Ltd. A new pole shed will be constructed onsite in a similar location. In my opinion, having regard to the existing site context, the visual effects of the proposal on the rural environment (including rural dwellers) will be acceptable and will be appropriately controlled.

The proposal is considered to be consistent with Objective 3 and its corresponding policies.

Objective 4: To recognise and enhance the diversity of the rural community.

Policy 4.1 To permit a variety of land-based activities subject to control of their adverse environmental effects.

Policy 4.3 To allow a range of other activities where their adverse effects can be avoided or mitigated.

Comment: Objective 4 seeks to recognise and enhance the diversity of the rural community. Policy 4.3 seeks to allow a range of activities where their adverse effects can be avoided or mitigated. Guardian Tree Services seek to co-locate their landscaping supplies part of their business (being a horticultural activity permitted in the Rural Zone) with their operations, providing a ‘base’ for staff and a space for the storage of equipment and vehicles. The proposal will utilise the existing buildings and facilities formerly used by Starter Plants Ltd. As outlined in Section 5 of this application, the adverse effects of the activity can be appropriately mitigated.

The proposal is considered to be consistent with Objective 4 and its relevant corresponding policies.

Land Transport (Chapter 20)

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.

Policy 1.1 Identify and apply the roading hierarchy to ensure the function of each road in the City is recognized and protected in the management of land use, development and the subdivision of land.

Policy 1.2 All roads in the City have function and design characteristics consistent with their place in the roading hierarchy.
Policy 1.4 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 effect on the environment.

Policy 1.5 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:

h. Road width and alignment which should be sufficient for two vehicle lanes except where traffic volumes are insufficient;

i. The formation and surface sealing of all vehicle accesses, to standards appropriate to the volume of traffic expected to be carried;

j. Provision for necessary network utility facilities within roads; and

k. Safe design and construction of roads, road access points and intersections, including alignment, gradient, vehicle parking, manoeuvring and turning requirement.

Policy 1.6 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.

Policy 1.8 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.

Comment: The proposal does not meet the performance standards identified in Policy 1.5 above, particularly with regard to the geometric dimensions of the right of way. However, the design has been independently assessed and reviewed by Mr Clark who considers any potential safety effects will be less than minor. Mr Clark has made recommendations to improve the efficiency of the shared right of way, all of which have been adopted by the applicant and incorporated in the design.

Notably, the proposed design will result in several improvements, including: widening and resurfacing; an upgraded and widened entry from the road; and, a total of 4 new passing areas (including at the entry). Any increase in vehicular traffic from both an additional residential allotment and the business operating on the site would be modest. The potential for vehicular conflict will be minimised/reduced by the safety improvements outlined above.

I consider that the proposal will be generally consistent with the intent of Policy 1.5, despite not being in strict compliance with the performance standards referred to in this policy. Overall, the proposal is consistent with Objective 1 and its relevant corresponding policies.

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.

Policy 2.1 Restrict the through movement of traffic where the movement has adverse visual, noise and safety effects on adjoining areas by using the roading hierarchy to direct higher volume and heavy traffic movements on identified arterial routes and discouraging this traffic from other areas, such as residential areas.

Policy 2.2 Avoid, remedy or mitigate the impact of roads and parking areas on visual amenity values of the community by requiring the provision of landscaping.

Policy 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 area.
Comment: The subject site is well connected to the existing transport network. The previous use of the subject site and the driveway shared with neighbouring properties has been subject to previous use by heavy vehicles associated with the previous nursery on-site. The potential increase in heavy vehicle use of the shared driveway would be modest in comparison and amenity values will be maintained. Furthermore, the health and safety of all users will be improved through the widening, resurfacing and various safety upgrades proposed to the shared driveway.

I consider that the proposal is not inconsistent with Objective 2 and its relevant corresponding policies.

**Objective 3** The safety and efficiency of the land transport network is protected from the adverse effects of land use, development and subdivision activities.

Policy 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.

Policy 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 volume, pedestrian movement and speed environment of each road.

Policy 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 road crossings, or of vehicles at and road intersections.

Policy 3.4 Ensure adequate on-site parking and manoeuvring space is provided for each type of activity in a safe and visually attractive manner.

Comment: The adverse effects of the proposal on the land transport network are considered to be acceptable in this context. The traffic generated by the proposed development can be readily accommodated within the local roading network and will not compromise the safety and efficiency of the land transport network.

The existing vehicle crossing will be upgraded, constructed and maintained to the appropriate standard for the nature of the proposed development. Clear sight lines will be provided.

Adequate on-site parking and manoeuvring space is provided to enable vehicles to enter and exit in a forward-facing direction onto the shared right of way.

I consider that the proposal is consistent with Objective 3 and its relevant corresponding policies.

**Section 6 – Earthworks**

**Objective 1:** To provide for earthworks activities where the associated adverse effects are able to be avoided, remedied, or mitigated.

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

Policy 1.2 To avoid, remedy, or mitigate any adverse effects on the environment from earthworks on:
- Natural Land Form;
- Landscape Values;
- Visual Amenity Values;
- Adjoining Properties;
• Natural Hazards and Processes;

Policy 1.4: Earthworks should not increase the risk posed by natural hazards;

Comment: The earthworks undertaken within proposed Lot 2 are modest in scale and area. It will result in a change in ground level of some 0.25m in height as a result of the deposit of fill. A small slope will be battered back at a 1:3 ratio. Given the location and scale of these earthworks, in addition to their relative separation distance from any other property, no noticeable change in land form; landscape values or visual amenity values are anticipated to result where experienced by any property. The proposed earthworks will ensure a suitable building platform within the 1 in 200 year flood area as modelled by Horizons Regional Council. The proposal is generally consistent with the above objectives and policies.

In determining whether to grant consent and what conditions to impose, if any, Council will, in addition to the City View objectives in Section 2, the Earthworks objectives and policies (Section 6) and Chapter 22 (Natural Hazards), and the objectives and policies of the relevant zone, assess any application in terms of the following further policies:

a. To ensure that earthworks do not adversely affect the residential amenity of adjoining neighbours.

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

c. Avoid material increases in the susceptibility of the land or adjoining land to flooding.

d. Ensure that all earthworks are carried out in accordance with the relevant technical standards.

Comment: The proposed earthworks will potentially extend over a relatively small portion of the site to facilitate to construction of a building platform. The earthworks will be approximately 177 m² in area and will involve filling up to 0.25m in height. The earthworks will involve only modest changes to the landscape and will not materially impact on the landscape or visual amenity values on this context. Given the modest change in ground level proposed, no material increase in the susceptibility of the land or adjoining land to flooding is anticipated to occur as a result of the proposal.

Effects associated with dust generation, silt, sedimentation and stormwater run-off can be adequately controlled through standard construction management techniques. There is not considered to be any adverse effects on neighbouring properties or the wider environment. The proposal is consistent with the above further policies.

Section 22 – Natural Hazards

Objective 2: To control development on land which is or might be adversely affected by natural hazards.

Policy 2.1 To exclude development on hazard-prone land where the effects of the hazard cannot be effectively avoided, remedied or mitigated.

Policy 2.2 To establish appropriate controls to avoid, remedy or mitigate the effects of natural hazards.

Comment: Objective 2 above seeks to control development of land which is affected by natural hazards. In this case, the proposal seeks to effectively mitigate the risks and effects posed by natural hazards by raising the ground level by a modest amount to protect the proposed building platform.
location from a 1 in 200 year flood event. The applicant anticipates a minimum floor level condition will be imposed. In relation to any future habitable buildings. The proposal is considered to be consistent with the above objectives and policies.

7. CONSULTATION AND NOTIFICATION ASSESSMENT

7.1 Consultation

The applicant has consulted with all users of the shared driveway. The written approval of the owner of 130 Turitea Road has been obtained. All three other users expressed concerns regarding traffic movements within the shared driveway and the potential removal of vegetation to provide additional passing opportunities.

Public Notification - Section 95A:

The matters to be considered by the consent authority when deciding whether or not to publicly notify an application are set out in Section 95A of the RMA. On October 2017 Section 95A was amended to have a 4-step process to determine whether to publicly notify an application.

Step 1 - Mandatory Public Notification in certain circumstances (sections 95A (2) and (3):

Mandatory public notification is not required as the applicant has not requested public notification [s95A(3)(a)], there are no outstanding section 92 matters [s95A(3)(b)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

Step 2 - Preclusion to Public Notification:

The proposal is not subject to a rule that precludes public notification nor does it involve an activity that benefits from the preclusion of public notification under s95AS(b). Public notification is not precluded.

Step 3 - Preclusion to Public Notification:

The proposal is not subject to a rule that requires public notification and for the reasons specified in Section 5 of this application, the effects of the proposal on the environment are considered to be less than minor. Public notification is not required.

Step 4 - Special Circumstances:

There are no special circumstances that warrant public notification under section 95A(9) because none of the circumstances of the application are exceptional or unusual.

7.2 Limited Notification - Section 95B:
Section 95B relates to limited notification of consent applications and (in summary) directs that, where notification of an application for resource consent is not required under Section 95A, the consent authority must give limited notification of the application to any affected person. Section 95B is also a 4-step process to determine whether to limited notify an application.

**Step 1 - Customary Rights and Marine Title Groups, and Statutory Acknowledgements:**

There are no protected customary rights groups or customary marine title groups that will be affected by the proposal, and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

**Step 2 - Preclusions to Limited Notification:**

There is no preclusion to limited notification as there is no rule in the District Plan that precludes limited notification of the application [s95B(6)(a)] and the application is for neither a district land use consent with Controlled activity status or an activity prescribed by regulations made under section 360H(1)(a)(ii), which precludes limited notification [s95B(6)(b)].

**Step 3 - Limited Notification - Affected Persons:**

Limited notification is not required as the effects on any person will be less than minor [s95B(8)]. Refer to the assessment of effects and conclusions above.

**Step 4 - Special Circumstances:**

There are no special circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above [s95B(10)]. There are no special circumstances that warrant limited notification under section 95B(10) because none of the circumstances of the application are exceptional or unusual.

**7.3 Notification Conclusion:**

Section 95 of the Act sets out the requirements for the Council to consider when determining whether an application for resource consent should be notified. In making these decisions, the Council may disregard adverse effects that are within the “permitted baseline”.

My assessment has found at Section 5 of this AEE that effects on specific parties and the wider environment will be no more than minor. Therefore, in accordance with the steps outlined above, notification of the proposal is not required.
8. SECTION 104D GATEWAY TEST

8.1 Section 104D Threshold 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.

Under the Section 95 Assessment section above the effects of the proposal are considered to be no more than minor. For similar reasons, and taking into account the further matters relevant under section 104 of the Act, I have determined that the adverse effects of the proposal will be no more than minor. Accordingly, the proposal passes through at least one of the limbs of the “gateway tests” and is eligible for consideration under section 104 of the Act.

8. STATUTORY FRAMEWORK ASSESSMENT

8.1 Section 104 - Matters for Consideration

In considering an application for land use consent, the consent authority must have regard to Part 2 (Purpose and Principles) of the RMA, and to the matters to be considered as set out in section 104(1). Section 104(1) states that, subject to the provisions of Part 2, a consent authority must have regard to:

(a) any actual and potential effects on the environment of allowing the activity; and
(b) any relevant provisions of –
   (i). a national environmental standard;
   (ii). other regulations;
   (iii). a national policy statement;
   (iv). a New Zealand coastal policy statement;
   (v). a regional policy statement or proposed regional policy statement;
   (vi). a plan or proposed plan; and
(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

In respect of Section 104(1)(a), an assessment of any actual or potential effects is included in Section 5 of this report. Ultimately, it is concluded that the resulting effects will be less than minor.

I have considered the higher order planning documents specified at section 104(1)(b)(i) – (vi) of the Act. In particular, the NES for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations have been assessed. No other National Environmental Standards are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant.

Regional Policy Statement for the Manawatū-Wanganui Region

The One Plan is a combined Regional Policy Statement, Regional Plan and Coastal Plan. The One Plan defines how the natural and physical resources of the Region will be cared for and managed by the Regional Council in partnership with Territorial Authorities and the community. Part 1 of the One Plan is the RPS which sets out regionally significant resource management issues, and outlines objectives, policies and methods that will address them.
I have had regard to all of the relevant objectives and policies of the Open Plan. However, of particular relevance to this proposal is Policy 9.2 of the RPS (Development in areas prone to flooding). This Policy Outside of a floodway* mapped in Schedule 1 the Regional Council and Territorial Authorities must not allow the establishment of any new structure or activity, or an increase in the scale of any existing structure or activity, within an area which would be inundated in a 0.5% AEP (1 in 200 year) flood event unless:

i. flood hazard avoidance* is achieved or the 0.5% AEP (1 in 200 year) flood hazard is mitigated, or
ii. the non-habitable structure or activity is on production land, or
iii. there is a functional necessity to locate the structure or activity within such an area,

in any of which cases the structure or activity may be allowed.

c. Flood hazard avoidance* must be preferred to flood hazard mitigation.
d. When making decisions under Policies 9-2(a) and b(i) regarding the appropriateness of proposed flood hazard mitigation measures, the Regional Council and Territorial Authorities must:

i. ensure that occupied structures have a finished floor or ground level, which includes reasonable freeboard, above the 0.5% AEP (1 in 200 year) flood level,
ii. ensure that in a 0.5% AEP (1 in 200 year) flood event the inundation of access between occupied structures* and a safe area where evacuation may be carried out (preferably ground that will not be flooded) must be no greater than 0.5 m above finished ground level with a maximum water velocity of 1.0 m/s, or some other combination of water depth and velocity that can be shown to result in no greater risk to human life, infrastructure or property*,
iii. ensure that any more than minor adverse effects on the effectiveness of existing flood hazard avoidance* or mitigation measures, including works and structures within River and Drainage Schemes, natural landforms that protect against inundation, and overland stormwater flow paths, are avoided,
iv. ensure that adverse effects on existing structures and activities are avoided or mitigated,
v. have regard to the likelihood and consequences of the proposed flood hazard mitigation measures failing,
vi. have regard to the consequential effects of meeting the requirements of (d)(ii), including but not limited to landscape and natural character, urban design, and the displacement of floodwaters onto adjoining properties*, and
vii. have regard to the proposed ownership of, and responsibility for maintenance of, the flood hazard mitigation measures including the appropriateness and certainty of the maintenance regime.

Comment: Both Lot 1 and Lot 2 (following minor earthworks) will be capable of accommodating residential dwellings that are not impacted by a 0.5% AEP (1 in 200 year) flood event. Flood hazard avoidance will therefore be achieved. The applicant anticipates that a minimum floor level will be imposed on the future building sites where it would be appropriate. The remainder of the use within the 0.5 AEP will be for horticultural activity on production land. Furthermore, within a 1 in 200 year flood event a safe area for evacuation will be available via the existing shared access and right of way areas.
Overall, I consider that the proposal is consistent with (or not inconsistent with) the strategic direction of the Manawatu-Wanganui Regional Policy Statement.

**Palmerston North City District Plan**

In respect of Section 104(1)(b), the document that provides the relevant statutory context is the Palmerston North City District Plan. As discussed at Section 6 above, the proposal is generally consistent with all relevant objectives and policies of the District Plan.

**8.2 Section 104(1)(c) Other Matters:**

**Rangitane o Manawatu Claims Settlement Act 2016**

The applicant has consulted with Tanenuiarangi Manawatu Incorporated who have advised that they are “quite comfortable with the proposal”. The cultural effects of the proposal have been considered elsewhere within this report. In accordance with the relevant provisions of the Claims Settlement Act, a summary of the resource consent application will be required to be sent to TMI.

**Palmerston North City Council Rural-Residential Land Use Strategy 2012**

The Rural-Residential Land Use Strategy contains a suite of strategies for managing rural-residential development in Palmerston North City's jurisdiction. It sets out the strategic planning framework, principles and direction for future rural-residential development in the district. To the extent to which this strategy is relevant, I consider that this proposal is consistent with the strategic direction of this strategy.

**Variation to Consent Notice B724884.2**

The variation to consent notice registered on the Record of Title, included in Appendix 1, contains a condition related to an effluent disposal system, requiring the replacement of an effluent disposal system to be wholly contained within the subject site. This condition has been previously been complied with and will not impact upon this resource consent application.

**8.3 Resource Management Act 1991 – Part 2 Assessment**

I have had regard to all of the matters contained within Part 2 of the Act. This includes section 5 purpose, section 6 matters of national importance, section 7 other matters, and section 8 Treaty of Waitangi under the RMA. The reliance on specific sections under Part 2, for example section 7(c) the maintenance and enhancement of amenity values, will no longer be able to be considered unless the relevant district plan is invalid, has incomplete coverage or is uncertain.

The Palmerston North City District Plan is a valid planning document, has complete coverage over the proposed activities and anticipated effects, and is of sufficient certainty to not require an assessment of the activity against Part 2 matters.

Notwithstanding this, for the reasons discussed above I consider that the proposal is consistent with Part 2 of the Act.

**8.4 Section 106 Assessment:**
(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—
   (a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or
   (b) any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or
   (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

(2) Conditions under subsection (1) must be—
   (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and
   (b) of a type that could be imposed under section 108.

Comment: As discussed in the assessment above, parts of the site are subject to inundation. The proposal intends to create a building platform on each lot which will be clear of the 1 in 200 year flood event. I consider that the proposal satisfies the Section 106 tests and that it is appropriate for resource consent to be granted, subject to appropriate consent conditions.

9. CONCLUSION

The application for resource consent for the operation of Guardian Tree Services (land use consent) and a two lot fee simple subdivision (subdivision consent) of the site at 126 Turitea Road, Palmerston North. The land use consent must be assessed as a Non-Complying Activity and the subdivision consent must be assessed as a Discretionary Unrestricted Activity under the Palmerston North City District Plan.

Overall the proposal will have no more than minor adverse environmental effects on the wider environment and the effects of the proposal on any party are less than minor. For the reasons contained within this report, it is considered that the application can be processed on a non-notified basis and without service.

The proposal is consistent with the objectives, policies and assessment criteria of the District Plan, as well as Part 2 of the RMA. It is appropriate to grant resource

We request the opportunity to review any conditions at draft stage, prior to consent being granted. We will endeavour to provide comments on these draft conditions within a very short timeframe.
COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

Search Copy

Identifier: WN52C/463
Land Registration District: Wellington
Date Issued: 31 May 1999

Prior References
WN29C/189

Estate: Fee Simple
Area: 2.2805 hectares more or less
Legal Description: Lot 3 Deposited Plan 86488

Proprietors
Starter Plants Limited

Interests
No Road Frontage
Appurtenant hereto are rights of way specified in Easement Certificate 787959.5 - 3.7.1986 at 9.46 am
The easements specified in Easement Certificate 787959.5 are subject to Section 309 (1) (a) Local Government
Act 1974
B724884.2 Consent Notice pursuant to Section 221 (1) Resource Management Act 1991 - 31.5.1999 at 2.16 pm
Fencing Agreement in Deed B724884.6 - 31.5.1999 at 2.16 pm
Subject to a right of way over parts marked A and B and a right to convey water over parts marked A, B and C
and rights to convey electricity & telephone over part marked E on DP 86488 specified in Easement Certificate
B724884.7 - 31.5.1999 at 2.16 pm
The easements specified in Easement Certificate B724884.7 are subject to Section 243 (a) Resource Management
Act 1991
Appurtenant hereto is a right to convey water specified in Easement Certificate B724884.7 - 31.5.1999 at 2.16 pm
B780994.3 Mortgage to Bank of New Zealand - 2.5.2000 at 9.52 am
9617115.1 Variation of Mortgage B780994.3 - 21.1.2014 at 12:20 pm
11120936.1 Variation of Consent Notice B724884.2 pursuant to Section 221(5) Resource Management Act 1991 -
18.5.2018 at 2:16 pm

Transaction Id: 54359452
Client Reference: Guardian G29333.008

Search Copy Dated 24/07/18 10:53 am, Page 1 of 1
Register Only
Approved by the Registrar General of Land, Wellington, No. A032940

NEW ZEALAND

EASEMENT CERTIFICATE

(IMPORTANT—Registration of this certificate does not of itself create any of the easements specified herein.)

I, WE, DONALD HENRY TABERNER of Palmerston North, Chemist and
PHYLIS ELSIE TABERNER his wife

being the registered proprietor of the land described in Schedule 'A' hereto hereby certify that the easements specified in
that Schedule, the servant tenements in relation to which are shown on a plan of survey deposited in the Land Registry
Office at Wellington on the day of

under No. are the easements which it is intended shall be created by the operation of Section 90A of the Land
Transfer Act 1952.

SCHEDULE 'A'

<table>
<thead>
<tr>
<th>CT. Ref.</th>
<th>Nature of Easement (e.g. Right of Way etc.)</th>
<th>Lot No. or other Legal Description</th>
<th>Identification of Part Subject to Easement</th>
<th>Dominant Tenement Lot No. or other Legal Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7C/570</td>
<td>1. Right of Way</td>
<td>Lot 3 on D.P.59238 A</td>
<td>A</td>
<td>Lots 1 and 2 on DP 59238</td>
</tr>
<tr>
<td>F1/113</td>
<td>2. Rights to convey water, power, and telephonic messages</td>
<td>Lot 3 on D.P.59238 B</td>
<td>B</td>
<td>Lot 1</td>
</tr>
</tbody>
</table>

Created as to Lot 59238 by Plan 59238 by T9121661

1. The rights and powers set out in the Seventh Schedule to the Land Transfer Act 1952 are herein implied except as they
are added to or substituted in Schedule 'B' hereto.

2. The terms, covenants, conditions, or restrictions set out in Schedule 'C' hereto shall attach to the easements specified therein.

Dated this 1st day of June 1956

Signed by the above-named DONALD HENRY
in the presence of TABERNER AND PHYLIS ELSIE TABERNER

Witness: [Signature]

Occupation: [Signature]

Address: [Signature]

Correct for the purposes of the Land Transfer Act

Solictor for the Registered Proprietor
SCHEDULE 'B'

1. Rights and Powers:

In addition to those rights and powers set out in the Seventh Schedule to the Land Transfer Act 1952 and the Grantee hereunder of any easement of rights to convey telephonic messages and electric power shall have the respective rights and powers as hereinafter provided, that is to say:

(a) TELEPHONIC RIGHTS

The full, free uninterrupted and unrestricted right, liberty and privilege for the Grantee and his tenants in common with the Grantor and his tenants and any other person entitled so to do from time to time and at all times to convey telephonic messages (except when otherwise prevented for any reasonable period necessary for essential repairs) along the stipulated course (where a course is stipulated) across the land over which the easement is granted or created together with the additional rights incidental thereto set out in Clause (c) hereof.

(b) RIGHT TO CONVEY ELECTRIC POWER

The full, free uninterrupted and unrestricted right, liberty and privilege for the Grantee and his tenants (in common with the Grantor and his tenants and any other person lawfully entitled so to do) from time to time and at all times to take, convey and lead electric power in free and unimpeded flow (except when the flow is halted for any reasonable period necessary for essential repairs) and in any quantity consistent with the rights of the persons having the same or similar rights from the source of supply or point of entry as the case may be and following the stipulated course (where a course is stipulated) across the land over which the easement is granted or created together with the additional rights incidental thereto set out in Clause (c) hereof.

(c) ADDITIONAL RIGHTS ATTACHING TO EASEMENTS OR TELEPHONE RIGHTS AND RIGHTS TO CONVEY ELECTRIC POWER

The full, free uninterrupted and unrestricted right, liberty and privilege for the Grantee and his tenants in common with the Grantor his tenants and any other person lawfully entitled so to do (for the purpose of the easements concerned):

1. To use any line of pipes, conduits, cables, wires and poles already laid, placed or erected on the stipulated course (where a course is stipulated) under or over the surface of the land over which the easement is granted or created or any pipes, conduits, cables, wires and poles in replacement or in substitution therefore.

2. Where no such line of pipes, conduits, cables and wires and poles exist to lay, place, erect and maintain or to have laid, placed, erected and maintained pipes, conduits, cables, wires and poles suitable for the purpose of the easement concerned over or under the surface (as the parties decide) over the land which the easement is granted or created and along the line defined for the purpose where such line has been so defined.

3. In order to construct or maintain the efficiency of any such pipes, conduits, cables, wires or poles the free, full uninterrupted and unrestricted right liberty and privilege for the Grantee and his tenants, servants, agents and workmen with any tools, implements, machinery, vehicles, or equipment of whatsoever nature necessary for the purpose.
SCHEDULE 'C'

2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

to enter upon the land over which the easement is granted or created (or, where only the position of the pipes, conduits, cables, wires or poles is defined in the easement upon such part of the land as the grantor and by such route as is reasonable in the circumstances) and to remain there for any reasonable time for the purpose of laying, inspecting, cleaning, repairing, maintaining and renewing the pipes, conduits, cables, wires or poles or any part thereof and of opening up the soil of the land to such extent as may be necessary and reasonable in that regard, subject to the condition that as little disturbance as possible is caused to the surface is restored as nearly as possible to its original condition and any other damage done by reason of the aforesaid operations is repaired.

SCHEDULE 'CC'

Terms, conditions, covenants or restrictions in respect of any of the above easements:

(a) The registered proprietors for the time being of Lots 1, 2 and 3 on the abovementioned deposited plan should bear in equal shares for the length of the right of way designated "A" from its point of entry from Tiritia Road to the entrance of the line of right of way marked "B" the cost of laying, forming, keeping and maintaining in good order and condition the right of way granted or created by this easement. The registered proprietor for the time being of Lot 2 and 3 on the abovementioned deposited plan shall bear in equal shares the right of way over the area marked "A" from the line of right of way marked "B" up to the termination to the said right of way on Lot 2, the cost of laying, forming and keeping and maintaining in good order and condition the right of way hereby granted or created.

(b) The cost of laying, installing, keeping and maintaining in good order and condition the pipes, conduits, cables, wires and poles used in connection with the foregoing easements of rights to convey electric power and telephonic messages under or over the surface of the land of which the foregoing easements are respectively granted or created shall be borne in the same shares by such of the registered proprietors for the time being of the allotments on the said Deposited Plan as are required to bear the costs of forming, keeping and maintaining the right of way pursuant to the foregoing subclause.

(c) Where the need for any maintenance is directly attributable to the actions of one only of the aforesaid registered proprietors of any servant, agent, lessee, licencee or of any visitor to such proprietor then the cost of such maintenance and repair shall be borne solely by any such proprietor.

(d) All disputes questions or differences at any time howsoever, arising between the registered proprietors for the time being of the said Lots touching these presents and the subject matter thereof shall be in default of the same being mutually referred to a single Arbitrator be referred to arbitration in a manner provided by the Arbitration Act 1905 or any amendment thereof for the time being in force or any act passed in substitution therefore and such decision shall be final and binding upon such proprietors.
EASEMENT CERTIFICATE

The easements entered in herein when created will be subject to section 521H (or Local Government Act 1974.

Particulars entered in the Register as shown in the Schedule of Land herein on the date and at the time stamped below.

District Land Registrar
Assistant of the District of Wellington

ROWE, McBRIE & PARTNERS
SOLICITORS
PALMERSTON NORTH, N.Z.

THE CANTON PRESS, CHRISTCHURCH
PALMERSTON NORTH CITY COUNCIL

CONSENT NOTICE PURSUANT TO SECTION 221 OF
THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER of Lot 3 on Deposited Plan 86488

AND

IN THE MATTER of Subdivision Consent pursuant to Sections 105, 108 and 222 of the Resource Management Act 1991

1. Pursuant to Section 220(1)(c) and Section 221 of the Resource Management Act 1991 the Palmerston North City Council imposed the following condition on the registered proprietors of Lot 3 on Deposited Plan 86488.

The erection or location of any buildings for the purposes of any residential occupation whatsoever is prohibited.

2. Pursuant to Section 220(1)(c) and Section 221 of the Resource Management Act 1991 the Palmerston North City Council imposed the following condition on the registered proprietors of Lot 3 on Deposited Plan 86488.

The effluent disposal system existing within Lot 3 on Deposited Plan 86488 at the date of this notice which presently extends into Lot 1 on Deposited Plan 86488 shall be replaced with an effluent disposal system located entirely within Lot 3 on Deposited Plan 86488 and complying with the Palmerston North City Council's requirements immediately upon the registered proprietor of Lot 3 on Deposited Plan 86488 becoming a different party to the registered proprietor of Lot 1 on Deposited Plan 86488.

DATED this 23rd day of March, 1999.

A.B. Ramage
Principal Planner
IN THE MATTER Lot 3 on Deposited Plan 86488

AND

IN THE MATTER of Subdivision Consent pursuant to Sections 105, 108 and 222 of the Resource Management Act 1991

CONSENT NOTICE PURSUANT TO SECTION 221 OF THE RESOURCE MANAGEMENT ACT 1991

Correct for the Land Transfer
View Instrument Details

Instrument No. 1120926.1
Status Registered
Date & Time Lodged 18 May 2018 14:16
Lodged By Batchelor, Wendy Clare
Instrument Type Variation of Consent Notice Condition under s221(5) Resource Management Act 1991

Affected Computer Registers
WN52G463 Wellington

Affected Instrument Consent Notice under s221(4)(a) Resource Management Act 1991 B724884.2

Annexure Schedule: Contains 2 Pages.

Signature
Signed by Christopher Mark Robertson as Territorial Authority Representative on 30/05/2018 03:00 PM

*** End of Report ***
IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Consent Notice pursuant to section 221 of the Resource Management Act 1991

VARIATION OF CONSENT NOTICE PURSUANT TO SECTION 221 OF THE RESOURCE MANAGEMENT ACT 1991

BACKGROUND

1. **Starter Plants Ltd** are registered as the proprietors of that parcel of land contained in Computer Freehold Register WNS2C/463 (Wellington Registry), being Lot 3 DP 86488.

2. Registered against the land is a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 registered number **B724884.2**.

   1. Pursuant to Section 220(1)(c) and Section 221 of the Resource Management Act 1991 the Palmerston North City Council imposed the following condition on the registered proprietors of Lot 3 on Deposited Plan 86488.

      *The erection or location of any buildings for the purposes of any residential occupation whatsoever is prohibited.*

   2. Pursuant to Section 220(1)(c) and Section 221 of the Resource Management Act 1991 the Palmerston North City Council imposed the following condition on the registered proprietors of Lot 3 on Deposited Plan 86488.

      *The effluent disposal system existing within Lot 3 on Deposited Plan 86488 at the date of this notice which presently extends into Lot 1 on Deposited Plan 86488 shall be replaced with an effluent disposal system located entirely within Lot 3 on Deposited Plan 86488 and complying with the Palmerston North City Council’s requirements immediately upon the registered proprietor of Lot 3 on Deposited Plan 86488 becoming a different party to the registered proprietor of Lot 1 on Deposited Plan 86488.*

3. The applicant seeks a variation to cancel condition 1 of B724884.2. Condition 2 is to remain unchanged.
VARIED CONSENT NOTICE

4. Consent notice B724884.2 is hereby varied to the following:

1. Deleted (See PNCC reference SUB 4474).

2. Pursuant to Section 220(1)(c) and Section 221 of the Resource Management Act 1991 the Palmerston North City Council imposed the following condition on the registered proprietors of Lot 3 on Deposited Plan 86488.

   The effluent disposal system existing within Lot 3 on Deposited Plan 86488 at the date of this notice which presently extends into Lot 1 on Deposited Plan 86488 shall be replaced with an effluent disposal system located entirely within Lot 3 on Deposited Plan 86488 and complying with the Palmerston North City Council’s requirements immediately upon the registered proprietor of Lot 3 on Deposited Plan 86488 becoming a different party to the registered proprietor of Lot 1 on Deposited Plan 86488.

THEREFORE this Certificate witnesses that the Palmerston North City Council approves pursuant to Section 221(3) of the Resource Management Act 1991 that Consent Notice B724884.2

Computer Freehold Register WN52C/463 (Wellington Registry), being Lot 3 DP 86488 is varied as per the above wording.

DATED this 11th day of May 2018.

[Signature]

Ryan O'Leary

Signed for and on behalf of the
Palmerston North City Council
Under delegated authority by its
Senior Planner
FENCING AGREEMENT

PARTIES

1. ALLAN TREVOR GILES, PHILLIP GARY GILES and CRAIG WILLIAM GILES of Palmerston North together with their successors, executors, administrators and assigns ("the Registered Proprietors")

2. THE PALMERSTON NORTH CITY COUNCIL together with its successors and assigns ("the Council")

BACKGROUND

A. The Registered Proprietors are the Registered Proprietors of 3314 square metres being Lot 1 on Deposited Plan 86488 being all the land contained and comprised in Certificate of Title Volume 52C Folio 461 (Lot 1) and 2.2805 hectares being Lot 3 on Deposited Plan 86488 being all the land contained and comprised in Certificate of Title Volume 52C Folio 463 (Lot 3).

B. The Council is registered as proprietor of 1030 square metres more or less being Lot 7 on Deposited Plan 86488 and being all the land contained and comprised in Certificate of Title Volume 52C Folio 465 which is vested in the Council as Local Purpose Reserve (Esplanade) under the Reserves Act 1977 ("the Reserve").

C. It is a condition of subdivision that the Registered Proprietors enter into a Fencing Agreement under which the Council will be exempt from the costs of erecting and maintaining a fence or any part of a fence between Lot 1 and the Reserve and Lot 3 and the Reserve. The Agreement must also provide that any fence erected between Lot 1 and the Reserve and Lot 3 and the Reserve will be maintained in good order and condition.

D. In order to comply with the condition of subdivision the Registered Proprietors enter into this Fencing Agreement.

NOW THEREFORE IN CONSIDERATION OF $1.00 (THE RECEIPT OF WHICH SUM IS ACKNOWLEDGED) THE PARTIES AGREE TO THE FOLLOWING TERMS AND CONDITIONS:

1. The Council shall not be liable to contribute towards the cost of or assist in the erection
or maintenance of any fence or any part of a fence between Lot 1 and the Reserve and Lot 3 and the Reserve.

2. Any fence that is erected between Lot 1 and the Reserve and Lot 3 and the Reserve shall be maintained in good order and condition.

3. For the purposes of clarity this Agreement shall bind the Registered Proprietors and their successors, executors, administrators and assigns for the benefit of the Council and its successors and assigns.

This Agreement is dated this 3rd day of May 1999.

SIGNED by the said ALLAN TREVOR GILES, PHILLIP GARY GILES and CRAIG WILLIAM GILES in the presence of:-

Stewart Harrex
Legal Executive to
Fitzherbert Rowe
PALMERSTON NORTH

THE COMMON SEAL of THE
PALMERSTON NORTH CITY
COUNCIL was hereunto affixed in the presence of:-

........................................ Mayor

........................................ Corporate Secretary

Agreement certified correct for the purposes of the Land Transfer Act 1952

Solicitor for the Registered Proprietor

Page 60
DATED

BETWEEN

ALLAN TREVOR GILES, PHILLIP GARY GILES and CRAIG WILLIAM GILES

AND

THE PALMERSTON NORTH CITY COUNCIL

FENCING AGREEMENT

12.16 31 MAY 99 B 724884

COOPER RAPLEY SOLICITORS
PALMERSTON NORTH & FEILDING
Easement Certificate

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

We, ALLAN TREvor GILES, PHILLIP GARY GILES and CRAIG WILLIAM GILES

being the registered proprietors of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Newmarket on the 6th day of October 1999

are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

DEPOSITED PLAN NO. 86488

(SCHEDULE)

<table>
<thead>
<tr>
<th>Nature of Easement (e.g., Right of Way, etc.)</th>
<th>Servient Tenement</th>
<th>Colour, or Other Means of Identification of Part Subject to Easement</th>
<th>Dominant Tenement</th>
<th>Lot No.(s) or other Legal Description</th>
<th>Title Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right of Way</td>
<td>3</td>
<td>A, B</td>
<td>1 &amp; 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right to Convey Water</td>
<td>3</td>
<td>A, B, C</td>
<td>2</td>
<td></td>
<td>52C/461</td>
</tr>
<tr>
<td>Right to Convey Electricity &amp; Telephone</td>
<td>1</td>
<td>D</td>
<td>2 &amp; 3</td>
<td></td>
<td>52C/462</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>E</td>
<td>2</td>
<td></td>
<td>52C/463</td>
</tr>
</tbody>
</table>

1 LT31-a
State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:
1. **RIGHTS AND POWERS**

In addition to those rights and powers set out in the Seventh Schedule to the Land Transfer Act 1952 the grantee hereunder of any Easement of Telephone Rights, and of Right to Convey Electric Power shall have the respective rights and powers as are hereinafter provided, that is to say:

(a) **Telephone Rights** - The full free, uninterrupted, and unrestricted right, liberty and privilege for the grantee and his tenants (in common with the grantor, his tenants and any other person entitled so to do) from time to time and at all times to convey telephone messages (except when otherwise prevented for any reasonable period necessary for essential repairs) along the stipulated course (where a course is stipulated) across the land over which the Easement is granted or created, together with the additional Rights incidental thereto set out in Clause (c) hereof.

(b) **Right to Convey Electric Power** - The full free, uninterrupted and unrestricted right, liberty and privilege for the grantee and his tenants, servants, agents, workmen, licensees and invitees (in common with the grantor, his tenants and any other person lawfully entitled to do so) from time to time and at all times to take, convey and lead electric power in free and unimpeded flow (except when the flow is halted for any reasonable period necessary for essential repairs) and in any quantity consistent with the rights of the persons having the same or similar rights from the source of supply or point of entry as the case may be and following the stipulated course (when a course is stipulated) across the land over which the Easement is granted or created together with the additional rights incidental thereto set out in Clause (c) hereof.

(c) **Additional Rights Attaching to Easements of Telephone Rights, and of Right to Convey Electric Power** - The full free, uninterrupted and unrestricted right, liberty and privilege for the grantee and his tenants, servants, agents, workmen, licensees and invitees (in common with the grantor, his tenants and any other person lawfully entitled so to do) for the purposes of the Easement concerned:

(i) To use any line of pipes, conduits, cables, wires and poles already laid, placed or erected on the stipulated course (where a course is stipulated) under or over the surface of the land over which the Easement is granted or created or any pipes, conduits, cables, wires and poles in replacement or in substitution therefor;

(ii) Where no such line of pipes, conduits, cables, wires and poles exists to lay, place, erect and maintain or to have laid, placed, erected and maintained pipes, conduits, cables, wires and poles suitable for the purpose of the Easement concerned under or over the surface (as the parties decide) of the land over which the Easement is granted and along the line defined for the purpose where such line has been so defined;

(iii) In order to construct or maintain the efficiency of any such pipes, conduits, cables, wires and poles the full free, uninterrupted and unrestricted right, liberty and privilege for the grantee, his tenants, servants, agents and workmen with any tools, implements, machinery, vehicles or equipment of whatsoever nature necessary for the purpose, to enter upon the land over which the Easement is granted or created (or, where only the position of the pipes, conduits, cables, wires and poles is defined in the Easement, upon such part of the land of the grantor and by such route as is reasonable in the circumstances) and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining and renewing the pipes, conduits, cables, wires or poles or any part thereof and of opening up the soil of that land to such extent as may be necessary and reasonable in that regard, subject to the condition that as little disturbance as possible is caused to the surface of the land of the grantor and that the surface is restored as nearly as possible to its original condition and any other damage done by reason of the aforesaid operations is repaired.

[Signature]
2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

Dated this 29th day of March 1999.

Signed by the above-named

in the presence of

Witness

Occupation

Address

Palmerston North

Correct for purposes of the Land Transfer Act 1952

(Solicitor for) the registered proprietor
Easement Certificate

Land Transfer Act
APPENDIX 2 – PROPOSED DEVELOPMENT PLANS
APPENDIX 3 - PLANS OF PROPOSED RIGHT OF WAY UPGRADE
APPENDIX 4 - SUBDIVISION SCHEME PLAN & TOPOGRAPHICAL SURVEY
APPENDIX 5 - SITE PHOTOS
APPENDIX 6 - WRITTEN APPROVAL
Affected Persons Approval
Resource Management Act 1991 | Section 95

PART A | to be completed by applicant

Applicant's Name: Guardian Tree Services Ltd
I have applied to the Palmerston North City Council for a Resource Consent to:
(Describe activity and reason why consent is required)
Operation of Guardian Tree Services Depot and a Two Lot Subdivision of land

Telephone: 
Fax: 

PROJECT LOCATION
Name/Place: 
Address/Locality: 126 Turitea Road, Palmerston North
Legal Description: Lot 3 DP 86488

PART B | to be completed by person or organisation giving approval

Full Name of Person/Organisation: Craig Gabrielle Giles
Position (if applicable - eg. for organisation):
Telephone: 0275 222 331
I am the / owner / occupier of the following property:
Address: 130 Turitea Rd, Palmerston North

Legal Description:

I HEREBY ACKNOWLEDGE:
1. I have been shown a copy of the above application and any other relevant details;
2. I have signed a copy of all the relevant plans or drawings, which are attached hereto (copies of the signed plans are
to be lodged with the application) and;
3. I do not oppose the proposed development and give my written approval in terms of the provisions of the Resource
Management Act 1991, and;
4. I authorise the applicant to give this written approval to the Palmerston North City Council, and;
5. I understand that in considering the application the Council will not take into account any actual or potential effect
on my interests with respect to this proposal.

NOTE:
• It is NOT appropriate to impose conditions on this form.
• If you request any conditions to your approval, please ask the applicant to amend their application to reflect these
changes.
• You are entitled to refuse to give your written approval.
• You can withdraw your approval at any time up until Council issues a decision. You must advise Council in writing
that your approval has been withdrawn. You should also let the applicant know.

If you are in any doubt, do not hesitate to contact a member of the Resource Consents staff as the Palmerston North
City Council to discuss the proposal.

Signed: 
Date: 5/4/19
APPENDIX 7 - PRELIMINARY SITE INVESTIGATION
Stage I Preliminary Site Investigation Report
National Environmental Standard Assessment

126 Turitea Road, Palmerston North

GEOWORKS LTD

August 2018
EXECUTIVE SUMMARY

BACKGROUND
The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) ensures that all land that is to be developed is safe for human use. The NESCS applies to all subdivision consent applications where there is potential for land contamination to have occurred. This Stage 1 Preliminary Site Investigation was triggered by the Hazard Activities and Industries List (HAIL) relating to the site's former operation as a plant nursery. The triggers within the HAIL list included potential bulk storage, use and/or spill of hazardous chemicals (pesticides).

Prior to this site's operation as a nursery and residence it was used for stock grazing with development of existing buildings, greenhouses and sheds occurring in the late 1970's with extensions in the late 1980's and 1990's.

OBJECTIVES
This report has been prepared for a subdivision consent application of a former plant nursery. It has been completed based on the Ministry for the Environment's Contaminated Land Management Guideline No: 1 -Reporting on Contaminated Sites in New Zealand guideline.

The objective of this Stage 1 Preliminary Site Investigation (historical review) for the site is to determine if the risk of potential contamination on this site from the operation of the plant nursery is sufficient to trigger further investigation.

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS
The results of the preliminary site investigation indicate that there is a very low risk of site contamination from historical plant nursery activities at this site and therefore no further investigative actions are required.
SCOPE OF WORK
The scope of the work undertaken to complete the stage 1 preliminary site investigation included:

- Review of property information provided in the Land Information Memorandum (LIM).
- Review of historical aerial photographs.
- Site visit and interview with current owners.
- Review of regional “State of Environment” report and related technical reports to determine existing and potential historical environmental legacies that may apply to the site and baseline environmental data.
- Review of pesticide information - Safety Data Sheets.
- Preparation of the report in accordance with Ministry for Environment guidelines.

SITE IDENTIFICATION
This site is located at 126 Turitea Road, Palmerston North in the Rural Residential Zone area and is legally described as Lot 3 DP 86488. The certificate of title is WN52C/463 with an area of 2.2805 hectares.

Site location indicated in green polygon
## SITE HISTORY

### SITE OWNERSHIP

The sites ownership details are listed below including site use.

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>Owner</th>
<th>Title</th>
<th>Legal Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer</td>
<td>1907</td>
<td>Peter Ronberg</td>
<td>WN106/245</td>
<td>Section 182 Block XV Kairanga Survey District</td>
</tr>
<tr>
<td>Transfer</td>
<td>1910</td>
<td>John Johnston</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer</td>
<td>1910</td>
<td>Adam Alexander McDonald</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer</td>
<td>1916</td>
<td>Andrew Robert Campbell</td>
<td>Thomas Henderson</td>
<td></td>
</tr>
<tr>
<td>Transfer</td>
<td>1922</td>
<td>Richard?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer</td>
<td>1924</td>
<td>Bertha Emily?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer</td>
<td>1941</td>
<td>Ronald? Peters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer</td>
<td>18/04/1945</td>
<td>Robert Thomas Keeble Thomson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Title Issue</td>
<td>9/12/1953</td>
<td>Robert Thomas Keeble Thomson</td>
<td>WN605/266</td>
<td>Section 182 Block XV Kairanga Survey District</td>
</tr>
<tr>
<td>Transfer</td>
<td>1953</td>
<td>Public Trustee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer</td>
<td>1953</td>
<td>Natalie Mary Helen Thomson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer</td>
<td>1956</td>
<td>Andre Henry Plant?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subdivision</td>
<td>29/03/1966</td>
<td>Donald Henry Taberner</td>
<td>Phyllis Elsie Taberner</td>
<td>WN1/173</td>
</tr>
<tr>
<td>Subdivision</td>
<td>3/07/1986</td>
<td>Donald Henry Taberner</td>
<td>Phyllis Elsie Taberner</td>
<td>WN29/1189</td>
</tr>
<tr>
<td>Transfer</td>
<td>27/08/1987</td>
<td>Allan Trevor Giles</td>
<td>Phillip Gary Giles</td>
<td>Craig William Giles</td>
</tr>
<tr>
<td>Subdivision</td>
<td>31/05/1999</td>
<td>Allan Trevor Giles</td>
<td>Phillip Gary Giles</td>
<td>Craig William Giles</td>
</tr>
<tr>
<td>Transfer</td>
<td>2/05/2000</td>
<td>Starter Plants Limited</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ANZSIC LAND USE CODES
The applicable ANZSIC codes for the known uses of the land are:

0111 - Nursery Production (Under Cover)
0112 - Nursery Production (Outdoors)
0141 - Sheep Farming (Specialised)

CHEMICALS USED IN ASSOCIATION WITH NURSERY OPERATION
The operation of the site as a plant nursery has resulted in a historical use of pesticides including herbicides, fungicides and insecticides. The current owners have provided the following list of chemicals that they have utilised on the site since the year 2000. Discussions with the property owner has identified that there has been no bulk storage of these chemicals on the site. A backpack hand pump was used to apply pesticides and they were used in small amounts as required.
<table>
<thead>
<tr>
<th>Chemical name</th>
<th>Type</th>
<th>SDS Environmental Persistence Information</th>
<th>Hazard Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nirvana</td>
<td>Herbicide</td>
<td>No persistence information, non bioaccumulative</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Oracle</td>
<td>Herbicide</td>
<td>Not readily biodegradable, bioaccumulation potential moderate</td>
<td>Hazardous</td>
</tr>
<tr>
<td>TAG</td>
<td>Herbicide</td>
<td>Rapidly degrades in soil, non bioaccumulative</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Glyphosate</td>
<td>Herbicide</td>
<td>Readily biodegradable in soils and water, non-accumulative</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Stomp</td>
<td>Herbicide</td>
<td>No persistence information in SDS</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Gallant</td>
<td>Herbicide</td>
<td>Not readily biodegradable</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Grandstar</td>
<td>Herbicide</td>
<td>Not readily biodegradable, non bioaccumulative</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Linuron</td>
<td>Herbicide</td>
<td>Microbial degradation in soil, bioaccumulative (no data available)</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Rout</td>
<td>Herbicide</td>
<td>Inherently biodegradable</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Sencor</td>
<td>Herbicide</td>
<td>Not rapidly biodegradable, non bioaccumulative</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Turlex</td>
<td></td>
<td>No persistence information in SDS</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Foli-R-Fos</td>
<td>Fungicide</td>
<td>No persistence information in SDS</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Copper Oxide</td>
<td>Fungicide</td>
<td>Not applicable to inorganic substances, Bioaccumulative(no data available)</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Lime Sulphur</td>
<td>Fungicide</td>
<td>Persistence, degradability and bioaccumulative information not available</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Pyrethrum</td>
<td>Insecticide</td>
<td>Persistence, degradability and bioaccumulative information not available</td>
<td>Non Hazardous</td>
</tr>
<tr>
<td>Mesurol</td>
<td>Insecticide</td>
<td>Not rapidly biodegradable, non bioaccumulative</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Delfin</td>
<td>Insecticide</td>
<td>Degradates efficiently</td>
<td>Slightly Hazardous</td>
</tr>
<tr>
<td>Indolebutyric acid</td>
<td>Rooting Hormone</td>
<td>Biodegradable, non-bioaccumulation</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Eco Carb</td>
<td>Fungicide</td>
<td>No persistence information in SDS</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Plant Soap</td>
<td>Insecticide</td>
<td>No persistence information in SDS</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Bravo</td>
<td>Fungicide</td>
<td>Low bioaccumulation potential</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Cereous</td>
<td>Fungicide</td>
<td>Not rapidly biodegradable, Does not bioaccumulate</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Fungafior</td>
<td>Fungicide</td>
<td>Not readily biodegradable, bioaccumulative, no data available</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Fungus Fighters</td>
<td>Fungicide</td>
<td>No persistence information in SDS</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Green Guard</td>
<td>Fungicide</td>
<td>No persistence information in SDS</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Systhane</td>
<td>Fungicide</td>
<td>Not readily biodegradable, bioaccumulation potential</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Marvick</td>
<td>Insecticide</td>
<td>No persistence information in SDS</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Savage</td>
<td>Insecticide</td>
<td>Biodegradable</td>
<td>Hazardous</td>
</tr>
<tr>
<td>No Insect</td>
<td>Insecticide</td>
<td>Biodegradable</td>
<td>Hazardous</td>
</tr>
<tr>
<td>No Wasp</td>
<td>Insecticide</td>
<td>Rapid degrade &amp; bioaccumulative</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Banvine</td>
<td>Herbicide</td>
<td>Residue broken down within 1-2 weeks</td>
<td>Hazardous</td>
</tr>
</tbody>
</table>

Review of the Safety Data Sheets (SDS’s) for the listed chemicals used on the site indicate that while many of these chemicals are hazardous if ingested or inhaled (either during application or when stored) they do not have persistence within the environment.
ZONING

The property is currently zoned as rural, Rural Residential (Operative District Plan) under the PNCC District Plan.

PERMITS, LICENSES AND RESOURCE CONSENTS

Review of the Land Information Memorandum (LIM) and Resource Consent reports for the property detailed the following:

<table>
<thead>
<tr>
<th>Date issued</th>
<th>Compliance Issued</th>
<th>Description</th>
<th>Number</th>
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</thead>
<tbody>
<tr>
<td>10 April 1996</td>
<td>Yes</td>
<td>LIM report</td>
<td>LP73054</td>
</tr>
<tr>
<td>15 February 2001</td>
<td>Yes</td>
<td>Compliance request</td>
<td>RM 1343</td>
</tr>
<tr>
<td>25 May 2001</td>
<td>Yes</td>
<td>Sewerage disposal</td>
<td>33586-87</td>
</tr>
<tr>
<td>11 May 2018</td>
<td>Yes</td>
<td>Consent Notice cancelation</td>
<td>LU 4474</td>
</tr>
</tbody>
</table>

GROUNDWATER AND SURFACE WATER USAGE

The property is currently connected to Council water supply and the water is used for domestic drinking water and services the amenities including the irrigation of the “Container Nursery”. Palmerston North City Council, Lot 47 DP 86488 - Local Purpose Reserve (ESPLANADE) bounds the Eastern Boundary of the site from which the Turitea Stream flows past. It is reported to flow all year round. There is one other surface water body, a small irrigation dam, from which water is collected from run off on site and used to irrigate the outside perennial beds.

There is no underground bore on this site.
SEWER AND SERVICES PLANS
The property is not connected to the town sewerage services. An inground septic storage tank and effluent bed was installed in 2001, location plan below.

LOCAL KNOWLEDGE OF SITE
Discussion with the property owners and review of the property title history indicate that the property was used for stock farming from approximately 1910 with the site forming a part of a larger owned property. In 1987 the previous owner purchased the property and established a plant nursery and in 1999 subdivided off the two existing dwellings. Current ownership of the property began in 2000 with continuation of the plant nursery business.

HISTORICAL USES OF ADJACENT LAND
The land adjacent to the study site has been rural land owned by Massey University and the rest is rural residential. In recent years with historical use as stock grazing paddocks subdivision of nearby properties has occurred resulting in a mix of rural and rural residential zoning.
AERIAL PHOTOGRAPHY REVIEW

A review of the Archives from PNCC aerial imagery files for the site provided two historical aerial images demonstrating the sites historical use as a stock paddock.

- 1981, the property is cleared and grassed with no visible structures.

*Aerial image taken in 1981, with indicative property boundaries in red.*
- 1987, the property had started developing the nursery still with no visible structures.

Aerial image taken in 1987, with indicative property boundaries in red.
DESCRIPTION OF MANUFACTURING PROCESSES
Not applicable - No manufacturing processes have occurred on this site during current or previous property ownership.

INVENTORY OF MATERIALS AND WASTE PRODUCTS USED ON SITE
The plant nursery uses purchased untreated sawdust and a bark based potting mix on the site. The sawdust is stockpiled in contained bunds. Compost mounds are comprised of the waste organic matter collected on the site (grass and plant clippings).
There is no stockpiling or use of general waste materials, manure or externally sourced plant materials.

**UNDERGROUND STORAGE TANKS**
A septic tank is located on the site as per “Sewer Site Plan”. No other storage tanks are present above or below ground.

**PRODUCT SPILL AND LOSS HISTORY**
There have been no recorded chemical product spills or loss on the site. Bulk storage of chemicals or fuel has not been conducted in the site.

**RECORDED DISCHARGES TO LAND, WATER OR AIR**
Review of Council records for the site and discussions with the property owners, indicate there have been no discharges of any kind from the property other than storm and flood waters associated with the 2004 flood event. Since that event the stopbank has been extended.
ONSITE AND OFFSITE DISPOSAL LOCATIONS
There is no disposal of waste materials onsite other than food scraps and green waste used for composting. All general waste materials are disposed of at the PNCC Transfer Station. Effluent water from the septic system is pumped to a compliant subsoil effluent bed.

CONTAMINANT SOURCE AREAS AND PATHWAYS ONSITE AND OFFSITE
There were no visible sources of contaminants on site, no bulk storage of chemicals fuels or other potentially contaminating materials. Pathways for transport of any contaminants from the site would be overland.

INTEGRITY ASSESSMENT
It is assumed that all information provided by the site owners is complete as it relates to activities conducted on site and the application and storage of chemicals. Historical aerial imagery was available for only two years 1983, 1987 with a gap in available historical imagery until the early 2000’s via Google Earth. It is not known whether additional activities or structures were present on the site in the late 1970’s.

SITE CONDITION AND SURROUNDING ENVIRONMENT
The site has relatively flat topography with the access up a formed right of way. The front portion of the property comprises multiple greenhouses and sheds/office with cement flooring, an open sided greenhouse with earthen floor covered in weed matting and two open areas used to grow potted plants. These open areas are both lined with weed matting and gravel pathways connecting buildings. The rear portion of the property is landscaped with planted Arboretums, lines of trees and shrubs, grass and mulched areas. Sections at the back of the property are made up of perennial flower beds and a compost pile.
There were no visible signs of waste materials or drums during the site visit and review of aerial imagery also failed to find signs of waste materials.

The site is lush and green with no indication of plant stress, soil staining, dead patches of grass or odours indicating potential contamination on site. There are no surface water bodies on the site.

The site boundary is almost entirely planted with trees. The property boundary vegetation is in healthy condition and there is no indication of waste materials, plant stress or other potential sources of contamination from offsite.
FLOOD POTENTIAL MAP

Flood modelling information provided by Horizons Regional Council indicates that there is a flow path near the north-eastern boundary of the property via the Turitea Stream but no known flood flow paths that flow through the property. The local receiving environment during flood events is rural residential properties to the south of the site.

_Flood modelling map provided by Horizons Regional Council with the site highlighted within the red polygon._

LOCAL RECEIVING ENVIRONMENT

The local receiving environment includes a series of small streams to the south of the property. Surrounding properties are a mix of rural and rural residential with extensive historical clearing for pasture.
GEOLGY AND HYDROLOGY

BACKGROUND GROUNDWATER AND SURFACE WATER QUALITY
Turitea is situated on the South Eastern end of the Manawatu plains which are under-laid by calcareous marine sediments and limestone which influence the natural groundwater quality in addition to inputs from the surrounding settlements.

Groundwater quality analyses for the sites’ bores are not available however the Horizons Regional Council conducts extensive monitoring of groundwater and surface water quality within the region. A network of 22 groundwater monitoring bores are monitored for the State of Environment Reporting with additional bores monitored for nitrate levels.

Groundwater in the region is typically characterised by low oxygen with elevated concentrations of compounds (including iron) and higher levels of calcium and magnesium resulting in increased water hardness. Discussions with the property owners and site observations confirm that the water appears to have naturally elevated iron levels evident from observed precipitates on the ground following watering.

Nitrate analyses of the regions groundwater indicate an overall stable water quality with the water table at approximately 2-3m depth. The main influence on groundwater quality in the region is recharge water quality which will reflect land use activities. The Manawatu region is characterised by an annual average rainfall of approximately 930mm, predominantly falling in the winter months.

There are no permanent surface water bodies on the property, however a small ephemeral stream intersects the north western corner and flows during high rain events and drains away from the property to the south west. Surface water quality data is not available for the site due to the lack of surface water catchments so a brief summary of regional water quality has been provided.

The National Rivers Water Quality Network consists of a series of surface water monitoring points to monitor flow rates, physical and chemical parameters including phosphorus, nitrogen, faecal material loads and water clarity. Seven of these monitoring points are located within the Manawatu region. Nationally the Manawatu region has some of the highest nutrient levels within a catchment in additional to high sediment and faecal material loads mainly due to land use pressures from agricultural activities.

SITE CHARACTERISATION
This investigation has determined that while the use of the property as a plant nursery has resulted in the historical application of pesticides, a review of the chemicals utilised (based on information provided by the property owner) has indicated that the initial HAIL triggers for this investigation do not apply. There was no bulk storage of chemicals on site as application of pesticides was conducted by hand at low levels, no spills were recorded and the list of pesticides applied to the site over the last 30 years does not include any that are confirmed as persistent in the environment.
CONCLUSIONS AND RECOMMENDATIONS

Historical aerial imagery shows no evidence of chemical or fuel bulk storage, stock yards or interaction with sensitive environmental receptors on the property. This investigation has ascertained that while the HAIL initially triggered this NESCS investigation it is now determined that the assumed triggers of persistent chemical application and bulk storage on the site did not occur.

This report has determined that based on the information gathered during the site visit and interview, review of historical imagery and available property information it is unlikely that historical site contamination has occurred and therefore no further stages of contaminated land investigation are warranted.

APPENDICES

Appendix 1: Chemicals used on the site since 2000 (provided by property owner)

Safety Data Sheets for chemicals used (will be supplied if requested)
APPENDIX 1: CHEMICALS USED ON THE SITE SINCE 2000 (provided by property owner)
APPENDIX 8 - HORIZONS REGIONAL COUNCIL CORRESPONDENCE
Hi Ryan,

Thank you for your request for Horizons comment on 126 Turitea Road, Palmerston North in regards to flooding and soil information.

As you’ll be aware the Turitea Stream is adjacent is the north-eastern boundary.

Please find attached a copy of Horizons/PNCC’s combined modelled flood/stormwater extent for a 0.5% Annual Exceedance Probability (1 in 200 year) (AEP) flood event. The key gives an indication of water depths. Please note that depths less than 50mm are not shown. This is a ‘runoff’ model will show where water flows and gathers in a modelled 1 in 200 year rainfall event (ground surface plus river channels).

Horizons One Plan Policy 9-2 generally discourages new habitable buildings or extensions to existing habitable buildings in areas that are likely to be inundated during a 0.5% AEP flood event. Where the flood hazard cannot be avoided, Horizons recommends that the risk be mitigated. Flood mitigation includes having a finished floor level that includes reasonable freeboard (500mm) above the 0.5% AEP flood surface and ensuring that there is safe access to and from the property during a flood event. Reasonable freeboard is 500mm as per New Zealand Standard 4404:2010 – Land Development and Subdivision Infrastructure. This freeboard requirement is to account for factors which cannot be included in the model, such as waves and debris effects. If the water flow paths cannot be avoided then Horizons recommends that the finished floor levels be elevated so as to be 500mm above the 0.5% AEP surface depth as well as ensuring that safe egress/access is easily achieved. The finished floor level needs to be above the original ground level prior to any land disturbance works.

Our regional scale soil information suggests that the property has well draining soils.

The regional scale information classed this property as a LUC Class 2.

This property is not listed on our database of potentially contaminated sites. However, there may be sites of potential contamination that we are not aware of.

Kind regards,
Horizons Regional Council endeavours to provide useful and accurate information. Horizons Regional Council shall not, however be liable whether in contract, tort, equity or otherwise, for any loss or damage of any type (including consequential losses) arising directly or indirectly from the inadequacy, inaccuracy or any other deficiency in information supplied irrespective of the cause. Use of information supplied is entirely at the risk of the recipient and shall be deemed to be acceptance of this liability exclusion.

Horizons Regional Council | 24 hr freephone 0508 800 800 | www.horizons.govt.nz
T twitter.com/horizonsrc | FB facebook.com/horizonsregionalcouncil
This email is covered by the disclaimers which can be found by clicking here.
APPENDIX 9 - SUBMISSION ON STARTER PLANTS LTD ON PLAN CHANGE 15A-H
TO: Palmerston North City Council  
Private Bag 11-034  
Palmerston North 4410  
ATTENTION: Team Leader – Governance and Support  

PLEASE:  
- Read ALL instructions carefully  
- Print clearly and complete ALL sections in this form (A number of people will read your submission, so please make sure it can be easily photocopied, read and understood).  
- Use separate submission forms for different Plan Changes.  
- Don’t forget to provide a PHYSICAL ADDRESS, POSTAL ADDRESS and CONTACT PHONE NUMBER.  
- Use additional sheets of paper if necessary, indicate above if you are doing so and attach them securely to this form.

Preferred Title (please delete Inapplicable titles): Mr.

Full Name of Submitter: Thomas Edward Welsh

Plan Change Number and Plan Change Name:

☑ 15A: Rural Zone and Rural Subdivision
☑ 15B: Wind Farms and Landscapes
☑ 15C: Boundary Change Area (the area formerly within the Manawatu District)
☑ 15D: Flood Hazards
☐ 15E: North East Industrial Zone and Extension Area
☐ 15F: Braeburn Industrial Area (Longburn)
☑ 15G: Utilities
☐ 15H: Airport Zone

Your Physical Address (for courier purposes): 126 Turitea Rd, P.N.

Postal Address: 325 College St, P. N.

Phone (home): 06 858 2904

Fax:

Email: starter.plants@xtra.co.nz

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

| A. Could you gain an advantage in trade competition through this submission? | Please indicate Yes or No  
If Yes, go to 1b; If Nago straight to 2. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

| B. I am directly affected by an effect of the subject matter of the submission that:  
- adversely affects the environment; and  
- does not relate to trade competition or the effects of trade competition. | Please indicate Yes or No |
| --- | --- |

2. **The specific provisions of the Plan Change my submission relates to are as follows:**

**Changing areas included in Rural Residential Overlay**

[Specify the specific page number, provision or map number in the Plan Change that your submission relates to:]

3. **My submission is that:**

I would like our property to be included in the Rural Residential Overlay so we could build on our property

[State in summary the nature of your submission. Clearly state whether you support or oppose the specific provisions or wish to have amendments made, give reasons.] See attached submission already submitted previously.

4. **I seek the following decision from the Palmerston North City Council:**

[Give precise details.]

**Change of Rural Residential Overlay to include 126 Turitea Rd.**

5. **Do you wish to be heard in support of your submission?**

Yes

6. **If others make a similar submission would you be prepared to consider presenting a joint case with them at any hearing?**

Yes

NOTES TO PERSON MAKING SUBMISSION

1. If you are a person who could gain an advantage in trade competition through your submission, your right to make a submission may be limited by clause 6(4) of the First Schedule of the Resource Management Act 1991.

2. If you are making a submission to the Environmental Protection Authority, you should use form 160.

This submission should be received by the Palmerston North City Council BY THE CLOSING DATE for submissions to the Plan Change.

PLEASE SEND YOUR SUBMISSION BY:

- **Mailing to:** Palmerston North City Council  
  Private Bag 11-034, Palmerston North  
  **ATTENTION:** Team Leader – Governance and Support

- **Faxing to:** 06 355 4115

- **Delivering to:** Council’s Contact Services Centre, Te Manaakitanga o Hineaute, Civic Administration Building, The Square, Palmerston North

- **Visiting our website:** [www.pncc.govt.nz](http://www.pncc.govt.nz) to make a submission

- **Emailing to:** submission@pncc.govt.nz

**PRIVACY ACT NOTE:** PLEASE NOTE ALL INFORMATION IN YOUR SUBMISSION, INCLUDING YOUR PERSONAL INFORMATION, WILL BE USED TO PROGRESS THE PROCESS OF THIS PLAN CHANGE AND WILL BE MADE PUBLICLY AVAILABLE.
APPENDIX 10 – COMPLIANCE WITH DISTRICT PLAN ACCESS STANDARDS
<table>
<thead>
<tr>
<th>(a) Vehicle Access</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Pedestrian Streets</td>
<td>N/A</td>
</tr>
<tr>
<td>No vehicle access is permitted across Pedestrian Streets.</td>
<td></td>
</tr>
<tr>
<td>(ii) State Highways</td>
<td>N/A</td>
</tr>
<tr>
<td>Any part of a road which forms part of the State Highway network is subject to the requirements of the New Zealand Transport Agency as the road controlling authority.</td>
<td></td>
</tr>
<tr>
<td>(iii) Limited Access Roads (non State Highways)</td>
<td>N/A</td>
</tr>
<tr>
<td>Any part of a road which is a Limited Access Road in Appendix 20.7 is subject to the requirements of the Palmerston North City Council as the road controlling authority.</td>
<td></td>
</tr>
<tr>
<td>(iv) Cashmere Drive</td>
<td>N/A</td>
</tr>
<tr>
<td>Provided that, for the purposes of any development of land on Cashmere Drive which is a vacant section at 1 July 2012, Cashmere Drive will be regarded as a local road.</td>
<td></td>
</tr>
<tr>
<td>(v) Railway Lines</td>
<td>N/A</td>
</tr>
<tr>
<td>a) No new road or access shall cross a railway line;</td>
<td></td>
</tr>
<tr>
<td>b) Any new vehicle access or intersection, or any additional development that intensifies the use of an existing access or intersection, shall be located a minimum of 30m from a rail crossing limit line; and</td>
<td></td>
</tr>
<tr>
<td>c) Any new development near an existing railway level crossing with passive control, that is a crossing without flashing lights, bells, barrier arms or gates, must be located outside of the sight triangles as set out in Appendix B of NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings.</td>
<td></td>
</tr>
<tr>
<td>The following restrictions apply to vehicle accesses in the vicinity of railway lines:</td>
<td></td>
</tr>
<tr>
<td>(vi) Number of Vehicle Crossings, Locations and Sight Distances</td>
<td></td>
</tr>
<tr>
<td>a) The 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.</td>
<td>Complies</td>
</tr>
<tr>
<td>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.</td>
<td>N/A</td>
</tr>
<tr>
<td>c) Where vehicle access can be provided from a service lane or right-of-way registered in favour of</td>
<td>Complies</td>
</tr>
</tbody>
</table>
the site or other private road or private right-of-way, no vehicle access shall be from the street.

d) Vehicle crossings to a frontage road with a speed limit of 70km/h or greater shall have a minimum spacing to an adjacent crossing on the same side of the frontage road, on the same or an adjacent site (measurement (c) in Appendix 20E), as follows:

e) Any part of a vehicle crossing shall not be closer to the intersection of any roads (distance (a) and/or (b) in Appendix 20E) than as follows:

f) Minimum sight distances at accesses measured in accordance with Appendix 20F shall be as follows:

<table>
<thead>
<tr>
<th>Complies</th>
</tr>
</thead>
</table>

| Complies |

| Complies: Sight lines are approximately 125m to the north-east to the Bridge and 250m+ to the south-west. |

| Complies |

| N/A |

| N/A |

| N/A |

| Complies |

| N/A |

| N/A |

| Complies |

| (vii) All vehicle accesses are to be formed in a permanent, dust-free (not metal except permitted activities in the Rural Zone) surface. |

| Complies |
(viii) All vehicle accesses shall comply with the following width, passing and queuing standards: 4-6 Residential Unit (All Zones)
- Length < 80m
- Minimum Legal Width 5m
- Formed width – 2.75m-6m
- Pedestrian Provision Shared in movement lane
- If formed width less than 5m and forward sightline restricted and/or longer than 50m
- If formed width less than 5m then 6m queuing length if connecting to Major or Minor Arterial

Does not Comply – greater than 80m (existing)
Complies
Complies
Complies
Complies

Non-residential Activities in the Rural Zone (1 lot)
- Minimum Legal Width 5m
- Formed width – 3.5m-6m
- Pedestrian Provision Shared in movement lane
- Only if formed width less than 5m and forward sightline restricted

Complies
Complies
Complies
Complies

(x) Design for vehicle crossings onto roads in the Rural Zone with speed limits of 70km/h or greater shall comply with Appendix 20l.

Will comply with Appendix 20l.

(xi) Vehicle Crossing Movements
In the Rural Zone, Vehicle crossing movements must not exceed 100 Car-equivalent Vehicle Movements per day and the Car-equivalent Vehicle Movements shall be calculated in accordance with the calculation of Car-equivalent Vehicle Movements, below.

Calculation of Car-equivalent Vehicle Movements
i. One car to and from the site = 2 Car-equivalent Vehicle Movements
ii. One truck to and from the site = 6 Car-equivalent Vehicle Movements
iii. One truck and trailer to and from the site = 10 Car-equivalent Vehicle Movements
iv. One dwelling is deemed to generate 8 Car-equivalent Vehicle Movements.

b. The number of Car-equivalent Vehicle Movements will be deemed to be less than 30 if they exceed 30 on no more than two days per week, provided that they do not exceed 60 on any given day.

c. The number of Car-equivalent Vehicle Movements will be deemed to be less than 100 if they exceed 100 on no more than two days per week, provided that they do not exceed 200 on any given day.

Complies:
Anticipated daily movements:
Existing shared access (excluding Starter Plants Activities)
- 4 residential properties = 4x8 equivalent movements = 32
Proposal
- 2 residential properties = 2x8 equivalent movements = 16
- 2x trucks = 2x6 equivalent movements = 12
- 1x Isuzu Forward = 1x6 equivalent movements = 6 (average once a week)
- 5x car/ute to and from the site = 5x2 equivalent movements = 10
Total between 70 and 76 daily movements – will be considerably less than 100 equivalent movements at the access.

Complies:
In the Rural Zone, Vehicle crossing movements must not exceed 100 Car-equivalent Vehicle Movements per day and the Car-equivalent Vehicle Movements shall be calculated in accordance with the calculation of Car-equivalent Vehicle Movements, below.

Complies:

(xii) For the purposes of firefighting where a building is either:

a) Located in an area where no fully reticulated water supply system is available; or

b) Located further than 75m from the nearest road that has a fully reticulated water supply system including hydrants (as required by NZS 4509: 2008)

Vehicle accesses shall have, in addition to the standards included in performance standard (a)(i)-(x):

(i) A minimum formed width of 3.5m and;

(ii) A height clearance of 4m;

(iii) Maximum gradient of 1 in 5 with minimum grade transition lengths of 4m for changes of grade of 1 in 8 (12.5%) or more; and

(iv) Be free of obstacles that could hinder emergency access.

Complies
APPENDIX 11 - TRAFFIC MOVEMENTS FOR STARTER PLANTS LTD
Starter Plants Ltd.
325 College St, Palmerston North, New Zealand
TEL: 646-3532904  FAX: 646-3594506  E-MAIL: starter.plants@xtra.co.nz

Submission to Draft RRLUS
2 March, 2012

We operate a plant nursery at 126 Turitea Rd. The property was purchased and re-developed from an existing nursery in May 2000. The original owner had subdivided a 4 ha. Rural property in July 1998 into 7 separate allotments. We purchased Lot 3 DP 86488 with the intention of establishing a plant nursery mostly using open ground production practices. We do not currently live on site as there is a consent prohibiting a residential dwelling on this property. (See Attachments 1 & 2)

By 2004 the nursery was well established with new production enterprises. At this time it was determined that we could run a successful nursery employing up to 4 part-time staff and funding the salary of myself as a working manager/owner. This is achieved by utilizing just over 1 ha of the land from the 2.35 ha. of the total land area. In view of the circumstances of being able to create a viable business with approximately $200,000 turnover from 1 ha. of land we approached the Council with a proposal to build on the un-used land. This was declined by letter dated 5 Jul. 2004 from the PNCC Principle Planner stating that a consent notice RM1343 prohibits building of a residential dwelling on this Lot.

We still have the desire to build a residence on this land and feel our best hope is a change in the District Plan to allow such activity by including our property in the Rural Residential Overlay. We agree that the Rural Residential Overlay needs to be made more compact but feel it include the properties on the Westside of Turitea Rd from the Old West Rd. intersection to the Harts' Rd. Intersection. Currently these properties are considered to be Rural and outside the Rural Residential Overlay. To my knowledge we are the only property in this area mentioned that is making a commercial “Living” from agricultural pursuits and we are doing that using 50% of the land area. While other neighbors have a range of stock on their properties they could only be considered as “hobby” farmers where they have 4 ha. of land.

It is our long term goal to divide our property into two 1 ha.+ properties and to build a residence for ourselves so we can live on site and create another residence for a nursery manager.

In a broader view we support the entire Rural corridor up to Greens Rd. converting to Rural Residential as we are close to the City, Summerhill Shopping Centre services, bus routes from Summerhill Dr. and there has already been considerable Rural Residential development along both sides of Turitea Rd. and in the Ngahere Park developments.

We believe that with the exception of intensive horticulture that the minimum size for consideration as a “Rural Producer” should be increased particularly concerning pastoral producers. However we cannot support or oppose the Development principles of the Rural Producer without further clarification.

T E Welsh  J M Welsh  co-directors of Starter Plants Ltd.
# Starter Plants Ltd.

325 College St. Palmerston North, New Zealand  
TEL.: 646-3532904   FAX: 646-3594506   E-MAIL: starter.plants@xtra.co.nz

## Traffic Movements at 126 Turitea Rd.

<table>
<thead>
<tr>
<th>Number of staff  private vehicles</th>
<th>Jul-Nov</th>
<th>Dec-Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td>M</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>T</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>W</td>
<td>3-5</td>
<td>3</td>
</tr>
<tr>
<td>T</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>F</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>S</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>S</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

This is comprised from a total of 7 staff (3 full time and 4 part time)  
On Wednesdays we can have up to 2 volunteers for the Green Corridors project  
An average of 6 customer/visitor movements per week.

### Collections

- **Fastways couriers vans** (Tue. +Fri)  
  - Jul-Nov: 36
- **PBT**  
  - Jul-Nov: 16

### Deliveries

(Recurrent goods and materials)

- **Sawdust**  
  - Jul-Nov: 3
- **Plants**  
  - Jul-Nov: 8
- **Growing Supplies**  
  - Jul-Nov: 4
- **Courier vans**  
  - Jul-Nov: 20

---

T E Welsh  
Managing Director
APPENDIX 12 - CONSULTATION WITH TANENUIARANGI O MANAWATU INC
Thanks very much for your email Ryan. The early contact is very much appreciated.

I am generally quite comfortable with the proposal.

Siobhan

From: Ryan O’Leary <roleary@propertygroup.co.nz>
Sent: Thursday, 21 March 2019 9:27:51 AM
To: Siobhan Lynch-Karaitiana
Cc: Paul Horton
Subject: Proposed Subdivision - 126 Turitea Road

Kia Ora Siobhan,

I hope you are well.

We wish to consult with Tanemuiarangi o Manawatu Inc to provide an opportunity for comment on the proposal we are involved in at 126 Turitea Road, Palmerston North.

The site was previously used as commercial nursery and has since been purchased by Guardian Tree Services who wish to continue to plant trees in the site; and, use the existing buildings as a depot for their small scale arborist business. They also wish to subdivide the property into two lots, as shown on the attached plan. However, before we lodged any resource consent with Council, we would wish to provide the opportunity for comment directly from TMI.

The site is located near the Turitea Stream, a site of significance to Tangata Whenua. However, no physical works will take place either in or near the stream. A new house site on Lot 2 will be located well away from the stream itself. We would of course implement an Accidental Discovery Protocol as a condition of consent for any earthworks associated with the construction of the building(s).

If you have any questions on the above, please do not hesitate to contact me.

Nga Mihi
Ryan O’Leary
Senior Planner
APPENDIX 13 - CONSULTATION WITH PNCC PARKS & RESERVES
Hi Ryan

I have spoken with Brian, Kathy (new parks manager) and David Forrest. We will not be seeking an Esplanade Reserve or strip in the proposed subdivision given the past deal done including the additional width on the other side.

Regards

AARON PHILLIPS  |  Senior Property & Parks Planner
Palmerston North City Council  |  Private Bag 11034  |  Palmerston North
P: +64 (6) 3508199  |  F: +64 (6) 3514472  |  M: +94 (27) 4466251  |  www.pncc.govt.nz

NZ Tattoo - https://nztattoo.nz

---

From: Ryan O'Leary [mailto:roleary@propertygroup.co.nz]
Sent: Friday, 4 January 2019 1:02 PM
To: Brian Way <brian.way@pncc.govt.nz>
Cc: Aaron Phillips <aaron.phillips@pncc.govt.nz>
Subject: Esplanade Reserve Requirements - 126 Turitea Road

Hello Brian & Aaron,

Happy New Year!

Some time back we discussed the potential subdivision of the property at 126 Turitea Road. I understand that either yourselves or others at Council may have also been in discussions with Eddie Welsh from Starter Plants Ltd (current owner of the land). This property has since been purchased by my clients, Guardian Tree Service Ltd, who take possession of the land soon and wish to proceed with the subdivision shown on the attached scheme plan.

The history to the site is somewhat complex. Back in 1998 Council acquired a significant portion of land as an Esplanade Reserve from the (then) owners of the land (see Lots 4, 5, and 7 on the plan attached). It has been explained to me that the width of the esplanade reserve on the southern side was reduced by agreement with Council in favour of a significant portion of land being made available to Council on the northern side of Turitea Stream (providing public access between the Turitea Road and Turitea Stream). However, I have not sighted a copy of any agreement between Council and the (then) land owner - you may be able to shed more light on this for me.
Turning now to this subdivision proposal, we accept that s236 of the RMA entitles the Council to acquire the ‘balance’ of the Esplanade Reserve (e.g. up to 20m), should it wish to do so. However, the question for PNCC is whether it would be appropriate to waive the requirement for the balance of the esplanade reserve - given the portion of land already held as Esplanade Reserve as inherited from a previous subdivision of the property?

Can I please kindly ask that you provide Council’s position on this matter as we wish to proceed urgently with the subdivision of the land.

Happy to discuss this over the phone with you if it was more convenient/helpful. I look forward to hearing from you as soon as you are able.

Kind Regards

Ryan O’Leary
Senior Planner

Proud supporters of KidsCan Charitable Trust

T: 06 953 4057 | M: 027 469 8992
E: roleary@propertygroup.co.nz
W: www.propertygroup.co.nz

Level 7, TSB Bank Tower, 7-21 Fitzherbert Avenue, Palmerston North 4410
PO Box 12066, Inner City, Palmerston North 4444

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APPENDIX 14 - TRAFFIC ASSESSMENT FROM TRAFFIC CONCEPTS
1 April 2019

Ryan O’Leary
Senior Planner
The Property Group
PO Box 12066
PALMERSTON NORTH 4444

Dear Ryan

126 Turitea Road – Palmerston North City
Access Assessment

Following on from our discussions and my site visit, I have now completed my assessment of the access matters relating to the relocation of a nursery business to 126 Turitea Road in Palmerston North.

1. Introduction

The site has in the past been used by Starter Plants Nursery and employed seven staff on the site. The site has been purchased by Guardian Trees Services who provide specialist tree services and landscaping services who need to relocate from Napier Road which has been rezoned to a residential zone.

Traffic Concepts has been commissioned to provide advice about the existing access and what would be required to enable Guardian Tree Services to operate from the site. It is understood that Council have considered the proposal and provided feedback about the access design. The council requires the access to be upgraded to meet the Palmerston North City Council’s Engineering Standards and/or NZS4404 due to safety concerns.

2. Site Location and Description

The site is located at 126 Turitea Road which is on the southern side of Palmerston North City around 5 kilometres from the city centre.

Figure 1 shows the site location within surrounding road environment.
The site is shown by the blue box with access from a shared right of way serving four existing residential homes and the former nursery business. The site has a land area of around 2.2 hectares. Most of the existing site is set out in beds for growing shrubs and trees. There are several buildings on the site which have been used for the former nursery business.

The home located at 128 Turitea Road passes past the existing buildings on the former nursery site to access their property.

3. Traffic Environment

Turitea Road is around 5.7 metres wide with a sealed carriageway. There are no footpaths or kerb and channel along the road and represents a typical New Zealand rural road. There is a wide road reserve with access to the site via a right of way that is well formed and lined with mature trees.

Turitea Road is marked with a centreline and there is a one lane bridge to the south of the site. There is a one lane bridge that reduces the operational speed of the road which has a posted speed limit of 100 km/h. The operating speed is estimated to be around 70 km/h for the motorists heading towards the city (northbound) and around 50 km/h for the opposite direction (southbound). The approach speeds for motorists travelling northbound on to the one lane bridge is considered to be too high for the constrained environment provided by the concrete structure. This direction had right of way and is probably the reason for the higher approach speeds.

The access to the site is easily identifiable and has excellent sight distances in both directions.

Figure 2 shows the existing access to the site.
The site access is narrowed by the fences on either side of the right of way at the entrance. There are letter boxes just behind the fence on the right-hand side of the right of way. 

**Figure 3** shows the right of way looking to the entrance into the site.

As shown the access is formed in a gravel surface is heavily tree lined along both sides of the right of way. The gravel formation width is around three metres wide with grassed shoulders providing a total width of around six to eight metres between the trees. Some parts of the grassed shoulders drop away quite steeply from the road.
Figure 4 shows the access at its narrowest point which is around 120 metres from the site entrance.

Figure 4: Site Access at its narrow point

To the right of the photograph the access splits to provide access to 132 Turitea Road. The formation width at this point is around three metres wide. Vehicles can use this section safely but as a one-way section.

Figure 5 shows the last section of the right of way.

Figure 5: Site Access at its narrow point

The right of way at this point makes a slight turn which separates the access to 134 Turitea Road. In the distance of the photograph the access to 130 Turitea Road can be seen straight through.
4. Right of Way Use

The right of way currently provides access to four homes and the nursery business. Figure 6 shows where the different properties gain access to the existing right of way.

![Figure 6: Right of way access (Source: Palmerston North City Maps)](image)

The figure shows the number of users on the right of way at various points along its length with the first section having the most with five users that reduces down to two users at the entrance to the existing nursery.

The existing users of the right of way are mostly rural residential homes which generate around five to eight trips per day per dwelling. The further from an urban centre generally the lower number of trips. This is due to more trips become combined with other activities. The existing generation using the right of way for the current dwellings is estimated to be around 28 movements per day (based on seven trips per household).

The former nursery operation (Starter Plants Nursery) had a high number of vehicle movements that included courier vans picking up plants for customers, large trucks picking up plants and the delivery of materials to the site along with seven staff vehicles. Trucks picking up and delivering goods were around three per day along with courier vans being at least two per day. The total number of movements per day for the former nursery was around 20 to 30 vehicle movements per day.

5. Proposed Development

The proposal sets out the activities that the Guardian Tree Services will operate from the site. It should also be noted that it is proposed to undertake a subdivision which will add one further residential property that will use the right of way. These activities of Guardian Tree Services are as follows:

- Site used as a ‘base’ for staff, and to store equipment and vehicles overnight (and throughout the day when not in use).
Typically the activity involves 7 staff, although numbers can fluctuate between 5 and 8 staff members from time to time.

The hours of operation are typically 8.00am to 5.30pm Monday to Friday. Typically staff arrive at the site at 8am for initial set-up (loading up gear for the day and undertaking safety checks) before staff vacate the site. Staff typically arrive back between 4 and 5pm for pack-down and clean-up. Staff are typically not on-site for most of the day as arborist work undertaken is located off-site.

On the occasion where work is located at a greater distance from the yard, some staff might arrive at 7am. This is not a common occurrence. There would be no activity on the site before 7am.

Should weekend work occur on the site, this is generally limited to office type activities (clearing emails and phone messages, invoices etc) rather than yard-based activities.

The business has two small trucks and one medium sized truck for their specialist services which park on the site overnight. Generally, the number of movements are less that the more intensive former nursery business.

6. Access Assessment

Council has provided feedback on the proposed use of the site by Guardian Tree Services and have raised concerns about the safety of the existing right of way as result of the users of the access and in particular the larger vehicles.

The safety of the access is related to its design, the users and speed of vehicles using the access. The risk of an incident in terms of safety relates to probability and consequence, noting that a damage only crash is not a safety concern as this is a low speed incident.

6.1. Right of Way Movements

The number of right-of-way movements and the timing/distribution of these movements is important in terms of the likelihood of opposing traffic meeting on the right of way. It is understood that the biggest concern from council is the number of large vehicle movements such as trucks. It should be noted that two of the trucks are of a similar size to a large car.

The trucks are on the site and will exit the site in the morning and return in the evenings. This pattern is the same as other users on the right of way. The likelihood of a truck meeting a resident will be very rare as the trip movements are generally in the same direction and at the same time of the day.

The total number of movements on the right of way will be less than that which occurred with the former nursery business. The new activity will not have gate sales and trees grown on the site are for their landscaping business.

6.2. Right of Way Design

Figure 7 shows the typical situation where two vehicles can pass with relative ease using the right of way formation and grassed shoulder.
Figure 7: Right of way passing width.

As shown when opposing traffic meets there is sufficient room for two vehicles to pass. This is the case for larger vehicles such as trucks as well.

Figure 8 shows the entrance to the right of way from Turitea Road

Figure 8: Right of way Entrance

The site access from Turitea Road is relatively wide with the fences reducing the width to one lane. This is an existing situation which has operated safely for some time. The sight distances along Turitea Road and for vehicles exiting the site are excellent and easily meet the normally expected requirements for safe use. There would be on the rare occasion the need for a vehicle to wait on Turitea Road as a vehicle is exiting the right of way. This can be done safely with only a minor convenience to other road users.
Figure 9 shows the width and what it would look like with a car waiting at this point.

Figure 9: Passing width at the entrance to the right of way.

There is an issue with the possibly of a vehicle enter the site just as a vehicle is exiting the site. While this would be a rare event, it could lead to one of the drivers reversing to make room for the other vehicle. It is likely that the vehicle on the right of way would reverse rather than the vehicle entering the access. As shown in the photograph there is enough room or two vehicles to pass should the need arise.

Further along the right of way it narrows to provide one-way traffic only which is shown in Figure 10.

Figure 10: Narrow section of the right of way.
At this location, the access for the first home (number 132) splits off to the left. Access to 134 Turitea Road is straight through with the access to the Guardian Trees Services site, number 128 and number 130 peeling off to the right past the large trunk of the gum tree. As shown the sight distances at this point are excellent for the approach speeds with opposing being able to see each other and stop should the need arise.

**Figure 11** shows the last section of the right of way before it turns into the Guardian Tree Services property and 128 Turitea Road.

![Image](image.png)

**Figure 11: Last section of right of way.**

As shown the building on the left of the photograph is the Guardian Tree Services site with the access to 130 Turitea Road at the end of this straight section of the right of way.

### 6.3. Safety

In terms of risk, the safety of the right of way relates to the design and the speed. The right of way with its current formation width reduces the speed as it constrains the forward sight distances to create a lower speed environment. The lower operating speed of the right of way means the opposing traffic will be able to stop before a conflict situation occurred. Should a collision occur it will be a damage only crash as the impact speeds would be very low.

The design of the right of way has a formation width of around three metres with grassed shoulders along most of its length and especially where there are the highest number of users. The formation width along with the grass areas allows for opposing traffic to pass.

There are no safety issues with the formation of the right of way.

### 6.4. Summary

The existing right of way provides safe access for its intended use. This conclusion has been determined by the available formation and grassed shoulders, the number of movements (which will be less than the former nursery), the operating speed and the use of the right of way being regular users.
There are some areas of the right of way that would benefit from some localised widening to provide suitable areas for opposing traffic to wait. These are needed more for convenience than for safety reasons as use of the grassed shoulder in winter may be difficult for some vehicles.

It is unlikely, even with no improvements to the right of way, that there would be any incidents that would result in anything more than a damage only crash. All opposing traffic is expected to stop easily and safely.

7. Recommendations

In reviewing the access along the existing and anticipated users the following recommendations are provided to improve the use of the right of way.

**Figure 12** shows the locations of the recommended measures to assist in the usability of the access.

![Figure 12: Recommended Improvements](Source: Palmerston North City Maps)

The recommended measures to the right of way are based on the figure above. It should be noted that these changes are recommended for efficiency reasons as there are no safety matters that need addressing.

1. Localised widening at the entrance to allow for two-way traffic. The widening should around 5.5 metres and not remove any trees;
2. A small area (around eight metres long and 5.5 metres wide) of widening at the corner near the access to 134 Turitea Road to provide a waiting area for opposing traffic;
3. Provide a small area (around eight metres long and 5.5 metres wide) of widening at this junction to allow two vehicles to pass.

These measures will allow two vehicles pass in areas where motorists can see each other clearly.
8. Conclusion

This assessment considers the existing right of way layout and the change in use of the former Starter Plants Nursery to Guardian Tree Services at 126 Turitea Road. The key focus of the assessment is on the ability of the access to safely accommodate the change in use.

The analysis of the right of way shows that the likelihood of a crash is low and any consequence of a crash would be a damage only incident, if it did occur. There are three recommendations that are designed to improve the efficiency of the right of way. These will improve the ability of opposing traffic to pass.

The right of way will not meet the requirements of the Palmerston North City Council Engineering Standards or NZS4404 provisions for the access. The assessment above shows that while not meeting the geometric provisions of these documents, the right of way can function efficiently and with no safety issues. Any effects are less than minor and easily accommodated within the right of way and surrounding road network.

We happy to provide any further clarification if required.

Regards

Gary Clark
Director

NZCE (Civil), REA, MIPENZ, CPEng
Hi there,

Please see our submission form (Form 13) and written submission attached in response to the application by Guardian Tree Services for land use and subdivision at 126 Turitea Road.

Many thanks,
Sarah and Ollie Shannon
134 Turitea Road.
Form 13

To:
Democracy Manager/General Counsel
Strategy & Planning
Palmerston North City Council
Private Bag 11-034
Palmerston North

Phone Number: (06) 356 8199
Fax Number: (06) 355 4115
Email: submission@pncc.govt.nz

Name of Submitter: Sarah and Ellie Shannah

Contact details of Submitter: (Full postal address, phone/fax number(s), email address of Submitter)

Address: 134 Turflea Road
Palmerston North
Phone Number: 0210501833
Email Address: submission134@gmail.com

Please ensure all areas of this submission form are completed.

This is a submission on an application from:

(Name of applicant) Guardian Tree Services

for a Resource Consent for (briefly describe activity and type of resource consent) to

remove existing trees and subdivide property at (Resource Consent address) 126 Turflea Road.

My submission is: (Choose from the following)

☐ I support the application
☐ I am neutral to the application
☐ I oppose the application
☐ My submission relates to the entire application, or
☐ My submission relates to the following specific parts of the application: __________________________

I wish/ do not wish (delete one) to be heard (speak) at any subsequent hearing

I wish to have the following parts amended: __________________________

vibrant | caring | innovative | sustainable | prosperous
The reasons for my views are: (if necessary please attach additional page(s) to this submission)

Please refer to attachment.

I seek the following decision from the Palmerston North City Council: (Give details including the nature of any conditions sought)

Please refer to attachment.

If others make a similar submission I will consider presenting a joint case with them at the hearing. (Delete if you would not consider presenting a joint case)

Signature of Submitter: (or person authorised to sign on behalf of Submitter)

Date: 25/8/19

(A signature is not required if you make your submission by electronic means)

Please return, post, fax or email this submission by 4pm on Friday 30th August 2019 to the Council address given at the top of this form.

You must also serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on Council.

The address for service is:

Guardian Tree Services Limited
PO Box 5541
Palmerston North 4441
The reasons for our views are:

Impact on our lifestyle

We purchased our property at 134 Turitea Road less than 2 years ago. We moved from Wellington to Palmerston North to live a rural lifestyle with our young children (aged 2 and 5) and here in this driveway, we found our dream home. We walk down to the letterbox with them on their bikes, visit the neighbours and very much enjoy the tree-lined drive. This is our home – where we are raising our family. This commercial operation changes the nature of how we are able to enjoy this lifestyle and our surroundings. Bringing trucks and other heavy machinery into our shared drive is inconsistent with the lifestyle we have sought in purchasing our property.

We do not support the increase in traffic and level of risk.

The proposed commercial activities and subdivision significantly increases the traffic in our shared driveway. We have previously raised concerns to the safety of road users, particularly with the one-way bridge so close to our driveway.

There may be crash records accounting for police attended accidents, there is no measure of the near misses that we witness on a regular basis. In our experience, oncoming traffic (from the direction of town) usually observes traffic further down the road and often misses vehicles leaving our driveway. This frequently results in vehicles speeding through the one-way bridge instead of giving way.

In both the council traffic assessment, and the proposal, there has been an assumption made that traffic movements in peak hours of travel are in the same direction as the movement of the Guardian Trees vehicles (therefore minimising risk of meeting in the driveway). This is not accurate. Our vehicles departing and arriving home at numerous, and variable times of the day due to childcare, school, and part time/flexible working arrangements.

We do not accept that the traffic in the driveway (as per the council traffic assessment) could increase by 80% and the use of heavy trucks in our driveway could also increase, without having any increase in the likelihood of crashes at the one-way bridge 100m away. Especially when we already see so many near-misses. In our view, this assessment is not satisfactory.

We do not accept that the proposed changes have a “less than minor” effect on neighbouring properties

We have sought details and clarification in writing from the applicant previously and raised our concerns to PNCC, as have most of our neighbours in this shared driveway.

Safety

In addition to the impact on our lifestyle, these proposed changes also pose an increased risk of harm to both our children and others. As our children grow, they will begin biking to school, as others in this driveway have done. Other children in the driveway are teenagers and in the early
years of learning to drive. For this proposal and its impact on our lifestyle and the safety of our community to be dismissed as “less than minor” is in our view, ill-informed and complacent.

Our understanding is that the Health and Safety at Work Act (HSWA) was introduced as part of the government’s plan to reduce the number of serious work-related injuries and deaths. Under the HSWA, the applicant holds a primary duty of care to manage not only the health and safety of their own team, but anyone “who could be at risk by the work of the business, for example customers, visitors, children and young people, or the general public” (Worksafe, 2017).

The applicant’s assessment of their activities having a “less than minor” effect is irresponsible and does very little to reassure us of the applicant’s intention to accurately and appropriately assess and eliminate/minimise the risks to our safety as users of this shared driveway. These risks could be far more practically mitigated by not choosing to move their commercial activity into what is currently a rural-residential driveway shared by four homes (with the possibility of a fifth dwelling being built on Guardian Trees’ land).

Driveway upgrade and maintenance costs

We have sought independent advice from Pave Masters regarding the proposed upgrades to the driveway. They have advised us that a 2-coat chip seal would not be sufficient for heavy truck use in turning points and recommended a 30mm hot mix. Not only does the proposed driveway upgrade cause significant disruption at the time of upgrade, and require the removal of trees that we have enjoyed as part of the entrance to our home; it also requires a considerable increase in maintenance costs.

Vehicle weights and movements have a major impact on safety and driveway wear and tear. On page 13 of the proposal, the applicant states that the maximum weight of heavy vehicles is 6330kg but does not provide the maximum weight of the fully loaded vehicle. They state that this vehicle is used “on demand” - which is very vague as it could mean as often as everyday if the situation required. A considerable difference between if use was once a month, which would also be classed as “on demand”. In addition to this, there is nothing in the proposal that states their other machinery which is likely to be on site such as trailers and mulchers.

Claims that driveway upgrades are for the betterment of all parties is a false assertion. The proposed developments, are in the commercial interests of the applicant alone, and provide no benefit to the majority of the neighbours of this driveway. The applicant’s requirements for the driveway (for their commercial and subdivision requirements) far exceed what we require as rural residents. The weights of these commercial operations will have a dramatic impact on the wear and tear of the driveway. As all parties are required to share the costs of driveway maintenance, the increase in maintenance costs in the future for neighbouring parties will be immense.

Subdivision requirements

This proposal currently it assumes that the proposed subdivided land is suitable to be built on. However, there has been no Geotech assessment obtained to detail what would be required. All we know from this proposal is that building platform is required to be 500mm above the 0.5%AEP flood
surface. The size of the dwelling would significantly impact the amount of fill required for the foundations, which in turn, will be hugely significant to the impact on our driveway. As a truck can carry 6 cubic metres of fill, and a standard truck tare weight is 10 tonnes (fully loaded 21 tonnes), this would have a major impact (disruption) on driveway use and the safety of all users. An engineer could deem the ground to need a 1m-deep raft of metal, which would mean hundreds of cubic metres of metal would need to be brought in. None of these details have been provided here, but we believe are necessary to be considered in any traffic management plans or assessments.

We do not accept the proposed information as accurate.

Consistent with the concerns that we are aware our neighbours have also raised; we believe that the applicant has overstated the similarities between their activities and those of the previous owner (Starter Plants Ltd) with regard to traffic movements. The comparison of existing versus proposed activity on page 13 of this proposal, the figures presented:

1. minimise the movements of Guardian Trees vehicles (e.g., based on 5 car movements in-and-out each day, but an average of 7 staff); and
2. overestimate Starter Plants activities by only using data from their peak period of the year.

These figures are therefore misleading and inconsistent with our experience of living in this driveway.

In another example, the heavy vehicle use outlined in the proposal is inconsistent with other information we have received. Previous communication received (via email forwarded to us between Ryan O’Leary and PNCC) states their fleet to include the following:

- **Hino** is 5940kg Tare weight – Can hold just under 9 ton fully loaded.
- **Isuzu Forward** is 6330kg Tare weight – (no detail about fully loaded weight, other than stating it would only ever enter and exit site at Tare weight). We are reluctant to accept as we know that day to day running of businesses is likely to change
- **Dihatsu** = 2.5tonne
- **2x Utes** (used as private vehicles)

In their comparison with Starter Plants on page 13 of the proposal, they mention only one of these (being the Isuzu Forward) in the section of the table labelled "Heavy Vehicles: Max Truck Weight" which does not enable an accurate comparison.

**We seek the following decision from the Palmerston North City Council:**

If PNCC grant this consent to the applicant, it means that once this commercial operation is within this driveway, we have no control over any changes to their operations over time. There are a huge number of inconsistencies and grey areas throughout the proposal (as we understand are also highlighted by our neighbours’ submissions). The lack of clarity allows room for movement if this application is accepted. We do not believe that the applicant has provided sufficient, accurate detail to assess the activities required to subdivide the property or operate heavy vehicles and machinery from this location.
We can understand that the applicant needs a place to operate from but from our perspective, this is not an appropriate or safe solution. In purchasing this property, Guardian Tree Services was already aware of the neighbours' concerns about their intention to operate from this site, including traffic, the driveway, and the proposed subdivision.

The decision we would like to see from PNCC is the denial of both the resource consent and subdivision, and for this area to remain a rural residential zone.
Form 13


To:
Democracy Manager/General Counsel
Strategy & Planning
Palmerston North City Council
Private Bag 11-034
Palmerston North

Phone Number: (06) 356 8199
Fax Number: (06) 355 4115
Email: submission@pncc.govt.nz

Name of Submitter: Dean & Paula Rankin

Contact details of Submitter:
(Full postal address, phone/fax number(s),
email address of Submitter)

Address: 128 Tuilea Road, RD2
Palmerston North

Phone Number: (06) 357 8855
Email Address: dprankin@xtra.co.nz

Please ensure all areas of this submission form are completed.

This is a submission on an application from:

(Name of applicant) Guardian Tree Services Ltd (GTS)

for a Resource Consent for briefly describe activity and type of resource consent Operation of Guardian Tree Services at site and Subdivision into two sections of site at (Resource Consent address) 128 Tuilea Road, RD2, Palmerston North

My submission is: (Choose from the following)

☐ I support the application
☐ I am neutral to the application
☐ I oppose the application
☐ My submission relates to the entire application, or
☐ My submission relates to the following specific parts of the application: _____________________________

I wish to be heard (speak) at any subsequent hearing

I wish to have the following parts amended: Do not support the application for GTS operation from site or proposed subdivision.

vibrant | caring | innovative | sustainable | prosperous
The reasons for my views are: (If necessary please attach additional page(s) to this submission)

Please see attached submission outlining concerns related to driveway safety, incomplete information, ongoing regarding JERYS comparison to previous owner of 17th Avenue, level subdivision concerns and additional concerns from application and consultation process leading to submission.

I seek the following decision from the Palmerston North City Council: (Give details including the nature of any conditions sought)

Application for resource consent is declined based on concerns outlined in submission

If others make a similar submission I will consider presenting a joint case with them at the hearing. (Delete if you would not consider presenting a joint case)

Signature of Submitter: (Or person authorised to sign on behalf of Submitter)

[Signature]

Date: 29/8/19

(A signature is not required if you make your submission by electronic means)

Please return, post, fax or email this submission by 4pm on Friday 30th August 2019 to the Council address given at the top of this form.

You must also serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on Council.

The address for service is:

Guardian Tree Services Limited
PO Box 5541
Palmerston North 4441
RESOURCES CONSENT APPLICATION FOR SUBDIVISION & LANDUSE CONSENT AT 126 TURITEA ROAD, PALMERSTON NORTH

LIMITED NOTIFICATION RESPONSE

Submitters: Dean & Paula Rankin, 128 Turitea Road, RD2, Palmerston North

Our Position:

As stated on Form 13: Our submission is that:

- "we oppose the application"
- "we wish to be heard at a subsequent hearing"

In opening, we would like to briefly outline why we are uniquely positioned to comment on this application. We purchased our house early in 2001 and have now lived here for 18 years. Dean has a full-time job, and Paula works part-time (to enable us to support our children in their after school activities). We have two children, a daughter aged 15 and a son aged 16. Both children attend local secondary schools, and are very active outside of school related to football and music. We now own 3 cars, our 16 year old son has recently gained his restrictive licence, and we are also active in terms of walking, running, and cycling. Our property is in a very unique position, whereby we are located behind what was a nursery, and our driveway runs alongside and through their property. The driveway provides our sole access to Turitea Road, so in addition to car traffic, it is also used for walking, running and cycling. A key reason for purchasing our property was its entrance from Turitea Road (the drive in through the trees), and the peace and quiet of living out of the city (while being close for convenience purposes). While our driveway through 126 Turitea Road is definitely not ideal, it has been tolerable over the years due to the previous owners of the property being very mindful of us and the driveway – while there were some issues this was minimised by the traffic from Starter Plants generally only using the first part of the driveway as it enters 126 Turitea Road (which avoided potential issues with the next part of the drive having low visibility) and due to their very small staffing level (there were generally a maximum of 2 to 3 cars there on any given day). We find GTS’s attempt to compare their functions to Starter Plants very surprising and inaccurate, and in our view, there will definitely be a significant impact on us from the proposed activities. We must say that we were very disappointed upon reading the application whereby GTS in no way acknowledged the impact of their proposed activities on us, instead basing their application on it being their right and the impact being ‘less than minor’. This view significantly differed from our previous discussions with GTS and further reinforces our concerns regarding their proposed activities.

Starter Plants was a business based in a rural zone, now with a rural-residential overlay. We see that the council has the opportunity to remove industry from this zone where it does not belong and return the area to a true rural-residential feel by declining the application for GTS to operate from the site and to subdivide as outlined.
The reasons for our views are outlined under the following headings:

1. Incomplete information in the Resource Consent to enable accurate assessment of impact

2. Concerns regarding GTS consultation process leading up to application

3. Impact on Driveway Safety (OUR MAIN CONCERN!!!)
   3.1 Safety Concerns Regarding One-Lane Bridge, based on approach speeds
   3.2 Traffic Volume Comparison to Starter Plants
   3.3 Size of Vehicles and Direction of Movement
   3.4 Safety of All Users of the Shared Driveway, not just Vehicles
   3.5 Limitation of Driveway Assessment, does not review all parts of the driveway for safety
   3.6 Safety Concerns Regarding Turitea Rad Driveway Entrance (Zone 1)
   3.7 Safety Concerns Regarding Truck Movements within 126 Turitea Road (Zone 4)

4. GTS comparison with Starter Plants

5. Subdivision Concerns

6. Additional Concerns Regarding the Resource Consent Application

7. Conclusion
1. **Incomplete Information in the Resource Consent to enable accurate assessment of impact**

We do not believe that the resource consent application provides sufficient information regarding GTS and their use of this site. Throughout the documents the description of their activities uses terminology such as ‘typically’, ‘generally’ and ‘predominantly’, along with providing exceptions to their statements. The function of their working from this site does not refer to office work, other than this occurring occasionally on weekends. It is very difficult to understand the full impact of their vehicles as no where in this application does it actually provide details of them, we have based our impact assessment on the information we have been able to find through our research as we have attempted to understand the vehicles sizes or understand what other equipment GTS will be bringing onsite. It also downplays any impact through attempting to compare their trucks to the size of a large car. Our pictures of GTS vehicles, obtained from their own Facebook site, clearly shows that this is not the case and is clearly a mis-leading statement in an attempt to minimise their impact, especially given most pictures also show the trucks towing their large mulcher. Their reading report clearly states that this work was on the basis of movement of a nursery to 126 Turitea Road. In addition, the report provides very limited information around the current actual business activities of GTS, in addition to providing no information regarding their planned future activity. While the application does not include storage of mulch or firewood on the property, or other landscape supplies, and also states that they do not do after hours call outs, it does not outline what their intention is for this to occur in future. Our biggest concern would be that they expand their business and purchase additional trucks to support this, or see to use this base for services outside of the current provided hours. We acknowledge that currently arborist services are not provided outside of the stated hours and after hours call-out services are not provided.

Regarding the driveway, the application states that a 2-coat chip seal will be the covering for the driveway. There is no information stated in the application for how long this driveway seal is likely to last given the high level of truck usage by GTS. This is important to understand the appropriateness of this seal and to understand potential maintenance costs for the surrounding properties if this seal does not cope with the traffic movements.

The proposal outlines that from this one access point to Turitea Road, this driveway will service up to 6 residential properties and a commercial business (with significant vehicle movements). We do not see how this is possible and this will result in a significant impact on our property, through this intensification of properties, and our quality of rural life. This is not why we purchased a rural property and are very concerned on the impact on us. There does not appear to be any recognition of the additional noise that all of these activities will have on our property, especially the impact of the trucks.

On purchasing 126 Turitea Road, back in 2001, part of the attraction to the place was the tree lined driveway. It is concerning to read that as owners of 126, GTS feel they have the right to remove trees along the shared easement if they need/want to, only to widen the driveway to allow access for their trucks which ticks the boxes on the District Plan. We do not wish our driveway to look like similar ones along the road which are lined with farm fences and have no visual rural benefits.
2. Concerns regarding GTS consultation process leading up to application

Under Section 7.1, Page 34, the following is stated:

_The applicant has consulted with all users of the shared driveway. The written approval of the owner of 130 Turitea Road has been obtained. All three other uses expressed concerns regarding traffic movements within the shared driveway and the potential removal of vegetation to provide additional passing opportunities._

We can confirm that we have met with GTS to discuss their initial views on the property – this occurred both prior to and following the purchase of the property, however we do not believe that this has been conducted ‘in good faith’.

We have been provided on two separate occasions with the Affected Persons Form to sign – the first time we were provided with no other information regarding what they proposed for the property. The second time, we were provided with very limited information, again very insufficient for us to sign the form. Through the discussions, despite asking for what they (GTS) were ‘promising’ to be provided to us in writing, including their plans for the property and the driveway, this was at no stage provided.

It took until the application had been submitted to the council for us to be finally provided with actual information regarding the GTS proposal via PNCC. The one neighbour who has signed, was not provided with any information from GTS and has only from us once we had obtained this from the Council.

Overall, as stated, we do not believe that this consultation has been conducted in good faith, a view that has been reinforced by the GTS application that is clearly misleading and does not recognise the very real effect on the neighbouring properties.

3. Impact on Driveway Safety (OUR MAIN CONCERN!!!)

We are very concerned with the impact of GTS and their planned activities will have on our safety on the driveway.

Appendix 14 provides the report by Traffic Concepts regarding their view of current and proposed traffic movement assessment. It is confusing that this report provides an access assessment for the relocation of a nursery business to 126 Turitea Road in Palmerston North – yet through the document it refers to GTS rather then the nursery business referenced. We understand that this error was acknowledged by Mr Clark in response to PNCC seeking further clarification.

In our evaluation of this report and what is proposed, we have outlined this under the following headings:

- Safety Concerns Regarding One-Lane Bridge, based on approach speeds
- Traffic Volume Comparison to Starter Plants
- Size of Vehicles and Direction of Movement
- Safety of All Users of the Shared Driveway, not just Vehicles
- Limitation of Driveway Assessment, does not review all parts of the driveway for safety
• Safety Concerns Regarding Turitea Rd Driveway Entrance (Zone 1)
• Safety Concerns Regarding Truck Movements within 126 Turitea Road (Zone 4)

A discussion of each of these points is outlined below.

3.1 Safety Concerns Regarding One-Lane Bridge, based on approach speeds:

The report by Mr Clark clearly highlights the safety concerns around the one lane bridge near the driveway entrance to our properties when it states:

*Operating speed is estimated to be around 70km/h for the motorists heading towards the city (northbound) and around 50km/h for the opposite direction (southbound). The approach speeds for motorists travelling northbound on to the one lane bridge is considered to be too high for the constrained environment provided by the concrete structure. The direction for right of way is probably the reason for the higher approach speeds.*

We support this finding by Mr Clarke regarding this clearly outlined safety concern and also highlights the speed of traffic approaching the bridge past the entrance to our properties. Unfortunately, the report does not explore this safety concern through the evaluation of the additional risk based on the significant increase in vehicles both entering and leaving the driveway.

3.2 Traffic Volume Comparison to Starter Plants:

A significant part of the application by GTS attempts to downplay and trivialise any potential risk regarding the shared driveway through a comparison assessment with Starter Plants. The report makes the assumption that the former nursery (Starter Plants) had a high number of vehicle movements, equating to a total of 20-30 vehicle movements per day, including:

• Courier Vans picking up plants for customers
  - Courier Vans deliveries 2/day
• Large trucks picking up plants
• Large trucks delivering materials to the site
  - Trucks picking up and delivering goods were around 3/day
• Seven staff vehicles

The conclusion by Mr Clark is that the total number of movements on the right of way will be less than that which occurred with the former nursery business.

This comparison by Mr Clark is inherently flawed as it is based on incorrect information that grossly over estimates the amount of traffic for Starter Plants. The report is based on data that has not been verified, yet forms the core basis for this assessment.

An assessment based on the actual data (the report states “Heavy vehicle movements are likely to occur daily”) would have shown that GTS would result in a very significant increase in vehicle movements both down this driveway and exiting or entering Turitea Road at the point of entry.
From our calculations regarding traffic from Starter Plants (provided in this application) – as measured by the supplied information from July-November at 126 Turitea Road we get a value of only 12.0 vehicle movements per day – this is based on an estimated 21 weeks over this 5 month period and assumes the following:

Private staff vehicles (26 trips per week) = 52 vehicle movements per week
6 customers per week = 12 vehicle movements per week
Fastway courier vans = 1.7 trips per week = 10.2 vehicle movements per week
PBT = 0.7 trips per week = 4.2 vehicle movements per week
Delivery Trucks = 0.7 trips per week = 4.2 vehicle movements per week
Courier Vans = 1 per week = 2 vehicle movements per week

**Total of 84.6 per week = 12.0 vehicle movements per day during Peak 5 month Period**

With our calculations we are struggling to understand how Traffic Concepts calculations arrived at the value of 20-30 traffic movements per day. It should be noted that our calculation of 12.0 vehicle movements per day is also during a 5 month peak timeframe for Starter plans – there would be a significant decrease in both staff private vehicle movements and truck/delivery/courier movements over the remainder 7 months of the year. GTS activity will clearly exceed this with it only taking staff arriving and leaving in 6 cars to meet this amount (e.g. staff arriving at the start of the day and leaving at the end), or 2 truck trips to meet the total vehicle movements of Starter Plants during their peak period. It is easily to see that the movements of GTS will significantly increase driveway traffic and the impact on the driveway compared to Starter Plants.

### 3.3 Size of Vehicles and Direction of Movement:

The report describes the large vehicles owned by GTS as two small trucks and one large truck, and it going further to state that "**it should be noted that two of the trucks are the size of a large car**".

We find this statement very inaccurate, as seen in the photo below, which we assume shows one of the vehicles referred to as being this size of a large car. As seen in this picture, and other on the GTS Facebook site, this truck is commonly shown towing their large mulcher.
As stated previously, in their resource consent application GTS has not provide details of their vehicles or additional equipment to enable us to accurately understand the full impact of their activities on our safety on our driveway.

Information that can be provided in various places throughout the document includes:

- Trucks used 2.6, 3.0 and 4.5 wheel base.
- Tracking curves modelled on 8m long medium rigid truck with wheel base of 5.0m. They have semi-rigid trucks – so should be able to turn more efficiently then proposed.
- Max Truck Weight = 6330kg (NOTE: no weight of max combined weight of truck and load as provided by Starter Plants)
- Dihatsu Truck or Hino
- Isuzu Forward is the largest truck on site

From our searching the following diagrams are what we believe are the current trucks used by GTS:

With the larger of the trucks shown below. These photos again show the truck towing the mulcher and also the potential loading of the truck that will further increase the impact of
the vehicle on our driveway. Throughout the original document, GTS does not refer to what they will be doing with loads such as this. In additional information provided, GTS stats that wood from pruning or felled trees would be disposed of off-site and does not propose to bring wood back to the site and process this as firewood for sale.

The GTS application and the Traffic Concepts Report also put a significant focus, and weighing, on the directional movement of GTS vehicles based on the time of day – as outlined:

The trucks are on the site and will exit the site in the morning and return in the evenings. This pattern is the same as other users on the right of way. The likelihood of a truck meeting a resident is very rare as the trip movements are generally in the same direction at the same time of day.

This assumption by GTS does not account for the following situations:

- It is possible for trucks to meet with vehicles leaving 128 Turitea Road as their entry points between the main building and the shed – again, it is important to note that there is very low visibility at this site.
- Secondly, the chances of this occurring increase given there will be potentially three trucks leaving the site at the time that multiple vehicles from 128 Turitea Road will leave their section on the way to school or work each morning.
• The report makes the assumption that vehicles from current neighbours will not return to their properties until after 3:30pm and will remain there. It does not recognise that we are only 5km from the centre of Palmerston North and are likely to return home rather than staying in the city to wait to complete other tasks. The assessment of our traffic movements indicates that this is not the case.
• That the only movement of GTS vehicles, including trucks, will be at those times with no additional trips to and from the site other than at the times mentioned.

A key factor in determining the chance of vehicles meeting each other on the driveway relates to the number of vehicle movements per day. In this traffic report, it is estimated that the current dwellings have an estimated use of the driveway of around 28 movements per day, based on 7 per household. Our analysis of our properties vehicle movements puts our estimate at approximately 10 vehicle movements per day, with this reaching 16 on some of these days, resulting from a number of additional trips occurring both during the day and for after school and evening activities – this is excluding any vehicles visiting us. We would assume that the vehicle movements for other households will far exceed the estimated numbers per household outlined in this traffic report. This significantly higher level of traffic movement will greatly increase the risk of meeting GTS vehicles on the driveway.

3.4 Safety of All Users of the Shared Driveway, not just Vehicles

As outlined on page 15 of the application, the results of the independent traffic assessment is quoted that “There are no safety issues with the formation of the right of way” with the assumption that “should a collision occur it will be a damage only crash as the impact speeds would be very low”.

It is clear that the traffic report does not account for the fact that this shared driveway is the sole exit point onto Turitea Road via car, bicycle or walking/running. Any impact between a vehicle and a bicycle or person will not be minor. In not accounting for the multiple use of this shared driveway, the report does not adequately assess the risk to the existing properties based on the increase in both traffic movements, and the size of these vehicles, by GTS.

3.5 Limitation of the Driveway Assessment, does not review all parts of the driveway for safety:

In addition, it states “the formation of the grass areas allows for opposing traffic to pass” relates only to the first part of the driveway that is shared by all properties, with another point also highlighting the definite one-way nature of parts of the driveway. The assessment of traffic and safety appears to stop when the GTS trucks arrive at 126 Turitea Road. The risk assessment does not apply to the additional impact and safety concerns for residents for 128 Turitea Road based on the trucks using significantly more of the driveway than Starter Plants, in addition to trucks entry onto the driveway in an areas of extremely low visibility for all vehicles.

In his report Mr Clark also states: “The council requires the access to be upgraded to meet PNCC Engineering Standards and/or NZS4404 due to safety concerns”. In his conclusion, he states: “the right of way will not meet the requirements of the PNCC Engineering Standards
or NZS404 provisions for access”. We thank Mr Clark for reaching this conclusion, and while he believes that the right of way can function efficiently and with no safety concerns we do not believe this to be the case as outlined throughout our response to this application.

We also find it surprising that this report states that “the right of way in its current formation width reduces the speed as it constrains the forward sight distances to create a lower speed environment”, yet in his recommendations he recommends widening of the driveway in spite his assessment of safety being based on the current state of the driveway resulting in low speeds and therefore limited damage from resulting collisions. Based on this reasoning, any action that will increase the visibility and width on the driveway has the potential to increase speed and therefore, increase the risk of both a collision and the level of resulting damage.

3.6 Safety Concerns Regarding Turitea Road Driveway Entrance (Zone 1)

The following two figures are used to outline the concern that we have regarding the driveway entrance to Turitea Road.

As outlined in Figure 1, additional safety features have been added to the road in the form of traffic poles along the centre line as it nears the bridge. A second area highlighted in the picture shows the state of the side of the road across from the driveway entrance – from this picture it is clear that the ability of a car (and especially a truck) looking to enter into the driveway to pull off the road to allow others to pass does not exist. Vehicles will invariably get stuck if they attempt to do this. With the presence of the traffic poles, this will make it more difficult for any vehicles attempting to pass another vehicle waiting to enter the driveway, especially a truck.

In the GTS application it states:

‘where vehicles pulling into this site are unable to turn into the site immediately, adequate space is provided on Turitea Road for vehicles to pull off onto the left-hand side of the road until oncoming traffic is cleared’ (Page 16).

While there is adequate space, GTS have obviously not examined the condition of this space, otherwise that statement would not have been included in their application.

With the addition of the safety feature, this does support vehicles in staying on their own side of the road as they approach or exit the bridge. However, the presence of these does mean that the space for vehicles to pass before the driveway has been decreased. More importantly, given the size and length of the GTS vehicles, there is potential for traffic heading towards the city to delay their truck turning into the driveway and stop any traffic that has followed them over the bridge.

The impact of these is shown in Figure 2, which outlines the estimated distances and the formation of these traffic posts (which as spaced 3m apart). From our estimation, the distance between the end of the traffic posts and the start of the driveway entrance is just over 40m.

It is clear from all assessments that the number of vehicles both entering and exiting the driveway will significantly increase should GTS gain permission to operate from this site and also gain permission to progress with the subdivision.
In addition to the risk of increased traffic turning into the driveway off Turitea Road, there is also a risk at the bridge from traffic turning out of the driveway. As shown in Figure 3, traffic approaching the bridge (not always at a reduced speed), look further down Turitea Road before crossing the bridge. It is common for this traffic to not give way to vehicles that have exited the driveway and progressed towards the bridge.

I am sure that it is acknowledged by all that this one-lane bridge is not a very safe bridge – so we are questioning why PNCC is considering a proposal that would see a significant increase in traffic both entering and existing off Turitea Road so close to the bridge. There have been fatalities at this bridge and, while there is not recorded data, there are also a significant number of near misses at this bridge.

We understand that there is still ongoing development on Turitea Road which would increase the traffic on the road. We understand there is the likelihood of a connecting road from Pacific Drive down into Turitea valley which has the potential to further increase traffic volume on an already stressed road. Turitea Road is also a very popular road for cyclists as it links to Greens road and has plenty of hills for road cyclists. Also, Turitea Road is part of the National Walkway, Te Araroa Trail, yet is a narrow road and provides no off-road pedestrian path, which is particularly a problem in the winter months with muddy road sides, and an ever increasing level of traffic given the ongoing developments occurring further up the valley.
Figure 1. Diagram showing traffic poles and state of potential pull off area alongside Turitea Road near driveway entrance.
Figure 2. Diagram highlighting distances from bridge and traffic poles to entrance off Turitea Road.

Figure 3. Line of Sight for Drivers looking up Turitea Road at One Lane Bridge.
3.7 Safety Concerns Regarding Truck Movement within 126 Turitea Road (Zone 4)

The proposed truck movement within 126 Turitea Road raises some significant safety concerns for 128 Turitea Road, and area identified by GTS as Zone 4. These are based on very low levels of visibility and the proposed movement of these vehicles. These are highlighted below as Area of Safety Concerns #1 and #2.

**Zone 4: Area of Safety Concern #1:**

This area provides the first significant safety concern that has not been identified or addressed as part of the proposal – and this area highlights the concern of our access to our property running directly through what is proposed to become their truck driveway and turning space.

The picture below (taken from inside a car, close to this space) clearly shows the view of the space between the curved hedge/shed alongside the driveway and the main nursery building. This is the space highlighted on the diagram where GTS trucks will enter onto the driveway. As is clearly evident from the picture – the level of visibility is very low, and is very low for both the trucks entering out of their proposed shed, and to traffic (cars, bicycles or people walking or running) in either direction. We believe that this proposal will make this part of the drive very dangerous to us and our family.
Zone 4: Area of Safety Concern #2:

This area provides second significant safety concern that has not been identified or addressed as part of the proposal – this area is highlighted in the plans for GTS as Passing Bay 4.

As this area clearly shows, this is not a Passing Bay, but is space required by GTS trucks to enter the driveway. A truck entering through the low visibility, narrow gap, as outlined in Area of Concern #1, needs this additional space to complete their turn onto the driveway. A car that is travelling alongside the building on their way to 128 Turitea Road, has no where to go – as shown by the red parked car that is inside of the trucks turning space. We see this as a very dangerous situation given both the car (or bicycle) and truck will be moving.

From this diagram highlighting the turning circle, the truck will be unable to stay in what is described as Passing Bay 4 (out of the way from an approaching vehicle), as doing so would mean that the truck would be unable to make the turn onto what is currently the first part of sealed driveway, near the entrance to 130 Turitea Road.

In addition to the above two areas of safety concern, we also have concerns regarding the contradictory information in the application around this area and our water supply, which runs through this area, and how far the proposed sealing of the driveway will go given the location of the site for mulch storage.

We feel that the traffic movement outlined above has not been well planned and represents a significant safety concern for the residents of 128 Turitea Road through their use of this driveway. It should be noted that GTS has three trucks that will all be leaving and arriving at different times, which further increases the risk to our use of this driveway.

Additional Concerns regarding Passing Bay 4 and Mulch Storage:

Sealing of Passing Bay 4

In addition to the above comments regarding passing bay 4, the information provided by GTS in their resource consent application conflicts the surfacing of this site. In Appendix 3 of original submission, this area is highlighted in green which states “existing formation to be widened to 5.5m and 2 coat seal”, yet in the additional information provided this area states “metal surface to match existing”. In addition, given that there needs to have vegetation 1.0m to the fence, achieving 5.5m wide road as this point is not possible.

Water Toby and Water Pipe in Passing Bay 4:

Another issue with Zone 4, Passing Bay 4 is that this is the current location of the water pipe and water toby which supplies water to 128 Turitea Road. This water toby is located on the side of the current driveway and is at risk of being hit by GTS trucks – which has been the case twice
since the GTS purchased the property, resulting in both loss of water supply to 128 Turitea Road and water loss from the leaking pipe.

Sealing of Driveway to the Area of Mulch Storage

There is conflicting information in the submission and in the supplementary pages as to whether GTS intend to use the existing mulch site (at the end of the straight that leads directly from 128 Turitea Road). It they do use it at all the sealing of the driveway must extend far enough to allow trucks to access this area and not drive on a metal surface, as any attempts at turning vehicles on this corner will rip up the driveway.

Council Report to David Forrest from Heather Liew:

On reading this report, it was disappointing to see that this report did not identify the clearly outlined safety concerns that we have discussed above, and also based their assumptions on the incorrect information provided regarding vehicle movements supplied by Starter Plants. It also does not recognise the limitations of the assessment by Traffic Concepts, or test any of their assumptions (which we have outlined in Section 3.3), or identify the additional safety risks from the truck movements once they have reached 126 Turitea Road (see Section 3.7). In not acknowledging this, we believe that this report is both incomplete and provides an inaccurate assessment of driveway safety. Heather Liew did visit the site and provided us with an opportunity to raise these concerns, including the truck movements within 126 Turitea Road which were discussed, yet she did not address any of these in the report despite verbally indicating to us that they would need to be addressed.

4 GTS comparison with Starter Plants

The Resource Consent for GTS case is significantly based on the comparison of their business with the previous business at 126 Turitea Road, Starter Plants – in terms of staffing levels, traffic and also business function. We have lived next door to Starter Plants for 18 years and believe it to be a small family owned business. Other than the owner, Eddie, there were generally only 1 or 2 other staff members on site for most of the time. The figures given by Eddie Welsh, as seen in the appendix, are based on what we believe to be the absolute maximum staff numbers and traffic movements over the given period listed, but not a true indication, or even an average, of the actual staff or traffic numbers on any given day. There were plenty of days over both periods listed that there would be no staff members on site. It should be noted that these staff figures from which all traffic movements and comparisons to GTS have been drawn (including forming the basis for their private engineers report), where given by Eddie Welsh prior to the sale of 126 Turitea Road becoming unconditional. Eddie hosted multiple meetings of the neighbours with GTS, also attended by consultant Ryan, so was well aware that 3 of the 4 neighbours were unwilling to sign the affected persons form to allow easy passage of the resource consent, especially given information regarding GTS’s intentions regarding the property had not been provided. As mentioned we believe these numbers to be the maximum on 1 given day, not a true indication of staff and traffic movements everyday over the periods stated. Therefore, we do not see there can be any comparison between the two businesses in terms of staff and traffic movements. Starter Plants had a couple of cars each day, with the odd courier van or truck a couple of times a week. In comparison, GTS will drive 7 cars in and out each day and will drive 3 or 4 trucks, and a couple of utes, in and out each day. In their application GTS refer to their trucks as large cars. We own a Holden Captiva which we consider to be a large car,
the trucks GTS drive are considerably larger (hence them being referred to as trucks). Their application downplays the size and impact these large vehicles will have down our previously quite driveway, and we find the description in the GTS application clearly misleading. The drive was clearly highlighted as an issue at these early meetings, with the risk outlined at these meetings to GTS of them going unconditional without knowing if required changes for resource consent had the support of the neighbours.

*Landscape Supplies and Tree Growing (part of comparison with Starter Plants):*

As far as we are aware GTS currently do not currently operate a made-to-order tree service. This would be new business. The consent application talks in multiple places of all staff leaving in the morning and returning in the late afternoon and no one being on site through the day. If this is the case, how will GTS plant and tend to their made-to-order trees. This is another example of the level of detail that is missing from the consent application. Landscape supplies is also mentioned in the application yet there is not details of this provided, including current and future plans. Based on additional information provided to the council, GTS confirmed that mulch would not be sold or supplied from the site. As stated previously, this site will also not be a base for their current firewood business. We are therefore questioning how this site will support their landscape supply side of their business.

Also, since purchasing the site, GTS has removed the row of Plain Trees that lined the boundary between 126 and 128 Turitea Road. These trees had been topped yearly by Starter Plants to prevent them impacting on 128 Turitea Road. GTS have since removed these trees, rather than top them each year. Since their removal, GTS have since completed extensive planting of trees close to the boundary of 128 Turitea Road, despite us being told on several occasions that they were not going to plant within 5m of our section. All this planting is within this 5m area. This is another example of things that GTS said they would not do, yet have done the exact opposite.

It is unclear of the type of trees have been planted, other than them being natives, or how these trees will be managed. These trees will need to be either topped or removed when they get to a height that impacts on our section, namely when it impacts on sunlight reaching our house.

5 **Subdivision Concerns:**

Like the rest of this application, the information provided does not allow for a clear assessment of the impact of this subdivision on the surrounding properties. This includes:

- No Plans, or any information, provided regarding requirements that allow us to assess the impact of this development. What type of building, or buildings, would be permitted at this site?
- What covenants will be applied to this property, ensuring that the resulting developments do not impact on surrounding properties. Or are no covenants planned?
- There does not seem to be an assessment of the impact of the new subdivision, and required earthworks on drainage from the new subdivided site – this should include the impact on drainage both from raising the site and water run-off from effluent disposal system/rain water resulting from any potential future buildings.
- No information is provided regarding whether the site is suitable for building on (e.g. Geotech report), and the resulting impact on driveway, Turitea Road, and access for other properties to achieve this.

Water for New Houses – both New Subdivision Site and GTS Site:

- We acknowledge that it is stated that any new house that is built must have its own water tanks and will not connect to the town supply. This is important as any further connections to this supply will need the council to upgrade it to ensure adequate pressure is retained to the currently connected houses.

We have significant concerns regarding the possibility of an additional house to be built on the site retained by GTS business activity. We do not believe that a house should be allowed to be built on the GTS site should the business also be based from this site. We assume that their proposed site would be in what was the orchard for Starter Plants, however we are extremely concerned of the impact of this building on drainage (including from the effluent disposal system) and the resulting impact on our section, which is downhill from this site. We were surprised to read in the document that this was a possibility as this was not something that had been mentioned to us in our discussions with GTS to date.

6 Additional Concerns Regarding the resource consent application:

We find the positive effects outlined in the resource consent application (Section 5.2. P10) to be not actual positive effects and are based solely on the benefits to GTS.

- *Enabling the continued operation of GTS* – we struggle to see this as a positive effect given that GTS current do not have permission to operate from this site and could have easily have bought an alternative site with no shared driveway access to that site.
- *Utilisation of rural land and existing building to support a landscaping supplies activity* – as stated in the application, it will not store landscape supplies onsite – the only part is them growing trees for sale which would be a new part of their business. We do not see the use of the existing buildings to park their vehicles in and store equipment as a positive benefit.
- *the Rural-Residential overlay* – this does not provide for a business such as GTS to operate from this land so do not see their use of this property as positive
- Upgrade to the driveway –existing neighbours understand the need for this but this has been put on hold until this process is completed. The only benefit here from GTS is their promise to pay the full costs of this.

In addition, the resource consent application does not provide a strong case for GTS use of the site. Additional examples of this include:

- *The proposal involves an alternative use of the site, using the existing buildings to store equipment and vehicles overnight (P12)* - while it will use some of the existing buildings with the exception of building the large, very visible, truck shed, the site will used significantly differently from its past use as a commercial nursery. The size of the additional pole shed, at a height of 5m, is significant and unlikely to be able to be hidden by existing trees or will be years until this is achieved.
- Applicant sought to minimise the loss of other vegetation, with removal proposed only to enable the required upgrade works and construction of passing bays (P12) – this is not wanted by any of the neighbours, as mentioned previously a key attraction to living here is the tree-lined driveway.

- Subdivision allowing for planned rural-residential growth within land identified for this purpose (P19) – this activity proposed focuses on the intensification of an area of rural-residential land through the addition of a proposed additional property and a commercial business that does not have consent to operation from a property based on this zoning.

- Refers to proposed arborist activity (P19) – the proposed use of the site is predominantly as a base for GTS and this trucks/equipment, not a arborist activity.

- Ensure that all new lots have safe and adequate vehicle access from the roading network (P20) – as outlined throughout this document, we do not believe that what is proposed provides a safe driveway.

7 Conclusion:

We have significant concerns regarding the proposed development of 126 Turitea Road as outlined in this resource consent application and significant concerns regarding our safety, and the safety of others, regarding the driveway and the significant increase in vehicle movements.

In addition, we are still struggling to understand why GTS, a business based around trucks (a non-rural/residential activity), purchased this site (within a rural zone) where the property (126 Turitea Road) is surrounded by four houses (two in close proximity), and all properties are accessible down a shared driveway that in no way meets its access requirements. We believe what is proposed has a significant impact on us, and our safety in the driveway, along with health and safety implications. Based on the information outlined in this response, this application should be declined.

To:
Democracy Manager/General Counsel
Strategy & Planning
Palmerston North City Council
Private Bag 11-034
Palmerston North

Phone Number: (06) 356 8199
Fax Number: (06) 355 4115
Email: submission@pncc.govt.nz

Name of Submitter: Kevin O’Reilly

Contact details of Submitter: (Full postal address, phone/fax number(s), email address of Submitter)

Address: 132 TURITEA RD
RD2 PALMERSTON NORTH

Phone Number: 06 357 5671/0272302741
Email Address: koreilly@xtra.co.nz

Please ensure all areas of this submission form are completed.

This is a submission on an application from:
Guardian Tree Services Ltd for a Resource Consent for (briefly describe activity and type of resource consent) Land Use at (Resource Consent address) 126 TURITEA RD, Palmerston North

My submission is: (Choose from the following)

☐ I support the application
☐ I am neutral to the application
☐ I oppose the application
☒ My submission relates to the entire application, or
☐ My submission relates to the following specific parts of the application: __________________________________________

I wish/do not wish (delete one) to be heard (speak) at any subsequent hearing

I wish to have the following parts amended: see submission attached
The reasons for my views are: (If necessary please attach additional page(s) to this submission)

I seek the following decision from the Palmerston North City Council: (Give details including the nature of any conditions sought)

If others make a similar submission I will consider presenting a joint case with them at the hearing (Delete if you would not consider presenting a joint case)

Signature of Submitter: (Or person authorised to sign on behalf of Submitter)

(A signature is not required if you make your submission by electronic means)

Date: 30/8/19

Please return, post, fax or email this submission by 4pm on Friday 30th August 2019 to the Council address given at the top of this form.

You must also serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on Council.

The address for service is:

Guardian Tree Services Limited
PO Box 5541
Palmerston North 4441
Submission to PNCC regarding Resource Consent application- Guardian Tree services for Land Use activity (LU 5093) and subdivision consent (SU 5082)

We, Siann Aburn & Kevin Orr, 132 Turitea Rd, RD2, Palmerston North, ph 0272302746, SNORR@xtra.co.nz would like to make a submission regarding the above consents as notified affected parties. We are in opposition to both the land use and subdivision consent for a large number of reasons which we will try and break down into different categories for easier reading.

The application is for a land use consent in the name of a limited liability company. They are requiring consent for a base for an arborist business, a landscaping service and landscape supplies business. Therefore the intention is to base all the vehicles, equipment and personnel required to operate all these aspects on the subject site. We believe the application is fundamentally flawed. It contains a large amount of contradictory information and omissions. There is nothing that is clearly or definitely defined and the application contains a lot of “generally” and “typically” type statements. It is difficult therefore to critically understand the application and determine exactly what the impacts & effects will be of these multiple activities. The main focus appears to be that everything “is less than minor” which we categorically refute.

We have tried below to provide reasons for our opposition and highlight some of the contradictions and omissions that we think are in the application.

1. **General assessment:** We and many others consider the Turitea Valley a special area of the city being located so close to town but having a rural amenity and character with minimal imposition of commercial or industrial businesses. The whole valley is essentially filled with lifestyle properties and one working farm. There is one commercial business -CDax on Harts Rd which has been in operation many years. The road is heavily used by cyclists, and increasingly by walkers and is a part of the Te Araroa trail. The numbers of walkers going past our gate has significantly increased in the last couple of years and with the popularity of the trail is likely to continue to increase. (will be addressed further on but hazards include one lane bridge, narrow road and no footpaths) In recent times the majority of the area has been rezoned rural-residential and the subject property was included in this overlay in 2018 at the previous owners request to make the site more saleable for him. We believe a rural residential area has a primary focus as housing on larger sections than city dwellers and that allowing this land use consent would have a precedent effect contrary to the objectives and policies of the District Plan. We strongly feel that allowing a commercial enterprise like this that has multiple facets attached to it on a shared driveway with pre-existing families is mad. Their operation is better suited to an industrial zoned or solely rural zone area to achieve separation from other activities and they should have their own driveway. We have spoken to a number of other residents in the Valley and found no one who was supportive on the proposal. We are aware the planning department from PNCC has heard from some of these people.

Turitea Rd is constrained currently with narrow width, and 2 one lane bridges with poor sight lines on both particularly at the speed a lot of cars are now travelling on this road. There are near misses on a weekly basis of people failing to give way or not seeing opposing traffic and there has been more accidents than what the council seems to be aware of. Unfortunately there was a recent (2018) double fatality on the closest bridge to us. Our entrance/exit is in close proximity to this bridge and is essentially blind to vehicles coming
from town until they are on the bridge. The safety measures that PNCC instigated after this
fatality have made our entrance more difficult. We are also aware that there is already a
new subdivision slightly further up the road (Brian Green 5 lots) and a larger one on Valley
Views and that a number of residents on Turitea Rd & Harts Rd intend also to subdivide in
the near future due to the rezoning to rural residential for the majority of the area. This is
going to lead to intensification of traffic volumes and potentially more conflict and risk. To
consider a non-complying activity as well in light of the increased risks that are going to
happen anyhow (and apparently no road or bridge upgrade is intended) is dangerous. PNCC
should also be considering future issues that could result from allowing this land use and
subdivision consent. We consider this area a high amenity area. People living in rural areas
value the amenity characteristics of privacy, open space, low ambient noise and clean air.
Adverse effects on amenity values should be avoided, remedied or mitigated. The applicant
claims that they consider all adverse effects as less than minor so therefore they don’t need
to mitigate or remedy anything. This is not our opinion. The loss of character and visual
amenity to the area is significant considering once a land use consent is granted it is
potentially for ever and could change over time with future growth of the business or a
change in directors of the company. The current directors of GTS could depart but the
residents will still be stuck with the business.

The horticultural enterprise that occupied the site (Starter Plants Ltd or SPL) was a very low
key enterprise with minimal machinery as such and most jobs being done by hand. We
dispute the figures used to compare SPL with GTS as the supposed 5 part-time workers were
never there on a daily basis year round and the truck/van movements are extremely
exaggerated. At most times there was around 2-4 cars on site.
The applicants premise is that GTS and their proposal are similar to what we had existing
with SPL and all their effects will be less than minor. This is stretching the boundaries of
credibility: a consent for an arborist business with multiple trucks/mulchers/trailers (which
they haven’t disclosed in their application) and utes and a large new shed, a landscape
supplies business, a horticultural enterprise (growing trees) as well as a 2 lot subdivision with
the potential for 2 new dwellings and associated vehicles represents a significant
intensification of existing use, particularly with the issues of the right of way and associated
difficulties discussed further on. It is also not unfeasible that whoever acquires lot 2 could
also legitimately operate a horticultural enterprise or even a home business.

We have also found it difficult to ascertain in parts as to exactly what is also proposed as the
application contains contradictory information, there is no definitive list of vehicles, weights
and lengths, no mention of the fact they are always towing mulchers behind the trucks and
utes and what other equipment they have and no set hours. We are unsure if they are
requesting consent for a potential 24 hour a day 7 day a week enterprise as there is a lot of
of “generally and typically” type statements when we should be getting certainty - do they
want consent to only come and go once per day as they state that they will be offsite most
of the day or come and go as they please which could well be more than once a day, exactly
what is involved with pack down, clean up, landscape supplies etc.

We also believe the concept of placing a business such as Guardian Tree Services on a
constrained environment such as our ROW with 4 existing residential properties (including 2
10 acre blocks with stock) and young children and expecting us to “wear” the safety risks
associated with this as submitted by the applicants and their roading engineer is completely unsatisfactory, especially since the applicants were aware of potential issues and neighbourly opposition before they went unconditional but they chose to carry on.

1. Issues regarding subdivision and potential second “house of right”
   - These 2 lots alone represent a significant increase in intensification of traffic forever. Currently we have 4 residences having access via the right of way 24hrs a day. This will increase to 6. Taken in context of our environment the proposal represents a large change to the environment. There is also apparently significant flood mitigation effects required for Lot 2 and the area identified for Lot 1 is very wet in winter and likely to have issues - has this been assessed?
   - There is no Geotech report? Pg 8 regarding Natural Hazards states all subdivisions must submit a geotechnical report and they do not comply as one is not attached. Why not?
   - Plans currently show the house building site of Lot 2 is behind the existing buildings of SPL and requiring land to be built up significantly. Reference is made to 706m³ (volume) of fill being required over 177m² to build up the building site to meet flood mitigation requirements. On what basis has this been ascertained and where is the scope of works to achieve this? Is the building platform only 177m²? It will require multiple heavy vehicle movements. There will be significant impacts with dust, noise, stormwater etc, how are they being mitigated? What are the effects on the wider environment as that portion will be higher than the surrounding land.
   - There is no mention of any covenants being put in place for either the sub-division or house of right. Are they going to restrict houses to single level builds or a maximum build size?
   - What are the plans for a house on Lot 1- no site assessment for this just a vague reference to possible site.
   - There is no memorandum of easement for power for both Lots (just for the already existing ones) & we also understand the existing septic system disposal field needs to be changed. How is this being achieved? How is the power getting to the subdivided site? We all share the same transformer, is it adequate for 2 more properties? We see no assessment for these.
   - Therefore there is not enough detail regarding the amenity effects on the environment of the proposed 2 lot subdivision to draw clearly defined conclusions on what the impact will be. (as they claim there are none but dust and noise will be significant)

2. Issues resulting from land use application consent and adverse environmental effects
   - The land use consent requested is for a multi-use limited liability company incorporating
     - An arborist business
     - A landscape supplies business
     - A landscape service business
     - And, as of right, a horticultural nursery
   - It should be noted that all properties on the right of way are zoned rural-residential, including the subject site (not rural zone as written in the introduction on page 2). To the best of our knowledge there are no other enterprises in the Manawatu region
operating on a shared drive of this scale (essentially 6 lots plus a multi-faceted business). On page 6 it is written that PNCC planning manager David Murphy noted when adding numbers 126, 128 and 130 to the rural residential overlay that it “would enable one additional lot and a dwelling to be established on each lot”. However we do not believe he imagined a land use consent of this nature being incorporated as well.

- It is claimed that the nursery has been active since the 1930’s. This is incorrect as it was farmland until 1987 when it was subdivided. It was further subdivided in 1999 and later on sold to SPL 2000.
- Mr Welsh of Starter Plants Ltd submitted to the council (attached in appendix 11 of applicant submission) as part of his proposal to put his property into the rural residential overlay that his nursery used just over 1ha of the land from the 2.35ha of the total land area. The applicant is retaining 1.15ha for lot 1 which is incorporating their depot and possible dwelling, landscape supplies as well as land for horticultural purposes (growing made to order trees). Therefore the size of the land in “use” is similar but represents a large intensification with the number of activities proposed compared to SPL’s usage. It is also claimed that essentially GTS will be only onsite early morning and late afternoon so when and how are they going to tend to the horticultural enterprise if they aren’t here during the day? The noise generated by the horticulture is apparently exempt from the District Plan noise rules however the noise generated by the land use consent including its trucks is not (pg 9). Mr Welsh also states at this time he had up to 4 part time staff and himself (not stated as full time).
- The application appears to state that all aspects of their proposed activities will be less than minor to the environment and any other party, so therefore they are essentially not mitigating any aspects of their activity as they consider no parties to be adversely affected (pg 18) & pg 2 supplementary q1 26/6/19
- However we believe that factors such as a new 162m² shiny Zincalume open pole shed, standing 5.2m high, as well as increased dust, noise (possible start-up of trucks at 7am), note SPL rarely used the Rankin ROW for any heavy vehicle movements only 3 sawdust deliveries per year), potential stormwater issues, and substantially increased traffic (discussed further on) as well as unknowns as to what exactly landscape supplies entail or could forceably encompass all represent a significant change to the environment and will not be without impact. They also claim that the large shed could be constructed “as of right” if they were to use it for horticultural activities. However the purpose of the shed is as a depot to store their vehicles and equipment for their arborist and landscape supplies business so does not relate specifically to the horticultural activities. There already is multiple sheds and offices onsite relating to the horticultural activities that SPL used. (ref pg 1 supplementary question 1 response date 26/6/19)
• Staff numbers- all photos on social media, website and advertising show 8-9 people (as per photo above) but the application says 5-8 and a lot of calculations appear to be done for the lower number. Calculations (especially traffic movements) for SPL on the other hand appear to have been done for 7 staff and include the supposed 5 part-time workers being there everyday of the year whereas a more accurate description of these is probably casual workers. It should be noted our son was one of those workers – 4pm to 5pm on Fridays! Invariably he was left to lock up because the usual operational hours for SPL were 8am to 4.30pm.

• There is no stormwater plan for the site and subdivision apart from using any existing drains (discharging into Turitea stream). Is it adequate in size/volume capacity? Their plan requires a much larger hard stand area and the construction of a large building and will result in more runoff in various directions. There are water ponding issues already and because some vegetation is likely to be removed this will increase. The current slope will likely direct some of this water to us and we can’t see how they are mitigating this.

• Where do they currently grow landscaping species (trees & plants) that are supplied wholesale to clients as per pg 2 on supplementary question2? It is not at their current site. Any of their existing vehicles used to transport these supplies off site as claimed will then become "laden".

• Can they guarantee there will never be any weekend work (apart from office work) or after hours call outs? Absolutely never?

• There will be more noise than we experienced previously due to the start up of trucks and possible air compressors and other equipment, as well as potential odour (fumes) issues & more dust due to the increased volume of traffic.

• On page 4 reference is made about the proposed upgrade to the right of way as detailed in Appendix 3. The claim is the works do not involve the removal of any established mature trees. However page 9 section 5.1 states that the removal of any trees along the shared driveway may be required to enable the upgrade to improve the safety and function of the shared drive for existing activities. Their roading engineer Mr Clark however claims the driveway (and therefore the existing activities) are currently operating safely and their proposed changes are only for efficiency sake. This is contradictory. It can’t be for safety if the ROW is already operating safely!
Please also note as the actual owners of the right of way we have had no consultation about even the possibility of removing any trees or making any changes. The original intent of the easement (in 1986) creating the right of way needs to be considered. It was originally intended as a 3 lot subdivision including a tree lined driveway using the pre-existing fencelines as boundaries. The trees were onsite prior to the creation of the easement (shown in the photos in the application as being there prior to 1981) it would be considered an unlawful interference with the right of way if they unilaterally make changes. The subject site was further subdivided in 1999 with no changes to the ROW easement so the original intent of a tree lined gate & drive stands. It should also be noted that the applicant has not provided an independent report or information regarding which trees are likely to be removed and also what the potential effects on the existing well established trees that are part of the environmental amenity during their proposed upgrade as these changes have the potential to damage the root infrastructure of remaining trees. They claim it is their right to make all their changes but have provided no legal opinion stating they do have the right.

3. Issues regarding traffic, ROW proposal and reports
   - We believe the ROW plan as detailed is unworkable and reject it as a viable option.
   - Mr Clarks assessment appear to lack clarity on what the actual vehicles GTS use and appears to be in contradiction of Mr O’Learys. He only references to two small trucks apparently the same size as a large car, and one medium truck. He claims the number of movements by GTS will be less than what Starter Plants had. This is not supported by the evidence provided by the applicant. Mr O’Leary states that heavy vehicle and equipment movements are likely to occur daily. He states the vehicles as 2 utes, Dihatsu (sic) truck or (not and) Hino plus a larger Isuzu Forward on demand. (pg 15/16) He claims there will be some increase in heavy traffic movements. Who is accurate? There are further contradictions in the supplementary questions response dated 5/7/19 (small truck and small bark chipper)- does this look like a small bark chipper? The driveway plan for the Rankin right of way also appears to have been amended from what is in the original application in this response.
• On page 13 there is a comparison table of existing vs proposed activity which appears to claim the 2 enterprises are "similar" and in Appendix 11 we have a table supplied by Starter Plants Ltd regarding traffic movements & staff numbers which is not in correlation to the pg 13 table. In our view the pg 13 table is a gross exaggeration of the pre-existing situation, and the appendix table is even more extreme but also only relates to SPL's supposed busy period. However Mr Clark is calculating his assessment on SPL having **3 trucks per day and at least 2 courier vans per day as well as 7 staff vehicles**, giving a total number of movements per day of 20-30 per day. (pg 5 of his report) This bears no resemblance to either Mr O'Learys or Mr Welsh's figures and no resemblance to what we as residents lived with. (our calculation for SPL would be roughly less than 10 per day normally and between 10-15 in busier times being generous). In our experience the larger truck deliveries were often to the road gateway and then collected from there by SPL's van. Mr Clark also only mentions one further residential property as part of the subdivision whereas the application incorporates the possibility of 2 houses. He gives the residents a lower number of movements than usual (7 vs the usual 8) because of our rural position. However as stated previously the attraction of the Turitea Valley is it proximity to town. We are only 1.9km to the local primary school, 2km to Massey Uni, 1.3km to the local supermarket and restaurants, 5.2km to the Plaza shopping centre, 4km to sports fields, Girls High school etc. In fact I would argue it causes more traffic movements rather than less! The existing movements on the ROW by SPL are therefore considerably exaggerated and as he has based his report & comparisons on these the reliability of Mr Clarks calculations and conclusions are questioned.

• There is no reference to vehicles and trucks towing anything. We see by their social media photos and what we have observed around town that it is usually a truck with a chipper attached. The question asked by PNCC in their letter #2 regarding vehicles towing trailers/chippers appears to have been evaded, and passed on to Mr Clark who doesn't answer if these vehicles will actually fit in the passing bays if needed as he expects the residents if meeting a "small truck" will be the ones using the passing bay. We believe if it's always us having to give them priority it is more than a small inconvenience (and therefore not an efficiency to us) and a change to our amenity as we never had to give way to large vehicles like theirs previously. Mr Clark also goes on to reiterate that GTS movements will be less than SPL's and mentions SPL's "large trucks". Also note Mr Welsh in his table in the appendix only references "medium trucks". This truck & chipper below (taken from their Facebook page) is significantly longer than 8m. Even a ute of 5.3m length towing the Bandit chipper of just over 4m in length will not fit in the proposed bays. Any truck towing either a trailer, chipper or other piece of equipment that they may have (as we have no list) will not fit either. Under the District Plan section 20 page 11 the performance standards state that passing areas should be at least 5.5m wide and as long as needed to accommodate the vehicle types using the access. Therefore their proposal is non-compliant and this makes the plan unsuitable.
• The PNCC road engineer report references a 80% increase in traffic with all facets of the proposal. We believe it will be at least this and more likely in reality more. Ms Liaw gets to a total of 90 daily movements which we believe is still under-estimating as she only gives them 7 staff, 3 trucks including the large Isuzu (pro rata'd) when we are aware that there are actually 4 trucks and no mention of the towed items. If this was taken into account we believe the figure goes over 100. The figure in the application only gives 70-75 mainly because it only gives them 5 staff movements including the utes and 2 trucks (and no towing). Also the true reality is higher than what the “rule book” allows—all residents on the ROW have at least 3 or more cars, we all have trailers, we all have visitors, we have some stock trucks and we all come and go regularly not just once or twice a day. On an average day all of us average at least 10 movements, some days considerably more. So the official method of calculating traffic movements woefully underestimates the actual reality. We believe therefore that the vehicle crossing movements figure does not comply.

• Comparisons with what SPL did/had in the past are not relevant – we should be concerned with what potentially can happen by granting both the land use and sub division consent (which means even GTS existing figures will be incorrect if they get a new or bigger truck or more employees etc). Granting consent on what they claim to do now would not be safe as potentially it could increase unless set limits are put in place.

• Mr Clark concludes that the ROW operates safely currently as is and the proposed upgrade is only for efficiency reasons.

Notwithstanding our comments above there are multiple issues regarding the right of way changes as proposed and we reject outright the proposed plan as suitable for various reasons and would like the opportunity to demonstrate our concerns as trying to explain adequately here is difficult. A site visit would be welcomed.

• Our measurements of formed width go from 2.5m to around 3.0m only. This does not comply with the requirement of 3.5 to 6m for non-residential activities in the rural zone (Lot 1) nor even for the 4-6 residential unit (all zone)(3.5-6m) (appendix 10)
Note- 2.5m wide at this point.

- The current drive is currently chip seal with loose patches and potholes which are filled regularly. This has worsened in the last year as maintenance has been deferred while this hangs over us.
- We have been advised 2 coat chip seal will be inadequate for what we understand the axle weights and volume of their heavy vehicles & equipment and will break up quickly. Our advice is that concrete would be recommended for the type and intensity of vehicle usage.
- The only weight we have is one truck of 6330kg, there are others- what about them? What about the chippers & other equipment?
- Visibility coming down our drive means we can’t see if anyone is already on the drive & lighting/sun strike at certain times of the year makes it even more difficult. We often enter the main part of the ROW before we see any existing vehicles (demonstration needed). It is stated several times that we will back up if we meet their opposing traffic (being the smaller vehicle) - that is hardly efficient for us and could potentially be more than 50m. Restricted visibility means we would often unlikely see a vehicle until it is too late- 2 cars can currently pass (if both move slightly on to the grassed areas) but this is not likely with trucks. It is not unusual to currently meet opposing traffic (even without SPL here) but this will only increase with the intensification of use that will happen. Photos show our exit point to the main drive.
Our view as we are at the bottom of our drive.

Our view just before we exit our portion of our drive

- Again the timing of movements is likely to be more in conflict than we ever had previously as not only do GTS’s staff enter the site around 8am (which is when alot of us can be leaving) but then they also are likely to be relatively grouped together if they are all starting at the same time. Their vehicle fleet is also likely to be leaving again & returning en-masse at the end of day also.

- We feel Mr Clark has underestimated the operating speeds for vehicles coming from both the North and South bound directions (70km/hr and 50km/hr) as in our experience these speeds are regularly exceeded especially in the city bound direction, (pg2) and he (or the applicant) makes no mention of our gate at the entrance (pg3) (discussed further on)

- At its narrowest point the drive crosses over a culvert and we see no assessment of the suitability of this for increased usage by heavier vehicles despite us advising the applicants early on about it. The visibility at the pinch point over the culvert as shown in Fig 4 on pg 4 of Mr Clarks report shows there is significant shadow at times
and difficulty seeing if there is a cyclist, pedestrian or animal on the drive which there often is. The slight turn alluded to is actually around 80+ degrees. And as the rest of the drive curves it has poor visibility. Therefore we believe the sightlines do not comply. (reference Appendix 10)

- We need their response re the circulation movements clarified? (supplementary q1 26/9/19 pg 3) The stipulated wheelbases relate to which trucks? The diagram shows quite a tight turning circle in relation to the pole shed and other buildings. Will it actually work?

Shows narrow point over culvert and turn toward their site with compromised sightlines

- There is a gateway not an entranceway as referred to and like any other property we can close the gate should we wish. This is not impeding access because it is not locked and is no different to the multiple other properties in the area that have gates. They do not own the gateway and have not sought our approval to remove and widen the entrance. The gateway is required for safety reasons when moving stock. If they have to open it they will restrict traffic on Turitea Rd whereas a car
alone can pull in safely to open if necessary already. Therefore the entrance proposal will not work.

Existing gate and letterboxes. Tree on otherside of gate appears to be margin of proposed widening. Gate needs to be therefore reinstated.

- Mr Clark on pg0 claims any crash will be low speed and likely damage only, however colliding speeds could potentially be 60km/hr as it's not unusual to have cars driving 30km/hr on the surface. Even at a combined 40km/hr the crash could still be between their 6330kg truck towing a 2 ton chipper against a much smaller car. It could be more serious than thought, it could be against a cyclist or pedestrian on the drive & we (and everyone else we showed this report to) find it totally unacceptable that they think that it is ok to even potentially put us all in that position. Mr Clark states there are NO safety issues with the formation of the right of way (because the traffic movements will be supposedly less) and that it won't be that bad if a collision happens. We reject this conclusion. He goes onto state (pg 10 &11) that the improvements needed are for convenience and efficiency only and not safety and that everyone should be able to stop safely. The chance even if it is slight (and we believe more likely than we ever had previously due to the intensification of vehicles and lots on the site) should not be considered to be ok.

- Of note it is asserted that the drive functions safely now and changes are only required for efficiencies sake. An injury accident has in fact happened on the drive, and 2 households have beginning drivers/teenagers who all have restricted drivers coming onsite at any time even during the week so the risk is higher.

- We dispute the sight distances on Turitea Rd being “excellent”, for traffic coming from town as we essentially pop out as most drivers are looking further down Turitea Rd before they cross the bridge. It is not uncommon that cars see us at the last moment and either stop in a hurry or proceed and force us to give way (despite having the right of way). We are happy to demonstrate this as we feel it is the best way of understanding our concerns. Mr O’Leary claims the sightline distance is
125m (appendix 10), whereas Ms Liaw in her traffic assessment measures 100.3m and Mr Clark has no measurement but claims the sightlines are excellent and easily meet the required standard. The District Plan (section 20 page 9) requires 110m for a local road, so assuming Ms Liaw's measurement is correct (& our measure is similar to hers) then the sightlines do NOT comply (despite her saying in her report the standard is 100m). The sightline after 100m is of a restricted nature and therefore not clear because of the bridge. Mr Clark also claims it would be a rare occasion that one of us will have to wait while a vehicle exits. However, this does happen often enough already and it is also common that we have to wait to cross over into the drive as opposing cars proceed into the city. The suggestion is that we can pull to the grass verge to wait, however, for a significant part of the year it is very wet and muddy so completely unsuitable. (pg 7-8). The concept that the vehicle on the drive will reverse up to allow a vehicle to turn in is stupid, we find it is always best to get off Turitea Rd as quickly as possible and people are not always aware who is on the drive already as we are looking at traffic on the road itself.

*Sightline from drive exit - note person just visible exiting bridge. Below is proposed “waiting” area.*
• If changes are only required as asserted for efficiency sake and our benefit how will we be impeding access as also asserted? (Section 5.3.2 pg 12)). The drive/ ROW operated as is for the 5 parties including SPL so there was no impeding access in its current formation. The possible requirement for change is only because of the scale of their enterprise and size/volume of traffic and the current District plan. They also knew the formation of the drive and our concerns before purchasing the property.

• There is likely increased water run-off from the changed right of way- in response from a question from PNCC there is a report from Resonant group. Water currently flows into our paddocks, ponding in places. The increased hard area and less vegetation from widening the access will cause more ponding issue and less “soakage” ability. The drive area is built up higher than our land and I expect will go higher still so we expect more ponding will occur which we find unsatisfactory. Curb and channel with drainage is required therefore to meet our requirements. We submit some photos of the existing situation after heavy rain which is not infrequent.

• It should be noted also that we actually live here, it is not our place of work. We have no alternative access and we have no report on how the applicant will provide access while their proposed driveway upgrade is happening. We tried to address this early on in our preliminary discussions but this was ignored. The Easement certificate requires that access is not impeded- that includes by them as well as us.

• An article in the Manawatu Standard (5/11/18) regarding the safety of PNCC vehicles and rubbish trucks on private roads and ROWS and that the homeowners are now required to bring their bins to the main road. The council considers “these changes
are necessary to meet the council's responsibility under the health and safety act. Continuing to collect on private roads and lanes would be likely to expose people and property to the risk of injury.” We believe GTS also has the same obligations to us and all users of the ROW under current health and safety law regarding risk of harm or damage.

*Note photo taken at 4.45pm on a sunny day, note shadow and sunstrike reducing visibility.*
Their surveyors blue marking showing the proposed widening gateway and adjacent tree presumably needing removal.

Current view from gateway including letterboxes that appear to be needed to be moved for the width they propose.
Our existing water main, inline with sprayed area by their surveyor. Runs parallel with drive in grass area and will be needed to be moved for their proposal. Also the line runs under existing drive to supply water to paddock on the left; heavier vehicles may compromise this and this has not been discussed in the application.

Show width of area of possible proposed widening at entrance (not taking into account the gate). What is going to happen to that tree? Even more changes are required at the entrance to comply with Appendix 20i on the land transport section of the District Plan. Also no plans or details are in the application as to how they will comply with this Appendix 20i.
4. Other comments

- In section 7 (pg 34) the applicants claim to have consulted with all users of the drive way and 3 of us have concerns regarding traffic movements and possible removal of vegetation only. By now it should be clear that we have a lot more concerns and the applicants were advised of some of them during the period of Aug/Sept 2018. (can supply emails about such). We at no 132 emailed GTS in October the day before their deadline to go unconditional (in Sept 10) to advise them of our decision not to sign the affected persons form. We had one visit from one director soon after that but since then have had no contact from them, been shown no plans, consulted on any of the driveway/access plans or had any sort of contact. The only hard evidence of any consultation were 2 different affected persons forms and some papers that were given at an early meeting and emphasised as a draft only. We also had a lovely vision statement from them, whose sentiments we do not agree with-especially since the cost to upgrade the drive was & is always their responsibility.

- Safety should be paramount- for us as residents and even more so for a limited liability company operating a business from the site who have obligations under the Health and Safety legislation. The fact that their road engineer (and subsequently themselves as they have adopted his report and recommendations) view the risk of a collision between one of their trucks and ourselves either in vehicles or walking/cycling as being acceptable. We find that the risk to ourselves for damage or injury is higher than what it would be for them with their heavy vehicles and higher to what we ever had previously so to us it is unacceptable a “business” and the council would put us in this position. Having passing bays they can’t fit into doesn’t mitigate the risk and possible adverse effects.

- Since initial early discussions/initial affected persons forms indicated supply of firewood and mulch and were advertised on their website as such. We understand this has been amended somewhat but reference is made to mulch for personal use. How much will this be and where will it be stored (where is the “dedicated areas” in the application). It still needs to get here also so a truck will then be “laden”. They have to load their trucks to take their trees and landscape supplies offsite also. Please note also SPL did not really have a mulch supply- sawdust was used only.

- We have attached documents from both the previous owner of our property (who lived here for 17 years) and the next door neighbour who has been in residence longer regarding their experience of SPL.

- In the time of living here we never noticed or came across daily trucks relating to SPL, we did see or pass their staff vehicles at occasional times only. It was rare to see more than 3 staff vehicles parked on site, with occasionally more, and in fact the photos shown in the application (obviously taken at various times) never show more than 3 cars & Mr Welsh’s van so the premise there were always 7 staff here is wrong. GTS staff numbers on a full time basis are higher.
5. Conclusion

- Overall we feel the land use consent is not in keeping with the local amenity and character of the surrounding area and contrary to the intentions of the District Plan and should be denied. The 2 lot subdivision is not likely to benefit the surrounding environment either with several other new alternatives already in the area especially when considering the site limitations, flooding and access issues. Both will have the ability to have significant effects on our area & amenity.

- In summary we don’t see any benefit in any facet of their proposal. Elderslie Park vs Timaru Council refers to the benefits of a proposal not just the adverse effect. This proposal represents a significant intensification of usage and loss of our local amenity and the ROW upgrade does not benefit any of the existing users due to the need for us to give way to the trucks as stated and the increased risk and volume of movements. Three of the 4 positive effects stated really relate to GTS only. We don’t view them as a benefit. We do not believe the driveway upgrade is a benefit to us. The increase in traffic volumes is significant and we foresee many potential conflicts & risks. Having passing bays does not make it a benefit if we have to sit and wait frequently. The tree lined driveway being in existence longer than the ROW itself is a significant factor in the natural amenity of our site and a significant reason why we bought our place. It is commented on by many locals and visitors. Their ability for them to even do the upgrade as submitted is contested.

- Apart from a large volume of the application addressing the right of way and its issues, the rest of the application is either lacking in enough detail or too contradictory to critically analyse it fully. Without these details consent really can’t be considered.

- We agree with the sentiments expressed in the submissions by the other affected parties.

- Our local environment has been a peaceful, rural orientated site surrounded by like minded lifestyle properties and a small scale nursery. The horticultural enterprise was low key and hands on and did not distract from this. We believe the multi use requirements of this application will have significant adverse environmental effects to both our portion of it and the Valley as a whole, which is why we are in opposition. We can’t see any way they can mitigate our concerns sufficiently to make it palatable to us.

- We wish for a hearing to be held to canvas and expand on all the issues regarding this proposal.
Addendum - photos from Guardian Tree Services social media of the equipment they operate with as well as what they "could have"

Never seen this truck without attached "Bandit" chipper
Existing site including mulch, gravel and wood
A lot longer than 8m
If no limits are put in place then the trucks could change to these as above and below.
Other photos relating to subject site and ROW

Existing culvert below

Apparently most of this vegetation needs to be removed, and the tree roots are likely to be at risk.
Showing proposed 5 m width, note proposed passing bay by existing gate.

Existing ponding in this area, the vegetation will be mostly removed for passing bay 4 which will make it worse.
Shows curve of this part of ROW (no 128 easement) and the proposed manouevring area (entrance and exit) for their trucks. Note vegetation on right likely removed to increase width for passing bay. Also the "fleeting view" of their pole shed extends quite a distance

Entrance to turning area showing existing poor drainage. Note pile of firewood.
Overview of site from our property – looking over area of proposed pole shed and truck turning area.

Shows exit point for cars and trucks exiting depot- to the right of the hedge. Poor visibility and sight lines.
Ponding areas and exit point for trucks and vehicles

Access to no 128 house
However we recognise the wish of the Rankins to maintain privacy. We suggested a 15-20 meter gap for the new dwelling with new planting to maintain the privacy issue. We are open to discussion. As mentioned before this process can be dealt with through the consent process regarding the subdividing of the back section.

5. We are happy to carry the cost of fees and are hopeful we should be able to come to an agreement without getting lawyers involved. There won’t be a cost to you regarding the easement and the possible upgrade to the services. We are happy to pay for this.

6. We are happy to pay 50% of the cost to upgrade the driveway and to maintain it in the future. According to Hoult’s Contracting a two coat chip surface would last a lot longer as the current driveway is a mess.

7. We are happy to pay 50% as suggested.

8. We are happy to negotiate conditions of the easement and maintenance with the Rankins. We are bound by PNCC regarding the placement of the passing bay after 100 meters. The logical place to put it would probably be close to the turning corner at the end of the tar sealed part of the driveway. We are happy to take advice from either the council or contractors regarding the stormwater draining issue. If it is necessary to install a larger pipe we are happy to pay for the cost of doing so. If it is necessary to remove some of the trees it might be possible to do some new planting with smaller trees to maintain a “tree lined entrance”. We are happy to prune the trees at no cost to the residents along from the road up to the corner of the driveway. This will mitigate any problems with the possible removal of some single trees. It will enhance the amenity look and help to improve the stability and wellbeing of the mature trees.

If it is convenient I would like to meet again with the residents possibly on Sunday or early next week. I would like to show you an example of the mulch we produce and the fact it doesn’t smell. Please call me to let me know when everyone is available. 027 2170799

Kind regards

Jonas Muller

Guardian Tree & Landscape Ltd

P O Box 5541

Terrace End

Palmerston North 4441
Affected Persons Approval
Resource Management Act 1991 | Section 95

PART A  I to be completed by applicant

Applicant's Name: Guardian Tree Services Limited
I have applied to the Palmerston North City Council for a Resource Consent to:
(Describe activity and reason why consent is required)

Guardian Tree Services Ltd operations including (landscaping, firewood, mulching, etc.)
Construction of a shed for the storage of vehicles
Two lot fee simple subdivision to enable the construction of a new dwelling

Telephone: 06 354 6990  Fax:

PROJECT LOCATION

Name/Place:
Address/Locality: 126 Tunitea Road, Palmerston North
Legal Description:

PART B  I to be completed by person or organisation giving approval

Full Name of Person/Organisation:
Position (if applicable - eg. for organisation):
Telephone: I am the owner / occupier of the following property:
Address:
Legal Description:

I HEREBY ACKNOWLEDGE:
1. I have been shown a copy of the above application and any other relevant details;
2. I have signed a copy of all the relevant plans or drawings, which are attached hereto (copies of the signed plans are to be lodged with the application) and;
3. I do not oppose the proposed development and give my written approval in terms of the provisions of the Resource Management Act 1991, and;
4. I authorise the applicant to give this written approval to the Palmerston North City Council, and;
5. I understand that in considering the application the Council will not take into account any actual or potential effect on my interests with respect to this proposal.

NOTE:
• It is NOT appropriate to impose conditions on this form.
• If you request any conditions to your approval, please ask the applicant to amend their application to reflect these changes.
• You are entitled to refuse to give your written approval.
• You can withdraw your approval at any time up until Council issues a decision. You must advise Council in writing that your approval has been withdrawn. You should also let the applicant know.

If you are in any doubt, do not hesitate to contact a member of the Resource Consents staff as the Palmerston North City Council to discuss the proposal.

Signed:  Date:

On behalf of:
Hi Siann and Kevin

Thanks for your email. I would like to invite you and all the other residents to meet with us again next week on Tuesday at 5:30 pm at the nursery. I have asked Ryan O’Leary to attend as well. I am hopeful we should be able to present you with a new council form and an attachment with clearly stated description on what we would like to gain everyone approval. I will email the other parties as well and ask them to attend.

Regards

Jonas Muller

Guardian Tree & Landscape Ltd
P O Box 5541
Terrace End
Palmerston North 4441
291 Napier Road
06 354 6990
www.guardiantreeservices.co.nz
Affected Persons Approval
Resource Management Act 1991 | Section 95

PART A | to be completed by applicant

Applicant's Name: Guardian Tree Services Ltd

I have applied to the Palmerston North City Council for a Resource Consent to:

(Describe activity and reason why consent is required)

Guardian Tree Services operations (including landscaping, firewood and
matching supplies), and the construction of a pole shed for the storage of
vehicles and machinery - as described further in the attached document.

Telephone: 027 214 0799

PROJECT LOCATION

Name/Place: 126 Turflea Road, Palmerston North

Address/Locality:

Legal Description: Lot 3 DP 86488

PART B | to be completed by person or organisation giving approval

Full Name of Person/Organisation:

Position (if applicable - eg. for organisation):

Telephone:

Address:

Legal Description:

I HEREBY ACKNOWLEDGE:

1. I have been shown a copy of the above application and any other relevant details;

2. I have signed a copy of all the relevant plans or drawings, which are attached hereto (copies of the signed plans are
to be lodged with the application) and;

3. I do not oppose the proposed development and give my written approval in terms of the provisions of the Resource
Management Act 1991, and;

4. I authorise the applicant to give this written approval to the Palmerston North City Council, and;

5. I understand that in considering the application the Council will not take into account any actual or potential effect
on my interests with respect to this proposal.

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• You are entitled to refuse to give your written approval.

• You can withdraw your approval at any time up until Council issues a decision. You must advise Coun
that your approval has been withdrawn. You should also let the applicant know.

If you are in any doubt, do not hesitate to contact a member of the Resource Consents staff as the Pal-
City Council to discuss the proposal.

Signed: Date:

On behalf of:
3. THE PROPOSAL

Guardian Tree Services Ltd ('GTS') are a small-scale arborist and landscaping service specialising in tree pruning, tree removals and landscaping work. The business provides its services to both urban and rural environments and has a well-established client base within Manawatu, Hawkes Bay and surrounding districts.

GTS have been based at their Napier Road site in Palmerston North for a number of years, however, their current site is intended to be re-zoned from Rural Zone to Residential Zone in the near future which has necessitated GTS acquiring another suitable rural site to accommodate their existing activity.

This proposal seeks resource consent to enable the operation of Guardian Tree Services from the site at 126 Turitea Road. The activity will utilise the site and existing buildings as a depot for their small-scale arborist activity. However, the site also provides the opportunity to utilise a portion of the current existing nursery perennial beds for growing made-to-order trees and landscaping supplies.

The proposed arborist activity involves the following core components:

- Site used as a ‘base’ for staff, and to store equipment and vehicles overnight (and throughout the day when not in use).
- Typically the activity involves 7 staff, although numbers can fluctuate between 5 and 8 staff members from time to time.
- The hours of operation are typically 8.00am to 5.30pm Monday to Friday. Typically staff arrive at the site at 8am for initial set-up (loading up gear for the day and undertaking safety checks) before staff vacate the site. Staff typically arrive back between 4 and 5pm for pack-down and clean-up. Staff are typically not on-site for most of the day as arborist work undertaken is located off-site.
- On the occasion where work is located at a greater distance from the yard, some staff might arrive at 7am. This is not a common occurrence. There would be no activity on the site before 7am.
- Should weekend work occur on the site, this is generally limited to office type activities (clearing emails and phone messages, invoices etc) rather than yard-based activities. On seldom occasions a small crew (one or two staff members) might work in the yard (e.g. load firewood for personal use or service equipment). This is estimated to occur on no more than 5 occasions per annum.
**Image 3:** Site plan showing existing and proposed buildings and structures.

A small portion of hedging will be removed to allow for an area of firewood storage. This is proposed to be screened from view through additional planting (evergreen trees or hedging).

GTS co-lease their Napier Road property to 'Mega Mulch' (a separate business). GTS will continue to dispose of their mulch at this Napier Road site with only a small portion of mulch recycled on the site to support the landscaping supplies business. Starter Plants Ltd currently have two mulch stacks which will also be utilised by GTS and mulch will be spread on occasion by a small *Dingo*.

Redundant sections of the perennial beds will be planted back in grass seed. The applicant is considering further options to subdivide the site, however this is not part of this proposal. If it were to be pursued at a later date it will require a separate resource consent application.
9 Greenwood Place
Fitzherbert
PALMERSTON NORTH

29 August 2019

The Senior Planner, Compliance and Resolutions
Palmerston North City Council
PALMERSTON NORTH

Dear Sir,

Re: Notification Decision
126 Turitea Road
PALMERSTON NORTH

I have been asked by Kevin Orr and Siann Aburn, the current owners/occupiers of 132 Turitea Road, to comment regarding the above matter.

My wife and I purchased 132 Turitea Road in 2000 and resided there until May 2017, when we sold to Kevin and Siann. (In fact, during the period Jan. 2008 to Jan. 2011, our son occupied the residence, but I continued to attend to the “farm” on a daily basis.)

We purchased the property in the knowledge that while this included ownership of the full length of driveway from Turitea Rd, four neighbours had a ‘right of way easement’, with one of these, Eddie Welsh, being the owner of the plant nursery at 126 Turitea Rd.

Throughout the seventeen years of our ownership of 132, we experienced absolutely no problems related to driveway traffic. Eddie used a van/trailer and other neighbours used only private cars/trailers. Very occasionally a medium-sized truck delivered compost or sawdust to the nursery, but we never encountered or observed a heavy vehicle visiting the property. Annually, a tree-trimming contractor trimmed trees/hedges on our property and the nursery property with a large tractor machine.

Common driveway maintenance costs were shared equally, as we considered usage near enough to equal. This would not have been the case if regular nursery heavy vehicle traffic had been involved.

In summary, the single-lane tree-lined common driveway situation created no traffic problems for any of its users and cordial relations between all were maintained.

Yours faithfully,

Dr D.C. Stewart MNZM

Mrs M. A. Stewart
Lindsay GS Trotman
140 Turitea Road
RD 2
Palmerston North

Tel 06 355 9200 (home)
Tel 06 951 6940 (work)
Tel 027 7683 486
Email lindsay.g.s.trotman@gmail.com

29 August 2019

Mr Simon Mori
Head of Planning
Palmerston North City Council

Dear Mr Mori

Re: SUB 5082 & LU 5093 - Guardian Tree & Landscape Limited; PNCC Oasis
Ref/#13213479

I have resided at 140 Turitea Road since February 1994. My property is contiguous to
the right of way that serves 126, 128, 130, 132 and 134 Turitea Road. I have a very good
view of that right of way and see it many times a day. I can also hear traffic on that right
of way from my house and other areas of my 4 hectare property. My immediate
neighbours, Siann Auburn and Kevin Orr have asked me to record my experience of
traffic on this right of way.

My experience is of virtually no truck traffic on the right of way. Nor have I observed
regular courier van movements. When Mr Eddie Walsh was operating Starter Plants
Limited at 126 Turitea Road, I observed him coming and going regularly in his personal
van. Given that I observed the movements of that van, and given that courier vans are
distinctive and readily identifiable, I am surprised that I did not observe the
“approximately 3 courier van movements accessing the site per week” referred to in para.
83 of the Notification Report dated 26 July 2019. That para. refers also to “4 medium
sized trucks per month” using the right of way. I was living adjacent to the right of way
for the entire duration of the operation of Starter Plants Limited. At no time did I observe
or hear regular truck movements on the right of way. I have observed pedestrians on the
right of way, sometimes with their pets.

Yours faithfully

\[Signature\]

Lindsay GS Trotman
BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the application by Guardian Tree Services Limited (Applicant) to the Palmerston North City Council for resource consents to operate "Guardian Tree Services" at 126 Turitea Road, being a non-rural activity located in the Rural Zone and subdivision consent for a two-lot fee simple subdivision of the subject site.

______________________________
REPORT TO THE COMMISSIONERS
MR TANGI UTIKERE (CHAIR), MS SUSAN BATY AND MS ALEISHA RUTHERFORD
SECTION 42A REPORT OF DAVID JONATHAN FORREST - PLANNING

7 NOVEMBER 2019
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APPENDIX 5 REIKO BAUGHAM STORMWATER ASSESSMENT
1. **OUTLINE OF REPORT**

1.1 This report, required by Palmerston North City Council (PNCC), pursuant to Section 42A of the Resource Management Act 1991 (the "Act"), assesses the environmental effects and statutory obligations that are set out in Section 104 of the Act, to the extent that they are relevant to the resource consent application lodged by Guardian Tree Services Limited with Palmerston North City Council.

1.2 The resource consent applied for by Guardian Tree Services Limited (hereafter the 'Applicant') is required for land use consent to operate "Guardian Tree Services" at 126 Turitea Road, being a non-rural activity located in the Rural Zone. A subdivision consent is also sought to enable a two-lot fee simple subdivision to subdivide the property of the subject site.

1.3 This report has been prepared in accordance with Section 42A of the Act, which outlines the matters that the report must cover. I have been commissioned by PNCC as an independent planning consultant for the purpose of preparing this report. In preparing this report, I have minimised repetition of information included in the application under Section 88 by adopting parts of the application which I agree.

1.4 The report includes:
- An introduction;
- A description of the applications sought and history;
- Site description;
- The notification process;
- Assessment against the relevant Section 104 matters; and
- Recommended conditions.

2. **QUALIFICATIONS/EXPERIENCE**

2.1 My name is David Jonathan Forrest and I am a Senior Planner at Beca Limited. I was previously a Consents Planner at Palmerston North City Council for 8 and a half years and a Consents Planner at Tararua District Council for 3 and a half years prior to this.

2.2 I hold an honours degree in Natural Resource Management from Massey University, and I have 12 years of resource management experience in resource consent matters in the urban and rural planning field.

2.3 I have read the Environment Court Practice Note 2014 as it relates to conduct of expert witnesses and I agree to comply with it. My qualifications are set out above. I confirm that
the issues addressed in this report are within my area of expertise. I have not omitted material facts known to me that might detract from the opinions I express.

2.4 Statements expressed in this report are made within my area of expertise. However, some aspects of my report rely on the following expert reports:

- John Hudson – Landscape Effects Assessment (Appendix 2)
- Nigel Lloyd – Noise Effects Assessment (Appendix 3)
- Glenn Connelly – Transportation Engineer (Appendix 4)
- Reiko Baugham - Stormwater Effects Assessment (Appendix 5)

2.5 I confirm that I have visited the proposed site on Thursday 12 September 2019 with the other PNCC experts and I am familiar with the location and characteristics of the current environment in relation to the proposed activity.

3. OVERALL EVIDENCE SUMMARY

3.1 My full evidence follows; however, the following matters below are the key planning considerations for this application.

3.2 All evidence suggests that the applicant can confirm that they can meet the matters explained in Scenario 1 below and that the first scenario would play out at the hearing. Correspondence with the applicant to date confirms that they can meet the recommendations of Mr Connelly and only several trees along the shared driveway will require removal. I have also included Scenario 2 in the event that the access improvements recommended by Mr Connelly are not adopted by the applicant and/or the proposed widening works would necessitate removal of full or a substantial number of trees along the tree-lined avenue portion of the shared driveway.

Impacts of Visual amenity and rural character from the removing of trees lining the shared driveway.

Scenario 1

3.3 Mr Hudson has assessed the effects of removal of trees and confirms that removal of trees in vicinity of Passing Bay 3 would result in a minor effect. If only several trees required removal along the ‘avenue’ portion of the shared driveway to create Passing Bays 1 and 2 Mr Hudson confirms that the effects would be no more than minor if replacement mitigation planting is undertaken. I acknowledge that ‘several’ is not very clear. However, once the upgrades to the entranceway and shared driveway are confirmed it will give Mr Hudson the information to confirm that the effects are no more than minor.
Scenario 2

3.4 Mr Hudson confirms in his evidence that full or substantial removal of trees along the ‘avenue’ portion of the shared driveway would result in more than minor effects.

Traffic Safety Effects in respect to the increased intensity of use on the shared driveway.

Scenario 1

3.5 Mr Connelly’s evidence states that if the vehicle entranceway, right of way and site are suitably designed and upgraded as outlined in his evidence, then the effects on the safe and convenient operation of the shared driveway and wider road network would be no more than minor. Correspondence from the applicant to date confirms that the recommendations within Mr Connelly’s evidence can be met.

Scenario 2

3.6 Mr Connelly confirms that it is not appropriate to increase the use of the existing right of way if no improvements were made, and that the effects on the safe and convenient operation of the shared driveway would be more than minor.

Introduction of a non-rural activity to the rural zone.

3.7 The trigger for the GTS proposal requiring resource consent as a non-complying activity is the fact that it is a non-rural activity proposing to locate in the rural zone. However, I am satisfied that in this case, the effects of the non-rural activity as proposed can be accommodated in a manner not too dissimilar to a permitted horticultural activity. I consider that the effects of the non-rural activity on the amenity of the immediate and wider environment will be no more than minor and I recommend conditions to ensure that the activity operates as has been described within the application.

Subdivision

3.8 In terms of the subdivision the lots can meet the minimum lot size performance standard of 1ha for rural-residential subdivisions and can accommodate dwellings that are protected from 0.5% AEP flood hazard levels and associated onsite services.

3.9 Should things fall into place in accordance with Scenario 1 above, I would recommend that subdivision and land use consent be approved subject to appropriate conditions.

3.10 I will continue to work with the other experts on outstanding matters prior to the hearing once the Applicant’s evidence has been provided.
4. INTRODUCTION

4.1 The Applicant lodged a resource consent application with PNCC on 7 May 2019, for land use consent to operate “Guardian Tree Services” at 126 Turitea Road, being a non-rural activity located in the Rural Zone. A subdivision consent is also sought to enable a two-lot fee simple subdivision to subdivide the property of the subject site.

4.2 The assessment and recommendations contained within this report are intended to inform the Hearings Panel as part of the hearings process. My assessment and recommendations are based on the information provided by the Applicant, my review of the submissions and my reliance on the expert reports that have been commissioned by PNCC. For the benefit of the submitters, I record that my assessment and recommendations are not binding on the Hearings Panel.

4.3 In preparing this report I have considered:

   a. The Assessment of Environmental Effects (AEE) which accompanied the application;
   b. The further information provided 26 June and 5 July 2019 in response to PNCC’s Section 92 request,
   c. Preliminary further information response provided 6 November 2019, and
   d. All submissions received on the application.

4.4 The recommendations made and conclusions reached in this report may be revised following on from the presentation of further evidence later in the hearing process.

5. PROPOSED ACTIVITY

5.1 The Applicant has provided a detailed description of the proposed arborist depot and two-lot fee simple subdivision. I adopt that information provided in the Application and provide the following summary.

   Land Use Consent

5.2 The land use consent proposal seeks to enable the operation of Guardian Tree Services (hereafter GTS) from the site at 126 Turitea Road. The activity will utilise the site and existing buildings as a depot for their small-scale arborist activity, however, the site also provides the opportunity to utilise a portion of the existing nursery beds for growing made-to-order trees and landscaping supplies. These will be sold wholesale to existing clients and the application confirms that there will be no gate sales.

5.3 The proposed arborist activity is shown in detail on the plans within Appendix 2 of the application and is described within the application as having the following core
components:

(i) Site used as a ‘base’ for staff, and to store equipment and vehicles overnight (and throughout the day when not in use).

(ii) Typically, the activity involves 7 staff, although numbers can fluctuate between 5 and 8 staff members from time to time.

(iii) The hours of operation are typically 8:00am to 5:30pm Monday-Friday. Typically, staff arrive at the site at 8:00am for initial set-up (loading gear for the day and undertaking safety checks) before staff vacate the site. Staff typically arrive back between 4:00 and 5:00pm for pack-down and clean-up. Staff are typically not on-site for most of the day as arborist work undertaken is located off-site.

(iv) On occasion where work is located at a greater distance from the yard, some staff might arrive at 7:00am. This is not a common occurrence. There would be no activity on the site before 7:00am.

(v) Should weekend work occur on the site, this is generally limited to office type activities (clearing emails and phone messages, invoices etc), rather than yard-based activities.

(vi) After hours call-out services are not provided.

5.4 The activity will utilise the existing buildings (sorting sheds, machinery and storage areas for their equipment. However, the existing shade-house and timber shelter (See Figure 1 below and Appendix 2 of AEE) will be demolished and a portion of this area will be gravelled to allow greater ease of vehicle manoeuvrability from the storage/sorting sheds. The back wall of the existing shed (See Figure 1 below) will also be demolished to provide undercover car parking for staff.

5.5 GTS also seek to construct an additional 2-bay pole shed, being 18m(L) x 9m(W) x 4.8m(H) for the storage of vehicles and machinery.

5.6 Redundant sections of the perennial planting beds will be planted back in grass seed and progressively planted with made-to-order trees. Mulch will be sorted onsite in identified storage areas to service the horticultural use of the site within the garden beds and ground cover.

5.7 The Applicant has confirmed in response to Council’s request for further information that wood from pruning of felled trees will be disposed of off-site.
Figure 1 Guardian Tree Services Proposed Development Plan

Subdivision Consent

5.8 The Applicant also proposes to subdivide the existing property into two rural-residential sections, as shown on the proposed scheme plan included in Appendix 4 of the application.

5.9 Proposed Lot 1 will be 1.15ha in area (1.07ha Net). It will contain the existing buildings and gravelled surface area previously utilised by Starter Plants Limited. Proposed Lot 1 is intended to accommodate the Guardian Tree Services operations. The proposed boundary of Lots 1 and 2 is intended to align within the linear row of hedging running north and south within the property.

5.10 Proposed Lot 2 will be 1.12ha in area (1.09ha Net). Lot 2 is proposed as a vacant allotment capable of accommodating a residential dwelling in the future. Although a specific dwelling location has not been identified, it is most likely to be located in the southern portion of the site close to the proposed access and on the high point of land to avoid potential sources of inundation.

5.11 The application states that any new dwelling will be required to provide onsite water supply via rooftop collection and water tank storage and would not utilise the existing ‘trickle feed’ water supply provided to the subject site.
Upgrading of the Right of Way

5.12 The applicant proposes to upgrade the existing Right of Way as shown in Appendix 3 of the application (also see Figure 3 below). The proposed Right of Way upgrade works will involve resurfacing the shared driveway from Turitea Road up until the tree lined driveway serving 128 Turitea Road, widening the entrance and the construction of four passing bays. The application confirms that all proposed works will be located within the legal right of way area or legal road (Turitea Road).

5.13 The applicant states on p.4 of the AEE that the upgrade works will not involve the removal of any established mature trees, however, the application also states that trees and vegetation will need to be removed for visibility on p.16 o the AEE.
6. SITE AND SURROUNDING AREA

6.1 The Applicant has provided a detailed description of the immediate and surrounding rural/residential area within the application, which I adopt. A summary of the description of the site is outlined below.

6.2 The site is 2.28 hectares in area and is located at 126 Turitea Road, Palmerston North. The legal description of the property is Lot 3 DP 86488 and Certificate Title reference is WN 52C/463.

6.3 The application states that the site is currently operated as a commercial nursery by Starter Plants Limited (hereafter SPL) who presently employ up to 7 on-site staff. A check of the ownership details confirmed that the property is now owned by Guardian Tree and Landscape Limited and there was no evidence that SPL were still in operation upon Council’s Reporting Planner visiting the site on 6 June 2019 and 12 September 2019.

6.4 The site contains existing sorting sheds, storage facilities, shade houses and other similar structures associated with SPL’s operations. The majority of the site was used for growing plants in perennial beds arranged in a grid pattern, divided by grassed areas and hedge rows.
6.5 Manawatu-Wanganui Regional Council’s (MWRC) Coordinator District Advice, Sarah Carswell, has confirmed that HRC’s regional scale information classifies the majority of this property as a Land Use Capability (LUC) Class 2. A small section in the southern corner that classified as a LUC 3.

6.6 The eastern portion of the site is currently a series of themed, well-manicured gardens. The Turitea Stream is located to the immediate north-east of the property.

6.7 Access to the site is provided via an existing tree-lined shared driveway off Turitea Road. The ‘subject site’ is also subject to a Right of Way providing access to 128, 130, 132 and 134 Turitea Road.

6.8 The ‘subject site’ is surrounded by rural-residential properties to the west (128 and 134 Turitea Road), south-east (130 Turitea Road) and south (132 Turitea Road), with a rural property located to the north.

6.9 The existing shared driveway providing access to both 126 Turitea Road and four existing rural-residential dwellings is lined with mature vegetation which provides a significant contribution towards the existing rural-residential character and amenity for the residents who have rights over the shared driveway.

6.10 The site contains a number of existing buildings and yard areas for the horticulture activity that form the environment at the site.

7. REQUIRED RESOURCE CONSENTS

7.1 The Operative Palmerston North City District Plan (hereafter the ODP) is the relevant statutory planning document. The land involved with the development is zoned Rural. The proposal also falls within the Rural-Residential Overlay in the District Plan.

Land Use Consent

7.2 Under Section 9.9.1 of the ODP, the land use consent application must be assessed as a Non-Complying Activity. The ‘arboretum depot’ activity is not specifically provided for as a permitted, controlled, restricted discretionary or discretionary activity under the District Plan.

7.3 I note that the application confirms that the activity is not considered to be a Rural Industry under the ODP as it is not consistent with the definition for ‘Rural Industry’ in Section 4 of the ODP. I agree with this assessment.

7.4 Land Use is also required as a Restricted Discretionary Activity under Rule 20.5.1 (Land
Transport) for non-compliance with the relevant access provisions in the ODP. The specific non-compliances for the shared access and vehicle crossing include the length of the access being greater than 80 metres (Rule 20.4.2(viii) and the vehicle crossing onto Turitea Road not meeting the requirements of Appendix 20I in the ODP (Rule 20.4.2(x)).

7.5 Under Rule 20.5.1, any permitted activity which does not comply with one or more of the performance standards in R20.4.2 is a Restricted Discretionary Activity. Council restricts its discretion to the following matters:

(a) Avoiding, remedying or mitigating adverse effects on the safety and efficiency of the land transport network.

(b) Avoiding, remedying or mitigating any other effects deriving from non-compliance with the particular standard(s) that is not met;

(c) Whether the approval of the Road Controlling Authority, NZTA or KiwiRail has been obtained.

Subdivision Consent

7.6 Rule 7.15.2.1 of the ODP sets out that any subdivision within the Aokautere Rural Residential Area, the Moonshine Valley Rural Residential Area and the Rural Residential Overlay (as shown on the Planning Maps) that complies with performance standards 7.15.2.1(a)-(e) for Existing Buildings, Natural Hazards and Onsite Services, Esplanade Reserves, Intensive Farming and Quarrying Buffer Zone is a Restricted Discretionary Activity.

7.7 The subdivision is unable to comply with performance standards 7.15.2.1(c) and (d) in relation to ‘Natural Hazards’ and ‘Esplanade Reserves’ and is therefore a Discretionary Activity under Rule 7.16.3.1(3).

7.8 In summary, Land Use Consent is required as a Non-Complying Activity and Subdivision Consent is required as a Discretionary Activity.

8. PERMITTED BASELINE

8.1 Section 104(2) of the Act states that "when forming an opinion under subsection 104(1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect”.

8.2 The application and further information submitted by the applicant outlines five permitted activities under the ODP relevant to the application. I agree with the following permitted activities proposed within the application (and further information provided) and consider that the effects of these activities can be disregarded when forming an opinion under
Section 104(1)(a) of the Act:

- The construction of one dwelling within the subject site subject to compliance with the permitted activity provisions of Rule 9.5.5 of the ODP.

- The growing of trees and landscaping supplies for horticulture use, as permitted under Rule 9.5.1 of the ODP.

- The physical works associated with resealing and repair of the existing shared driveway.

- The construction of a pole shed associated with a permitted rural or horticultural activity is a permitted activity under Rule 9.5.5 of the ODP subject to compliance with performance standards for height and separation distance.

8.3 The final permitted activity outlined within the application is:

“The removal of any trees along the shared driveway as may be required to enable the upgrade of the shared driveway. These trees are not subject to any statutory heritage or landscape protection(s). The applicant may well undertake this work in advance of any resource consent decision to improve the safety and function of the shared driveway for existing activities”.

8.4 The removal of trees along the shared driveway would be a permitted activity under the ODP. Council’s Landscape Architect, Mr Hudson, has considered the ‘avenue’ section of the tree-lined driveway as an important part of the surrounding rural landscape and for the users of the shared driveway within his evidence. Furthermore, Policy 2.6 of Section 7 of the ODP not only mentions protected or notable trees, but also refers to avoiding, remedying and/or mitigating the adverse effects caused by alterations to the removal of vegetation in general, including unprotected trees. I acknowledge that the decision maker may choose to disregard the permitted baseline under Section 104(2) of the Act, however, in this case I am taking on board the advice of Mr Hudson and I consider that it is not appropriate to apply the permitted baseline in respect to the removal of these trees.

8.5 Whilst the AEE states that the applicant (or any other user of the Right of Way) could assert their civil right in respect of maintenance of the right of way, those private property rights are not relevant to the application of the permitted baseline under s 104(2) because a right of way instrument is not a rule in the district plan.

8.6 Whilst it is not listed as a permitted activity within Section 5.1 of the AEE, Starter Plants Limited (SPL) was a wholesale nursery operation that previously operated from the property as a permitted horticultural activity under the ODP at that time. The AEE relies on SPL forming a baseline of effects existing at the site. A horticultural activity similar to
SPL could be operated from the site under the current ODP as a permitted activity, and therefore SPL is considered to be an example of a permitted baseline activity. I note that the frequency of movements involved with SPL as outlined within the application are disputed by at least one of the submitters. My observation of the statement provided by the previous owner (Mr T.E Welsh) of the subject site and of SPL, within Appendix 11 of the AEE is that staff private vehicles were lower during the December-June period in comparison to the planting season of July-November. Furthermore, the statement provided by Mr Welsh only provides the total number of collections and deliveries for the main planting season between July-November.

8.7 My calculation of the frequency of courier van delivery and collection is an average of 3.5 vehicles per week and an average of 1 PBT medium sized truck delivery movement per week during the July-November planting period only based on Mr Welsh’s statement. I note that the GTS/SPL comparison table provided by the applicant on p.13 of the AEE is in close agreement with my figures above, but it does not specify that they are for the July-November planting season only. I consider it appropriate for the Panel to disregard effects of SPL’s activity as per my explanation of Mr Welsh’s statement, as outlined above.

9. FURTHER INFORMATION AND INFORMATION GAPS

9.1 Further information was requested under Section 92 of the Resource Management Act 1991 on 5 June 2019 in respect to elevation plans, earthworks, reverse sensitivity effects, easements, car parking, vehicle circulation movements and the width of the access-leg to Lot 2. A response to the further information request was received on 26 June 2019.

9.2 A second further information request was made on 20 June 2019 in respect to mulch storage, landscaping supplies aspect of the business, after hours services, processing of wood, trailers/chippers, pre and post development car movements, peak hour traffic movements and stormwater discharge from the Right of Way. This further information request did not stop the ‘working day’ processing clock. The Applicant responded to the request in full on 5 July 2019.

9.3 8.3 A third further information request was made on 1 October in respect to confirmation of vegetation requiring removal along the shared driveway, detailed information of GTS Fleet Vehicles, clarification on the sealing of Passing Bay 4, construction of the building platform within Lot 2, confirmation of a notional building platform within Lot 1, clarification as to how stormwater from the GTS yard will be disposed of, relocation of existing septic tank and confirmation of any lighting associated with the proposed GTS buildings. At the time of completing this report, the applicant has
not formally provided the information requested. I acknowledge that the reason that the information is not available at the time of this report is that there are ongoing discussions between Mr Connelly and Mr Clark on matters relating to traffic effects of the proposal, the outcome of which may have an influence on tree removal. A preliminary response to some of the matters in the third further information request has been received on 6 November 2019 (Appendix 6).

10. NOTIFICATION / SUBMISSIONS / WRITTEN APPROVALS

10.1 An affected person written approval from the owners of 130 Turitea Road was provided in Appendix 6 of the application made to Council and I note that this written approval has not been withdrawn at the time of preparing this report. Tanenuiarangi O Manawatu Incorporated (TMI) were consulted by both the applicant (Appendix 12 of AEE) and PNCC as the statutory acknowledgment process under the Rangitaane o Manawatu Settlement Claims Act 2016.

10.2 A decision was made under delegated authority pursuant to Section 95 of the Act to process the application on a limited-notified basis. The application was limited notified on three parties, 128, 132 and 134 Turitea Road, on 1 August 2019. The submission period closed on 30 August 2019.

![Figure 4 Properties notified](image)

10.3 Three submissions were received from the following property owners:

- 134 Turitea Road (28 August 2019)
- 128 Turitea Road (30 August 2019)
- 132 Turitea Road (30 August 2019)
10.4 All submissions were in opposition to the proposal and all wish to be heard. At the time of completing this report, I am aware of the Applicant has been making amendments to the proposal to address matters raised in the submissions, however, those amendments are likely to be provided with the Applicant’s evidence.

10.5 A summary of the submissions is included below, I have summarised the submissions under themes.

Amenity Values
- Effects of widening tree-lined shared driveway.
- Proposal inconsistent with rural-residential lifestyle.
- Impact of noise from proposal on rural-residential neighbours.
- Visual Impact of proposed Pole Shed.
- Loss of Character and Visual Amenity.
- Lack of detail as to what trees will be affected by shared driveway widening.

Traffic Safety Effects
- Safety concerns in relation to existing one-way bridge on Turitea Road.
- Inaccuracy of Starter Plants Limited traffic data used in AEE.
- Lack of information on size of GTS vehicles.
- Concerns regarding assumptions on the direction of neighbours’ vehicle movements.
- Safety concerns for all users of the shared driveway, including cyclists and pedestrians.
- Passing bays not able to accommodate the longest vehicles used by GTS.
- Traffic safety assessment does not address the portion shared with 128 Turitea Road.
- Traffic Safety concerns regarding the Turitea Road entranceway.
- Omission of sealing of Passing Bay 4 within further information.
- Lack of turning area for mulch storage area.
- Construction Traffic Effects resulting from construction of dwellings new lots.
- Maintenance of access during construction of the passing bays and re-sealing of the shared driveway.
- Underestimation of traffic movements for shared driveway for GTS and subdivision.
- Concerns that two-coat chip seal is inadequate for proposed vehicles.
- Traffic visibility concerns where driveway to 132 Turitea Road joins shared driveway.
- Concern over turning circles used for trucks within the yard and obstructed sightlines.
Natural Hazards
- Lack of geotechnical assessment provided for subdivision.
- Flood hazard risk concerns for Lot 1.
- No Stormwater Management Plan provided.

Subdivision Concerns
- Lack of detail as to what type of buildings would be permitted in each lot.
- Lack of detail as to what conditions are proposed to mitigate effects of the subdivision
- Effects of subdivision and subsequent development (earthworks) on drainage.
- Impact of raised building platform within Lot 2 and possible dwelling within Lot 1 on overland flow paths.
- Concerns regarding a dwelling being permitted to be constructed within the GTS lot (Lot 1).
- No detail as to where a dwelling could be located within Lot 1.
- Lack of assessment as to how electricity will be provided to each proposed lot.
- No detail on relocation of existing septic tank.

Other Matters
- Maintenance cost concern for the shared driveway - GTS vehicles will cause more wear and tear.
- Inaccuracy and incomplete assessment of effects within AEE.
- Lack of certainty regarding operating hours.
- Concerns regarding pre-lodgement consultation by the applicant.
- Risk of damage to water switch off valve serving 128 Turitea Road
- Lack of certainty regarding Landscape Supplies business.
- Lack of detail provided for new replacement planting along western boundary of 126 Turitea Road with 128 Turitea Road.
- Positive effects in AEE are only positive for GTS.
- Concerns about what will happen over time as business grows.
- Effects of shared driveway upgrade on the shared water toby and associated pipeline to the rural-residential neighbours.
- Proposal contrary to the intentions of the District Plan.
11. ASSESSMENT OF ENVIRONMENTAL EFFECTS

Landscape character and rural amenity

11.1 Mr John Hudson has been engaged by PNCC to provide a technical assessment of the environmental effects of the proposal on the surrounding landscape and rural amenity. My following assessment of the adverse effects of the proposal on rural amenity and character is based on Mr Hudson’s report, which is attached as Appendix 2.

11.2 Mr Nigel Lloyd has been engaged by PNCC to provide a technical assessment of the environmental effects of the proposal in respect to noise impact on rural amenity. My assessment of the adverse effects of the proposal on rural amenity is also based on Mr Lloyd’s report, which is attached as Appendix 3.

Noise Effects

11.3 Mr Lloyd has assessed the proposed non-rural activity in respect to noise related with truck movements, possible on-site activity and submitters concerns in respect to uncertainty regarding the scale and intensity of the proposed operation for the Council. No noise assessment has been provided within the application.

11.4 Mr Lloyd’s assessment outlines that there would be technical non-compliances with Rule 9.11.1 of the District Plan at the property boundary of the site with the properties at 128 and 132 Turitea Road due to the idling and manoeuvring of the applicant’s fleet vehicles. Mr Lloyd comments as follows:

“My assessment of the idling and low speed manoeuvring of vehicles indicates that there will be a technical non-compliance with the District Plan noise limits when applied at the immediate site boundaries with 128 Turitea Road and 132 Turitea Road. This land is not occupied by noise sensitive activities which would require a resource consent to establish.

The nearest dwellings to the truck parking area are 128 Turitea Road and 132 Turitea Road. 132 Turitea Road is on an elevated terrace and buffered by distance and topography as is the dwellings at 134 Turitea Road and 140 Turitea Road. The dwelling at 128 Turitea Road is on the same elevation as the site and potentially most exposed to truck manoeuvring noise. The dwelling is approximately 80 metres from the truck manoeuvring area.”

11.5 Mr Lloyd concludes his assessment confirming “the noise impacts will be no more than minor on neighbours given that the truck manoeuvring is stated to occur between 7am and 7pm weekdays, will occur for a short duration in the morning and afternoon and that the closest land to the truck parking cannot be developed (without consent) by a noise sensitive activity”.

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11.6 I concur with the assessment of Mr Lloyd and conclude that the effects of noise resulting from the GTS activity on rural amenity will be no more than minor. I have recommended a noise performance standard condition of consent for compliance with the District Plan at the notional boundary of any site not owned by the applicant, other than where written approval has been provided.

Landscape character and Visual Amenity

11.7 As discussed within Section 7.4 of this report, my recommendation to the Panel is that adverse effects associated with the removal of trees along the shared driveway should not disregarded under Section 104(2) of the Act, notwithstanding that tree removal of unprotected trees is a permitted activity.

11.8 Mr Hudson has assessed the proposal, including the amenity provided by the tree-lined shared driveway whilst users access their respective properties and when the ‘avenue’ is viewed from Turitea Road. The applicant has not yet fully responded to Council’s third further information request and Mr Hudson has not been able to fully assess the effects of tree removal on visual amenity and rural character. However, Mr Hudson has assessed the effects of the proposal with the information currently provided within the application and his assessment is summarised as follows:

- The avenue of trees that frame the right of way create a landscape feature that contributes positively to the rural amenity values of the area;

- Loss of trees at the entranceway (Passing Bay 1) would have the greatest effect on rural amenity as they are at the front door of the sites and fully exposed to people passing through the rural area.

- Trees are more widely spaced at Passing Bay 2 and any minor losses could potentially be accommodated through the solidity of the remaining trees.

- Loss of the large eucalypt and smaller vegetation for Passing Bay 3 will open up this area. However, these trees line a secondary drive that gives access to three newer properties (126, 128 and 130 Turitea Road) rather than the original homestead at 132 Turitea Road. Single edge planting such as this is more characteristic of smaller scale planting and lacks the amenity that the avenue contains. Vegetation removal for Passing Bay 3 would result in minor effects on visual amenity and rural character.

- The application makes no comment about trees with outward leaning branches or trunks that may need to be removed due to the height of trucks.
11.9 In assessing the current Right of Way upgrade plan submitted by the applicant, Mr Hudson comments:

“From a review of the Resonant Plan it appears that the driveway can be widened without removal of any trees for Passing Bays 1 and 2. If this is the case the effects on amenity values will be less than minor. However, this is based on the assumption that trees will only need to be removed for Passing Bay 3”.

11.10 Mr Hudson concludes his assessment of the proposal on visual amenity and rural character stating:

“Full or substantial removal of the avenue would have a significant adverse effect on rural character and visual amenity and would not be mitigated by replacement planting for a number of years. In my opinion, Objective 2 policy 2.2, 2.3, Objective 3 policy 3.3 and its explanation would not be met. However, if only several trees need to be removed for passing bay #1 and #2, replacement planting with Sheoak and prunus could provide mitigation and reduce the adverse effect to no more than minor. A final comment on this can be made when details of tree removal is known”.

11.11 It is difficult to make a firm conclusion in respect to the effects of removal of trees on the visual amenity and rural character at this time due to the further information requested from the applicant having not yet been provided at the time of this report is prepared1. I acknowledge that the reason that the information is not available at the time of this report is that there are ongoing discussions between Mr Connelly and Mr Clark on matters relating to traffic effects of the proposal, the outcome of which may have an influence on tree removal.

11.12 However, based on the evidence from Mr Hudson, if only several trees require removal for Passing Bays 1 and 2, the effects will be no more than minor. Full or substantial removal of trees along the avenue part of the shared driveway would result in more than minor effects in respect to visual amenity and character.

11.13 In the event that only several trees require removal along the ‘avenue’ portion of the tree-lined driveway (Passing Bays 1 and 2), I recommend a draft condition for replacement planting of similar tree species to those removed and to mitigate the effects of the removal of leaning branches over the shared driveway if they are required to be removed.

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1 PNCC Further Information Request No.3, dated 1 October 2019
Effects of the Non-Rural Activity on Rural Amenity

11.14 The trigger for this proposal requiring resource consent as a non-complying activity is the fact that it is a non-rural activity proposing to locate in the rural zone. However, I am satisfied that in this case, the effects of the non-rural activity as proposed can be accommodated in a manner not too dissimilar to a permitted horticultural activity. The applicant will largely utilise the existing buildings at the site used by the permitted horticultural activity that previously operated from the site. The vehicle movements associated with the activity are not too dissimilar to what could occur with a permitted horticultural activity being located at the site and there will be large periods throughout the day when the applicant’s vehicles will be off site. There will be a concentration of the Applicant’s vehicle movements as the employees come and go to work and come back in the evening (and leave) to finish for the day, but such vehicle movements will be for relatively short durations only.

11.15 The applicant has confirmed that they do not propose to process wood for firewood and mulch on site and there will be no retail of landscape supplies to the public from the site. The operating hours of the proposed activity will usually between 8.00am-5:30pm (and occasionally staff might arrive at 7.00am) and only office work will be undertaken during weekends.

11.16 For these reasons, I consider that the effects of the non-rural activity on the amenity of the immediate and wider environment will be no more than minor and I recommend conditions to ensure that the activity operates as has been described within the application.

Visual impact of Pole Shed Removal and Lighting Effects

11.17 Several submissions received raise concerns in respect to visual impact from the proposed pole shed proposed by Guardian Tree Services to accommodate the business vehicles and machinery.

11.18 As stated in Section 7.2 of this report, the pole shed proposed by the applicant could be constructed as a permitted activity if it were associated with a horticultural or rural-residential property. Therefore, I consider that the visual impact of the proposed pole shed can be disregarded under Section 104(2) of the Act.

11.19 In respect to potential lighting effects from the GTS building, the applicant has been asked to provide details regarding any lighting required for the site including buildings. Whilst this information has not yet been provided at the time of completing this report, I have drafted a condition of consent to ensure that light spill effects on the adjoining neighbours will be adequately mitigated. A further mitigating factor is that the operating hours
proposed by the applicant for the land use activity are between 7.00am-5.30pm and therefore the arborist depot activity should only require outdoor lighting for short periods during the winter months.

Conclusion – Effects on Rural Amenity

11.20 Overall, if the upgrades to the shared driveway as recommended within Mr Connelly’s evidence are adopted by the Applicant and it results in only several few trees requiring removal along the tree-lined avenue (Passing Bays 1 and 2), based on the advice of Mr Hudson, I would conclude that the effects are no more than minor. If this scenario plays out, I consider that the effects of the proposal on rural amenity would be no more than minor. However, in the event that full or substantial removal of trees along the ‘avenue’ is required then the effects of the proposal on rural amenity would be considered to be more than minor.

Traffic Effects

11.21 Mr Glenn Connelly has been engaged by PNCC to provide a technical assessment of the environmental effects of the proposal on the shared driveway and road network at Turitea Road. Mr Connelly’s report is attached as Appendix 4. Mr Gary Clark of Traffic Concepts has provided a traffic assessment on behalf of the applicant which is contained within Appendix 14 of the application. Discussions between the Applicant’s and Council’s Traffic Experts have been ongoing since the applicant requested that expert conferencing occur between these witnesses on 18 October 2019 in efforts to establish whether matters agreement could be established between the experts in respect to key traffic safety aspects of the proposal. I have summarised Mr Connelly and Mr Clark’s assessments below.

Effects on the Safe and Efficient Operation of Turitea Road

11.22 A number of submitters raised concerns in respect to effects of the proposed activity on the existing one-way bridge within Turitea Road and safety concerns relating to the Turitea Road entranceway. In respect to the effects of the proposal on the existing one-way bridge on Turitea Road, Mr Connelly confirms:

“Council’s Plan allows for the development of the area with the rural residential overlay allowing dwellings on sites down to one hectare. The additional traffic from the proposed residential dwellings and horticultural activity are therefore not out of context with the District Plan and rural environment. The additional traffic generated by the proposed depot for the non-rural depot for GTS, whilst non-complying, is not substantial in terms of the need or timing to upgrade or replace the bridge.”
The bridge can safely be negotiated with due care and consideration. There is enough space between the bridge and the access for a normally alert southbound driver to stop if needed; if they come into conflict with a vehicle manoeuvring at the vehicle crossing to the site. The amount of visibility exceeds industry accepted ‘safe stopping distance’ for the observe typical vehicle speeds on Turitea Road.

11.23 Mr Gary Clark has assessed the existing entranceway serving the site and other rural-residential properties off Turitea Road and confirms that the "access to the site is easily identifiable and has excellent sight distances in both directions. The site access is narrowed by fences on either side of the right of way at the entrance. There are letter boxes just behind the fence on the right-hand side of the right of way". Mr Clark confirms within his assessment that on rare occasion a vehicle would need to wait on Turitea Road whilst a vehicle exits the shared driveway, but that this could be undertaken safely.

11.24 Mr Connelly has assessed the existing rural vehicle crossing for the shared driveway and confirms that the vehicle crossing needs to be upgraded to ensure that vehicles can pass on the access and vehicle crossing near Turitea Road. Additionally, a modest area of widening opposite the existing vehicle access onto Turitea Road is recommended. Mr Connelly recommends that the vehicle crossing be designed to meet Appendix 20H of the ODP or NZTA Diagram D Standard. Mr Connelly sets out the key requirements for the vehicle crossing as follows:

- “The vehicle crossing would need to ensure that vehicles can pass when entering and leaving Turitea Road. This would avoid drivers being delayed and waiting on Turitea Road, with the associated safety risk. The widening labelled Passing Bay 1 on the proposed upgrade work for the right of could achieve this.

- All vehicles that regularly enter and leave the access should be able to do so without crossing the Turitea Road centreline. Larger vehicles that occasionally or rarely visit the site could be subject to specific design².

- The shape of the vehicle crossing needs to allow for the swept path of all vehicles, including trucks, that will be using it so that it continues to perform as expected and avoids unnecessary maintenance.

- Widening opposite the access, would be desirable to allow through vehicles to pass right turning traffic.

² The District Plan indicating 9m radii between the access and carriageway for light vehicles as the performance standard, with 15m radii where there is frequent heavy vehicle use (Appendix 20G, 20H and 20I).
• The widening associated with the left turn into the site is not considered necessary, given little traffic will be coming from the end of Turteanu Road and turning into the right of way.

• Any gate would need to be recessed to allow for the longest vehicle.

• The surface would need to be a permanent and provide good traction for manoeuvring, starting and stopping”.

11.25 I concur with the advice of Mr Connelly and I have recommended a condition of consent accordingly to address effects on the safe and efficient functioning of Turteanu Road and the entrance to the shared driveway.

Effects on the safe and convenient operation of the shared driveway

11.26 The Traffic Concepts Assessment within the AEE recommends three areas of widening along the length of the shared driveway for efficiency reasons only, due to Mr Clark being of the opinion that there are no safety matters that need addressing. In response to the Council’s second further information request which queried whether the passing bays would accommodate the length of the largest GTS vehicle, Mr Clark comments:

“the shared driveway has a formation (gravel) width of around three metres with grass shoulders provided along both sides. The shared driveway has a useable width of around 6.0 metres for most of its length.

Passing bays are proposed to provide formed locations where a vehicle can wait as an opposing small truck is seen. In situations where a motorist maybe confronted with a small truck and trailer, it is likely that the other driver of the car would pull into or reverse back to a passing bay. Most likely is that both vehicles will straddle the gravel formation and pass each other slowly”.

11.27 Mr Connelly has assessed the application and submitters concerns in respect to the effects of the GTS proposal on the safe and efficient functioning of the right of way and his recommendations regarding upgrades required for the shared driveway, including the changes that the Applicant has indicatively proposed to date, are summarised below:

• Reversing along the Right of Way should be avoided. It may not be practical to use the existing grass berms as they are steep in places, could be slippery when wet and potentially soft.

• The passing bays should be at least 11 metres long and preferably 13 metres long to accommodate the longest vehicle and trailer combination. The cost of providing extra length would be modest and would ensure that vehicles can pass with reasonable convenience and avoid the need to reverse along the driveway. It is understood that the Applicant is now proposing to lengthen passing bays 2 and 3 to 20m and 13m
respectively. Confirmation is still required that there is enough space for the swept path of larger vehicles, particularly at passing bay 3.

- Passing Bays are typically provided at a spacing of 50m but can be up to 100m where visibility is available from bay to bay. The Applicant’s traffic engineer has advised that visibility will be available between passing bay 1 and 2 by lengthening Passing Bay 2 to 20m and removing trees. Trees and vegetation will be removed between Passing Bay 2 and 3 which should allow sufficient visibility to avoid the need for reversing and allow safe passage at low speeds. No further detail has been provided to date addressing how vehicles will effectively pass beyond Passing Bay 3.

11.29 In this instance, I rely on the advice of Mr Connelly. All indications are that the Applicant will provide an updated right of way design reflecting Mr Connelly’s recommendations in their evidence and, if this is the case, I consider that the effects of the proposal in respect to traffic effects will be no more than minor. Mr Connelly has confirmed that if the upgrades he has recommended in respect to the entranceway, shared driveway and onsite circulation are not adopted by the applicant, then the effects would be more than minor.

Circulation within the subject site

11.29 The owners of 128 Turitea Road raise the issue of lack of visibility of traffic on the right of way for GTS vehicles when they will exit the site onto the shared driveway in the vicinity of Passing Bay 4. Mr Connelly agrees with the submitters concerns and also highlights that the current tracking curves in response to the second further information request show that there is inadequate space for manoeuvring the vehicle onsite with the existing buildings. In respect to the matter of onsite circulation Mr Connelly states:

“The proposal indicates that heavy vehicles would be driven along the right of way and access the yard from the western end. There is however, poor sightlines and a lack of passing on the modest bend prior to entering the site, inadequate space shown for the intended manoeuvre path of the larger heavy vehicle, and very little visibility of traffic on the right of way when leaving the from the middle of the yard.

The site/yard is large enough to cater for trucks however the developer needs to clearly indicate how this will occur to enable the effects and any mitigation measures to be identified”.

11.30 Mr Connelly is satisfied that the site is large enough to resolve these issues, however, it is anticipated that specific details of how these effects will be adequately mitigated will be confirmed in the Applicant’s evidence. I have drafted a condition requiring final circulation design to be submitted, approved and implemented in anticipation that a revised
circulation design addressing these concerns is submitted by the applicant.

**Truck Manoeuvring**

11.31 Mr Connelly has assessed the ability of the Applicant’s largest fleet vehicle to enter the vehicle crossing and manoeuvre through two tight bends in the right of way and comments:

“The vehicle crossing is proposed to be upgraded to a suitable standard and submitted to Council for approval as previously discussed.

There is limited space available at the two bends in the right of way which may limit the size of vehicle that can practically obtain access. Modelling shows that an 8m rigid truck will use almost all of the available space to manoeuvre through the right of way at the bends. The trucks would also occupy some of the space proposed as passing bays.

The Isuzu Forward truck from GTS is expected to be slightly smaller and to perform better. The following diagram has been provided by the Applicant to demonstrate practical access. It acknowledges that passing would be appropriate in this location and shows minimal space and clearances, the storage bins would need to be removed, and additional seal widening would be needed.

It is therefore recommended that the size of trucks is limited to be no larger than 7.2m given the tight geometry of the existing right of way”.

11.32 I agree with the advice of Mr Connelly in respect to truck manoeuvring and have recommended conditions based on his assessment.

**Construction standard of the Right of Way**

11.33 In respect to submitters concerns regarding the structural integrity of the Right of Way and potential maintenance costs, Mr Connelly states:

“Rural right of ways are often surfaced with a two coat chip seal and is stipulated in Councils engineering standards3. Furthermore, public roads are chip sealed and cope with substantially more and heavier traffic. A sealed surface is therefore expected to perform adequately, with its age dictating its service life, rather than the amount and weight of the traffic.

Sealed surfaces can be susceptible to stripping and / or damage where turns are tight, particularly where heavy vehicles are involved. In these situations, hot mix asphalt can be used. Areas most at risk of damage are likely to be the vehicle crossing and bend however if constructed and surfaced correctly these are expected to perform adequately, avoiding

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3 Palmerton North City Council, Engineering Standards for Land Developments
3.19.6 Rural/ Rural Residential
premature failure and additional maintenance costs. Council for example permits rural vehicle crossings, which could be used daily by dairy tankers, to be chip sealed.

The costs associated with the right of way will increase slightly with the additional sealed areas proposed. This could however be offset with an overall reduction in cost expected given if there are more parties contributing to the maintenance of the right of way”.

Construction Traffic Effects

11.34 Concerns have been raised by submitters in relation to the maintenance of access during construction and construction traffic related effects for the construction of dwellings within the lots under the subdivision application. In respect to construction effects, Mr Connelly, states:

“Construction activities are typically of a fixed duration and managed accordingly. This can include avoiding peak times, providing alternative or temporary access, along with communicating with affected parties.

It is therefore considered unlikely that construction activities will generate significant adverse effects, as long as they are managed prudently”.

11.35 Overall, I consider that construction effects associated with the proposal will be no more than minor.

Conclusion – Traffic Effects

11.36 I rely on Mr Connelly’s evidence and consider that provided the recommended mitigation measures he has outlined within his evidence are adequately addressed by the applicant, the adverse traffic effects of the proposal will be no more than minor, subject to the imposition of the recommended conditions. However, if the applicant were to not incorporate the mitigation measures recommended within Mr Connelly’s evidence the effects of the proposal in respect to traffic safety would be more than minor.

Subdivision Effects

11.37 A number of submissions raise concerns in respect to what types of buildings would be permitted within the subdivided lots, lack of an indicative building platform within Lot 1 and lack of mitigation measures for the subdivision.

11.38 In respect to submitters concerns regarding what to buildings could be constructed within each lot as a permitted activity, I can confirm that the District Plan permits 1 dwelling for sites greater than 1ha. A dependent dwelling with a maximum gross floor area of 100m² that meets the other relevant District Plan performance standards including a maximum
gross floor area of 100m\(^2\) could be constructed via a controlled activity resource consent, which must be granted by Council.

11.39 Mr Hudson has assessed the subdivision proposal in respect to effects on rural character and visual amenity and has concluded that the subdivision is appropriate considering it is within the rural-residential overlay. Mr Hudson has not recommended that any mitigation measures are required in respect to the effects of the subdivision on rural character and amenity.

11.40 In respect to onsite wastewater disposal for the Guardian Tree Services offices and rural-residential dwellings, Manawatu-Wanganui Regional Council’s Coordinator District Advice, Sarah Carswell, provides the following assessment:

“The two proposed lots have an area in excess of Horizons minimum lot size requirements for the onsite discharge of wastewater (at least 5,000m\(^2\)). Any new or upgraded on-site wastewater disposal system needs to be designed in accordance with the Manual for On-site Wastewater Systems Design and Management (Horizons Regional Council, 2010) and comply with the relevant conditions of One Plan Rule 14-14. The Manual for On-site Wastewater Systems Design and Management (Horizons Regional Council, 2010) specifies separation distances, including a requirement that the wastewater land application area be located at least 20 metres from any waterway, including ephemeral waterways, drains and lakes and at least 20 metres from bores that are used for drinking water supply. Please note that there are no groundwater bores registered to this property.

11.41 The applicant has been requested to provide further details regarding relocation of the existing septic tank serving the existing office building at the site under Section 92 of the Act\(^1\). However, given that Lot 1 is greater than MWRC’s ‘One Plan’ onsite wastewater disposal minimum lot size requirement of 5000m\(^2\), I believe that there should be adequate disposal area available within Lot 1 for onsite wastewater treatment and disposal. A condition of consent is recommended to ensure that a new system is installed within Lot 1 for this purpose.

Natural Hazard Effects

11.42 The topography of the site is relatively flat and does not present any known natural hazards, other than areas of inundation during a 0.5% Annual Exceedance Probability (AEP) modelled flood event based on the PNCC Combined Flood Model.

11.43 Horizons Regional Council’s Coordinator District Advice, Sarah Carswell, has provided detail of the areas of the ‘subject site’ affected by inundation during a 0.5% AEP event.
11.44 It appears that a dwelling could be constructed within Lot 1 outside of the area affected by inundation during a 0.5% AEP modelled event, however, the applicant has been asked to confirm this\footnote{Preliminary Section 92 response, The Property Group, 6 November 2019, Appendix 6 Section 42A report}. The applicant proposes that a raised building platform could be constructed within Lot 2 as a permitted that would provide 500mm freeboard above the 0.5% AEP modelled event. The applicant has confirmed in correspondence dated 6 November 2019 that they do not intend to construct the building platform and will leave it to future owners to determine whether they wish to use a pole house design or construct a raised building platform\footnote{Preliminary Section 92 response, The Property Group, 6 November 2019, Appendix 6 Section 42A report}. Submitters have raised concerns that a 177m\textsuperscript{2} raised building platform may not be large enough, however, the applicant has confirmed that this could accommodate a future dwelling. Future purchasers could decide to use a pile foundation design or provide a larger building platform.

11.45 A number of the submissions received raise concerns in respect to the lack of a geotechnical report being provided for this proposal. Whilst there is a performance standard for geotechnical assessments to be provided for Restricted Discretionary Activity rural-residential subdivisions in the District Plan, in my experience, it is not unusual for a geotechnical report to not be requested for rural subdivisions on relatively flat sites. As the applicant has confirmed that the future owner of Lot 2 will need to construct earthworks for the building platform, I have recommended a consent notice condition for the subdivision consent. This condition would require specific design by a suitably qualified engineer with geotechnical competency to ensure that construction earthworks for the building platform are correctly undertaken at the development stage, if that is the construction method chosen by future owners.

11.46 Council's Stormwater Engineer, Reiko Baugham, has undertaken an assessment of the effects of the proposal in respect to stormwater management and natural hazards, which is contained in Appendix 5 of this report.

11.47 In response to submitters concerns in respect to the impact of new structures (dwellings and pole shed) on overland flow paths, Ms Baugham comments:

"Neither of the structures are located directly within an overland flow path, however there is still potential that any surface flow could be impeded by the structures. Based on the relatively flat grade of the site and surrounding use, it is believed that the proposed structures will have less than minor effects on the existing overland flow. Should a residential dwelling be constructed in Lot 1 some time in the future, it is not expected to impact the existing overland flow to a great extent".

\footnote{Preliminary Section 92 response, The Property Group, 6 November 2019, Appendix 6 Section 42A report}
11.48 Ms Baugham confirms that as there is no existing drainage within the subject site, and it could be perceived that there is flooding risk due to the fact that there are no well-defined overland flow paths.

11.49 In respect to concerns of how increased stormwater runoff from the widening to the shared driveway will be adequately disposed, Ms Baugham has assessed the calculations prepared by Resonant Consulting Limited on behalf of the applicant in response to a further information request made by the Council.

11.50 Resonant Consulting Limited state that the additional stormwater runoff from the passing bays will be conveyed via a mix of methods including via roadside swale, overland flow to the Turitea Road roadside swale, overland flow to the Turitea Stream and ground soakage.

11.51 In respect to the top end of the shared driveway, Ms Baugham outlines the following concerns with the current stormwater management option proposed by the applicant:

“The site is graded such that the accessway falls towards #128 Turitea Road at the top end, as shown in Figure 8 below. Any change to the existing surface has the potential to increase runoff going onto the neighbouring property. The site visit also revealed depressions in the road that may pond during frequent rainfall events”.

11.52 In respect to increased stormwater runoff from other areas of the shared driveway to be widened, Ms Baugham comments:

“Similarly, additional runoff from the widened road areas has the potential to flow onto the neighbouring properties along the entire length of the accessway, especially those areas that have been noted as utilising overland flow as a conveyance method”.

11.53 Ms Baugham has identified the following matters that need to be addressed in order to mitigate the effects of the upgraded shared driveway.

1. The extent of the resal needs to be confirmed. A runoff assessment will need to be completed for any additional sealed areas, and the effects managed accordingly.

2. The capacity of the existing roadside swale needs to be confirmed that it can convey the required flow.

3. Overland flow is not an appropriate conveyance measure for frequent storm events for new development. A roadside swale or other conveyance system must be provided along the entire length of the shared accessway to convey runoff and prevent it from discharging to the neighbouring properties.

11.54 Ms Baugham considers that these matters can be addressed during the engineering design stage, however, I consider that it would be helpful for the Panel if the applicant
confirms that stormwater can be feasibly discharged via a roadside swale (adjacent to the shared driveway) to Turitea Road.

11.55 Ms Baugham also recommends the following conditions to mitigate flood hazards and for stormwater management:

1. Minimum floor levels shall be RL 50.8m (City Datum), as per Horizons RC advice.
2. The Turitea Stream flood plain must be protected and remain unimpeded (i.e., the flood plain must remain unobstructed).
3. The right-of-way upgrade works must ensure any additional stormwater is appropriately controlled and disposed of. Engineering plans are to be provided demonstrating this.
4. Activities on site must have appropriate permanent erosion and sediment control. Stockpiles must be protected at all times and the receiving water body is to be protected from contaminated runoff.

11.56 I concur with the advice of Ms Baugham in respect to adverse effects associated with stormwater management and natural hazards and consider that stormwater effects of the proposal will be no more than minor. I have drafted a Stormwater Management Plan (SMP) condition to reflect the recommendations of Ms Baugham.

Effects on the Productive Capacity of Elite and Versatile Soils

11.57 Both the land use proposal and subdivision have the potential to result in loss of the productive capacity of the elite Class 2 soils at the subject site. The GTS land use proposal will not result in any further loss of soils as it will be contained within the previous plant nursery buildings/tunnel houses area. The subdivision and subsequent one potential rural-residential dwelling per lot (as a permitted activity if subdivision consent is approved) would result in a loss of a small area of elite soils around the dwellings and curtilage.

11.58 The loss of elite soils through rural-residential subdivision would have been considered when the site was included in the rural-residential overlay through the Sectional District Plan Review. Furthermore, the loss of elite soils will likely be limited to modest areas containing the curtilage around each rural-residential dwelling within Lot 1 and 2. If the subdivision consent is approved. The balance of the land within each lot would be available for productive horticultural or small-scale lifestyle block farming use if the future owners wish to undertake these activities.

11.59 Overall, the effects of the land use and subdivision proposals on elite soils are considered to be no more than minor.
Reverse Sensitivity Effects

11.60 Reverse sensitivity is a planning effect which can arise where sensitive activities are introduced to an environment where existing intensive activities generating effects such as noise, dust and odour are taking place and the new sensitive activities subsequently compromise those existing activities. I consider that the rural-residential subdivision does not create reverse sensitivity effects on any person other than the applicant and their ability to operate a base for Guardian Tree Services at the site if the Panel are to grant consent. Overall, I consider that reverse sensitivity effects are no more than minor.

Positive Effects

11.61 The application outlines positive effects of the proposal, which include:

(i) Enabling the continued operation of Guardian Tree Services Ltd, co-locating their arborist operations with their landscaping supplies side of their business.

(ii) Providing for the utilisation of both rural land and (existing) buildings to support a landscaping supplies activity which is to be co-located with an arborist activity.

(iii) The provision of a new rural-residential allotment within an area identified for that purpose (the Rural-Residential Overlay); and

11.62 In respect to the fourth positive effect outlined within the AEE, Mr Connelly has assessed the proposal and confirms that the upgrades to the right of way that he has recommended within his evidence will benefit all users of the right of way.

11.63 I agree with the assessment within the application in respect to positive effects of the proposal.

12. STATUTORY PROVISIONS

Section 104 Consideration of applications

12.1 The provisions of Section 104 of RMA must be investigated by the decision maker in making a determination on the resource consent application. The matters contained within Section 104 that I consider to be of relevance to application include:

- 104(1)(a) – Actual and potential environmental effects. The applicant has provided an AEE including appendices and supporting material. I have considered the findings of both the AEE and technical reports in considering my overall assessment of the actual and potential effects of the activities in Section 9 above.
104(1)(b) – any relevant provisions of –

- 104(b)(i) – National Environmental Standards. I agree with the Applicant in that the NES for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations is not triggered by this proposal as the Geoworks Limited report found that there has not been any historical bulk storage or use of persistent pesticides. Therefore, the site has not been subject to any land use on the Hazardous Activities or Industries List (HAIL). There are no other National Environmental Standards relevant to this proposal.

- 104(b)(ii) – Other regulations. There are no other regulations of relevance to the application.

- 104(b)(iii) – Relevant National Policy Statements (NPS). There are no National Policy Statements of relevance to the application.

- 104(iv) – New Zealand Coastal Policy Statement (NZCPS). The NZCPS is not relevant to this application.

- 104(b)(v) – Regional Policy Statement. I concur with the application that the ‘One Plan’ is relevant to the consideration of the application. I have had regard to the objectives and policies of the ‘One Plan’ within Sections 10.2-10.4 of this report.

- 104(b)(vi) – Palmerston North City District Plan Incorporating Plan Change 22A-G.

104(1)(c) – Other Matters. I concur with application that the Rangitaane o Manawatu Claims Settlement Act 2016, Palmerston North City Council Rural-Residential Land Use Strategy 2012 and Variation to Consent Notice B724884.2 are relevant to the consideration of the application.

Sections 104(2A), 104(2B) and 104(2C) of the Act do not apply to this application.

104(3) – Regard has not been given to trade competition and no regard has been given to the persons who have given their written approval to the application. Granting of the consents sought would not be contrary to any the provisions listed in 104(3)(c).

104(6) – The applicant has not yet fully responded to the matters within the third further information request made by the Council, and I consider that the information requested
will assist the Panel in having certainty in assessing the effects, particularly in relation to traffic safety and amenity.  

- 104(7) – The Consent Authority requested further information from the Applicant on 5 June 2019 to which the Applicant responded on 26 June 2019. A second further information request was made on 20 June 2019 to which the Applicant responded on 5 July 2019. A third further information request was made on 1 October 2019 which has not yet formally been responded to at the time of preparing this report. However, a preliminary response was received on 6 November 2019 (Appendix 6).

Regional Policy Statement for the Manawatu-Wanganui Region

12.2 The One Plan is a combined Regional Policy Statement (RPS), Regional Plan and Coastal Plan. The One Plan defines how the natural and physical resources of the region will be cared for and managed by the Regional Council in partnership with Territorial Authorities and the community. Part 1 of the One Plan is the RPS which sets out regionally significant resource management issues, and outlines objectives, policies and methods that will address them.

12.3 The Applicant has addressed the RPS within the One Plan. I agree with their assessment but would also add the following assessment in respect to the protection of elite soils. Objective 3-4 and Policy 3-5 of the RPS seeks to ensure that territorial authorities consider and pay particular attention to the benefits of retaining Class I and II versatile soils for production land when providing for urban growth and rural-residential subdivision. I consider that the proposal still will retain reasonable areas of Class II soils, largely due to the flood hazard risk that affects a significant portion of Lots 1 and 2.

12.4 In conclusion, it is my view that the proposal is not contrary to the relevant objectives and policies of the RPS.

Operative Palmerston North City District Plan Incorporating Plan Change 22 (ODP)

12.5 The ODP was made operative in December 2000. Since 2012, the Council has undertaken a review of parts of the ODP through the Palmerston North City Council Sectional District Plan Review (referred to as the ‘Shaping Our City’ project).

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1 PNCC Further Information Request No.3, dated 1 October 2019
12.6 I draw attention to the Panel that the ODP available on PNCC’s website incorporates the Sectional District Plan changes made, including Plan Change 22 which became operative in May 2019.

12.7 An assessment of the objectives and policies is outlined below.

City View Objectives

12.8 The Applicant has identified that the relevant City View objectives within Section 2.5 of the ODP include objectives 1, 3, 5, 6, 7, 8, 9, 12, 14, 15, 17, 19, 23 and 24. I agree with the Applicant’s assessment in respect to the broad City View objectives, in particular that the proposal is not consistent with objective 6 which seeks to direct rural subdivision and development away from Class II soils. Whilst there are Class II soils present at the site, the site has been identified in the rural-residential overlay through the Plan Change 15 District Plan review process and rural-residential subdivision can be reasonably anticipated on this site.

12.9 As the subdivision and land use activity will predominantly be serviced onsite, I consider that the land use and subdivision proposals will still ensure that the distinctive rural and urban Character of the City is recognised in respect to Objective 8.

Objectives and Policies – Earthworks (Section 6)

12.10 Objective 1 and associated policies (Policies 1.1, 1.2 & 1.4) within the Earthworks section in Section 6 of the ODP seek to avoid, remedy or mitigate adverse effects on the environment from earthworks on natural land form, landscape values, visual amenity values, adjoining properties and natural hazards and processes. The Applicant has confirmed in the preliminary further information No.3 response dated 6 November 2019 that they do not intend to construct earthworks and the information provided regarding the raised building platform is to confirm one method of achieving a finished floor level that provides adequate protection from inundation risk. I consider that the proposal is consistent with the above objective and associated policies.

Objectives and Policies – Subdivision (Section 7)

12.11 Objective 1 and associated policies 1.1 and 1.3 seek to ensure 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 land resource. I agree with the applicant’s assessment and consider that the subdivision will be generally consistent with the surrounding rural-residential land use patterns already established in the area surrounding the site.
12.12 Objective 2 and associated policies 2.1-2.5, 2.7-2.9 and 2.10 are of relevance to this subdivision proposal. In respect to Policy 2.1, I consider that each lot will be of adequate size and shape to contain future rural-residential land use. Lot 1 will also need to accommodate the GTS land use proposal, for which land use consent is sought. The applicant has been asked to confirm that Lot 1 is of adequate size and shape to contain both a rural-residential dwelling and the proposed GTS buildings and car parking/circulation areas.

12.13 In respect to Policy 2.2, Mr Connelly has confirmed in his assessment that the upgrade to the shared driveway will require lengthening of the passing bays that have been proposed within the application and the design of the entrance with Turitea Road will need to meet Appendix 20H in the ODP (or NZTA’s Diagram D Standard). Ms Baugham has confirmed in her stormwater assessment that the Applicant will need to confirm how stormwater runoff from the shared driveway will be disposed in an acceptable manner and not via overland flow at the engineering plan approval stage. Mr Connelly has confirmed that sealing the shared driveway with two-coat chip seal will adequately provide a durable surface for the anticipated use. Subject to confirmation of the specific details required for the upgrade of the shared driveway, I am comfortable that consent conditions can ensure that the proposal is consistent within this policy.

12.14 Policy 2.3 relates to the provision of safe, convenient and efficient movement of people, vehicles and goods in a high-quality environment in the wider transport network. I rely on the assessment of Mr Connelly and consider that provided the recommendations of Mr Connelly are adopted by the applicant that the proposal will be consistent with this policy as far as relevant.

12.15 Policy 2.4 seeks to improve land utilisation, to safeguard people, property and the environment from the adverse effects of unstable land. I consider that the earthworks that will likely be required the building platform within Lot 2 minimises effects on the natural land form and natural drainage patterns. If constructed, the building platform within Lot 2 will ensure that a rural-residential dwelling can be constructed within this allotment has adequate protection from a 0.5% AEP modelled flood event. However, raised pile foundations could also be used to achieve the recommended minimum finished floor level. The applicant has not undertaken a thorough investigation of the suitability of the land within either lot to support residential construction, however, the site is relatively flat and is not subject to any known erosion or slippage. Overall, I consider that the subdivision is generally consistent with the above policy.
12.16 Policy 2.5 states “to avoid, remedy and/or mitigate the adverse effects caused by alterations to the natural land form and the 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”. At the time of preparing this report the applicant has not yet confirmed which specific trees will be affected by the proposed upgrade to the shared driveway, other than trimming of vegetation at Passing Bay 3. I rely on the advice of Mr Hudson and consider that the removal of trees within Passing Bay 3 will be minor in respect to effects on the amenity of other users of the shared driveway. Further information has been sought to confirm the extent of tree removal required at Passing Bays 1 and 2 and the consequent effects of removing the trees on the amenity of other users of the shared driveway. However, indications from Mr Hudson are that removal of a few trees along the ‘avenue’ section of shared driveway could be effectively mitigated resulting in a minor effect. In respect to the subdivision consent application, Mr Hudson is of the view that the rural-residential subdivision is appropriate as proposed.

12.17 Policy 2.7 of the ODP seeks to ensure that domestic sewage is disposed of onsite and systems are capable of withstanding the anticipated loads. Ms Carswell has confirmed that each lot is of adequate size to provide an onsite wastewater treatment and disposal system that can comply with MWRC’s ‘One Plan’ permitted activity performance standards.

12.18 In respect to Policy 2.8, each lot will be able to accommodate onsite tanks to collect roof water for a future rural-residential dwelling within each lot and fire-fighting water supply in accordance with the requirements within Section 9 of the District Plan. The GTS land use activity will be serviced via the existing water connection. The proposal is considered to be consistent with this policy.

12.19 In regard to Policy 2.9, Ms Baugham has confirmed that stormwater from rural-residential dwellings within either lot can be adequately disposed of. However, Ms Baugham raises concerns regarding how the increase in stormwater disposal from the widened shared driveway will be managed. The applicant confirms that stormwater will continue to discharge from the site to the Turitea Stream in a similar manner as present but provides little detail as to how stormwater will be discharged in a controlled manner and not via overland flow over adjoining properties. Ms Baugham is satisfied that the management of stormwater from the upgraded shared driveway can be adequately addressed via a condition of consent.

12.20 In respect to Policy 2.10, the applicant confirms that each lot is capable of connecting to the electricity and telecommunications networks. Council’s Development and External.
Liaison Team Leader, Mr Tony McGlynn, has assessed the proposal and confirms that he is not aware of any District Plan requirement for rural lots to be connected to electricity, and electricity could be generated onsite if required. Mr McGlynn is satisfied with the servicing of the proposal in respect to this particular policy.

12.21 I agree with the applicant’s assessment in respect to there being no additional esplanade reserve being required along the Turitea Stream, due to an existing reserve being available for public use which is located predominantly along the true right bank of the stream to the immediate north-east of the site (Policy 2.11).

12.22 I agree with the applicant’s assessment that the proposal is not consistent Policy 3.5(a) of the District Plan, as the subdivision does not avoid Class II soils. In respect to the matters within Policy 3.5 (b), (c), (h), (i), (j), (k), (l), and (m), I rely on the advice of Mr Hudson and confirm that the subdivision proposal is appropriate in respect to these matters. In respect to 3.5(d), Ms Carswell (MWRC District Advice Coordinator) has confirmed that each lot has greater than the 5000m² required for onsite domestic wastewater disposal in MWRC’s ‘One Plan’. In respect to 3.5(f), I concur with the advice of Ms Baugham, and consider that her recommendations are appropriate as a recommended condition. The subdivision will not create any additional demand for extension or upgrade to any road or service (Policy 3.5(e)) and it avoids ribbon development along Turitea Road (Policy 3.5(h). As non-rural/industrial activity proposed by the applicant does not currently exist, I consider that future reverse sensitivity effects can be managed by the applicant as the subsequent rural-residential development would be a risk to the ongoing operation of the applicant’s business only.

12.23 In respect to esplanade reserve matters under Objective 4 and Policies 4.1-4.4, I agree with the applicant’s assessment and the advice provided by Council’s Senior Property and Parks Planner, Aaron Phillips. The proposal to waive the requirement of an esplanade reserve in this particular circumstance is considered to be considered to be consistent with the above objective and associated policies, particularly the matters within Policy 4.3.3.

Objectives and Policies - Section 9 (Rural Zone)

12.24 In respect to Objective 1 and associated policies within Section 9 of the ODP, I consider that the proposal is consistent with Policy 1.5, as the rural-residential subdivision proposed by the applicant is located the designated rural-residential overlay on the District Planning Maps.

12.25 Objective 2 within Section 9 of the District Plan states “to encourage the effective and efficient use and development of the natural and physical resources of the rural area”. In
regard to Policy 2.1 I agree with the applicant’s assessment that the proposal avoids additional adverse effects on the versatile Class II soils at the site.

12.26 In respect to Policy 2.2 and 2.3, Mr Hudson is currently unable to undertake a complete assessment in relation to the effects of Passing Bay 1 and 2 on the existing trees lining the shared driveway. Further information has been sought from the applicant in this regard. However, indications from Mr Hudson are that removal of a few trees along the shared driveway could be effectively mitigated resulting in a minor effect. If the applicant provides the mitigation measures Mr Connelly has recommended within his evidence, the effects in respect to traffic safety will be no more than minor. Based on the advice of Mr Lloyd, I am satisfied that actual or potential adverse noise associated with the activity can be mitigated via consent conditions restricting the scale of the operation (Policy 2.3).

12.27 I am satisfied that the existing and proposed buildings are located outside of areas subject to inundation (Policy 2.5)

12.28 Objective 3 within Section 9 of the ODP states “To maintain or enhance the quality and natural character of the rural environment”. In respect to Policy 3.1 which seeks to provide for the health and safety of rural dwellers by establishing specific noise limits, Mr Lloyd confirms within his evidence that due to the distance of the proposed activity and associated vehicle movements from the dwellings within each of the neighbouring rural-residential properties who have not given their written approval, the effects will be no more than minor. I consider that the proposal is consistent with this policy.

12.29 In respect to Policy 3.3, Mr Hudson has assessed the visual effects of the proposed removal of trees along the shared driveway. Mr Hudson is satisfied that the effects of removal of trees at Passing Bay 3 will be no more than minor but is unable to make a determination of the visual effects resulting from tree removal at Passing Bay 1 and 2. However, indications are that the removal of a several trees along the ‘avenue’ section of the tree-lined driveway (Passing Bays 1 and 2) could be effectively mitigated resulting in a minor effect. Removal of full or substantial number of the trees lining the ‘avenue’ would result in a more than minor effect.

12.30 The ‘landscaping supplies’ component of the proposal is a permitted activity under the District Plan and is consistent with Policy 4.1 of the District Plan, based on the information provided to the Council. In respect to Policy 4.3, the Applicant wishes to co-locate the GTS base to be with the landscaping supply part of their business. Based on the advice of Mr Lloyd the effects of noise from the GTS depot activity on rural amenity will be no more than minor. Mr Connelly has assessed the effects of the proposal in relation to
traffic safety and concludes that further details are required to undertake a complete assessment of the proposal. As discussed above, indications are that the removal of a several trees along the ‘avenue’ section of the tree-lined driveway (Passing Bays 1 and 2) could be effectively mitigated resulting in a minor effect.

Objectives and Policies - Section 20 (Land Transport)

12.31 Objective 1 within Section 20 of the ODP states “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”. I consider that associated policy 1.5 in Section 20 is most relevant to the consideration of this application. The applicant has not proposed to upgrade the vehicle crossing entranceway onto Turitea Road to Appendix 20l in the District Plan within the application. Mr Connelly has assessed the effects of the proposal in respect to the number of movements and direction of movements and considers that an entranceway design in accordance with Appendix 20H or NZTA Diagram D should be provided to mitigate effects when GTS vehicles are entering the shared driveway from Turitea Road. I consider that provided the entranceway is upgraded to the specifications requested by Mr Connelly that the proposal will be consistent with Policy 1.5.

12.32 Objective 3 states that “the safety and efficiency of the land transport network is protected from the adverse effects on land use, development and subdivision activities”. In respect to Policy 3.1, Mr Connelly has assessed the effects of the proposal on the safe and efficient functioning of Turitea Road and considers that the increased traffic resulting from GTS is not significant in terms of the existing and proposed bridge traffic and the wider need to upgrade the bridge through the PNCC’s Long Term Plan process.

12.33 In respect to Policy 3.2, Mr Connelly has assessed the vehicle access to the shared driveway and considers that a vehicle crossing that meets Appendix 20H in the District Plan or NZTA’s Diagram D will be adequate in ensuring that the vehicle crossing can accommodate the expected traffic volume.

12.34 In respect to Policy 3.4 and 3.5 the applicant has shown adequate car parking and loading within the GTS site, however Mr Connelly considers that the manoeuvring/circulation paths are not adequate and have not been provided in a safe manner. Mr Connelly considers that there is adequate space within the site to provide adequate circulation and safe sightlines for GTS vehicles exiting onto the shared driveway, subject to specific design.
Objectives and Policies Assessment - Conclusion

12.35 I am prepared to conclude that the proposal is not contrary to the relevant objectives and policies of the ODP on the whole. Indications are that the Applicant could ensure that the effects of the proposal would be no more than minor and not contrary to the objectives and policies if adequate mitigation is provided. I wish to qualify my conclusion as subject to confirmation upon receipt and consideration of further information expected to be provided by the Applicant in its evidence in relation to transport issues and vegetation removal, as discussed previously in this report.

13. SECTION 104D ASSESSMENT

13.1 Any non-complying application must be assessed in accordance with Section 104D of the RMA which requires the application to pass one of the non-complying threshold tests before it can be further considered and determined under Section 104. The first threshold test is whether the effects of the activity on the environment are minor and the second threshold test is whether the activity is contrary to the objectives and policies of the relevant plan. An application only has to pass one of the threshold tests to meet the requirements of Section 104D.

13.2 Indications from correspondence from the applicant to date are that traffic effects could be mitigated to an extent that they would be no more than minor through the upgrades recommended by Mr Connelly and if only a several trees are removed and replaced, the effects in respect visual amenity and character would also be no more than minor. All other effects of the proposal are considered to be no more than minor. Therefore, I do anticipate it is likely that both limbs of the gateway test under Section 104D could be met, subject to provision of further information that I expect in the Applicant’s evidence.

13.3 Accordingly, subject to the provision of additional information, the proposal is likely to meet each of the ‘gateway tests’ and is eligible for consideration under Section 104 of the Act.

14. SECTION 104(C) OTHER MATTERS

14.1 The application sets out the following documents relevant to the application and provides and assessment of those documents:

- Rangitaane o Manawatu Claims Settlement Act 2016
- Palmerston North City Council Rural-Residential Strategy 2012
- Variation to Consent Notice B724884.2
14.2 I agree with identified relevant documents within the application and the applicant’s assessment of these documents. Of particular note, the effluent disposal systems will continue to be located within the boundaries of Lot 1 or Lot 2 in the future and will comply with intent of condition 2 of Consent Notice B724884.2. The purpose of the consent notice was to ensure that wastewater disposal no longer was discharged to Lot 1 DP 86488.

Precedent

14.3 I note that one of the submissions raises concerns that granting resource consent to this proposal would have a precedent effect. It is important to clarify that the matter of ‘precedent’ is not an adverse effect on the environment. Precedent reflects a concern that the granting of consent may have planning significance beyond the immediate vicinity of the land concerned. In my view, if the Applicant is able to clarify outstanding matters and the Panel consider that the effects on the environment will be no more than minor and the proposal is not contrary to the objectives and policies in the District Plan then precedent is not a concern that should be taken into consideration for this application.

15. SECTION 106 ASSESSMENT

15.1 Section 106(1) of the RMA states:

(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—
(a) there is a significant risk from natural hazards; or
(b) [Repealed]
(c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

15.2 Natural Hazards are defined in Section 2 of the RMA as

“means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment”.

15.3 Each lot is capable of having legal and physical access.

15.4 Ms Baughum has assessed the proposal and confirms that a minimum finished floor level of RL 50.8m will be required for habitable buildings constructed within each lot. I am satisfied that this minimum finished floor level could be achieved for either of Lot 1 or 2 via pile foundations or earthworks.

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6 Stirling v Christchurch City Council (2011) 16 ELRNZ 798 (HC) at [90]
15.5 In my opinion, there are no entries to decline subdivision consent in respect to this property in relation to section 106 matters, but I do consider that conditions are required to mitigate flood hazard risk at the site.

16. **PART 2 ASSESSMENT: SECTIONS 5 - 8 RMA**

16.1 In respect to assessment of Part 2 of the Act, I draw to the Hearing Panel’s attention that the Davidson appeal to the Court of Appeal has been heard and decided\(^2\). It is my understanding based on this case, that if a District Plan has not been developed with regard to Part 2, then it may be appropriate to refer to Part 2 when assessing an application. In my opinion, the Operative Palmerston North District Plan (ODP) has been through a recent Sectional District Plan Change review and it has been prepared having regard to Part 2 of the Act. The ODP contains a coherent set of policies designed to achieve clear environmental outcomes. However, I have provided an assessment of Part 2 to assist the Panel for avoidance of doubt.

**Section 6 - Matters of Importance**

16.2 Section 6 of the Act identifies seven matters of national importance that all persons exercising functions and powers under the Act, in relation to managing the use, development, and protection of natural and physical resources, shall Page 43 of 65 recognise and provide. The following matters of national importance have been recognised and provided for by this application:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;

(b) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;

(c) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;

(d) the management of significant risks from natural hazards.

16.3 The subdivision and land use consent proposals are considered to preserve the natural character of the Turitea Stream and margins. The existing esplanade reserve adjoining the Turitea Stream in the vicinity of the site is considered to be adequate in maintenance of public access along the stream. The Applicant has consulted TMI pre-lodgement which has enabled TMI to be involved in resource management decisions in order to maintain their relationship with their ancestral lands, water, sites, waahi tapu and other taonga.

\(^2\) RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316
The applicant has ensured that building platforms can be established for both Lots 1 and 2 to ensure that significant risk from natural hazards are avoided.

Section 7 – Other Matters

16.4 Section 7 of the Act identifies 11 other matters which all persons exercising functions and powers under the Act, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to. Particular regard has been given to the following matters:

(c) the maintenance and enhancement of amenity values;

(f) maintenance and enhancement of the quality of the environment;

16.5 The applicant has, as far as possible, attempted to maintain amenity values for adjoining property owners by managing effects within the subject site, however, confirmation is still required as to whether amenity values will be maintained along the shared driveway. This will depend on the degree on mature vegetation that requires removal as a result to widening of the shared driveway. However, all indications are that if only several trees are require to be removed along the tree-lined avenue and replacement planting is undertaken, then amenity values would be maintained. The quality of the environment within the subject site will be reasonably maintained despite the subdivision and land use consent proposal, subject to conditions.

Section 8 – Treaty of Waitangi

16.6 Section 8 of the Act requires that all persons exercising functions and powers under the Act shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

16.7 TMI have been consulted by the applicant prior to lodgement of this resource consent and by PNCC as part of the statutory acknowledgement process under the Act. TMI have confirmed in email correspondence with both the Applicant and PNCC that they have no concerns with the proposal.

Section 5 – Purpose of the Act

16.8 The purpose of the RMA is to promote the ‘sustainable management of natural and physical resources’. That is, the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -

(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

16.9 The proposal will still ensure that the potential of natural and physical resources, including the Class 2 soils at the site will be sustained to meet the reasonably foreseeable needs of future generations. The life-supporting capacity of air, water, soil and ecosystems will still be safeguarded. All indications from correspondence with the Applicant to date are that traffic effects could be mitigated to an extent that they would be no more than minor if the recommendations with Mr Connelly’s evidence are adopted and if only a few trees are removed and replaced along the ‘avenue’ section of the tree-lined shared driveway the effects on visual amenity and character would also be no more than minor. All other effects of the proposal can be adequately mitigated.

17. CONCLUSION AND RECOMMENDATIONS

17.1 The proposed resource consent application for all necessary land use consents required to establish the base for the non-rural GTS activity and two-lot rural residential subdivision has been assessed in terms of the relevant matters detailed in Section 104 and Section 104D of the RMA.

17.2 All evidence suggests that the Applicant can confirm that they can meet the matters explained in Scenario 1 below and that the first scenario would play out at the hearing. Correspondence with the Applicant to date confirms that they can meet the recommendations of Mr Connelly and only several trees along the shared driveway will require removal. I have also provided recommendations in respect to Scenario 2 where full or substantial removal of trees along the tree-lined avenue would be required and the recommendations of Mr Connelly are not adopted by the applicant.

Impacts of Visual amenity and rural character from the removing of trees lining the shared driveway:

Scenario 1

17.3 Mr Hudson has assessed the effects of removal of trees and confirms that removal of trees in vicinity of Passing Bay 3 would result in a minor effect. If only several trees required removal along the ‘avenue’ portion of the shared driveway to create Passing Bays 1 and 2 Mr Hudson confirms that the effects would be no more than minor if replacement mitigation planting is undertaken. I acknowledge that ‘several’ is not very clear. However, once the upgrades to the entranceway and shared driveway are confirmed it will give Mr Hudson the information to confirm that the effects are no more than minor.
Scenario 2

17.4 Mr Hudson confirms in his evidence that full or substantial removal of trees along the 'avenue' portion of the shared driveway would result in more than minor effects.

Traffic Safety Effects in respect to the increased intensity of use on the shared driveway:

Scenario 1

17.5 Mr Connelly's evidence states that if the vehicle entranceway, right of way and site are suitably designed and upgraded as outlined in his evidence, then the effects on the safe and convenient operation of the shared driveway and wider road network would be no more than minor. Correspondence from the Applicant to date confirms that the recommendations within Mr Connelly's evidence can be met.

Scenario 2

17.6 Mr Connelly confirms that it is not appropriate to increase the use of the existing right of way if no improvements were made, and that the effects on the safe and convenient operation of the shared driveway would be more than minor.

Introduction of a non-rural activity to the rural zone:

17.7 The trigger for the GTS proposal requiring resource consent as a non-complying activity is the fact that it is a non-rural activity proposing to locate in the rural zone. However, I am satisfied that in this case, the effects of the non-rural activity as proposed can be accommodated in a manner not too dissimilar to a permitted horticultural activity. I consider that the effects of the non-rural activity on the amenity of the immediate and wider environment will be no more than minor and I recommend conditions to ensure that the activity operates as has been described within the application.

Subdivision Effects:

17.8 In terms of the subdivision, the lots can meet the minimum lot size performance standard for rural-residential subdivisions and can accommodate dwellings that are protected from 0.5% AEP flood hazard levels and associated onsite services.

Recommendations:

Scenario 1

17.9 If the proposed upgrade to the shared driveway only requires a removal of a few trees in the vicinity of Passing 1 and 2 (removal of trees at Passing Bay 3 is acceptable) and the
recommendations of Mr Connelly in respect to effects on the safe and convenient operation of the shared driveway and wider road network are adopted by the Applicant, I would recommend that the effects of the proposal are no more than minor and that the application passes through at least one of the gateway tests under Section 104D of the Act and land use and subdivision consent be granted, subject to appropriate conditions.

Scenario 2

17.10 If the mitigation measures recommended by Mr Connelly are not adopted by the applicant and/or the upgrade to the shared driveway requires full or substantial removal of the trees, then I would recommend that the land use proposal does not meet either of the gateway tests under Section 104D of the Act.

17.11 Should the first scenario be confirmed at hearing, draft conditions are attached for consideration by the Commissioners in the event that the Hearings Panel is of the mind to grant the consent. Draft conditions 3, 5-6, 11-12 and 15 of the land use consent and 7, 11 and 12 of the subdivision consent are tentative recommendations and are reliant on information being provided with the Applicant’s evidence.

David Forrest
Consultant Planner
For Palmerston North City Council

7 November 2019
APPENDIX 1 – DRAFT CONDITIONS FROM S.42A REPORT

Draft Land Use Consent Conditions (LU 5093)

CONDITIONS:

ACCORDANCE

1. The Consent Holder must ensure that the activity operates in accordance with the information provided with the application dated 6 May 2019 and further information dated 26 June 2019, 5 July 2019 and XX November 2019, except as required by the following conditions.

HOURS OF OPERATION

2. The hours of operation for the use of the site as a base for the arborist business must only occur between 7am-5.30pm Monday-Friday. Only administrative office work associated with the arborist depot activity shall be permitted to occur during the weekends.

MAXIMUM NUMBER OF VEHICLES

3. The Consent Holder must ensure that there are no more than 3 small-medium sized trucks and 2 utes associated with the arborist depot activity at any time. The activity / arborist business shall have vehicle movements that do not exceed the following.
   - Average Weekday xxx light vehicles per day xxx truck movements per day
   - Peak Weekday xxx light vehicles per day xxx truck movements per day
   - Weekend xxx light vehicles per day no truck movements per day

MAXIMUM VEHICLE SIZE

4. The Consent Holder must ensure that the maximum fleet vehicle for the arborist depot activity must not exceed a 7.2-metre length rigid vehicle.

FINAL ONSITE CIRCULATION DESIGN APPROVAL

5. Prior to operating from the site, the Consent Holder must submit a final onsite circulation design to Council’s Senior Planner for approval that indicates that the site can accommodate manoeuvring of the largest fleet vehicle for the arborist depot activity and that there is clear visibility of vehicles on the shared driveway when exiting the site onto the shared driveway.

6. Prior to operating from the arborist depot activity from the site, the Consent Holder must implement the approved final onsite circulation design and ensure that all fleet vehicles for the arborist depot activity exit the site in accordance with the approved final onsite circulation plan at all times.

DELIVERIES

7. The Consent Holder must ensure that all deliveries of materials to the site are made within the fleet vehicles and movements described in condition 3 above, with the exception of courier van movements.
NOISE PERFORMANCE STANDARD

8. The Consent Holder must ensure that noise from the arborist business base activity carried out on the site shall not exceed the following at or within the notional boundary of any dwelling on any site not owned by the consent holder, with the exception of 130 Turitea Road:

- 7.00am – 7.00pm 50dB LAeq (15mins)
- 7.00pm - 10.00pm 45dB LAeq (15mins)
- 10.00pm – 7.00am 40dB LAeq (15mins)
- 10.00pm – 7.00am 70dB LAmx

Noise levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise.

Notional Boundary is defined as a line 20 metres from any side of a dwelling, or the legal boundary where this is closer to the dwelling.

FIREWOOD AND MULCH

9. The Consent Holder must ensure that there is no processing, storage or retail of timber for firewood at the subject site, other than that for the domestic use of the owner of the site.

10. The Consent Holder must ensure that there is no processing or storage of mulch at the subject site for retail to the general public or wholesale to suppliers. Mulch may be brought to the site on the Consent Holder’s vehicles on an as demand basis for use for the horticultural activity at the site.

REPLACEMENT OF TREES – SHARED DRIVEWAY

11. The Consent Holder must provide a final landscaping plan to Palmerston North City Council’s Senior Planner for approval detailing ‘like for like’ replacement trees for those trees lining the shared driveway which require removal from Passing Bay 1 and 2. Any tree limbs that require pruning along the length of the shared driveway shall have a new tree of similar species planted adjacent (set further back towards the boundary of the right of way) for the purpose of maintaining the ‘avenue’ effect along the shared driveway.

12. The Consent Holder must undertake the planting within the plan approve under condition 11 above within 3 months of completion of the upgrade to the shared driveway or where seasonally impracticable, the following planting season.

STORMWATER MANAGEMENT PLAN

14. Prior to construction of the upgrade works to the shared driveway and operation of the arborist depot, the Consent Holder must submit to Palmerston North City Council’s Senior Planner for approval a Stormwater Management Plan that addresses the following:

- A runoff assessment will need to be completed for any additional sealed areas and the effects managed accordingly.
- The capacity of the existing roadside swale needs to be confirmed that it can convey the required flow.
- Confirmed concept design for a roadside swale or other conveyance system must be provided along the entire length of the accessway to convey runoff and prevent it from discharging to the neighbouring properties.
• Erosion and sediment control measures as per Greater Wellington Regional Council’s ‘Erosion and Sediment Control Guidelines for the Wellington Region’ dated September 2002.

ENGINEERING PLAN APPROVAL – UPGRADE OF SHARED DRIVEWAY

15. Prior to undertaking upgrade works to the shared driveway the ‘arborist base’ activity at the site, Consent Holder must the applicant must comply with the following:

(i) Submission of engineering plans in accordance with the Palmerston North Engineering Standards for Land Development (ESLD) 2019. The plans must be prepared by a Chartered Professional Engineer or Professional Surveyor with appropriate qualifications acceptable to Council. The plans must show all physical works including the construction of widening to the shared driveway and upgrade to the entranceway to Turitea Road to meet Appendix 20H of the District Plan or NZTA’s Diagram D in accordance with the revised Right of Way Upgrade Plan prepared by Resonant dated XX/XX/XX and implement the recommendations of the approved Stormwater Management Plan in condition 14 above. The Right of Way upgrade details must reflect the following:

• Width of right of way is increased to 5.5m where passing opportunities are identified or down to 5m, if trees need to be retained, subject to Council approval.
• Seal widening is provided to suit swept path of larger vehicles; particularly around bends and or near the passing bays*
• The site and access are designed to provide adequate space and sightlines when entering and leaving the site*
• The length of the right of way must accommodate the largest vehicle, including vehicle and trailer combinations, using the site.
• All potholes and pavement defects must be repaired prior to sealing.
• Benkelman Beam test must be undertaken prior to sealing and must meet PNCC Engineering Standards for Land Development.
• The right of way must be sealed over its entire length with two coat chip seal.
• Bushes and shrubs must be trimmed to provide visibility around the bend

(ii) The Engineering Plans must be submitted to Council for approval prior to any work being undertaken.

(iii) The Consent Holder must appoint and have approved by Council a Technical Representative (being a Professional Surveyor or Chartered Professional Engineer) to monitor the construction of all approved works in accordance with level CM 4 of IPENZ construction monitoring set out in Council’s ESLD 2019.

(iv) The consent holder must ensure that the appointed tech rep contact Council at the joint inspection points in accordance with Clause 1.21.2 (ESLD) “Council and Joint Inspections”.

(v) No physical works can be carried out until the above has been approved by Council.

(vi) The consent holder must ensure that an application to Council is made for the service connections to Council mains as this work needs to be carried out by an approved contractor.
ENGINEERING WORKS COMPLETED

16. Prior to operating the ‘arborist depot’ activity at the site of the Resource Management Act 1991 the consent holder must provide a written statement from the approved Technical Representative (under condition 15) confirming that:

(i) The physical works have been carried out in accordance with the engineering plans approved under condition 15 above.
(iii) All of the requirements of clause 1.32 of the Council’s Engineering Standards for Land Development 2019 have been provided to Council.

UPGRADE EXISTING VEHICLE CROSSING

17. Prior to the arborist base activity commencing at the site the consent holder must upgrade the existing vehicle crossing on Turitea Road serving the existing right of way to meet PNCC District Plan Appendix 20H/NZTA's Diagram D standard, or as approved by the Council Roading / Infrastructure Manager.

Note: A vehicle crossing consent will be required.

LIGHTING

18. The Consent Holder shall ensure that any artificial illumination from the site does not result in luminance in excess of 8 lux measured at a dwelling within any adjoining property.

REVIEW CONDITION

19. Palmerston North City Council may serve notice of its intentions to review the conditions of consent in accordance with Sections 128 and 129 of the Resource Management Act 1991, if there is documented evidence that adverse effects relating to noise, hours of operation and traffic effects that are beyond the limits contemplated by the granting of this consent have been generated by activities associated with the use of the site.

MONITORING FEES

20. The Consent Holder shall pay a monitoring fee of $330 (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 Head of Planning that the conditions have been complied with. On receipt of this notice, the Head of Planning 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.

Note: The current fee for monitoring is set at $165 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.
21. 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 35(1)(c) of the Resource Management Act 1991 and Section 690A of the Local Government Act 1974.

Draft Subdivision Consent Conditions (SUB 5082)

CONDITIONS:

GENERAL ACCORDANCE

1. The survey plan must conform to the subdivision consent proposal shown on the concept plan by Resonant Consulting Ltd. Plan titled: ‘Proposed Subdivision, 126 Turitea Road, Palmerston North, Scheme Plan – Guardian Tree and Landscape’ prepared by Resonant Consulting Limited Job No.218243 Sheet 1 Rev.1 dated 11/6/19, held within SUB 5082.

EASEMENTS

2. Prior to requesting approval under Section 223 of the Act, the applicant shall give a written statement by a registered professional 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.

RIGHT OF WAY EASEMENT

3. Prior to requesting approval under Section 223 of the Act, the cadastral data set must include the right of way serving Lots 1 and 2 shown as ‘A’, ‘F’ and ‘G’ within the memorandum of easements on the scheme plan titled ‘Proposed Subdivision, 126 Turitea Road, Palmerston North, Scheme Plan – Guardian Tree and Landscape’ prepared by Resonant Consulting Limited Job No.218243 Sheet 1 Rev.1 dated 11/6/19.

CADASTRAL DATASET

4. Prior to requesting approval under Section 223 of the Act, the Title Plan within the Cadastral Survey Dataset must be prepared or amended as necessary so that it indicates that Lots 1 and 2 are subject to a Consent Notice.

STORMWATER MANAGEMENT PLAN

5. Prior to requesting approval under Section 223 of the Act, the Consent Holder must submit to Palmerston North City Council’s Senior Planner for approval a Stormwater Management Plan that addresses the following:

- A runoff assessment will need to be completed for any additional sealed areas and the effects managed accordingly.
- The capacity of the existing roadside swale needs to be confirmed that it can convey the required flow.
- Confirmed concept design for a roadside swale or other conveyance system must be provided along the entire length of the accessway to convey runoff and prevent it from discharging to the neighbouring properties.
- Erosion and sediment control measures as per Greater Wellington Regional Council’s ‘Erosion and Sediment Control Guidelines for the Wellington Region’ dated September 2002.
ENGINEERING PLANS

6. Prior to requesting approval under Section 223 of the Resource Management Act 1991 the applicant must comply with the following:

(i) Submission of engineering plans in accordance with the Palmerston North Engineering Standards for Land Development (ESLD) 2019. The plans must be prepared by a Chartered Professional Engineer or Professional Surveyor with appropriate qualifications acceptable to Council. The plans must show all physical works including the construction of widening to the shared driveway and upgrade to the entranceway to Turitea Road to meet Appendix 20H of the District Plan or NZTA’s Diagram D in accordance with the revised Right of Way Upgrade Plan prepared by Resonant dated XX/XX/XX and implement the recommendations of the approved Stormwater Management Plan in condition 6 above. The Right of Way upgrade details must reflect the following:

- Width of right of way is increased to 5.5m where passing opportunities are identified or down to 5m, if trees need to be retained, subject to Council approval.
- Seal widening is provided to suit swept path of larger vehicles; particularly around bends and / or near the passing bays*
- The site and access are designed to provide adequate space and sightlines when entering and leaving the site*
- The length of the right of way must accommodate the largest vehicle, including vehicle and trailer combinations, using the site.
- All potholes and pavement defects must be repaired prior to sealing.
- Bnkelman Beam test must be undertaken prior to sealing and must meet PNCC Engineering Standards for Land Development.
- The right of way must be sealed over its entire length with two coat chip seal.
- Bushes and shrubs must be trimmed to provide visibility around the bend

(ii) The Engineering Plans must be submitted to Council for approval prior to any work being undertaken.

(iii) The Consent Holder must appoint and have approved by Council a Technical Representative (being a Professional Surveyor or Chartered Professional Engineer) to monitor the construction of all approved works in accordance with level CM 4 of IPENZ construction monitoring set out in Council’s ESLD 2019.

(iv) The consent holder must ensure that the appointed tech rep contact Council at the joint inspection points in accordance with Clause 1.2.1.2 (ESLD) “Council and Joint Inspections”.

(v) No physical works can be carried out until the above has been approved by Council.

(vi) The consent holder must ensure that an application to Council is made for the service connections to Council mains as this work needs to be carried out by an approved contractor.

INSTALLATION OF NEW ONSITE WASTEWATER SYSTEM TO REPLACE EXISTING (LOT 1)

7. Prior to requesting approval for under Section 224 of the Resource Management Act 1991, the consent holder must confirm that a new onsite wastewater treatment and disposal system has been installed for the existing buildings within Lot 1. The design and installation of the onsite domestic wastewater treatment and disposal system must be
undertaken by a suitably qualified and experienced person in this field and the system must be in accordance with the requirements of the “Manual for On-site Wastewater Systems Design and Management (Horizons Regional Council, 2010).

UPGRADE EXISTING VEHICLE CROSSING

8. Prior to requesting approval under Section 224 of the Act the consent holder must upgrade the existing vehicle crossing on Turitea Road serving the existing right of way to meet NZTA’s Diagram D standard.

Note: A vehicle crossing consent will be required.

ENGINEERING WORKS COMPLETED

9. Prior to requesting approval under Section 224 of the Resource Management Act 1991 the consent holder must provide a written statement from the approved Technical Representative (under condition 6) confirming that:

(i) The physical works have been carried out in accordance with the engineering plans approved under condition 6.


(iii) All of the requirements of clause 1.32 of the Council’s Engineering Standards for Land Development 2019 have been provided to Council.

REPLACEMENT OF TREES – SHARED DRIVEWAY

10. Prior to approval under Section 224 of the Act, the Consent Holder must provide a final landscaping plan to Palmerston North City Council’s Senior Planner for approval detailing ‘like for like’ replacement trees for those trees lining the shared driveway which require removal from Passing Bay 1 and 2. Any tree limbs that require pruning along the length of the shared driveway shall have a new tree of similar species planted adjacent (set further back towards the boundary of the right of way) for the purpose of maintaining the ‘avenue’ effect along the shared driveway.

11. Prior to approval under Section 224 of the Act, the Consent Holder must undertake the replacement planting within the plan approved in condition 11 above.

CONSENT NOTICE – BUILDING FOUNDATIONS, STORMWATER DISCHARGE, MINIMUM FINISHED FLOOR LEVELS

12. Pursuant to Section 221 of the Act a consent notice condition must be imposed on requiring the following:

Construction earthworks for raised building platform – Lot 2

(a) Prior to undertaking earthworks for the construction of a raised building platform within Lot 2 for the purpose of flood hazard mitigation, the registered proprietor must ensure that the earthworks are designed and supervised by a suitably and experienced engineer with geotechnical practice field.

Stormwater Discharge (Lots 1 and 2)

(b) The registered proprietor of Lots 1 and 2 must ensure that any stormwater from impervious surfaces and water tank overflow shall be discharged in a controlled manner to
existing roadside drains or the Turitea Stream and not via overland flow paths over adjoining properties.

Minimum Finished Floor Level (Lots 1 and 2)

(c) Prior to the foundations being poured a Surveyors Certificate is required confirming that the dwelling/building has a minimum floor level of 50.8 metres in terms of the City Datum (Moturiki).

The surveyor’s certificate to confirm minimum floor levels must include the following information:

- A defined datum that can be easily accessed and used to check the minimum floor level.
- A site plan showing the location of the datum, the constructed building/s and the minimum floor level.
- A written statement from a Licensed Cadastral Surveyor confirming that the building/s has been built to the required minimum floor level.

Water Supply – Dwellings (Lots 1 and 2)

(d) Residential dwellings within Lots 1 and 2 must obtain water supply for domestic purposes from onsite rooftop collection and tank storage only.

Fire-fighting water supply

(e) Upon the construction or relocation of a new dwelling or dependent dwelling within Lots 1-6, the registered proprietors shall ensure that onsite fire-fighting water supply is provided in accordance with the Palmerston North City District Plan.

Note: Rule 9.6.5(i) of the Palmerston North District Plan sets out the current requirements for onsite fire-fighting water supply.

Turitea Flood Plain – Lots 1 and 2

(f) The registered proprietors of Lots 1 and 2 must ensure that the Turitea Stream flood plain is protected and remains unobstructed at all times.

ALL CONDITIONS MET

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

Advice Notes:

Development Contributions

1. In respect to the subdivision consent proposal and Palmerston North City Council’s Development Contribution Policy 2018, there will be one additional unit of demand created in respect to Roading and Citywide Reserves. The current Development Contribution fee for 1 additional rural allotment is $3155.6 (inc GST).

Upgrade to Right of Way – Property Law Requirements

2. The applicant is advised that the upgrade to the right of way may require approvals from other users of the right of way under the relevant easement document and property law requirements outside of the resource consent process.
APPENDIX 2 – JOHN HUDSON LANDSCAPE ASSESSMENT
PALMERSTON NORTH CITY COUNCIL

LIMITED NOTIFIED RESOURCE CONSENT
LAND USE AND SUBDIVISION
126 TURITEA ROAD, PALMERSTON NORTH

The Applicant: Guardian Tree Services Ltd
Location: 126 Turitea Road Road, Palmerston North
Legal Description: Lot 3 Deposited Plan 84688
Application Number: SUB 5082 and LU 5093
Hearing Date: 28 November 2019

EVIDENCE OF JOHN ROBERT HUDSON
LANDSCAPE ARCHITECT

4 November 2019
INTRODUCTION

1. My name is John Robert Hudson. I am a landscape architect and principal of my own practice, Hudson Associates, and have been practicing in this field for over 30 years. I am a registered member, fellow and past president of the New Zealand Institute of Landscape Architects and have also held the roles of member and chairman of the Institute’s professional examination committee for ten years, as well as judge for the Institute’s biennial award. I have a Bachelor of Arts (Geography, Victoria University), graduate Diploma in Landscape Architecture (Lincoln College) and graduate Diploma in Business Administration (Victoria University).

2. I have obtained the Making Good Decisions certificates from the Ministry for the Environment as both a Hearing Commissioner and Chair and subsequently renewed the Commissioner certificate. I have been engaged as an independent commissioner for several large consent applications, the largest being an appointment by the Minister for the Environment to the Turitea Wind Farm Board of Inquiry.

3. My practice consults on projects throughout New Zealand, with particular focus on landscape assessment, subdivision, large scale design, and infrastructure. I am currently engaged by a number of local authorities throughout the country to provide specialist advice on consent applications and district plan assessments and provisions. I regularly appear as an expert witness at both Council hearings and Environment Court appeals.

4. I have read the Code of Conduct for Expert Witnesses set out in the Environment Court’s Practice Note 2014 and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

5. I am familiar with the area, having provided landscape advice in relation to a number of aspects of the recent PNCC Sectional District Plan Review, as well as providing expert advice in relation to a development of the Aokautere Structure Plan. I visited the application site on the 12 September and 17 October 2019 to develop an understanding of the landscape context.
6. I have been engaged by PNCC to provide independent advice on the landscape and visual amenity effects that may arise from this Resource Consent Application. I have reviewed the resource consent application.

PROPOSAL

7. Application has been made by Guardian Tree Services Ltd for resource consents from Palmerston North City Council for land use consent required for their arborist operation to relocate to 126 Turitea Road, plus application for subdivision consent for that property.

8. The applicant proposes to upgrade the existing right of way as shown in Figure 1 of this report and also shown in Appendix 3 of the application. The proposed right of way upgrade works will involve resurfacing the drive, widening the entrance and the construction of 3 other passing bay areas. All proposed works will be located within the legal right of way or within legal road.

The proposed arborist activity involves the following core components:

(i). Site used as a ‘base’ for staff, and to store equipment and vehicles overnight (and throughout the day when not in use).

(ii). Typically, the activity involves 7 staff, although numbers can fluctuate between 5 and 8 staff members from time to time.

(iii). The hours of operation are typically 8.00am to 5.30pm Monday to Friday. Typically, staff arrive at the site at 8am for initial set-up (loading up gear for the day and undertaking safety checks) before staff vacate the site. Staff typically arrive back between 4 and 5pm for pack-down and clean-up. Staff are typically not on-site for most of the day as arborist work undertaken is located off-site.

(iv). On the occasion where work is located at a greater distance from the yard, some staff might arrive at 7am. This is not a common occurrence. There would be no activity on the site before 7am.

(v). Should weekend work occur on the site, this is generally limited to office type activities (clearing emails and phone messages, invoices etc) rather than yard-based activities.
9. Guardian Tree Services Ltd also seek to construct an additional 2-bay pole shed, being 18m(L) x 9m(W)x 4.6m (H) for the storage of vehicles and machinery. I understand this falls within the permitted standards for the zone.

DISTRICT PLAN PROVISIONS

10. The applicant’s business provides its services to both urban and rural environments. This fact, plus the fact that it is a service rather than an industry, causes the activity to fall outside the definition of a discretionary activity (Rule 9.8.2). It is a non-rural activity located within the Rural Zone and is classified as a non-complying activity. As such, there are no assessment criteria.

11. A subdivision consent is also sought to enable a two-lot fee simple subdivision of the subject site. This application is classified as a discretionary activity.

12. The objectives and policies most relevant to the consideration of the landscape and visual amenity aspects of the land use proposal lie within the Rural Zone (Section 9) of the District Plan. These are:

Objective 2: To encourage the effective and efficient use and development of the natural and physical resources of the rural area.
   Policy 2.2 To ensure that the adverse effects of activities in the rural area are avoided, remedied or mitigated such that the amenities of the area and nearby urban areas are maintained.
   Policy 2.3 To control actual or potential environment effects of activities in the rural area including odour, noise, traffic and visual impact;

OBJECTIVE 3 To maintain or enhance the quality and natural character of the rural environment.
   Policy 3.3 To control the adverse visual effects on the rural environment (including effects on rural dwellers) of activities that disturb the land surface, introduce buildings, remove and/or process natural material

13. The explanation to Objective 3 states that:

the rural environment has a range of unique qualities which are valued by rural dwellers and those who view or travel through those areas. It is important that the amenity values and general ambience of the rural environment is protected from any adverse effects on them.

14. It goes on to note that rural residential development can have reverse sensitivity effects for farmers undertaking rural production activities.

OBJECTIVE 4 To recognise and enhance the diversity of the rural community
   Policy 4.3 – To allow a range of other activities where adverse effects can be avoided or mitigated
EFFECTS

15. There is an assumption in the application that the level of activity pertaining to the previous use by Starter Plants can be used as a baseline for comparison with the proposed activity. I see no relevance of the previous activity to the effects of the proposed activity which is to be assessed against the objectives and policies as a non-complying activity under the rural-residential overlay. However, this is a matter to be addressed by the reporting planner.

16. In my opinion the landscape effects relate to effects on landscape character and visual amenity values and the effect the proposed activity will have on these. These are to be considered in terms of the District Plan provisions listed above. For the land use consent, these primarily relate to the changes on the driveway. Other effects are identified by submitters and these focus on intensity of use and traffic related effects. Most of these effects are outside my expertise, falling within planning and traffic expertise. However, potential tree removal through driveway upgrading does affect visual amenity and landscape character and I consider these within my evidence.

17. The application states that the primary land use effects relate to the potential activity (listed above) and the physical works associated with the resealing and upgrade of the shared driveway. The Applicant’s traffic report recommends that this work involves:

   1. Localised widening at the entrance to allow for two-way traffic. The widening should be to approximately 5.5 metres and not remove any trees;
   2. A small area (around eight metres long and 5.5 metres wide) of widening at the corner near the access to 134 Tuntea Road to provide a waiting area for opposing traffic;
   3. Provide a small area (around eight metres long and 5.5 metres wide) of widening at this junction to allow two vehicles to pass.

18. The application states that the works do not involve the removal of any established mature trees (p4) yet also states that trees and vegetation will need to be removed for visibility (p16) and upgrade of the driveway.

19. The application discusses (at p12) the trees along the driveway, acknowledging that:
these trees contribute to some extent to the amenity of these rural-residential properties through providing a tree-lined driveway to the existing residences. The proposed upgrade works do not propose the removal of any well-established tree, however, it should be noted that these trees are wholly contained within the existing legally defined right of way easement (see Appendix 1 of the application). These trees can be removed to enable unimpeded rights of access by the applicant (should they wish to do so), or any other party with an interest in the right of way for that matter.

20. The application goes on to state that:

There are no protected trees on-site. It is acknowledged that established trees within the right of way are proposed to be removed to enable the construction of additional passing opportunities and improved sight-lines. These works will improve safety and are located within the defined right of way area. As such, these could be legitimately be removed by any user(s) to enable the upgrade of the right of way. (p22)

ANALYSIS

FURTHER INFORMATION

21. A reference to the Right Of Way Upgrade Plan (below) shows where the changes are required along the driveway. A further information request has been issued requesting more detail about the trees to be removed but has not been answered at the time of writing this evidence. To fully understand the extent of tree removal (and therefore consider the effects of tree removal) it is important to have this information.

APPROACH TO ASSESSMENT AND PROPERTY RIGHTS ISSUES

22. The application states that:

The removal of established trees within the right of way will be minimised and are only proposed where it enables the construction of additional passing opportunities and improved sight-lines. These works will improve safety and are located within the defined right of way area. As such, these could be legitimately be removed by any user(s) to enable the upgrade of the right of way. (p27)

23. The Applicant considers the removal of established trees from the right-of-way area should not be viewed as an adverse effect of the activity because the applicant argues it has certain property law rights in accordance with its right-of-way that allow the applicant to remove trees.
24. Whether the applicant has a legal right to remove the trees or not in reliance on its right-of-way is not a matter for landscape and amenity assessment. Accordingly this report does not have regard to whether or not the applicant is legally able to remove vegetation from the right-of-way in reliance on its rights under property law.

25. From the perspective of the landscape and amenity effects assessment under the RMA, the removal of the trees from the right-of-way is an effect of the proposed activity on the environment. Accordingly, this report assesses the effects associated with the removal of trees to the extent that is possible on the information available.

26. It is acknowledged that s 104(2) of the RMA allows a consent authority to disregard an adverse effect if a district plan permits an activity with that effect (this is known as the permitted baseline). In this case, it is understood from the reporting planner that removal of the trees would be a permitted activity under the district plan.

27. This report looks at the adverse effects, notwithstanding that they may be permitted under the District Plan. Whether the permitted baseline is applied (and the effects of the tree removal are disregarded) is ultimately a matter for the evaluating officer and the decision-maker, however in the context of effects on a shared accessway where multiple users and residents are potentially affected by the activity, an approach that allows those effects to be considered in an assessment of the proposal is endorsed.

TREE REMOVAL

28. There is a clear discrepancy between the various statements in the application regarding the need for removal of trees to accommodate proposed upgrades to the right of way. Assuming the Resonant drawing below (Right of way Upgrade, 126 Turitea Road, Overall Layout 17.1.19) is correct, several areas of the drive need widening and trees will need to be removed.

29. The Resonant drawing below (Figure 1) shows the areas where widening is to occur for passing bays.
30. Notes on the drawing state that all trees and vegetation are to be removed on the eastern side for Passing Bay 3. A mature eucalyptus tree, along with lesser shrubby vegetation, is located in this area so presumably will need to be removed (Figure 2 below). The Resonant drawing also shows widening at the corner with Passing Bay 2 but appears to suggest that this can be done but avoid touching the face of the trees (Figure 3 below).

Figure 1. Resonant drawing Right of way Upgrade, 126 Tueria Road, Overall Layout 17.1.19

Figure 2. Passing Bay 3 where large eucalypt (arrowed) will be removed.

Figure 3. Passing Bay 2 where it appears trees will not need to be removed.
31. It is unclear the extent (if any) of tree removal needed for Passing Bay 1 (Figure 5 & 6 below).

32. The application makes no comment about trees with outward leaning branches or trunks that may need to be removed due to the height of trucks. Such a branch can be seen in Figure 3, so while the base of the tree may far enough away from the carriageway to provide the required width, the upper portion of the tree leans over the driveway and may be hit by the upper part of a truck.

33. The application (traffic assessment and Resonant Drawing above) state that passing bays 8m long will be required. However, information included in submissions (Orr/Aburn, Rankin) suggest this will be insufficient to accommodate the combined length of the applicant’s truck and mulcher.

LANDSCAPE CHARACTER AND RURAL AMENITY

34. The role of the tree lined avenue in terms of rural amenity needs to be considered (policies 2.2, 2.3, 3.3). Such an avenue, with large trees lining both sides of the drive in a formal fashion, is unusual but by no means unique. Such avenues tend to be a remnant of an original rural subdivision pattern where the homestead was some distance from the road and space was available in the front paddock for amenity planting. This characterisation is supported by the Aburn/Orr submission which states
that the avenue was established prior to 1981 before the Right of Way was established (and presumably before smaller lot subdivision took place) [sic].

35. Another example of a similar avenue occurs at 139 Pohangina Road which leads to the farmhouse some distance from the road. The width taken up by trees on both sides of the drive is greater than that required for planting on only one side, which is far more common.

Figure 5. Formal avenue planting of rural driveway 139 Pohangina Road

36. Planting at most modern rural-residential subdivisions tends to follow the boundary with a single line of trees that creates a hedge for privacy rather than devoting width for an avenue. Single row boundary planting can be seen along the neighbouring driveway at 140 Turitea Road and in many properties in Valley Views.

Figure 6. Single side planting of rural-residential driveway

1 Submission Siann Aburn & Kevin Orr, p8
37. Some properties in Valley Views have planted both sides of the drive to create an avenue, such as 165 where Golden Elms have been planted or 110 where Oaks have been used, but such examples are not the norm.

Figure 7. Avenue planting of rural-residential driveway 165 Valley Views. More common approach is boundary planting for privacy/shelter and limited driveway planting due to house proximity to road due to lot size.

Figure 8. Avenue planting of rural-residential driveway 165 Valley Views

38. The smaller lot sizes of rural-residential development often result in people devoting less land to a grand entrance than can occur with large rural holdings. Additionally, the smaller size of rural-residential lots often means that there is less section depth available for a long grand avenue and when one is planted it is often near to the solid planting of the adjacent side boundary, thereby reducing its dominance and the singular grandeur of an avenue.

Figure 9. Short avenue planting of rural-residential driveway 110 Valley Views

Figure 10. A short avenue planting of rural-residential driveway 110 Valley Views. More common approach is boundary planting for privacy/shelter and limited driveway planting due to house proximity to road due to smaller rural-residential lot size.

39. The avenue at 126 Turitea Road has a mix of species including Sheoak, Prunus, Birch, Ash, Willow and Cabbage. The unifying factor is their height and formality. Although not planted in a strictly regimented pattern of uniform spacing and species,
the planting has a formality through its parallel placement, density, age and size. The
deciduous species variety adds spring colour through the flowers and autumn colour
through the leaves. The evergreen sheoaks provide year round greenery and solidity.

40. The avenue contributes to the quality and rural character to the landscape which adds
to the visual amenity of the area. This is supported by the following comment in the
Orr/Aburn submission which states (p21)

The tree lined driveway being in existence longer than the ROW itself is a significant
factor in the natural amenity of our site and a significant reason why we bought our
place. It is commented on by many locals and visitors.

41. Plus the Rankin submission which states (p3):

We do not wish our driveway to look like similar ones along the road which are lined
with farm
fences and have no visual rural benefits.

42. As is noted in the explanation to Objective 3:

the rural environment has a range of unique qualities which are valued by rural dwellers
and those who visit or travel through those areas. It is important that the amenity
values and general ambience of the rural environment is protected from any adverse
effects on them.

43. In my opinion, loss of the avenue, or a significant portion of the trees that create this
avenue, would have an adverse effect on the amenity values and general ambience
of the rural environment. However, the full extent of vegetation removal as a
consequence of the application is not able to be determined on the information
available at this stage. Therefore, the effects on visual amenity values and rural
character cannot yet be determined. The contradictory statements within the
application regarding tree removal, the inconsistency between stated vehicle sizes
and submitter examples, and the lack of information about the effect of truck height
on leaning trees all exacerbate the information gap.

EVALUATION

44. The avenue of trees that frame the right of way create a landscape feature that
contributes positively to the rural amenity values of the area. The right of way upgrade
plan shows three passing bays. It appears that trees may need to be removed for the
creation of passing bay #1 by Turitea Road. Passing bay #2 could possibly be formed
without the need for any tree removal, while passing bay # 3 definitely requires removal of a well established eucalypt and smaller shrubs. Additional tree removal may also be needed for reasons of truck height and length.

45. As mentioned earlier in this report, further information has been requested and is required to determine the extent of tree removal to accommodate the proposed upgrades to the right-of-way.

46. Loss of trees at the entranceway (passing bay # 1) would have the greatest effect on rural amenity as they are at the front door of the sites and fully exposed to people passing through the rural area. The Resonant plan indicates that the driveway can be widened without the removal of trees at this location. This will need to be confirmed. If some tree removal is necessary in this location, then the significance will be determined when that information is provided.

47. Trees are more widely spaced at passing bay # 2 and any small trimming could potentially be accommodated through the solidity of the remaining trees. Again, the Resonant plan indicates that the driveway can be widened without the removal of trees but this will need to be confirmed.

48. Loss of the large eucalypt and smaller vegetation for passing bay # 3 will open up this area. However, these trees line a secondary drive that gives access to three newer properties (126, 128 and 130 Turitea Road) rather than the original homestead at 132 Turitea Road. The relevance of preserving the amenity for the original homestead is that the scale of the driveway planting relates to this original feature, being elevated, a good distance (175m) from the road and the driveway is relatively linear to its alignment.

49. The access to 126, 128, 130 takes a sharp right angle bend at the base of the hill and has a reduced relationship with the avenue character after that point. The eucalyptus tree that is to be removed is located after this right angle bend and forms part of a single edge driveway planting. As referred to above, such single edge planting is more characteristic of smaller scale subdivision and lacks the amenity value that the avenue contains. For this reason, vegetation removal for the creation of passing bay # 3 can occur with only minor adverse effects on visual amenity and rural character.
50. From a review of the Resonant plan it appears that the driveway can be widened without removal of any trees for Passing Bays # 1 and 2. If this is the case the effects on amenity values will be less than minor. However, this is based on the assumption that trees will only need to be removed for Passing Bay # 3. If trees are to be removed for Passing Bay’s 1 & 2 and other locations along the drive then this conclusion will need to be reconsidered.

MITIGATION

51. Mitigation in the form of replacement planting of like for like may be feasible as a means of retaining the avenue effect but with trees located such that passing bays can be built and the driveway upgrade can occur. The extent of such mitigation will not be known until the information is provided on the extent of tree removal required.

CONCLUSION

52. Full or substantial removal of the avenue would have a significant adverse effect on rural character and visual amenity and would not be mitigated by replacement planting for a number of years. In my opinion, Objective 2 policy 2.2, 2.3, Objective 3 policy 3.3 and its explanation would not be met. However, if only several trees need to be removed for passing bay # 1 and # 2, replacement planting with Sheoak and prunus could provide mitigation and reduce the adverse effect to no more than minor. A final comment on this can be made when details of tree removal is known.

RECOMMENDATION – LAND USE

53. The response to the s92 request for further information regarding tree removal be received and made available for consideration. Depending on the extent of tree removal required, replacement planting may be sufficient to maintain rural amenity. This will be considered when further information is available.

RECOMMENDATION – SUBDIVISION

54. Effects of subdivision are discussed in the application, with it finding that subdivision on Class I & II soils as an item of unavoidable effects. The application considers this acceptable due to the rural/residential overlay that anticipates 1ha lots. In my opinion, the adverse effects of subdivision are acceptable and discretionary consent is appropriate as proposed.

John Hudson FNZILA
APPENDIX 3 – NIGEL LLOYD ACOUSTIC ASSESSMENT
IN THE MATTER OF The Resource Management Act 1991
AND
IN THE MATTER OF Land Use and Subdivision Consent
for Guardian Tree Services Limited
at 126 Turitea Road, Palmerston
North

STATEMENT OF EVIDENCE OF NIGEL ROBERT LLOYD

Introduction
1. My name is Nigel Robert Lloyd. I am an acoustical consultant with Acousafe Consulting & Engineering Limited, a position I have held for 34 years.
2. I have a degree in mechanical engineering gained at the University of Wales, University College Cardiff in 1976.
3. Prior to my current position, I was employed by the Industrial Acoustics Company in the UK as an acoustical consultant between 1977 and 1980 and then spent five years as the Department of Labour noise control engineer in New Zealand, advising the safety inspectorates on occupational noise management and control. I have a total of over 40 years’ experience as a noise control engineer/acoustical consultant.
4. I am a Member of the Acoustical Society of New Zealand and the Association of Australasian Acoustical Consultants and I have completed a ‘Making Good Decisions’ course.
5. I have advised PNCC variously on noise matters since 1992 and I have recently advised the Council on the noise aspects of the various Sectional District Plan changes.
6. I visited the site and surrounding properties in the company of other experts on Thursday 12th September 2019. I met with some of the submitters at that time.
7. I confirm that I have read the ‘Code of Conduct for Expert Witnesses’ contained in the Environment Court Practice Note 2014. My evidence has been prepared to comply with that Code and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

P.O. BOX 14-315 WELLINGTON 6241, TEL 64-4-388 3407
ACOUSAFE CONSULTING & ENGINEERING LTD
The Scope of My Evidence

8. I have been instructed by Council to only review and address noise considerations of the application and to consider submitters’ concerns. I am not aware of any other noise assessments undertaken either on the direction of the applicant, or submitters.

9. Submitters’ concerns about noise relate to truck movements, possible on-site activity and submitters’ uncertainty regarding the scale and intensity of the proposed operation.

District Plan Noise Rules

10. The site and surroundings are zoned Rural with a Rural residential overlay.

11. Rule R9.11.1 sets out the noise limits in the Rural Zone and these are the same within the Rural Residential overlay.

12. Rule R9.11.1 establishes a daytime 7.00 am to 7.00 pm noise limit of 50 dB $L_{Aeq} (15 \text{ min})$ at or within the boundary of any land in the Rural Zone (other than land from which the noise is emitted or a road).

13. Chapter 6 of the District Plan establishes that the noise should be measured and assessed in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and NZS6802:2008 Acoustics – Environmental Noise. Chapter 6 R6.2.6.2 provides an exclusion for rural activities listed in R9.5.1 and R9.5.2 in the Rural Zone and provides for these to be controlled separately by reference to Sections 16 and 17 of the RMA.

14. The activities listed in R9.5.1 include farming (excluding intensive farming), and horticulture. Rule R9.5.2 relates to production forestry.

15. Any horticultural activities that could take place on this site as a permitted activity would be exempt from the noise limits but would be controlled by Section 16 requirements to adopt the best practicable option to ensure that the noise does not exceed a reasonable level.

The Site and Surroundings

16. The site has previously been occupied by a nursery which would have been a permitted activity.

17. There are a number of dwellings located nearby with the area remaining rural residential in character. The aural environment at the time of my visit was
pleasantly quiet with the distant sound of traffic on SH57 occasionally audible. Typically, there would be the seasonal sounds of farming activities in the area.

The Proposal

18. The application seeks to enable Guardian Tree Services (GTS) to operate from the site as a depot for their small-scale arborist activity and to grow made-to-order trees in the existing nursery beds. These will be sold wholesale to existing clients with no gate sales.

19. The on-site activity is summarised as follows:
   a. a ‘base’ for staff, and to store equipment and vehicles overnight (and throughout the day when not in use),
   b. staff numbers to fluctuate between 5 and 8,
   c. hours of operation typically 8:00am to 5:30pm Monday-Friday,
   d. occasionally, staff might arrive at 7:00am,
   e. weekend work is generally limited to office type activities,
   f. mulch will be sorted and stored onsite.

20. After hours call-out services are not provided.

21. There is also a proposal to additionally subdivide the property into two rural-residential sections.

Assessment

22. A number of submissions express concern that the application understates the scale and intensity of the proposed operation.

23. My assessment is based on the level of activity proposed by the application and the operating hours that are described. I recommend, given the submitters’ concerns, that the scale and intensity be restricted by conditions to those activities that are described in the application.

24. Horticultural activities are permitted by the District Plan and these can occur as of right. The noise of the horticultural activities would be controlled by reference to Section 16 controls rather than the District Plan noise performance standards.

25. There will be a number of truck movements during the day. These are described as two utes, a Dihatsu truck or Hino. An Isuzu Forward is also used on an ‘on-demand’ basis (once a week or once a fortnight).
26. When considering larger vehicles starting and manoeuvring on the site and right of way, our database indicates that a representative noise level would be 65 dB $L_{Aeq \, (10 \, min)}$ with a reference measurement location of 15 metres. Given that the departure and arrival of the vehicles forms only a small duration over the 7.00am to 7.00pm assessment period then the District Plan daytime noise limit would be exceeded at over 55 dB $L_{Aeq \, (15 \, min)}$. This is because the noise is averaged over the 12 hour period but only with a duration correction of up to 5 dB.

27. Truck movements are therefore predicted to comply with the District Plan at a distance of approximately 50 metres.

28. The noise limits in the District Plan apply at any point within the neighbouring site and the boundary of 132 Turitea Road is immediately on the opposite side of the right of way and within 50 metres of the area where trucks will be starting and manoeuvring. The boundary of land at 128 Turitea Road is also within 50 metres of the truck manoeuvring area. There will therefore be a likely technical non compliance at the nearest site boundary locations and on the immediate land to the south and west.

29. The dwelling at 132 Turitea Road is on an upper terrace and is further than 50 metres from the site boundary. As such compliance with the District Plan noise performance Standard is likely to be achieved at this (and all) neighbouring dwellings (except 130 Turitea Road, the owners of which have provided written consent).

30. The dwelling at 128 Turitea Road is situated on the boundary of the site but, at 80 metres, is further than 50 metres from the truck manoeuvring area.

31. I consider that the noise impacts associated with vehicles arriving and departing the site would be no more than minor because:
   a. the duration of the vehicle noise is going to be short,
   b. the noisier activity will take place between 7am and 7pm on weekdays, and
   c. the nearest part of the neighbouring sites cannot be further developed with noise sensitive activities (without resource consent).
Conclusions

32. The application includes the parking of vehicles associated with the Guardian Tree Services operation.

33. Staff will arrive in the morning (after 7am) and depart in the vehicles and return in the evening (prior to 7pm). The vehicles include two utes and three trucks plus staff private vehicles.

34. My assessment of the idling and low speed manoeuvring of vehicles indicates that there will be a technical non-compliance with the District Plan noise limits when applied at the immediate site boundaries with 128 Turitea Road and 132 Turitea Road. This land is not occupied by noise sensitive activities which would require a resource consent to establish.

35. The nearest dwellings to the truck parking area are 128 Turitea Road and 132 Turitea Road. 132 Turitea Road is on an elevated terrace and buffered by distance and topography as is the dwellings at 134 Turitea Road and 140 Turitea Road. The dwelling at 128 Turitea is on the same elevation as the site and potentially most exposed to truck manoeuvring noise. The dwelling is approximately 80 metres from the truck manoeuvring area.

36. I consider that the noise impacts will be no more that minor on neighbours given that the truck manoeuvring is stated to occur between 7am and 7pm weekdays, will occur for short duration in the morning and afternoon and that the closest land to the truck parking area cannot be developed (without consent) by a noise sensitive activity.

Nigel Lloyd
Acousafe Consulting & Engineering Limited
29 October 2019
APPENDIX 4 – GLENN CONNELLY TRAFFIC ASSESSMENT
BEFORE THE HEARING COMMITTEE
Palmerston North City Council

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a proposed; 2 lot subdivision, nursery and arborist
depot by Guardian Tree Services, located at 126 Turitea
Road, Palmerston North.

_____________________________________________________

STATEMENT OF EVIDENCE OF G CONNELLY

_____________________________________________________

Date: 6th November 2019

_____________________________________________________

Glenn Connelly
Senior Associate - Transportation
Beca Limited
Introduction

1 My full name is GLENN CONNELLY and I hold a Bachelor of Engineering (Civil) from Auckland University, New Zealand. I am a Member of Engineering New Zealand (MEngNZ) and have over 25 years’ experience in traffic engineering in both the public and private sectors. I am consulting engineer employed by Beca as a Senior Associate – Transportation where I have been working for the last 1.5 years. I previously worked for the Palmerston North City Council and have had responsibilities for; the safe and efficient operation of the road network, development of the road infrastructure, as well as providing specialist traffic and transportation advice for consent applications and reviewing others work in this area.

2 I have read and agree to comply with the Code of Conduct for expert witnesses issued as part of the Environment Court Practice Note (Dec 2014). The matters addressed in this statement of evidence are within my expertise unless otherwise stated. I am not aware of any material facts that have either been omitted or might alter or detract from the opinions expressed in this statement.

3 I have visited the site and am familiar with site and the surrounding road network; I have lived and worked in region since November 1992.

Scope of Evidence

4 I have been asked to provide traffic engineering advice on behalf of the Palmerston North City Council regarding the proposal to establish; a 2-lot subdivision, nursery and arborist depot by Guardian Tree Services, located at 126 Turitea Road, Palmerston North.

5 This statement of evidence includes consideration of the following matters:
   - The background and outline of the proposal.
   - Assessment of effects relating to the one lane bridge on Turitea Road, form of the vehicle crossing, form and construction of the right of way.
   - A brief review of activities permitted by the District Plan, as well as a consideration of the relevant District Plan objectives and policies.
BACKGROUNDD

6 The site is located at 126 Turitea Road, approximately 5km south of Palmerston North City centre. Access to the site is provided via an existing right of way from Turitea Road which is shared by four other rural / rural-residential properties; being 128 Turitea Road, 130 Turitea Road, 132 Turitea Road and 134 Turitea Road.

7 The site has previously been used as a commercial nursery by Starter Plants Ltd, a nursery employing 7 on-site staff.

Proposal

8 Guardian Tree Services Ltd (GTS) propose to:

- Establish a nursery to grow trees, with no onsite sales
- Subdivide the site to create 2 lots
- Establish a depot for their arborist and landscaping service

9 GTS propose to upgrade the right of way to facilitate access and are now also considering upgrading the vehicle crossing; refer to the Proposed Upgrade Plan in Appendix A.

10 Horticulture activities are permitted in the Rural zone, and subdivisions is a controlled activity subject to compliance with the performance conditions. The proposal to establish the depot for the arborist activity is not stipulated as being a permitted, controlled or discretionary activity in the Rural zone, and is therefore deemed to be a non-complying activity (Rule 9.9.1).

11 The proposal was notified on a limited basis to the four other properties serviced by the right of way. Three submissions were received, which have been considered in preparing this statement.

Road Environment

12 The following information regarding the road environment is provided for context.

<table>
<thead>
<tr>
<th>Road Name</th>
<th>Turitea Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Class</td>
<td>Local Road</td>
</tr>
<tr>
<td>Road Facilities</td>
<td>5.1m seal with a marked centreline</td>
</tr>
<tr>
<td>Speed Limit</td>
<td>80 kph</td>
</tr>
<tr>
<td>Traffic Volumes</td>
<td>1,250 vpd north of Valley Views Road</td>
</tr>
<tr>
<td></td>
<td>1,000 vpd south of Valley Views Road, estimated.</td>
</tr>
<tr>
<td>Development &amp; Use</td>
<td>Rural / rural residential and water treatment plant</td>
</tr>
<tr>
<td></td>
<td>'Rural' zoning with rural-residential overlay</td>
</tr>
</tbody>
</table>
Photo 1  
Road Environment – Looking south from opposite the right of way to 126 Turitea Rd

Photo 2  
Road Environment – Looking north from the right of way to 126 Turitea Rd
ASSESSMENT OF EFFECTS

One Lane Bridge

13 The submitters expressed concern about the safe operation of the existing one lane bridge, its proximity to the access and associated traffic behaviour, as well as the safety of non-motorised users.

14 One lane bridges are not uncommon on low volume rural roads and naturally have an inherent risk where opposing vehicles potentially occupy the same space. The opposing curves on either side of the bridge and the lower level of the road on the southern side mean the sight rail interferes with visibility.

15 The operation and safety of the bridge is an existing issue and the responsibility of the road controlling authority. Council’s 2017 Asset Management Plan recognises the need to address single lane bridges, with the Turitea Bridge currently identified for preplacement in 2031/2032.

16 Council’s Plan allows for the development of the area with the rural residential overlay allowing dwellings on sites down to one hectare. The additional traffic from the proposed residential dwellings and horticultural activity are therefore not out of context with the District Plan and rural environment. The additional traffic generated by the proposed depot for the non-rural depot for GTS, whilst non-complying, is not substantial in terms of the need or timing to upgrade or replace the bridge.

17 The bridge can safely be negotiated with due care and consideration. There is enough space between the bridge and the access for a normally alert southbound driver to stop if needed; if they come into conflict with a vehicle manoeuvring at the vehicle crossing to the site1. The amount of visibility exceeds industry accepted ‘safe stopping distance’ for the observe typical vehicle speeds on Turitea Road2.

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1 The traffic volumes using the right of way and on Turitea Road very low in terms of capacity. Any delay is likely to be minimal thus the chances of conflict are low.

2 Safe Stopping Distance is ‘to enable a normally alert driver, travelling at the design speed on wet pavement, to perceive, react and brake to a stop before reaching a hazard on the road ahead’. There is approximately 97m of visibility excluding the bridge rails, between an approaching driver and a vehicle waiting to turn right into the site’s crossing. This meets the minimum values are 88 - 99m for reaction times of 1.5 to 2 seconds and operating speed of 80 kph. Driver speeds from the bridge are estimated to be 60 kph on average and in the low 70’s for the 85th percentile speed. Furthermore, drivers can potentially see over and the rails of the bridge and / or past the rails from the far side of the bridge.
The recently installed bollards either side of the bridge whilst limiting the carriageway space reduce driver speeds which, on balance, will result in a safer environment for all users, including cyclists.

**Form of the Vehicle Crossing**

The existing vehicle crossing (connection between the road carriageway and site boundary) is in below average condition with the absence of seal, loose metal, edge break repairs and damaged berms apparent.

The vehicle crossing needs to cater for its intended use. Council as the Road Controlling Authority has jurisdiction over the road reserve and can prescribe the form of the access, when permission is sought to alter the vehicle crossing.

The form and construction of vehicle crossings should allow for safe and efficient access, as well as being durable and ensuring road facilities perform adequately; limiting any risk of damage to the infrastructure and on-going maintenance issues.

The existing vehicle crossing, and associated traffic use, does not meet the District Plan’s performance standards given existing and anticipated traffic volumes.

The District Plan’s stipulates that rural vehicle crossings should be in the form of Appendix 20H Diagram E; for roads with 70 kph or higher speed limits and having 30 car-equivalent vehicle movements or more. The four existing rural residential activities are deemed to have 32 car-equivalent vehicle movements given the District Plan nominates a trip rate of 8 car-equivalent vehicle movements per rural dwelling / lot. The existing nursery site potentially generating more traffic.

The proposed use would create in the order of 71\(^3\) car-equivalent vehicle movements associated with core activities, plus ancillary traffic movements.

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\(^1\) This being based on 6 dwellings (48 car-equivalent vehicle movements /day), 2 truck movements a day (12 cevm /day), 5 staff daily (10 cevm) and one larger truck movement a week (6 cevm/week = 1.2 cevm).
The District Plan’s Appendix 20H Diagram E however provides a high standard and includes extensive shoulder widening; 140m opposite the access and 70m on the near side for 80 kph roads. This is based on the New Zealand Transport Agency’s (NZTA) requirements for state highways; where the roads are of strategic importance, have higher traffic volumes and higher speeds. Turitea Road is a low volume, no exit, rural road thus the efficient movement of traffic is not a primary concern. Local roads key purpose in the rural environment is to provide access to adjoining land.

The key elements in terms of performance and construction of the access are as follows:

- The vehicle crossing would need to ensure that vehicles can pass when entering and leaving Turitea Road. This would avoid drivers being delayed and waiting on Turitea Road, with the associated safety risk. The widening labelled Passing Bay 1 on the proposed upgrade work for the right of could achieve this.
- All vehicles that regularly enter and leave the access should be able to do so without crossing the Turitea Road centreline. Larger vehicles that occasionally or rarely visit the site could be subject to specific design*
- The shape of the vehicle crossing needs to allow for the swept path of all vehicles, including trucks, that will be using it so that it continues to perform as expected and avoids unnecessary maintenance.

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* The District Plan indicating 9m radii between the access and carriageway for light vehicles as the performance standard, with 15m radii where there is frequent heavy vehicle use (Appendix 20G, 20H and 20I).
• Widening opposite the access, would be desirable to allow through vehicles to pass right turning traffic.
• The widening associated with the left turn into the site is not considered necessary, given little traffic will be coming from the end of Turitea Road and turning into the right of way.
• Any gate would need to be recessed to allow for the longest vehicle.
• The surface would need to be a permanent and provide good traction for manoeuvring, starting and stopping.

27 This could be provided by providing a vehicle crossing similar to the layout shown in Appendix 20H Diagram D of the District Plan.

Figure 2  Vehicle Crossing Form PNCC District Plan – Appendix 20H, NZTA Rural Access Diagram E

28 It is therefore recommended that the crossing be upgraded and submitted to Council for prior approval, as outlined above, which would provide a safe and effective vehicle crossing.

29 It is now understood that the Applicant accepts this standard of access.

Form of the Right of Way

30 The existing right of way is a single lane width with no passing opportunity which currently does not meet the District Plan’s performance standard [20.4.2 a viii] . Current users if they came into conflict on the right of way would need to manage the situation practically; most likely by using the grass berm, or by waiting and / or
reversing into existing hardstand areas on the right of way as experienced on the site visits.

31 The increased number of lots and traffic from the tree service activity will increase the chance of meeting other traffic on the right of way. The District Plan [R 20.4.2 (a)(viii)] indicates that for 4 to 6 residential lots of less than 80m in length two-way access could be provided; passing bays should be provided if the formed width is less than 5m. The District Plan also includes a performance standard of providing two-way traffic flow non-residential activities in the rural zone where the right of way serves 2 to 4 lots [R 20.4.2 (a)(viii)]. A one-way right of way with reasonably convenient and safe passing bays is therefore considered acceptable and would achieve the anticipated outcomes of the District Plan.

32 A key to the passing bays being effective and avoiding unnecessary inconvenience is to ensure that; each passing bay is of sufficient width and length to enable drivers to pass, and that visibility is maintained from one passing bay to the next to avoid the need to reverse.

**Reversing on the Right of Way**

33 The applicant has proposed to widen the right of way access in four places (Proposed Upgrade Plan Appendix A) to improve the passing opportunities. It has been suggested that the 8m passing bays would be adequate as other vehicles could use the grass berm or reverse to the nearest passing bay. It may however not be practical to use the existing grass berms as; they are steep in places, could be slippery when wet and / or potentially soft. Reversing also presumes that it is practical for others to do so readily but this could be complicated by the access geometry, the type of vehicle, any loads on the vehicles and / or if the other vehicle were also towing equipment. Reversing along the right of way should therefore be avoided.

**Passing Bay Length**

34 The 8m passing bays suggested are long enough to allow for vehicles up to approximately 8m in length. A utility towing a trailer or chipper could be 9m long with the small GTS trucks towing equipment a similar length. GTS’ Isuzu Forward truck in combination with the larger chipper could be up to 11m long, albeit the applicant has indicated that this vehicle does not tow equipment. It is however recommended that the passing bays are at least 11m long and preferably 13m long. The cost of providing extra length would be modest and would ensure vehicles can pass with reasonable convenience and avoid the need to reverse along the driveway.
35 The swept path of larger vehicles may also occupy some of the space identified as passing bays which needs to be considered in the design.

36 The area to pass at Turitea Road (Passing Bay 1) is longer than 8m given it includes part of the vehicle crossing; its overall length as proposed should provide for the longest vehicle with additional clearance from Turitea Road.

37 It is understood that the Applicant is now proposing to lengthen the passing bays 2 and 3 to 20m and 13m respectively. This should provide enough bay length for vehicles to pass. Confirmation should however be provided to show that there is also enough space for the swept path of larger vehicles, particularly at passing bay 3 where there is a tight bend.

Visibility & Spacing of Passing Bays

38 Drivers need to be able to see between passing bays to enable them to identify whether there is any opposing traffic and to decide whether to wait or proceed. This would avoid the need to reverse along the right of way. Typically, passing bays are provided at spacing of no more than 50m but can be up to 100m where visibility is available from bay to bay (NZS 4404:2010 'Land development and subdivision infrastructure').

39 Key points in this regard to visibility and the spacing of the passing bays are:

- The curvature of the right of way and presence of trees and/or vegetation limits the view along the right of way between Passing bays 1 and 2. This one way section of the right of way is over 80m. Lengthening the passing bays as recommended would help address this issue to some extent and possibly removing some of the trees on the inside of the bend that protrude beyond the general alignment of the trees (see Photo 3).

- The view between Passing bay 2 and 3 is also limited due to vegetation on the inside of the bend. The vegetation may be able to be lifted and/or removed to assist. Visibility is required across private land thus clear sight lines cannot be guaranteed in perpetuity.

- There is additional width between the bend (at the access to 130 Turitea Road) and Passing bay 4 which will would allow passing in addition to the identified passing bays. Visibility between the passing bays crosses private land and cannot be guaranteed to remain.

- Visibility from Passing bay 4 is limited, with no further passing opportunity visible.

Photo 3 Trees on the inside of the Right of Way – potentially to be removed to improve visibility from passing bay 1 to passing bay 2
The Applicant’s traffic engineer has advised the following:

- That visibility will be available between passing bay 1 and 2 by lengthening bay 2 to 20m and removing trees, which should avoid the need for reversing.
- That trees and vegetation will be removed between passing bays 2 and 3, which should allow sufficient visibility to avoid the need for reversing and allow safe passage at low speeds.

No further information has however been provided regarding addressing how vehicles will effectively pass beyond passing bay 3.

**Right of Way Operation**

The existing right of way is substandard for its existing use, and not appropriate for use by larger vehicles. Further development should not be permitted unless the right of way is upgraded, particularly where the activity is not anticipated in the rural environment and includes truck movements.

The existing single lane right of way has inherent issues based on the existing boundaries and layout; the tight bends and the way the driveways connect to the right of way limit visibility. The right of way environment with the restricted sightlines, mean that care and lower speeds are intuitively needed when using the right of way. It is expected that the right of way would operate satisfactorily in terms of safety as long as the low operating speeds are maintained, with the provision of enough space, passing
and sightlines⁵. The single lane arrangement with passing bays helps maintain lower speeds. Further mitigation measures and management such as warning signs and or recommend speed limits could be imposed however these are considered unnecessary given users will in general be familiar with the environment and aware of need to drive with due care and consideration.

44 Any inconvenience and delay resulting from the one lane operation is expected to be modest.

45 The greatest chance of coming across a GTS vehicle on the right of way would be in the morning when staff arrive. For example, should 5 staff arrive in 5 light vehicles over a 10-minute period and it takes 15 to 20 seconds to travel between passing bays, the total time GTS vehicles would occupy the right of way would be 75 to 120 seconds. A driver, if leaving the right of way in this 10-minute period would therefore have, in simple terms, a 1:8 to 1:6 chance of coming across a GTS staff member arriving.

46 Similarly, if two GTS vehicles were travelling along the right of way in a 5-minute period there would be a 1:10 to 1:7.5 chance of coming across a GTS vehicle.

47 These can be considered a worst case given and represent busier times and a short period of analysis at the beginning and end of the day. There will for example be little traffic during the day with less than one vehicle per hour; less than 1% chance of meeting a GTS vehicle on a passing bay. These examples also need to be put into the context of the chance of another vehicle travelling on the right of way at these times.

48 It is noted that there will be no delay if vehicles are travelling in the same direction, and very little as there would be little traffic for the balance of the day.

49 The average delay should two opposing vehicles would range from nothing to the full travel time along the bay; this being approximately 7.5 to 10 seconds between the passing bay 1 and 2.

**Truck Manoeuvring**

50 Larger vehicles occupy more space when turning which needs to be recognised in the design of the right of way. The submitted development plan for the right of way does clearly demonstrate that effective and practical access would be provided. Whilst this

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⁵ A stopping sight distance of 9 to 13 m is needed for 15 to 20 kph operating speeds. A distance of twice this much is needed in one way sections where both drivers approach each other (1.5 second reaction time and deceleration coefficient of 0.36).
could be addressed through detailed design it would be useful to understand the standard of access needed prior to consenting.

51 The Applicant has clarified that the two smaller trucks have lengths similar to that of passenger vehicles. They should therefore have similar manoeuvrability characteristics, albeit they may be slightly less manoeuvrable. It is however proposed to access the site with an Isuzu Forward 210 which has a length of 7.1m which should have specific design and consideration. The; vehicle crossing, two tight bends in the right of way, and access from the right of way to the site, are areas where the swept path of larger vehicles needs to be considered.

52 The vehicle crossing is proposed to be upgraded to a suitable standard and submitted to Council for approval as previously discussed.

53 There is limited space available at the two bends in the right of way which may limit the size of vehicle that can practically obtain access. Modelling shows that an 8m rigid truck will use almost all of the available space to manoeuvre through the right of way at the bends. The trucks would also occupy some of the space proposed as passing bays.

54 The Isuzu Forward truck from GTS is expected to be slightly smaller and to perform better. The following diagram has been provided by the Applicant to demonstrate practical access. It acknowledges that passing would be appropriate in this location and shows minimal space and clearances, the storage bins would need to be removed, and additional seal widening would be needed.

Figure 3 Tracking of Isuzu Forward 210 on the bend near the access to 130 Turitea Road
It is therefore recommended that the size of trucks is limited to be no larger than 7.2m given the tight geometry of the existing right of way.

**Construction of the Right of Way**

Submitters have expressed concern about the structural integrity of the right of way and potential maintenance costs.

Seals as they age release their volatiles and become brittle, after which they start to crack and fail. The seal on the existing right of way appears old and brittle, and in need of resurfacing.

The shape of the accessway appears to be in reasonable condition which suggests it has a sound foundation.

Rural right of ways are often surfaced with a two coat chip seal and is stipulated in Councils engineering standards. Furthermore, public roads are chip sealed and cope with substantially more and heavier traffic. A sealed surface is therefore expected to perform adequately, with its age dictating its service life, rather than the amount and weight of the traffic.

Sealed surfaces can be susceptible to stripping and / or damage where turns are tight, particularly where heavy vehicles are involved. In these situations, hot mix asphalt can be used. Areas most at risk of damage are likely to be the vehicle crossing and bend however if constructed and surfaced correctly these are expected to perform adequately, avoiding premature failure and additional maintenance costs. Council for example permits rural vehicle crossings, which could be used daily by dairy tankers, to be chip sealed.

The costs associated with the right of way will increase slightly with the additional sealed areas proposed. This could however be offset with an overall reduction in cost expected given if there are more parties contributing to the maintenance of the right of way.

**Construction**

Submitters have raised the concern about potential disruption to access during the upgrading of the access and / or development of the residential lots.
Construction activities are typically of a fixed duration and managed accordingly. This can include avoiding peak times, providing alternative or temporary access, along with communicating with affected parties.

It is therefore considered unlikely that construction activities will generate significant adverse effects, as long as they are managed prudently.

**Site Access & Circulation**

The proposal indicates that heavy vehicles would be driven along the right of way and access the yard from the western end. There is however; poor sightlines and a lack of passing on the modest bend prior to entering the site, inadequate space shown for the intended manoeuvre path of the larger heavy vehicle, and very little visibility of traffic on the right of way when leaving the from the middle of the yard.

The site / yard is large enough to cater for trucks however the developer needs to clearly indicate how this will occur to enable the effects and any mitigation measures to be identified.

**Permitted Baseline**

The District Plan permits farming and horticultural activities provided they meet the specified performance standards. The District Plan also anticipates dwellings with lot sizes of not less than one hectare, given the rural residential overlay of the site.

The traffic movements of a residential dwelling could occur as of right on the existing lot, however the additional lot proposed requires discretionary consent.

Traffic associated with farming or horticultural activities could also occur as of right. These naturally could include some heavy vehicle movements, which are not out of context in the rural environment.

It is difficult to estimate the number of vehicle movements associated with farming and horticultural activities as they vary significantly. They are however expected to be modest.

The proposal would see 5 staff arrive and leave each day which would provide 10 traffic movements; this being similar to the 9 to 10 vehicle movements associated with a residential dwelling. The proposal also indicated that there would be 4 small truck movements per day, these vehicles being a similar length to cars and / or utes. GTS propose also to have 1 medium rigid truck (Isuzu Forward 7.1m) visit the site each week. The former nursery identified 30 truck visits over 5 months which equates to 1.4 truck movement per week.
OBJECTIVES AND POLICIES

72 The key transport objectives and policies relevant to this application from the Subdivision (Section 7) and Transportation (Section 20) Sections of the District Plan are as follows.

SUBDIVISION

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.

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.

73 The following contribute to safe and appropriate access being provided as per the above objective and policy.

- proposed improvements to the vehicle crossing
- provision of passing bays of suitable length without the need to reverse
- provision of suitable space for the swept path of larger vehicles
- provision of suitable sightlines along the access as well as when accessing the right of way from the site
- provision of a sealed surface which will facilitate stopping

74 Provision of the passing bays, a sealed surface and space for the swept path of larger vehicles will minimise maintenance requirements.
TRANSPORTATION

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.

POLICY 1.5
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:

(b) The formation and surface sealing of all roads and vehicle accesses to standards appropriate to the volume of traffic expected to be carried;
(d) Safe design and construction of roads, road access points and intersections, including alignment, gradient, vehicle parking, manoeuvring and turning requirements.

This objective and policy also reinforce the need for safe and suitable access being provided for the expected traffic use.

It is expected therefore that the application, with suitable design could be consistent with the objectives and policies of the District Plan.

CONCLUSIONS & RECOMMENDATIONS

GTS propose to establish two residential dwellings, a horticultural activity with no public access, and a depot for their tree service and landscape activities.

The residential dwelling and nursery along with the associated traffic are not considered to be out of context with the environment. The right of way currently services four dwellings and has accommodated a (modest) nursery activity in the past. The existing right of way is deficient and not appropriate to serve increased traffic.

The additional traffic associated with the proposed subdivision, horticultural activity and depot require that the access is upgraded to accommodate the expected use. Passing opportunities need to be provided at Turitea Road and along the right of way which are of suitable length and avoid the need to reverse. Enough seal space is also required to accommodate the swept path of larger vehicles.

Suitable access from the site to the right of way is needed, along with circulation within the site.
Whilst safe and suitable access along the right of way, to, and around the site has not been explicitly demonstrated there appears to be sufficient space for this to occur.

It is therefore concluded that the additional traffic associated with the proposed subdivision, horticultural activity and operation of depot is unlikely to have significant adverse effects on traffic safety, provided the facilities are designed and installed to a suitable standard.

It is recommended that if consent is granted; the vehicle crossing design, right of way design, as well as site access and circulation are subject to Council approval. Additionally, the number and size of vehicles is limited to those stated in the application.
Appendix A – Right of Way Upgrade Plan
APPENDIX 5 – REIKO BAUGHAM STORMWATER ASSESSMENT
# Stormwater Consent Application Report

<table>
<thead>
<tr>
<th>Location:</th>
<th>126 Turitea Road, Palmerston North</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent Application Number (if applicable):</td>
<td>SUB 5082</td>
</tr>
<tr>
<td>Date Lodged:</td>
<td>6 May 2019</td>
</tr>
<tr>
<td>Lodged by:</td>
<td>The Property Group</td>
</tr>
<tr>
<td>Development Details:</td>
<td>Two-lot subdivision allowing for a single residential lot and the other lot to continue use as a small-scale arborist and landscaping specialist.</td>
</tr>
<tr>
<td>Date of Report:</td>
<td>1 October 2019</td>
</tr>
<tr>
<td>Prepared by:</td>
<td>Reiko Baugham</td>
</tr>
<tr>
<td>Approved by:</td>
<td>Veni Demado</td>
</tr>
</tbody>
</table>

## Description of Existing Drainage

This lot is adjacent to the Turitea Stream in Fitzherbert. The site currently operates as a commercial nursery, and contains sorting sheds, storage facilities, shade houses and other associated structures related to the activity. The site is relatively flat, with a long vehicle accessway shared by lots 140, 134, 132 and 130.
The site is situated in a low-lying area that is susceptible to inundation should the level in the stream rise. Figure 2 below shows the layout of the area using the 2018 LIDAR data. Large depression areas are noted on site, and the Preliminary Site Investigation Report (Geoworks Ltd, August 2018) note that these serve as irrigation ponds used to irrigate the outer perennial beds.
There is no known piped infrastructure onsite and no defined overland flow path. Surface runoff typically drains to the north towards the Turitea Stream. Due to the relatively flat gradient of the land and existing land use, it is not anticipated to produce a large amount of surface runoff. The downstream property to the north is owned by Massey University and is largely undeveloped.

A site visit was undertaken to document the existing drainage and layout of the site. Findings from the site visit are documented in Table 1, with the photo key provided in Figure 3 below.
Table 1: Summary of site visit findings

<table>
<thead>
<tr>
<th>Photo</th>
<th>Comments</th>
</tr>
</thead>
</table>
| ![Photo 1](image1.jpg) | • Proposed house location circled.  
• Site falls towards the irrigation ponds to the right. |
<table>
<thead>
<tr>
<th>Page</th>
<th>Description</th>
</tr>
</thead>
</table>
| 2    | - Looking back towards accessway.  
      - No defined overland flow path. |
| 3    | - Ponding in adjacent paddock noted by resident.  
      - Does not appear to have an outfall.  
      - Unknown what the block wall was constructed for. |
| 4    | - Proposed passing bay #4.  
      - Existing gravel track.  
      - Ponding in the adjacent lot to the right will fill, then go overland towards the left and eventually to the irrigation ponds and stream. |
| 5 | • Accessway shows uneven surface, susceptible to ponding.  
• Hillside to right drains to paddock with no defined overland flow path. |
| 6 | • Proposed parking bay #3 to the right.  
• No existing drainage or defined overland flow path. |
| 7 | • Beginning of accessway.  
• No defined drainage system or linkage to roadside swale. |
Based on the desktop study and site visit undertaken, there is no defined overland flow path and there may be existing concerns regarding ponding on site.

**Model Results**

Horizons Regional Council (HRC) has provided flood modelling at this property in the 0.5% Annual Exceedance Probability (1 in 200 year) (AEP) event. The model results indicate that the majority of the site is susceptible in the 0.5% AEP rainfall event, with ponding depths up to 1m. A snapshot of the results has been provided in Figure 4.
Figure 4 HRC 0.5% AEP PNCC rapid flood results

PNCC also has on file flood model results for the 0.5% AEP rainfall runoff model. This model indicates that the ponding is not as severe, however it is believed that these results are outdated.
Both models indicate the property to be susceptible to flooding. For the purposes of minimum floor levels, the Horizons updated model shall be used.

**Impact of Proposed Development**

Figure 6 shows the proposed subdivision. The developer has proposed Lot 2 to change to residential, and Lot 1 to retain the commercial activity. The application states that a future dwelling is likely to be located at the high ground towards the front part of the lot (southern end), however it will still be located within the 0.5% AEP flood zone provided by Horizons. Lot 1 is also located within the flood zone, however the proposed pole shed does not appear to be within the flood zone. A minimum floor level would still be applied however to both lots should a residential dwelling be proposed on Lot 1.
Figure 6 Proposed subdivision layout

The development is also proposing the vehicle accessway be resealed and passing bays be installed. There will be additional runoff from this work. Figure 7 provides an overview of the proposed reseal.
Impact of new structures

The residential dwelling on Lot 2 is shown in Figure 7 above, and the proposed pole shed on Lot 1 is shown below in Figure 8. The pole shed will measure 18m x 9m, and will have 3 open sides.
Neither of the structures are located directly within an overland flow path, however there is still potential that any surface flow could be impeded by the structures. Based on the relatively flat grade of the site and surrounding land use, it is believed that the proposed structures will have less than minor effects on the existing overland flow. Should a residential dwelling be constructed in Lot 1 some time in the future, it is not expected to impact the existing overland flow to a great extent.

It should be noted that there is no existing drainage on site, and it could be perceived that there is flooding risk due to the fact that there are no well-defined overland flow paths. Because of this, it is imperative that stormwater be managed appropriately from the accessway. The effects of the structures can be adequately addressed at time of Building Consent.

**Impact of resealed and widened accessway**

Resonant has provided calculations for the additional runoff of the passing bays only, as it is my understanding that the existing accessway was predominantly asphalt. The portion that is currently unsealed at the top end of the accessway has been proposed to remain that way, however subdivision may require that this be resealed.

Resonant has stated that the additional runoff from the passing pays will be conveyed as follows:

- Passing bay #1: discharged to existing roadside swale and conveyed to Turitea Stream
- Passing bay #2: discharged via overland flow to existing roadside swale and then conveyed to Turitea Stream
- Passing bay #3: overland flow to Turitea Stream
- Passing bay #4: ground soakage (remains unsealed)

The site is graded such that the accessway falls towards #128 Turitea Road at the top end, as shown in Figure 9 below. Any change to the existing surface has the potential to increase runoff going onto the neighbouring property. The site visit also revealed depressions in the road that may pond during frequent rainfall events.

![Figure 9 Existing contours](image)
Similarly, additional runoff from the widened road areas has the potential to flow onto the neighbouring properties along the entire length of the accessway, especially those areas that have been noted as utilising overland flow as a conveyance method.

The following comments need to be addressed to mitigate risk from the upgraded accessway:

1. The extent of reseal needs to be confirmed. A runoff assessment will need to be completed for any additional sealed areas, and the effects managed accordingly.
2. The capacity of the existing roadside swale needs to be confirmed that it can convey the required flow.
3. Overland flow is not an appropriate conveyance measure for frequent storm events for new development. A roadside swale or other conveyance system, must be provided along the entire length of the accessway to convey runoff and prevent it from discharging to the neighbouring properties.

Response to Applicant

The following conditions are recommended in respect to this application:

1. Minimum floor levels shall be RL 50.8m (City Datum), as per Horizons RC advice.
2. The Turitea Stream flood plain must be protected and remain unimpeded (i.e., the flood plain must remain unobstructed).
3. The right-of-way upgrade works must ensure any additional stormwater is appropriately controlled and disposed of. Engineering plans are to be provided demonstrating this.
4. Activities on site must have appropriate permanent erosion and sediment control. Stockpiles must be protected at all times and the receiving water body is to be protected from contaminated runoff.

To date it does not appear that conditions 3 and 4 have been addressed fully. Additional information is required for construction of the accessway to proceed, however it is believed this can be adequately addressed during the Engineering Plan stage. It is believed that any effects of residential development will be assessed under the Building Consent, which includes the impact on the overland flow path and neighbouring properties. The impact of a new dwelling on Lot 2 is expected to be less than minor in regards to overland flow paths and flood risk to neighbouring properties. As stated above, this would need to be confirmed during Building Consent.
APPENDIX 6 –PRELIMINARY RESPONSE TO FURTHER INFORMATION REQUEST 3
Dear David

Update of timing of Section 92 Response #3
SUB 5082 and LU 5093 – 126 Turitea Road, Palmerston North

As per our previous correspondence, the applicant intends to respond to the Section 92 Request #3.

It was the applicant’s original intention to respond to all s92 matters prior to the Council’s s42A Evidence being filed so that this response could inform the Council’s evidence. However, the applicant has taken the time to:

- Firstly, understand the position of the Council’s Traffic Engineer’s opinion with respect to the form and design of the proposed right of way upgrade(s) and,

- Secondly, seek to adopt changes requested or suggested by the Council’s Traffic Engineer (where appropriate) in an effort to reach agreement amongst experts and assist the Hearing’s Committee in their decision.

Discussions between the Applicant’s and the Council’s Traffic Expert have been ongoing since the applicant requested that expert conferencing occur between these witnesses (occurring 18th October 2019) with further changes suggested by Council as recently as yesterday (5th November 2019).

Of specific relevance, the final design of the right of way will have a material impact on the extent to which vegetation may be affected within the existing legal right of way, being a key matter for which further information has been requested.
The applicant intends to provide a full response (to these matters) when it files evidence on 14th November 2019 at 4pm. In the interim, the applicant provides a preliminary response to items 2, 3, 6 and 7 of the s92 Request matters below, in an effort to assist with these matters:

**Tree Root Structures Affected by the Widening of the Shared Driveway**

2. *How does the applicant intend to ensure that the widening of the shared driveway will not adversely affect the root structure of the existing trees which do not require removal or trimming?*

**Applicant’s Response**

Guardian Tree Services are tree specialists and are one of the few arborists included in Council’s *List of Preferred Contractors for works on Notable Trees*. As a party with interests in the right of way (amongst others), the applicant wishes to retain the health of the existing vegetation within the legal right of way.

The applicant will endeavour to minimise damage to the existing root structures of well-established or mature trees to ensure the health of any affected tree(s). This could be achieved through the implementation of some (or all) of the following techniques, as may be appropriate:

- Exposing the roots by hand digging and/or by a hydro excavation machine;
- Cutting any roots necessary by hand or chainsaw prior to any use of larger machinery (such as a digger) that might pull up the ground surface. This will prevent/minimise roots from ‘tearing up’; and
- ‘Building-up’ the extended areas of driveway surface rather than ‘digging it out’, should the engineering design provide for this to occur.

The applicant anticipates that full engineering plans and details will be required to be provided as a resource consent condition, should the Hearings Panel be of the mind to grant resource consent. The exact methods used in the circumstance will need to appropriately respond to the final engineering design. In recognition of this, the applicant offers a consent condition which requires a *Vegetation Management Plan* to be prepared and implemented for the construction works proposed within the Right of Way Area(s) which seeks to minimise root damage of established trees to be retained within the shared driveway.

In my opinion, it is appropriate to leave such matters to consent conditions for the following reasons:

a. The most appropriate methodology to apply to any tree root affected within a Vegetation Management Plan will depend on final engineering design; and,

b. It may be appropriate for certain works to be undertaken for the health of the tree which are best determined once full engineering design is completed and the health of any tree’s underground root structure is assessed through hand digging.

**GTS Fleet Vehicles**

3. *Please confirm the make, model, number and length of all Guardian Tree Services vehicles and equipment, including the way that they operate in tandem such as when a vehicle tows a trailer or other equipment.*
Applicant’s Response

The list of vehicles utilised by Guardian Tree Services have previously been provided to Council’s Traffic Engineer, Mr Glenn Connelly, and are repeated here for confirmation.

List of Vehicles:
- Ford Ranger 2016 (not stored on site)
- Ford Ranger 2018 (not stored on site)
- Kia 2.7 (not stored on site)
- Daihatsu 2.8 to be stored on site  no tare weight given  Length 4.6 m
- Hino Ranger to be stored on site  tare weight 5940 Kg  Length 4.3 m
- Isuzu FRR to be stored on site  tare weight 6380 kg  Length 7.1m

Towed Equipment:
- Hansa chipper (1400 Kg) Length 3.8 m
- Bandit chipper (2350 Kg) Length 4.3 m
- Tandem axle trailer

Towing Configurations:
- The Tandem axle trailer is towed by the Ford Ranger Ute(s)
- The Daihatsu 2.8 (Length 4.6m) tows the Hansa chipper (Length 3.8 m)
- The Hino Ranger (Length 4.3m) tows the Bandit chipper (Length 4.3 m)
- The Isuzu FFR seldomly (estimated 2-3 time per annum) does tow a chipper for larger jobs.

Construction of building platform within Lot 2

6. Does the applicant intend to construct the building platform within Lot 2 as a condition of the subdivision consent process or will this be left to any future owner of Lot 2?

Applicant’s Response

The applicant does not intend to construct the indicative building platform located within Lot 2 as part of the subdivision application process. The earthworks area is indicated to demonstrate that as a permitted activity, earthworks could be completed to achieve a minimum floor level for a dwelling to be constructed clear of the 1 in 200 year (0.5%) Annual Exceedance Period (AEP). A further land use consent would be required for the construction of a dwelling on this proposed allotment at an appropriate time, with the final location, construction methodology and extent or earthworks (or alternatively pile foundation design) to be determined by a future owner of Lot 2.

Building Platforms

7. Please confirm that the proposed 177m² (approx.) building platform within Lot 2 will be of adequate size for the intended rural-residential use and does not need to be larger in area.

Applicant’s Response

The 177m² area will be of an adequate size to accommodate a future dwelling, albeit the size and location of that dwelling will be determined by the future purchaser of Lot 2.
Yours sincerely

Ryan O'Leary
Senior Planner

06 953 4067 / 027 469 8992
roleary@propertygroup.co.nz