

The council is being asked to grant consent under the RMA for a land use application for Guardian Tree services (GTS) incorporating arborist activity involving trucks and heavy equipment, a landscape supplies business and a landscape services business to operate from 126 Turitea Rd as well as a 2 lot subdivision on the same site with 2 possible building platforms. They also wish to utilise the site for as of right horticultural purposes. This is quite a unique site and proposition. We believe it is an unusual situation to be here. Once granted it becomes a change in the environment forever. Prior to purchase the site was occupied by Starter Plants Ltd a small scale wholesale (not public as stated) horticultural enterprise. No houses, no heavy machinery, no daily trucks and for the majority of the year having no more than 3, sometimes 4 people on site. And this is meant to be the same? We believe the council was led to believe very early on that GTS were the same as SPL based mainly on the supposed staff numbers and that SPL supposedly has some heavy vehicle movements. (email attached) We believe this thinking has prevailed and clouded their analysis ever since which why little thought appears to be given to what the actual land use consent is likely to entail. However an arborist business and a landscape supplies business is very different to a horticultural enterprise. The subdivision alone represents a large increase in adding 2 further lots to the remaining 4. It represents a large intensification. This is all happening on a shared driveway which they do not own potentially with 7 parties eventually with restricted sightlines that cannot ever be fully mitigated and where the other users all have as of right activities that have not even been considered.

#### **Some background;**

The applicants made the decision to go through with the purchase of the property at 126 Turitea Rd knowing its limitations, restrictions and that there was opposition from neighbours. They also knew they needed approval from us all on the ROW as it was part of the sale agreement. They had 4 weeks to make us comfortable with their proposal and were given a 2 week extension by the vendor. Nowhere in this initial phase were we given the relevant details and plans despite us asking for them several times. The only mention about the driveway was that a passing bay was likely to be needed somewhere and it needed resurfacing and they would like us to pay for half of it. The limited amount of information we did get was ambiguous with no certainties. They just really wanted us to sign the affected persons form. What is now being requested in these applications is completely different to what they were telling us at the time and since they have not bothered to consult with us since September 18 came as quite a surprise when we finally got a copy of the application (stamped draft coincidentally) in early June 2019 well after it was received by the council planning department.

When the vendor put the crunch on for a decision, they decided to proceed with the purchase. We had a good relationship with Mr Welsh and he asked us all previously if we were supporting their proposal. The answer to him was no. We knew his deadline and emailed them the day before to advise them we would not support them (especially as owners of the ROW). We believe they thought that they could force us into agreement if the council gives them consent. We believe they didn't want to give us the relevant details as we would say no.

They offered finally to pay for the drive upgrade thinking that would fix everything. It was and still is always at their expense as they are the only ones that want it. Without everyone else's agreement it is also not possible. One party's wants do not supersede everyone else's.

They still seem to have the belief "but we are the same" & "we only have little trucks" and "we have a vision". We seem to be back to where we started. Well we have a vision also and it doesn't include them or their trucks and staff. However the fact is they are not the same or else we would not be here. It was only relevant to the council's notification decision and that decision appears to have

been made as far back as Nov 18 when we (and they) were told it would likely go to limited notification. We have emails to support this (attached). This is well before they even submitted their application, which we're not even sure is the correct due process as it appears we were predetermined we would end up here. We know their consultant and the council planners have had a lot of discussions well before they lodged an application & since. We have some interesting emails given to us by Mr Welsh between him, the council, the applicant and their consultant. We have included a copy of these for you. Even he seems to vary how many part-time staff he has- one doc says 4 the next says 5 and as we submitted some of them were very part-time! He even has a max of 5 vehicles at any one time. It was implied to us at the start that the council had pretty much green lighted this. We advised PNCC about our concerns about their actual requirements and the exaggerations regarding Starter Plants & the inaccuracies & assumptions we felt were happening. (email attached) We have been questioning the accuracy of the information used to form these opinions and we still are. At this time the emails assert the subdivision was off the table.

Their application and experts reports in May 19 strongly still tries to assert they are the same as the previous owner and everything is less than minor. In fact Mr Clark tries to claim we will have less traffic than previous and the driveway upgrade is only for efficiency reasons and there were no safety concerns which we believe is absurd. He uses some very dodgy figures for Starter Plants of 3 trucks per day and 2 courier vans which bear no resemblance to figures anywhere else in the application. He still continues to use these figures in a section 92 question response. Only recently has he changed these somewhat but still tries to claim GTS are similar to SPL. They still claim 7 staff as being full time. There were still a large number of gaps and omissions on the actual plans and proposal as discussed in our submission and too many generally and typically like statements which leaves it very open to interpretation. We shouldn't be here. We believe there is still a large number of answers needed before you can even consider a response as a lot still appears uncertain. So many "we could do this" etc

Some of these exaggerations and omissions include: Mr O'Leary claiming the nursery has been in existence since the 1930's whereas the Geoworks report included in their application shows the nursery was only beginning to be developed in 1987 and there were no visible structures. It is also obvious in the title deed. It should also be noted as in our submission the aerial image taken in 1981 shows the tree lined driveway in existence and the property is clear and grassed with no visible structures. Its stated as used as a stock paddock.

SPLs staff are taken as 7 staff being present all the time while their GTS figure is stated as 5-8 and often only using the 5 in their calculations, claiming they will only be entering and leaving once per day only, only using the large truck on demand typically less than once a week something but that is something that could evolve to be everyday. There are plenty of other examples which we can discuss if you want.

There is a lot we want to cover here and this is our only chance to say it and hopefully be listened to. It is only when you read all reports and details closely do you see the contradictions between even their own experts various points and replies. We have taken critical interest because its our land everyone is discussing. They have Right of way only. Think about what that means.

The applicants have had almost 18 months to come up with workable and satisfactory options. Considering they are still at odds about what they can/will/could/should do suggests that there isn't a workable legal option. Surely they and the council have realised that nothing can be achieved without all the users of the ROW consent and co-operation or are do they think their need supersedes all of ours. They think (and I believe the council planner does to) that they are giving us a

benefit by being here and upgrading the driveway. We do not. We bought here knowing it was like it is. So did they. We do not have to agree to anything. If we wanted to live next door to a heavy vehicle and equipment depot we would've bought by one.

However what happened in the past becomes irrelevant. It is what they propose to do and what they could do within this proposal that is important. It appears a large part of all the reports focus solely on the ROW and trees as if it's the only thing that needs discussing and not the actual land use consent and subdivision consent. All those details on the ROW relate to land owned by number 132 not 126. They only own the portion leading to the Rankins as discussed by them. But our opposition was never just about the ROW and trees, a fact we tried to make clear to Mr Forrest and the applicants in our submission. In fact there is now a very strong claim through their recent reports of "just give us the consent and we'll sort the details later" or we "can't tell the full effects till we have an engineering report". In THIS context it is completely unsatisfactory to say this as there are other parties on the ROW to be considered that have equal rights and its not their land everyone is arguing about. Why do they need an engineering report for a driveway. I would say they actually need one for the culvert. Its not ok to have pages of conditions. If the engineering report when they finally have one shows the design you approve isn't workable or will require more tree removal what then?

Also why is there no consideration to the other users as of right activities bearing in mind 2 of us have 10 acres and possible home businesses or horticultural and agricultural enterprises that do not require resource consent. We also have trucks onsite at times. This is why the District plan has a driveway standard of formed width for subdivisions involving 4-6 lots of 5.5 to 6.5m to allow 2 way traffic flow. You are contemplating compromising this standard for one users benefit. That width would actually be achievable in the legally defined right of way, however it would require the removal of a substantial number of mature trees which are not theirs to remove and a complete redesign and rebuild of the culvert and our drive as well. We like the trees, they provide shade and shelter for our stock. Under the RMA this would be considered significantly more than minor, let alone the time it would take and the fact they would be impeding our access which they can't do either!

It is also wholly inappropriate that you allow GTS to be the arbiter of the landscape and tree report as suggested by Mr O'Leary because "they are experts in their field and the council (i.e you) prefer them". It is an obvious conflict of interest and they have a vested interest in declaring what they want to achieve to get this across the line. It is obvious to us in their actions and reports so far they will amend or omit things to achieve this and we do not trust them. We believe there will be impacts of creating the proposed upgrade on the tree root system for the whole drive. We will only accept an independent landscape and arborists report regarding the ROW and trees proposal (at their expense). Surely this is obvious.

- **Land use consent & subdivision:** apart from the focus on the ROW a lot of the issues regarding the land use consent appear to have been forgotten or ignored. Under the RMA a non-complying activity is a way for a council to signal that those activities will be subject to a great degree of scrutiny and indicates to the community areas where some activities are unlikely to be appropriate. This is a non-complying activity and it is our opinion there has been a lack of scrutiny on all its effects. ON both affected person forms plus in Mr O'Learys original application the purpose for the pole shed is stated to store vehicles and equipment for the land use consent (clause 3.1 under land use consent). It appears now with everything else being very difficult they are claiming it is for horticultural purposes and could be built as of right and Mr Forrest for the

council has bought this and not examined it further. Of course it is not for that purpose- the primary purpose is as stated for the vehicles relating to the arborist activity and landscape supplies and services which is requiring consent so therefore the shed needs to be considered as such. The original intention was not for horticultural activities. Minimisation has also occurred here always referring to the shed as only 4.6m high where the diagrams and dimensions given show it reaching 5.3 high (clearly stated in Section 92 response 1) therefore it should be stated as 5.3m at all times. It is not an inconsequential structure and larger & taller than anything currently in this environment and will have environmental effects on visual amenity for all 3 of us as well as an increase in non-conformity. No new stormwater assessment has been done- just utilising existing stormwater drains which cater for the existing buildings. It has quite a roof area and will collect significant water. Since they seem to think they are the same as Starter Plants there was more than enough sheds for his horticultural enterprise and he didn't require trucks or chippers either. In fact he didn't even have any heavy machinery apart from a ride on lawnmower, so we believe it needs to be assessed as part of the land use consent.

- Do we actually have a complete list of all equipment- they advertise a stump grinding service- surely this requires some machinery. They have a log splitter as we have seen it onsite. What else is there and what else potentially could they have if there's no restrictions put on. We are also meant to be considering future effects of what they could do or have. Landscape supplies encompasses a lot of things.
- We are still unsure what they mean by landscape supplies. They now claim it is an integral part of their business and not a separate business whereas in the original application it was stated as being only 5-10%. Where does it exist now? They have no separate site already that we are aware of or they have declared? One of the apparent main benefits of this proposal is to co-locate the 2 enterprises at one site so where is it located currently? How can they collocate something that's not currently separate? What exactly does it entail? Mr Forrest supplementary questions 2 asks them to describe in detail about this and it appears its "grown to order trees and plants only" which is we believe would come under an as of right activity. They claim not to be supplying any landscape products i.e timber, gravel, mulch, topsoil etc etc however we see recent photos on facebook showing retaining walls, steps, gravel beds all requiring supplies like wood/gravel/rocks etc. This photo of The Yard landscape supplies company just up the road from us shows us what landscape supplies is. It is possible they may have piles of gravel/wood/retaining timber/rocks/garden ornaments/topsoil on site as they appear to want to grow this part of the business. If its only made to order trees then it needs to be specified that landscape supplies is only ever this. We have timber stored on site already. Top soil has been delivered. There is gravel on their existing site. Surely to get these here will require deliveries on and off site but they say they aren't having any, if its on their trucks the trucks now become "laden" rather than the unladen state they claim they will always be. They say they will bring mulch onsite- this will mean a delivery also even if its in one of their own vehicles and a laden truck. They also claim SPL used mulch (S92response 2) for clarification no he didn't – he used sawdust and the only mulch was what was created by tree trimming on site. So it doesn't quite seem to fit! By allowing such a loose definition of landscape supplies it is being left wide open to interpret however they want. It may require a digger or bulldozer for landscaping activities or other heavy equipment currently not declared. They obviously want to grow this portion of their business. They might start bringing some of these supplies back to site to store and if the definition is loose enough then it is possible. The future impacts need to be considered.
- What is landscape services? This is another facet of the application? There is no description. We assume it is the actual landscaping of clients sites? What else potentially could be required?

- What is required for clean-up/pack down etc- our initial discussions intimated things like air compressors, high pressure washing of trucks and equipment. We expect chainsaw cleaning and maintenance as well is needed. Why is this never mentioned and why has the council not asked about this. It was in our submission. What are the noise impacts? Mr Lloyd for PNCC only seems to consider the noise of actual truck movements and also states they will be technically non compliant already. He states he has provided his assessment on the information provided by the applicant and the level of activity proposed but because we don't have any description of what set up and pack down actually is he can't include it. Any activity like this will be on top of their as of right horticultural activity because they still propose to grow plants or specimen trees. How will these other things impact this assessment if he hasn't been able to consider them originally. The applicant also has not provided any noise assessment themselves whatsoever because they believe it will be less than minor. It should also be noted that the District Plan allows a neighbour to have noise assessments taken at the boundary of the property not at the Notional boundary of any dwelling as put in Mr Forrests draft conditions. We want it taken at the boundary!
- All our early discussions and affected persons forms involved the storage of firewood and mulch onsite. This has obviously become too hard to achieve and has disappeared off the application submitted however it is an integral part of their business currently - they advertise firewood (photo) and this photo shows their existing site with a large store of wood and unprocessed logs. They now claim they will take these common byproducts of their arborist activity elsewhere. So just as they state the co locating of the landscape supplies is a positive surely this must be an even bigger negative if they are always going to have to cart part of their usual daily activities elsewhere? Why not have a site somewhere else that can do all of these things (which is obviously not Turitea) and that doesn't have the health and safety concerns of a shared site. That makes better sense. This site is not suited to their all business purposes. What will happen if it is too late to take it "elsewhere"? The stated supposed benefits are benefits only to GTS not to us.
- Staff numbers are always discussed as fluctuating between 5-8. In all photos ever seen of their staff there is always 8-9 people present. They and their experts constantly refer to SPL having 7 staff even though Mr Welsh quantified it that the majority were part time. The full time equivalent figure should be used in all calculations which is more like 4 at a push in busier times. Why hasn't this been used. The RMA requires the worst case scenario to be considered so why are they only using the minimum figures of 5 for them for a lot of the calculations (Mr Connolly used this figure in his report and the applicants have also) for GTS? This gives a misleading view. They continue to have overstated Mr Welsh's figures also to make their comparison "similar". They underestimate ours because they feel we are exaggerating and some study says on average a rural resident has 5-8 movements per day. The LTSA actually uses a figure of 10, and unless the referred to studies were done on this particular drive and situation (and we aren't aware that we have been studied) then those studies are irrelevant. We know what we do and we know what SPL also did.
- Why is one truck now being stored off site as claimed? Only just recently mentioned in the latest reports? Is it so that it can come onsite at different times so not be counted in the 3 truck figure? So it can "visit" out of hours? We thought the whole idea of the shift was to create a base/depot for their vehicles and equipment.
- As noted in Mr Connolly remarks the sightlines in the vicinity of 126 and 128 are across our private land. We have as of right activities here which could include a calf rearing shed or baleage storage or even the planting of trees or hedges which actually used to be there. What will these legitimate activities do to the sightlines? It needs to be considered a possibility when

designing their moving/turning area within their site. We could plant hedges as mitigation measures as they aren't planning on doing any themselves.

- Other factors still not considered include the problem of what is actually required to create the building sites that have been identified for lot one and lot two. GTS claim that because they do not plan to create the sites themselves then Geotech and other issues can be addressed at a later date once consent is granted. However since a large part of this process has been taken up by discussion on the type and size of vehicles using the right-of-way and the volume of traffic on the right-of-way then it does need to be addressed now as initial indications show significant earthworks (building up to 1m height of fill for Lot2 as identified by Mr O'Leary in his section 92 response #1 requiring over 700 cubic metres of fill) will be required for either site which will result in extremely heavy movements on the driveway and large trucks and heavy machinery. Mr Fink just says for Lot 1 that the building platform could comply- this is not definite and may not actually be true. The most likely size of trucks bringing soil and fill onto site will be significantly large and heavy then significant safety issues will be created which the ROW design does not mitigate suitably. The houses could also have their own set of right activities & it looks like no covenants are being put in place on what these 2 houses could do or be. It goes to the root of the problem that they and the council are not considering the practical nature of the proposal. Just because it can theoretically happen does not mean it should actually happen or could actually happen. To us it seems they don't want to give the details as now it suddenly seems to be indicative only. If they had their own entrance it would be less of a problem!
- Mr Forrest suggests in his S42 3.7 report that he is satisfied that the effects of a non-rural activity as proposed can be accommodated in a manner not dissimilar to a permitted horticultural activity. This beggars belief because this is effectively a truck & machinery depot with a landscape supply business. Why an effective just over 1ha horticultural activity would need multiple heavy vehicles and equipment is laughable if you have an understanding of horticultural and agricultural practices. By asserting this he is allowing GTS to not mitigate anything because he thinks its similar to horticulture. This is wrong. If he believes this why then did the council engage Mr Lloyd to do a noise assessment if we should've expected to have trucks as part of a horticultural enterprise. That doesn't make sense.

#### **Road Safety and ROW concerns:**

The applicants have been allowed so much leeway and opportunity to continually change and amend and alter their proposal that what is now being discussed has less relevance to what we put in our submissions. They were even allowed a last minute extension for more time for the latest round of reports which means we have been disadvantaged again in the time allowed to us normally to get our reports ready. However it does bring forward even more questions and contradictions than we had previously on issues we brought up in our submission.

The original intent of the ROW was for 3 rural lots and the tree lined drive was already in existence as photos in the application show. The trees have been there since before the 1980's. Planning laws at the time said the lots had to be 10 acres and you had to be able to derive an income from the land. It was never envisaged that we would end up with 6 lots plus a business using heavy truck and equipment.

The only reason for the proposed changes to the drive as shown in all their reports is for their land use and subdivision consents. We do not view this as a benefit to ourselves & do not want the "upgrade" and the only experts that matter in this regard are the beneficiaries of the ROW. If we don't view it a benefit then it is not someones elses place (including PNCC's) to tell us it is. We are a

shared site. The applicants claim on page 12 of their application to be undertaking the upgrade for the betterment of all parties however it appears they want to be the ones to decide what is to be done and so does the council now. If it is for the betterment of all parties then **all** parties need to be in agreement. An inclusive and responsible council as PNCC claims to be cannot allow someone to change someone else's property without consent. The council cannot also approve what trees are planted where as mitigation as suggested by Mr Forrest- only the owners of the land can approve this.

For those who are unclear the Easement gives them and the others the right to pass over our land only. There is already a formed drive, if it was not suitable for their requirements then they should not have bought the land. It does not give them or anyone else the right to do what they want within the legal defined boundary unilaterally. If we wanted to cut all the trees down now with no other changes we could as owners. However if we wanted to subdivide and needed to cut some down & widen the drive to get consent then we also would need the other users approval also. The gate is our property, the entrance fencing is also, so are the trees. They were like that when they bought the property. We have not given permission for any of them to be removed.

The trees at least are within the legal ROW however GTS claims because of that, they have the right to remove what they want. The Easement gives them the right to have unimpeded access which they currently have and have already used . The requirement for all the proposed changes and driveway upgrade are only because of their needs and requirements to get the land use and subdivision consent. The rules of 2019 apply. Therefore it is valid to say it is part of the proposal and not as Mr O'Leary tries to assert an effect which can occur independent of the proposal. That can only occur if the owners and all the other users of the right-of-way can agree on any supposed changes and we all need to be in agreement.

If the council gives consent on the basis of the plans as showing in all these reports then we believe and have advice that the council and GTS are unlawfully interfering with our property rights. We have not given approval and neither have the other users. There is no impeding currently happening. They can access their property freely. We like the drive as it is. We also have the right to shut the gate when moving stock as we would have a liability if our stock got on the road and caused an accident. With more traffic on the drive we foresee more reason to be shutting the gate. That could be an effect of the proposal. We had one idiot one day who decided to drive through a mob of sheep on the 2<sup>nd</sup> portion of the ROW scattering them further down the drive. The applicants have ignored this completely despite the fact it has been raised with both them and the council.

On the council website under your significance and engagement policy it states it is designed to help the council to be a good listener when engaging with the public. It requires the council to involve people throughout the decision making process and ensure that the Council and people are listening to each other and feel listened to and genuinely consider and value peoples ideas. We believe our valid concerns are not been listened to and the council has not acted in good faith to us as the affected parties. We sent an email to several people in the council including the head of planning on the 13<sup>th</sup> June outlining several concerns how this issue had been dealt with and inaccuracies and errors contained within the application when we finally received it and how we believed our concerns were not being listened to. Not one of them even gave us the courtesy of acknowledging it was received (and we now know it was- I have attached it also-you will note it was very similar in tone to our earlier one and we still believe so many of those points have been avoided).

However if there still is a mind to grant consent on what has been proposed so far then the following is some of the issues we believe are still in existence.

- The District Plan Land transport section objective 3 states “the safety and efficiency of the land transport network is to be protected from the adverse effects of land use and development and subdivision activities. Policy 3.1 states to 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.

It is our belief that this has not been satisfactorily addressed as GTS’s vehicles tow trailers and chippers on a daily basis. This and any other equipment not yet specified will not fit at the gate if it is closed. The gate is our legal requirement as mentioned for our as of right agricultural activity- if stock were to get on the road we would be liable should an accident or damage occur (there was a recent court case in Whanganui which resulted in a damages payment of \$273000. There are numerous other examples easily found with a google search). It is a normal expectation to find a gate at a rural residential property. As part of Mr Forrests and Mr Connollys site visit on the 12/9/19 this fact was addressed to them because there is nowhere to be found a plan for our gate. We have legal advice that to remove it to enable widening as proposed would be an unlawful interference with our property rights.

It is also considered normal to find people including children on a residential site and we have stated we regularly have cyclists. The assumption has been we are always usually in vehicles & likely to be going in the same direction and minimum discussion has been noted on the safety for children and cyclists apart from stating we should be responsible for our own safety. A private drive is no place for a business/workplace involving heavy trucks and equipment.

We also identified potential issues with our water main and water toby at this time as well as in our submission and this also still has not been addressed. Put it simply we do not wish to have our water supply buried under chip seal as if a fault occurs the cost to remedy would be substantially more than what would happen currently as its only in soil. It should be noted the plastic pipe is 40 years old already and we have identified that it will be likely that it will need replacing sooner rather than later. There should’ve have been a services report to identify where these services are, it is normal to find these things on a drive. The use of heavy machinery to do the work required for the drive could cause substantial issues or damage and we do not wish to be without water for ourselves and livestock. It can’t be dealt with in a later engineering report -its needs to be addressed now, its not their property to damage or move or bury further. We are metered here so even if small damage occurs due to their actions then that has potential impacts if we can’t see it cos its buried under seal. Remember actions attributable to one party are the responsibility of that party. These cannot be ignored or avoided and must be dealt with.

- Another effect of the proposal: Access during construction-there has been absolutely no discussion or consultation on how they will provide access or a scope of works provided to all of us in the event of anything going ahead. This has been brought up with the council. The simple reason for this is there is no alternative access and they do not have the right to impede all of our access either. That is in the easement certificate. Of course they won’t be on site so it doesn’t concern them but they can’t honestly expect us to alter all of our lifestyles to accommodate them especially when we don’t want it. The proposed upgrade will take quite



some time, it will not be a one day thing and access will be impeded. The effects for all of us will be far more than minor.

- It seems even their own “experts” are at odds on the best plan. Mr Clark suggests reducing or smoothing of the grass verges which coincidentally will have more impact on stormwater issues than the slope it is now, and Mr Fink suggests they are going to build up the drive to go over roots to protect them. How is this actually going to happen since we have no engineers report on how this can feasibly be done? You may notice that one of our gates opens like this, and is opposite the gum tree and vegetation needing removal for passing bay 3, then how are we actually going to open the gate if the surface is raised? We use it regularly! The gum base is a large and goes right to the edge of current fencing. Waiting for engineering reports once again is wrong as this needs clarity now. This will be an effect of the proposal currently being considered. How is it being mitigated?
- NZTA defines a medium goods vehicle as having a gross vehicle mass exceeding 3.5 tonnes but not exceeding 12 tonnes. The applicants feel they only have little trucks. The Hino is 5.9 tonnes unladen and with the chipper attached which weighs 2.5 tonnes gives a gross vehicle mass of 8.4 tonnes in an unladen state. In a laden state this will be considerably higher and very close to 12t. How Mr Clark can claim this is a car in his traffic movement calculations is laughable. We also became aware of this ad that has been on trade me saying they are intending selling the smaller chipper to get another one that could be Hi-ab’d over fences. This would indicate the use of this truck could well increase from the less than once a week or 2 they currently claim and it will have to tow this chipper presumably which will create difficulties regarding overall length. It features in many photos towing the Bandit chipper.
- It also appears that none of their vehicles if towing a chipper including the utes will fit in the entranceway if the gate is shut. The utes are around 5.3m long, & the green Hino is claimed to be only 4.3m long which seems rather short. We believe this is understated as if it is towing the Bandit chipper at 4.3m (4.5m on manufacturers website) I’m sure they will claim it will fit. Or its another typo? We want it demonstrated that this is the case cos this photo shows the truck looks very similar in length to a ute and that most definitely does not fit if towing. That will have safety impacts on Turitea Rd. in our attached emails you will see we brought that to council attention in June this year and only now in Nov are they trying to address it ( and seem to suggest they’ve had little time)
- Where does passing bay 2 actually start and finish. This photo show 20m mapped out. You will note these cones show where our water line goes across the drive to provide water to that paddock. Potentially this will have an effect on the water supply to that paddock and has not been addressed.
- Re safety and Worksafe- the others have talked about this and we have identified that we believe the proposal is still a significant safety risk for all users due to the obstructed sightlines which can’t be mitigated by the passing bays. If we all believe the design is not safe & sensible for the amount & type of traffic they are bringing then it is not safe. The RMA requires the worst case scenario to be considered. Their requirements do not supersede ours. They cannot claim it is safe for all of us because they have not consulted us in its design. If any accident should occur on the drive and we have previously advised both the applicants and the council that we do not believe the plan is safe then GTS and the council will be held liable as our concerns have not been addressed. This has been confirmed by Worksafe and they were most interested to hear our story and that a person conducting a business (i.e GTS) is contemplating the setup that we described. They also stated that the council has a primary duty of care to everybody to ensure the ROW is safe for all users including those on foot, children and cyclists. You haven’t asked us if we believe the plan is safe- we don’t! It is a huge increase in usage and type of vehicle than previously experienced and nothing we have seen so far addresses this as the emphasis is always on the applicant who is most likely going to be always in their vehicles because they are the person conducting a business. However this is our home which is quite different. It appears GTS

does not fully appreciate or understand their workplace safety obligations under law. It doesn't appear they are even having a fence surrounding their depot which appears mandatory for most businesses these days operating heavy vehicles and machines. It appears anyone else's safety is not their priority.

- Mr Clark claims Mr Connolly has made an error in his calculations by claiming trucks movements when they are supposedly only the size of a car. However Mr Clark has also made quite a lot of errors and odd assumptions, stating 2 of trucks are the supposedly the same as a car and 1 other truck smaller than a medium truck (presumably the Isuzu?) & that give 6 movements only. However they also have 2 utes who presumably will be coming onsite in the morning then going offsite to jobs as they are regularly shown in photos then returning later in the day, so will be 4 movements for them not the 2 he's given them, plus there will be up to 6 staff in private vehicles, They tow a trailer at times and he has made no allowance for the 2 chippers being towed as well which happens everyday. They could feasibly return during the day, we don't believe for a minute that they always are off site all day. What about the traffic the subdivision houses will create? He still comes up with an unbelievably low figure and we can't make sense of it. Ours is over 90 and we can show you how we get there.

We would welcome a discussion about how it's so out of kilter with everyone else's estimations. We still believe our estimations are more accurate. He still seems very determined to reiterate that GTS is the same as SPL. In his original report on page 5 the nursery business had a high volume of movements including courier vans and large trucks picking up and delivering plants along with 7 staff vehicles with trucks being around 3 per day along with courier vans being 2 per day giving a total of 20-30 movements per day by SPL. However in his latest attempt we are now a low volume right of way and SPL only has 16 movements per day a figure that is still exaggerated from what we know actually happened. He still makes no mention of any vehicles towing. This is quite an adjustment and both are inaccurate and not a true reflection of what we know happened here. He has tried to minimise any of our movements & potential risk, totally overestimated SPL's and struggles to account for all the vehicles and towed equipment GTS actually have as well as reflect their staff numbers properly. Also the timing of their movements is at everyone's peak am and pm and they are coming in to work then going out again so double movements are happening at this time. What if we 3 of their vehicles coming in with 2 or more of ours- it's feasible!

Mr Clark also says he doesn't believe the widening on the other side of Turitea Rd to provide passing opportunity is necessary. We disagree, it's not uncommon to have to stop and wait already so it will increase with another 50+ traffic movements of both proposals. GTS vehicles often travel in groups also.

- Re safety of cyclists and pedestrians- recently in Christchurch a cyclist was killed by a truck turning into a site with a 30km/hr posted speed limit. Any collision between a truck and cyclist is not likely to end well for the cyclist. Our cyclists get to speed in excess of 47km/h heading down our hill freewheeling, faster if they try!
- Mr Hudson says the effects will be more minor if some trees have to be removed at the entrance. He also states it is hard to draw full conclusions on the possible effects because so much is unknown still. We agree. Our photo shows 5.5m in this entrance area and we believe trees will have to be removed to make this happen as it goes to the base of several trees on either side. There is also quite the factor on what they plan to do with our letterboxes which are sited here. They will have to be moved which strikes the problem again of moving other people's property. Also NZ Post must approve the location of letter boxes on rural delivery sites. What happens if you give consent and the independent arborist report shows they believe trees will need to be removed to be safe? They already have consent then? We are also more concerned that it might be some time later before the disturbance of either some trees removal or more importantly disruption through the construction period causes enough problems with tree roots and a tree falls over 6mths or a year. That would be an environmental effect of the proposal?

- Mr Connollys as witnessed reversing actually took place on our driveway which as far as we are aware is not part of the proposed drive upgrade so has no material impact. He did miss the fact that he saw Kevin stop at the mailbox to collect mail.
- Stormwater plan- they claim they only should consider water from the extra new surface but their plan require changes to all the drive otherwise nothing would be happening to it. They appear to be in disagreement with the council that what the council wants is necessary. Mr Fink appears to claim because he visited on 11 Aug after heavy rain and the culvert wasn't running that we have overstated the problem and the mitigation proposal is unwarranted. Well interestingly the photos that were in our submission illustrating the issue were taken over several hours on 12 Aug and clearly show a lot of water. Also this is the record we got from Horizons showing the rainfall at the Ngahere Park station. It shows 3.5mm rain on the 10/8 none for the 11/8 when he claims to have visited, 13.5 for the 12<sup>th</sup> and 31.5 for the 13<sup>th</sup>. Now I agree it does add up to over 40mm rain but over a longer period of time and you can see the photos show we are telling the truth. Perhaps Mr Fink didn't actually visit or got the day wrong! The 11 Aug is actually a Sunday. Perhaps its yet another typo but the intent of the comments are clear- they feel we are exaggerating and they feel they shouldn't have to do what is requested. This shows we are correct. As residents who actually live here we think we know best what we actually live and experience.

Ms Baugham the stormwater engineer for the council points out that overland flow is not an appropriate conveyance measure for frequent storm events in new developments and states that a roadside swale or other conveyance system must be provided along the entire length of the shared accessway to prevent run off and prevent it discharging to the neighbouring properties. It should be noted there is no roadside swale on Turitea Rd so therefore the stormwater could not be mitigated in this manner. It also requires water to run uphill! We assume this is why Mr Fink is implying we are exaggerating the problem and that ground soakage is sufficient because it will be extremely expensive to do plus they do not have a stormwater easement. The suggested bund will mean tree roots on the ROW would likely be immersed in water for considerable time. Will it go both sides, all the way, what about water to Mr Trotmans land next door. Sitting non draining water creates an anaerobic soil, what will the effect be on tree roots immersed in water for long periods particularly over the winter months. This will be an environmental effect of that proposal.

Kerb and channel will be required which will also be tricky if they are building up the drive as suggested. It is also to be noted that Mr Finks assessments are only on the additional sealed areas which is wrong as both consents require the drive to be upgraded so therefore the assessment should be on the entire drive and the associated catchment area. As Mr Clark says the foundations/base of the drive is very important and therefore it is not acceptable to leave water sitting there if they don't address the entire catchment. Because they are in disagreement with this then Mr Forrests scenario 1 is not met and scenario 2 is the only option and it will be more than minor effect under the RMA

- We still believe there are considerable safety effects on Turitea Rd and the safe function of the one lane bridge as discussed previously. People are not always careful or safe drivers and the road will be getting busier with the planned subdivisions and link road going in as part of the Aokautere Plan. People do not see us coming out our drive and we do not want more fatalities at this bridge. We have had issues with vehicles passing our cyclists on the one lane bridge and one even forcing one of our sons of the road at the SBend. We can discuss further for clarification.

In conclusion how this has got so far with so much still uncertain and unclear is beyond us. Could they have chosen a more difficult site. Our situation we believe is quite unique. We all believe this isn't an appropriate place to put a business incorporating heavy vehicles and equipment in with a

shared situation with rural residential properties who all have their own rights and who do not approve the changes as proposed on the ROW we all share. The effects are going to be more than minor even though they are trying very hard to spin it the other way. The potential impact on the road is also high. They are very different to what we had before. They have or will have more staff, more vehicles, heavier vehicles, heavy machinery, longer hours, more noise, more buildings and houses. Within the bounds of what they have requested so many things are possible. We have looked around the area considerably to try and find examples of where someone may have a similar set up. We can't find one! If a rural property has a onsite business or heavy vehicles then they always seem to have their own separate entrance and usually no other parties on the drive.

We have taken a huge interest in the RMA since this started and done a lot of research. PNCC may well have overlooked the ROW issue when the subdivision was done in 1998 for the nursery. In hindsight that looks like a mistake which should not have happened. I'm sure there were subdivision rules in place then. Do not compound it by letting this go through for both the land use consent and subdivision consent. We read weekly in the media about various RMA and council decisions that appear to be wrong or just silly, once consent is granted its too late to say oops we got it wrong, you guys were right or we never anticipated that! Hopefully we won't be reading about this one gone wrong!

They proceeded knowing what the site was like, they knew about the trees and gate, they knew we owned the land. They were there before they purchased. We have never misled them. They also knew they needed all the parties approval and they knew they didn't have it. They still went ahead and spent the money. This council's chief executive is painting yourselves as a caring and inclusive council. It doesn't appear so to us. The fact that both council and applicant and all these "experts" are prepared to liaise together to get a resolution for the applicant that suits the council without including the other users of the shared right of way is completely wrong.

I'm sure they are saying "we believe this option is safe for other users and it will be all ok"& "They'll hardly know we are there" We don't believe it, we don't believe the draft conditions are workable or enforceable, we don't believe the council has considered all the relevant factors and we know they don't have the unilateral right to do this. The focus has been almost singularly about the ROW and we don't believe what is proposed for both consents and keep in mind we don't still know everything that is proposed, is achievable, safe and legal.

The RMA requires facts- not scenario 1 or 2, or hypothetical ideas of what could be done, or we could do this- we'll advise later on how it will work. The RMA also focuses on managing the effects of activities rather than regulating the activities themselves. The council seems to be considering granting consent with numerous conditions subject to final reports and plans. That is regulating the activity not managing. Mr O'Leary in his brief of evidence dated 15 Nov 19 claims all the requirements are achievable, except we don't know what all the real requirements will end up being. However the reports of both Mr Clark and Mr Fink seem to claim otherwise and are in disagreement on several matters. If they are all achievable we need to know exactly how now. The District Plan aims to set minimum standards. However it appears the council is prepared to compromise these to some degree. So what's the point of the plan then? This is part of the precedence effect we believe is being created here? Are you always prepared to change your rules because the applicant is desperate. Are you prepared to believe everything in their reports when we have pointed out many errors and miscalculations. How are they actually going to do all this? Mr Forrests scenario one is not met.

You need to look and consider not only what is and what isn't in their proposal and the very contradictory info we seem to have from all 'experts', but because this is also a shared drive you have to consider all of the other users activities including the as of right ones. The worst case scenario has to be considered under the RMA not the minimised conservative figures quoted here in their application for their own activities. You are also being asked to say yes without knowing the full effects because the information isn't here.

We read with interest about the Abbey Rd subdivision which resulted in an objection hearing which you 3 commissioners are well aware of as you sat on that panel. The issues raised there are relevant here- do we have all the required information. Have false and misleading statements been made? Have we all the required definite reports particularly when its not just neighbours affected but shared users of land that is not even the applicants to change.

The only viable use for this site is a single lifestyle property with one house. That is achievable. The only answer to both consents is NO.

Regarding traffic and behaviour on Turitea Road both council and applicant Road engineers claim the road is safe and there are no major safety concerns with GTS's vehicles and trucks and heavy equipment. We believe both parties have made significant errors with their thoughts and conclusions. As the residents who actually live on this road we know what the conditions are, we know what the driver behaviour is like and we know that there are future plans for subdivision further up the road as well as plans to open up the road towards Valley View's and Pacific Drive. – discussed in this document on the council website regarding Aokautere Plan 01. This means we will no longer be no exit road as claimed . The one lane bridge nearby already has significant issues. We believe the sightlines are poor especially when people approach at speed. The claim is that a careful and prudent driver will have enough time to react and stop however it must be obvious that not everyone is careful & prudent. The speeds of a significant number of vehicles on this road are in excess of the posted limit. A lot of people approaching from the south heading into town regard the straight as a dragstrip and It is not uncommon to see no braking action as they go over the bridge. The sightlines for people coming from town around down the S-bend and approaching the bridge are poor especially now that a lot of plants and trees are growing taller. As already discussed in several of our submissions our vehicles are not visible to traffic approaching in this direction at speed. We often are forced to give way when we should have the right away because someone has not stopped on time. Look at the skid marks on the bridge. We can illustrate this to you all very easily if you don't believe us. This is a safety issue regardless of whether GTS is here but more traffic coming from our driveway is going to increase the risk further. Not a week goes by without a near miss or a screech of brakes on this bridge- the council may not know of these but they happen.

Accidents have happened without being reported and there's some downright dangerous behaviour by some drivers who will overtake cyclists on the wrong side of the road as I had happen to me interestingly by someone in a city council Ute. Was he a careful and prudent driver or was he too impatient to wait five seconds while I cleared the bollard area. Our son has been forced off the road on his bike by vehicles who never stopped to see if he is okay. The road is increasingly used by commuter & recreational cyclists and a bigger number of walkers doing the Te Araroa walkway. The implication is that these people should take care but if they do not know the risks because they do not know the quirks of the road then you as the council have a bigger obligation to make sure the environment is safe for them. If you are not going to make a dedicated walkway off the road from the S-bend and going over both one lane bridges then you are failing in your responsibilities to these people. A lot of drivers are impatient and inattentive as well as just downright stupid. People when they are close to home sometimes start to think of all the other things they need to do or focus on

something else because they are familiar with the road they go up and down multiple times a day. If the gate was shut and someone else has to get out to open the gate it's possible that there could easily be other cars or trucks of ours or GTS's coming along behind as they often travel in convoy, which will block the road and cause issues on the bridge as it will only take one or two cars having to stop on the road to turn right to mean a driver not fully prudent & aware will have time to react and stop, the proposed widening won't alleviate this fully and it appears they don't feel they need to do this widening according to the latest reports.

## Siann Aburn

---

**From:** Eddie Welsh <starter.plants@xtra.co.nz>  
**Sent:** Monday, October 29, 2018 4:33 PM  
**To:** snorr@xtra.co.nz  
**Subject:** Fwd: Re: FW: Pre-Application Traffic Advice -Access for 126 Turitea Road  
**Attachments:** Traffic movements.doc

----- Original Message -----

From: Eddie Welsh <starter.plants@xtra.co.nz>  
To: info@guardiantreeservices.co.nz  
Date: 23 October 2018 at 13:23  
Subject: Re: FW: Pre-Application Traffic Advice -Access for 126 Turitea Road

Hi,

**Re information I provided on Traffic movements at 126 Turitea Rd.**

The information was provided at a time when we have maximum staff levels and traffic movements occurring during our busy Spring period which is July - November.

It should also be noted that at the time I provided you with information we had 7 staff with 5 being part-time.

I have provided more detailed information, as per the attached document, giving a break down of daily traffic movements and collections/ deliveries.

During December to June we have less staff and considerably less collections/deliveries. While we do have some collection/delivery movements during this period, it is impossible to give accurate figures so I have not included them in my estimates. The Spring movements of trucks and couriers is an estimate based on 2017-2018 activities.

While it is impossible to give completely accurate figures for all traffic movements on and off the property I have, to the best of my knowledge, given as close an estimate as possible using staff records and invoices for deliveries/collections.

Sincerely,

Eddie Welsh

Starter Plants Ltd.

On 18 October 2018 at 15:18 info@guardiantreeservices.co.nz wrote:

Hi Eddie

This is what we have received from Ryan. Could you please answer the first question and send us an replay email?

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](http://www.guardiantreeservices.co.nz)

**From:** Ryan O'Leary <roleary@propertygroup.co.nz>

**Sent:** Monday, 15 October 2018 12:45 PM

**To:** info@guardiantreeservices.co.nz; Susan & Darryl Judd <pharmtree@xtra.co.nz>

**Subject:** FW: Pre-Application Traffic Advice -Access for 126 Turitea Road

Hi Darryl & Jonas,



I was hoping to close out the questions raised with regard to access so we could have confidence lodging the resource consent.

However, PNCC have come back with further questions (see below). Some of these we have already explained. What we can't provide is a condition assessment of the driveway however.

I have asked to meet with PNCC and their Traffic Team to try and provide answers and talk through this. I get the feeling they are being particularly attentive to this simply because the neighbours have raised it.

Kind Regards

**Ryan O'Leary**

Senior Planner



*Proud supporters of KidsCan Charitable Trust*

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**From:** David Forrest <[david.forrest@pncc.govt.nz](mailto:david.forrest@pncc.govt.nz)>  
**Sent:** Monday, 15 October 2018 12:07 PM  
**To:** Ryan O'Leary <[roleary@propertygroup.co.nz](mailto:roleary@propertygroup.co.nz)>  
**Cc:** Craig Auckram <[craig.auckram@pncc.govt.nz](mailto:craig.auckram@pncc.govt.nz)>; Mark Read <[Mark.Read@pncc.govt.nz](mailto:Mark.Read@pncc.govt.nz)>  
**Subject:** FW: Pre-Application Traffic Advice -Access for 126 Turitea Road

Hi Ryan,

Thank you for your response to Heather Liew's questions.

At this stage, we would require the following information to assist in assessing traffic effects of the proposed activity in order to make a notification decision once an application is lodged for Guardian Tree Services (GTS) at 126 Turitea Road:

- If possible, please provide a written statement from Starter Plants confirming the extent of the existing activity carried out at the site (Please note that Council has received information from neighbouring property owners questioning the accuracy of the information provided in the comparison table for Starter Plants).
- The table provided needs to compare frequency and timing of staff movements in private vehicles to and from the site and also work vehicles leaving and returning to the site for both Starter Plants and GTS.
- Please clarify the frequency and type of vehicles used for deliveries/pick from the site in the table for GTS (it currently states 'occasional deliveries')?
- We will require details on the existing access way, including condition, width, passing opportunities, maintenance regime.
- Please confirm the total use (car-equivalent movements) of the shared access way including the existing dwellings. See Rule 20.3.9.1(c)(v) for details on how to calculate car-equivalent movements.
- The effects on the access onto Turitea Road would also need to be assessed including sightlines and access width.
- Please confirm as to whether the chain saw activity and firewood component to GTS's business will be included (or excluded) for this application for resource consent.
- Will the mulch activity be solely for use on the plant nursery beds on the site and not for public sale? How often is mulch expected to be delivered to the site and what type of vehicle is used to deliver mulch?

Kind Regards

**DAVID FORREST | Planner**

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**From:** Ryan O'Leary [<mailto:roleary@propertygroup.co.nz>]  
**Sent:** Monday, 8 October 2018 1:49 PM  
**To:** Heather Liew <[heather.liew@pncc.govt.nz](mailto:heather.liew@pncc.govt.nz)>  
**Cc:** Mark Read <[Mark.Read@pncc.govt.nz](mailto:Mark.Read@pncc.govt.nz)>; Glenn Connelly <[glenn.connelly@pncc.govt.nz](mailto:glenn.connelly@pncc.govt.nz)>; David Forrest <[david.forrest@pncc.govt.nz](mailto:david.forrest@pncc.govt.nz)>  
**Subject:** RE: Pre-Application Traffic Advice -Access for 126 Turitea Road

Hi Heather,

Just to re-order your questions slightly, and respond:

1. *Can you please advise if the vehicle movements for GTS staff members are similar to existing Starter Plants Ltd? If they are not, please provide a comparison of staff movements.*

The private vehicle movements would generally be limited to one movement in (morning) and one movement out (afternoon). Private vehicles will be cars/utes (two staff members each drive the Fleet vehicle utes as their private vehicles). Staff numbers are similar (between 5 and 8 for GTS and 7 staff for Starter Plants Ltd). Starter Plants Ltd would be similar in our view.

2. *With regards to the max truck weight for Guardian Tree Services, is 6330kg the maximum weight including load?*

The vehicle fleet is as follows:

- a. Hino is 5940kg Tare weight – Can hold just under 9 ton fully loaded. However, the truck will be empty most of any load most of the time as GTS propose to keep delivering their mulch and firewood to an alternative site. On occasion, a small portion of mulch will be taken back to the Turitea property to be used as a ground cover for growing native tree planting of the property.

- b. Isuzu forward is 6330kg Tare weight – This larger vehicle is reserved for the bigger jobs as it is capable of carrying larger logs. This vehicle is used only by demand (less than once a week) frequently usually only leave the yard once a week (but depends on demand). It will enter and exit the site at its Tare weight as larger logs will be disposed of elsewhere before returning to the site.
- c. Dihatsu = 2.5tonne x2
- d. 2x Utes (used as private vehicles)

*3. Are heavy vehicles mainly the vehicles used for occasional deliveries?*

There will be no heavy vehicle deliveries.

*4. Can you confirm that staff work vehicles are likely to be a lot smaller e.g. utes with trailers?*

I can confirm the private vehicles are normal cars and utes.

We look forward to you considering the above and advising us further ASAP.

Kind Regards

**Ryan O'Leary**

Senior Planner



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**From:** Heather Liew <[heather.liew@pncc.govt.nz](mailto:heather.liew@pncc.govt.nz)>  
**Sent:** Monday, 1 October 2018 1:13 PM  
**To:** Ryan O'Leary <[roleary@propertygroup.co.nz](mailto:roleary@propertygroup.co.nz)>  
**Cc:** Mark Read <[Mark.Read@pncc.govt.nz](mailto:Mark.Read@pncc.govt.nz)>; Glenn Connelly <[glenn.connelly@pncc.govt.nz](mailto:glenn.connelly@pncc.govt.nz)>; David Forrest <[david.forrest@pncc.govt.nz](mailto:david.forrest@pncc.govt.nz)>  
**Subject:** RE: Pre-Application Traffic Advice -Access for 126 Turitea Road

Hi Ryan,

Dave forwarded your email for comments. Can you please advise if the vehicle movements for GTS staff members are similar to existing Starter Plants Ltd? If they are not, please provide a comparison of staff movements.

With regards to the max truck weight for Guardian Tree Services, is 6330kg the maximum weight including load? Are heavy vehicles mainly the vehicles used for occasional deliveries? Can I confirm that staff work vehicles are likely to be a lot smaller e.g. utes with trailers?

Thank you.

Regards

Heather

**From:** David Forrest  
**Sent:** Wednesday, 26 September 2018 4:03 PM  
**To:** Glenn Connelly <[glenn.connelly@pncc.govt.nz](mailto:glenn.connelly@pncc.govt.nz)>; Heather Liew <[heather.liew@pncc.govt.nz](mailto:heather.liew@pncc.govt.nz)>

Cc: Craig Auckram <[craig.auckram@pncc.govt.nz](mailto:craig.auckram@pncc.govt.nz)>

Subject: Pre-Application Traffic Advice -Access for 126 Turitea Road

Hi Heather and Glenn,

Ryan is working for Guardian Tree Services who wish to move out to 126 Turitea Road where Starter Plants have operated a nursery.

I've attached the information we have to date on the proposal. Please see Ryan's comment below regarding the weight of Starter Plants truck weights.

Starter Plants have shared a ROW with several rural-residential properties and Guardian Tree Services will continue to use the shared ROW.

Would you consider that the traffic effects of the proposal are less than minor when considering the 'existing environment' of Starter Plants having a lawfully established business at the site? Ryan has provided a comparison table (attached).

Would the ROW require upgrading.

Neighbours have already lodged concerns with Planning Services regarding the proposed activity as the applicant had attempted to consult with neighbours. Concerns raised by the neighbours include:

- not wanting the driveway to be widened.
- safety concerns for children using the shared ROW.

The applicant will not proceed with the subdivision at this stage due to neighbours not wanting the ROW to be upgraded.

Let me know if you'd like to catch up to discuss the proposal.

Thanks

**DAVID FORREST | Planner**

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**From:** Ryan O'Leary [<mailto:roleary@propertygroup.co.nz>]

**Sent:** Wednesday, 26 September 2018 3:52 PM

**To:** David Forrest <[david.forrest@pncc.govt.nz](mailto:david.forrest@pncc.govt.nz)>

**Subject:** RE: Access for 126 Turitea Road

Hi David,

Thanks – yes, please proceed with the draft proposal.

However, with regard to the table which indicates Truck Weights can you please add that the 5820kg under the Starter Plants Ltd column is the Tare Weight prior to the delivery truck being loaded.

Kind Regards

**Ryan O'Leary**

Senior Planner



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**From:** Ryan O'Leary [<mailto:roleary@propertygroup.co.nz>]  
**Sent:** Wednesday, 26 September 2018 3:32 PM  
**To:** David Forrest <[david.forrest@pncc.govt.nz](mailto:david.forrest@pncc.govt.nz)>  
**Cc:** Craig Auckram <[craig.auckram@pncc.govt.nz](mailto:craig.auckram@pncc.govt.nz)>  
**Subject:** Access for 126 Turitea Road

Hi David,

Is there any update you can give on this one? I recall you were going to seek the advice of Traffic (Glenn Connelly and/or Heather Liew).

Could you please update me when you are able.

Many thanks

**Ryan O'Leary**

Senior Planner



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**Eddie Welsh Starter Plants Ltd.**

**Eddie Welsh Starter Plants Ltd.**

## Merle Lavin

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**From:** Siann Aburn <SNORR@xtra.co.nz>  
**Sent:** Thursday, 13 June 2019 12:46 PM  
**To:** David Forrest; Craig Auckram  
**Cc:** Simon Mori  
**Subject:** Resource consent 126 Turitea Rd

Dear David & Craig, many thanks for sending the application through for us to look at.

We spent a number of hours over the last 2 nights making our way through it. As you are both aware, we and other neighbours have considerable concerns regarding not only the validity of the application but also the actual proposal. We have never read something containing so many inaccuracies, mistruths, assumptions, contradictions and omissions. Suffice to say we strongly disagree with many of the opinions expressed by their consultant which seems to conclude that all effects “will be less than minor” and therefore you can give consent without needing to notify affected parties.

Their claim to have consulted with us is amazing since communication on this matter ceased soon after we all told them we would not be signing the affected persons form (especially since we have never received any plans from them). Their driveway plans is laughable and it appears they have told their traffic engineer even less that what they told the council one. There is no mention of towing mulchers and trailers etc which we know are usually attached behind the trucks (confirmed by seeing them around town regularly, photos on facebook and onsite here as they have been coming and going). A 8m passing bay won't even be long enough. Apparently if a collision is to happen it will be low speed and only cause minor damage! (page 16-18 of the application, also in the traffic consultant report). I don't think that is an acceptable statement at all as it implies it will be ok if a crash happens as it won't hurt much! I'm not sure if it's a collision between the truck and towed mulcher and my son on his bike, or my learner driver then any effect on them will be minor. All neighbours often also walk or cycle on the driveway on weekdays for various reasons and during their proposed peak traffic hours as its our place of residence not a place of work like it would be for them. The number & type of traffic movements will be a significant increase on anything we had with SPL contrary to how they have made it appear. There's is plenty more that can be said on the driveway plan not withstanding that they do not own the driveway, they have right of access only and our advice has been that all of the parties on the drive permission needs to granted to make changes. They do not have this permission and I see they have no legal advice in their application to support their right to do these changes.

Also missing is an accurate description of their arborist business, their landscape business-is it just trees, what other supplies?, the true number of vehicles ( there are 4 trucks not 3 as stated plus trailers, mulchers, wood splitters etc) there are no plans and diagrams of the proposed pole shed, elevations, effects on our view, dust and noise mitigation, the timetable of works (which will involve in itself a lot of traffic movements), how they plan on providing access to us while their proposed work goes on, new easement for subdivision etc etc ( I can think of plenty more but will save these for a later occasion). There are also plenty of statements in the application that we disagree with and believe are not accurate.

Of concern is the fact that all of us were advised that you would advise us when an application was received as you knew of our concerns. It appears you have been in receipt of this application for over a month according to its date and the first we heard of it was when we called you to see what was happening. It was also advised to all of us last year that it would likely be a partially notified consent which now seems to be in some doubt. We are aware their consultant was recently a planner with PNCC and Guardian Tree services is one of your preferred contractors and their game plan seems to be use this to their benefit and too categorise all effects as minor. We have valid concerns on more than just the driveway and access issues, for example the sub-division component also causes several questions to arise, as does drainage with all the

ground changes. You also know the others affected have similar concerns and we are all compiling notes of factors that need addressing.

We have been approached by Valley locals who have heard of the plans and are concerned by it, we have spoken to resource planning consultants who are incredulous that it will even be considered since its contrary to the district plan and has a complex situation with access, and we have researched and read widely on resource consent and planning issues and PNCC's own district plan and rules and regulations and implication of, over the last year while we have been waiting for this and we believe we have a strong case that at the very least the application should be at least partially notified and ideally rejected outright. The subdivision alone (and the earthworks & traffic movements required for such) is definitely more than a minor effect. An industrial type business (they claim they are only a service business- however they use industrial equipment) will strongly affect our rural residential lifestyle amenity and the character of the Turitea valley.

We look forward to hearing about the notification process and are happy to discuss the many issues that we feel need addressing with both of you.

Kind regards

Siann Aburn & Kevin Orr (no 132)

## Merle Lavin

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**From:** Craig Auckram  
**Sent:** Friday, 12 October 2018 3:26 PM  
**To:** Snorr  
**Subject:** RE: My contact details

Hi Kevin and Siann,

Thanks for your email.

I may have caused some confusion during our phone call.

It's not my opinion that Starter Plants and Guardian Tree Services are similar, that is based on the information that was provided by the applicant in their draft information.

Based on the information before us at the time, the two businesses looked similar in terms of traffic movements.

So thank you for your thoughts and have noted that you think that the information that has been provided is not accurate.

To date we do not have a resource consent application but we have received emails from yourself and two other neighbours so we are aware of your concerns.

The planner who will be processing the application and making a notification decision is also aware of the concerns of the three sets of neighbours.

As with any resource consent application, the planner has to follow the process set down in the Resource Management Act for making a notification decision.

This notification decision is based on the information submitted in the application and any expert advice sought, such as from Council traffic engineers, and in this case we are also aware of your concerns.

So thanks again for your email.

If you have any questions then please do not hesitate to call me or reply to this email.

Kind regards,

**CRAIG AUCKRAM | Senior Planner (Compliance & Resolutions)**

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**From:** Snorr [mailto:SNORR@xtra.co.nz]  
**Sent:** Monday, 8 October 2018 9:34 PM  
**To:** Craig Auckram <craig.auckram@pncc.govt.nz>  
**Subject:** Re: My contact details

Hi Craig, thank you for your time on the phone today. As discussed we have serious concerns regarding Guardian Tree Services proposal to operate their business from 126 Turitea Rd.

Can you please summarise why you feel Guardian Tree Services business is similar to the existing horticultural business Starter Plants and why PNCC would go against their district plan in allowing it in a rural residential area? We would appreciate the relevant clauses being highlighted for our benefit as we believe the potential impact on all of us is far greater than the existing horticultural enterprise. I have had lengthy discussions with Steve McNicol and his opinion was that without all our approvals that their proposal would not happen and even then the council would still

have concerns which appears to be diametrically opposite to what you advised me today. Why would this be since you are all working to the same rules/ district plan?

Our concerns are many, however the number of vehicle movements that they will generate is significantly greater than current and of a much heavier and larger nature. As owners of the driveway we have been given conflicting information on what is required or proposed. Please note they have an easement giving access only. We have seen no definite plans at all of any of their proposal and what would be involved in noise, environment, visual, dust and safety mitigation. It has been intimated to us they are requiring consent for firewood and mulch supplies, and their website says they sell firewood to the public. This would involve even more traffic than the departing and returning they say would be all they would be doing. The current enterprise does not involve either of these factors.

Possible effects to us all include building bulk (they propose a large shed and could potentially need more in the future), visual amenity especially for number 128, and us as we overlook number 126, traffic and pedestrian safety especially around an already high accident area, other environmental disturbances such as increased stormwater runoff, the potential for their future growth which would involve more vehicles, buildings, heavy machinery, staff and increased noise disturbance. The current enterprise does not generate noise as there is no heavy machinery. GTS require multiple trucks towing chippers, stump grinders, wood splitters, air compressor, water blasters, all of which will be significantly noisier than current.

This is a small summary of our concerns. Once this is approved, it means for us it is forever and for any subsequent owner, hence why we need our concerns heard. We bought in a rural residential area for a reason not expecting to have to live with industrial businesses and we feel we should not be required to compromise for GTS's benefit. They knowingly purchased the property knowing there was significant concerns and opposition and no one had given their approval.

We look forward to your response. We are aware that until they lodge their application properly the council's hands are tied, however from our point of view their proposal is not in our best interests and we don't see how these concerns could be mitigated to a satisfactory level. GTS is not a horticultural business or similar enough to constitute one and to claim such is disingenuous.

Your faithfully

Kevin Orr & Siann Aburn  
Owners 132 Turitea Rd.

Sent from my iPad

On 8/10/2018, at 12:11 PM, Craig Auckram <[craig.auckram@pncc.govt.nz](mailto:craig.auckram@pncc.govt.nz)> wrote:

As discussed on the phone, detail your concerns via email.

**CRAIG AUCKRAM | Senior Planner (Compliance & Resolutions)**

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