

**Before the Hearing Panel
At Palmerston North City Council**

Under the Resource Management Act 1991

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 (SUB 5082 and LU 5083)

And

In the matter Guardian Tree Services

APPLICANT’S RIGHT OF REPLY

Date: 13 December 2019

1.0 General

1. The applicant's Right of Reply is intended to be brief, focussing on key matters raised in the hearing. It will firstly outline some overarching themes and then structure a response to matters raised by Submitters; Council Officers; and, Questions raised by the Committee. A summary of the outstanding areas of disagreement is then outlined, followed by a conclusion.
2. As requested by the Committee in *Minute No.3 dated 9 December 2019*, a 'Clean Version' of draft conditions that are agreed has been provided in addition to an updated 'Comparison Table' as a result of issues canvassed during the hearing.

2.0 Overarching Themes

Safe use of the shared driveway (Right of Way)

3. It is important to note that the right of way is a shared access to a number of properties and is not a private driveway in the normal sense in serving one house. There are multiple users that are entitled to use the right of way and every user should expect common courtesy in terms of how it is used, the speeds along it and the different interactions with people, cars, trucks, pedestrians and cyclists. The Guardian Tree Services (GTS) proposal will not change this fundamental aspect. The owners along with their staff will drive in an appropriate manner that is safe as required under the Health and Safety Act for a commercial business.

Effects on "The Avenue" of Trees along the shared driveway

4. The applicant intends to minimise the potential adverse effects on "the Avenue" of trees along the shared driveway through the construction of passing bays 1 and 2. This has been achieved through the design of the proposed driveway and the proposed implementation of a Vegetation Management Plan. Conditions are proposed in this respect to avoid or mitigate adverse effects. These conditions 10, 10A and 10B of the land use consent should also apply to the subdivision consent, if implemented separately.

Co-location of the Arborist Base and Horticultural Activity.

5. Guardian Tree Services provide landscaping services in addition to arborist activities. The proposal would involve dual use of the existing land and buildings for both productive purposes and the use of the site as a 'base' for staff and storage of equipment and vehicles. The landscaping aspect of Guardian Tree Services business is consistent with what would constitute a Horticultural Activity in the District Plan and be permitted in the Rural Zone. Co-locating the landscaping and arborist aspects of the business on the same site is central to the decision to locate at 126 Turitea Road.

The Position of the Applicant's and Council's Experts

6. To reiterate what is stated in the hearing, the applicant and the Council's Experts are largely in agreement that both the land use consent and the subdivision consent can be granted. There are some areas of (minor) disagreement between the Council and the Applicant's experts with respect to some resource consent conditions.

3.0 Response to Submitters

7. The submitters provided the local perspective of the operation of the right of way and their perceptions of the proposal which included the following points from each submitter.

Ollie and Sarah Shannon

8. The Shannon's raised concerns around their children using the right of way and the potential for the new activity making it unsafe. There is no correlation between the new activity making the driveway less safe as with other users of the right of way. The new users of the access will drive in a safe manner. The Shannon's provided an example of the dangers they have experienced with their young children leaving their property and going on the right of way. Children do not have the experience or cognitive skills to be within these environments unsupervised. However with the users of the right of way knowing the potential for children to be in these areas, we would expect all right of way users should and will drive carefully. The right of way is much safer than the adjacent roadway.
9. The Shannon's used some crash statistics to demonstrate their concern around the use of the right of way. There was no reference to where this data was obtained, what year/s it related to and in what context the crashes occurred. What is important to note is that crashes that involve children within a driveway, are often when a family member has tragically reversed

over the family member. The right of way is not the same as a private driveway and the crashes referred to have no relevance to the functioning of a shared access.

10. There was also a suggestion by the Shannon's that if the right of way was unsafe this would mean that their children would not be able to ride to school. The right of way is safe due to the low speeds, low number of vehicle movements and the users being familiar with the different users of the access. The converse is the case with allowing children to ride on Turitea Road where the speeds are much higher, there is more traffic, there is less room and motorists having a lower expectation of the possibly of children on bikes. If the children are capable of riding on Turitea Road and getting to school then they would easily be able to use the right of way.
11. There was also some discussion around inattention leading to crashes. While at the higher level this is the case, it is again important to keep this in context. Driver inattention usually occurs when the driving task is simple with motorists sometimes "switching off". Once drivers are presented with a situation where multiple tasks, decisions or manoeuvres are required the alertness of the motorist is increased. Drivers using the right of way will be alert to the environment and be able to assess any situation should it occur.

Dean and Pauline Rankin's

12. The Rankin's raised concerns over the calculation of the traffic movements and consider them incorrect. The evidence provided to the Commissioner's carefully sets out how the traffic numbers have been calculated. The traffic calculations by the applicant and Council's expert are similar. While there are bound to be differences in some of the numbers, the quantum of the number of movements is still very small.
13. The Rankins (as with some of the other submitters) went into some detail about the safety of the access and the nearby one lane bridge. The applicant and council's experts agree that there are no safety issues relating to the bridge and the access to the activity. As demonstrated by Mr Connelly in his presentation there is sufficient sight distance for opposing traffic to make the correct decisions and avoid a collision. There was a suggestion that due to the increase in traffic using the right of way there would be cars/trucks backing up on Turitea Road and across the bridge as they wait to turn. This will not be the case as the number of movements into the right of way is low and would be turning across a low number of movements along Turitea Road. This is due to the location and nature of the adjacent

network, the peak times for right turns into the site is in the evening. The flows along Turitea Road heading into the city etc would be low due to most people coming home from work.

14. There were concerns raised about the appropriateness of travelling 10 km/h along the right of way and that this was the applicants view. This is incorrect as generally the speeds along the right of way will be around 30 km/h as provided in Mr Clark's evidence. As set out in his evidence there are certain locations where more care is needed, and drivers would normally be expected to slow down to negotiate these areas. Such an area is around the existing sheds on the applicant's site. There are visibility restrictions and the potential for a number of different movements to occur at this location. The applicant has listened to those concerns and provided mitigation measures to address these concerns. That still won't change the need for drivers to take care in certain areas of the right of way as any driver should if the same situation was to present itself on legal road. Any issues can be dealt as part of the design process for the right of way as provided by the conditions of consent, if granted.

15. The applicant's acknowledge that the site is currently covered with large weeds. The applicant's presentation showed photos of the property at their former Hiwinui site which has been well planted and maintained. The applicant's intend to upkeep the property as appropriate once they are located at the site through regular work and maintenance as required. They have not wanted to access the site and do work until this hearing process is complete.

16. The pile of firewood mentioned by submitters and presented in photos is from the removal of plane trees within the site. Plane trees can cause allergies with some people. If left to grow, they also would require cutting back frequently. They have the potential to grow into giant trees if untouched. In this case, the removal of plane trees within the applicant's site (along the boundary of the Rankin's property) was undertaken in consultation with the Rankin's and at their request for increased light. Native tree plantings were installed near this boundary with smaller types selected to give the Rankin's the desired extra light to their dwelling.

17. GTS also complied with the submitters request to widen the driveway leading up to their house by removing some of the flax plants. These were dug up and replanted again amongst the new natives.

18. The Orr's raised a number of matters which have either been addressed above or within evidence. There were also a number of matters that require a response.

Traffic Safety

19. The submitter introduced a graph showing speeds that were possible on the right of way. The speed survey should be ignored as it has not been carried out with appropriate measuring devices and not in accordance with best practice. It is also unclear what the speed survey was trying to demonstrate as it showed speeds of around 20km/h and then other speeds of 40km/h. This was then backed up by a statement of a motorcycle doing 80 km/h on the right of way. These suggested speeds are hard to justify or accept.
20. There were various statements on how unsafe the right of way is as well as the adjacent road network. Any safety issues on the right of way are to be managed by the draft conditions and appropriate driver behaviour. It is also suggested that a 30km/h speed sign be installed at the entrance to the right of way. This may be of assistance as while a speed limit is not enforceable, it is a reminder to the right of way users that this is the appropriate speed for this access.
21. The Submitter also raised concerns around vehicle sizes and provided a dimension for GTS Ford Ranger Ute at 5.4 metre long. The single cab Ford Ranger is 5.1 metres. This was used to cast doubt on the truck dimensions. AS/NZS 2890.2 (Commercial Vehicles) provides sizes of a Small Rigid Vehicle (SRV) which is 6.4 metres long. All vehicles that will be used by GTS are smaller than an SRV except for one, which is 7.1 metres. The larger truck is still smaller than a Medium Rigid Vehicle (MRV) which is 8.0 metres. The size of all but one of the vehicles associated tree services activity are similar to a car, and smaller than a Toyota Landcruiser which could be reasonably expected to be use the right of way in this rural context.
22. An issue around closing gates and moving sheep across the right of way was raised as an issue. Users of the right of way are entitled to be able to pass and repass to enter and exit their properties. Gates cannot be closed that would impede access for the individual owners without prior approval from all others with rights of way, as per the right of easement included in Appendix 1 of the original application.
23. The remaining matter relates to the information around traffic generation. As with other submitters, this submitter disputes the figures around the previous activity by Starter Plants

Ltd and the GTS proposal. Starter Plants Ltd provided the applicant with this information directly and advised that these truck movements were based on receipts it held. Notwithstanding this, the evidence of the applicant and council's experts set out how this has been calculated. In practical terms the differences between the submitters and the experts has no material difference to the operation of the right of way or its safety.

Guardian Tree Services Activities

24. The submitters made several comparisons of GTS to other larger depot sites such as the Fulton Hogan Council yard in Feilding¹ and other Contracting or landscape supply yards (Top Cat and MacPhersons Garden Centre). This is an inaccurate and misleading comparison. GTS staff have specialist knowledge, skills, experience and qualifications in plant and tree propagation; and, nursery management. GTS intend to utilise the land for the purpose of growing 'made-to-order' trees and other plants. The proposed use has more similarities with the former use of the site Starter Plants Ltd than those referred to by the submitter. The use of this site provides an opportunity to diversify the landscaping side of the business and utilise the skills that GTS staff have in this area.
25. Small quantities of firewood have previously been sold by GTS in other site locations. However, as GTS are mindful of the environment they propose to move into, they have decided not to sell firewood from the site. It will continue to be sold and processed at a different location (other than the subject site). Firewood would not be brought back to the site.
26. The applicant's presentation identified that GTS have donated timber slabs to *Tanenuirangi o Manawatu Inc* for carving. Some timber slabs may be stored on the property for such purposes for GTS staff personal use, but GTS intend to use the sheds and buildings for the storing of the slabs.
27. GTS have never directly sold garden mulch as part of their business. Their current premises are shared with 'Mega Mulch', a separate enterprise. The sale of mulch is not currently or proposed to be part of GTS business.

¹ Page 201 of the Hearing Agenda

28. (redacted - see Commissioners' minute No. 5 dated 8 January 2020)

29. (redacted)

30. GTS have no intention of engaging in hostile arguments but are interested in positive solutions and relationships. This is how both Darryl Judd and Jonas Muller choose to operate as people and it's how GTS run their business. They are highly ethical and responsible people who seek to do the right thing by all from both a business and environmental perspective. GTS seek to gain peoples trust and are hopeful of good outcomes for all the parties concerned.

3.0 Response to Council Reporting Officers

31. Mr Jessen, as Counsel providing legal support to the Commissioners also provided his summary of the council's case and other information provided during the hearing. He provided his view on the differences of the traffic experts around the need to provide additional widening opposite the site entrance. As noted in evidence, Mr Connelly considered it desirable for the widening to be constructed. The applicant's view is that it is not required or necessary to address any identified adverse effect. Mr Connelly's evidence clearly describes the environment with its complying sight distances, the low volume of the road and the general traffic environment. Mr Clark's view agrees with that analysis and while it may be desirable to widen the road, it is not required to address an effect.

32. One of the submitters raised an issue around the relocation of letterboxes (if required) which has also come as a question from the Commissioners. This is not an RMA matter, but a civil

matter that will need to be resolved as part of the construction process. There are no adverse effects from the relocation of the letterboxes. The right of way and its formation is to allow for the owners to pass and repass. The main purpose of the right of way is to provide access. If the location of the letterboxes restricts the movement of vehicles, then they must be relocated. They are a number of locations within the right of way where the letterboxes can be relocated to, such as in line with the trunks of the trees.

33. Ms Baugham provided commentary with respect to the potential impacts on overland flowpaths for the construction of a dwelling on Lot 1, referring specifically to Lot 1's notional building platform. The applicant's planning evidence confirms that no new dwellings are proposed to be constructed as part of this proposal but 'provided for' by the subdivision. The notional building platform indicated on Lot 1 was in response to a request for further information by Council to identify a possible house location that is outside of the area affected during Horizons Regional Council's 0.5% AEP modelled flood event². Several other alternative location could be provided within Lot 1, outside of the 0.5% AEP and not affecting overland flowpaths. One such location could be the location of existing buildings within Lot 1, should they be demolished.
34. The Committee asked Mr Forrest: "When looking at the aspects of the I as a whole, which aspects of the activity would be specified as a Permitted Activity in their own right". Mr Forrest did not outline that both the sealing and resealing of the driveway would be a permitted activity, regardless of whether parts of the driveway are currently sealed or not. This is of relevance given Mrs Baugham's response to the Committee's questions noting the change from the existing gravelled surface to a sealed surface outside 128 Turitea Road. However, Ms Baugham concludes that such matters should be managed at the time of Engineering Plans stage, which the applicant agrees.
35. As noted in the hearing and confirmed in the Council's response to questions from the Commissioners, permitted activities within the site could include a horticultural business that can grow and sell plants. This could include a business such as Starter Plants Ltd, or a more intensively used horticultural activity that was to be more commercially focused. This type of permitted activity *could* generate more traffic than the GTS proposal and potentially much larger vehicles and would not need a resource consent. This permitted activity would also not be required to make any changes or improvements to the right of way.

² Section 92 Request No: 3 – Question 8.

36. In response to Question 7 (d), Ms Baugham has suggested an advice note in relation to the flood hazard. The applicant is generally comfortable with this advice note but suggests a minor amendment to state the following (underlined text additional and text shown ~~strikethrough~~ to be deleted):

"It is acknowledged that the land is subject to a natural hazard, being inundation. Lot 2 is subject to areas affected by inundation ~~flooding~~ from the Turitea Stream during a 0.5% AEP modelled flood event as shown within the PNCC Combined Flood Model held within the file for SUB 5082. The property owner of Lot 2 is advised to contact Horizons Regional Council prior to applying for building consent to construct any building or structure that may impede the flow carrying capacity of the Turitea Stream".

37. In response to Question 8 from the Committee, Mr Hudson suggested a condition of consent as follows:

"After the upgrade is completed, no trees may be trimmed or removed unless there is an independent expert report prepared by a suitably qualified arborist confirming that the removal or trimming is required for health and safety reasons and approval is given by the Council's Senior Planner".

38. Proposed Conditions 10, 10A and 10B relate to the requirements of the applicant to undertake replanting works in the event that trees or limbs are removed. These conditions specifically (and deliberately) refer to the "shared driveway upgrade" works. Mr Hudson's suggested condition above is not bound by such a limitation nor does it give any timeframe as for how long the condition should apply if it were to be limited to the area of works. The applicant is unaware what the purpose of Mr Hudson's proposed condition is intended to achieve where it is not covered by condition 10, 10A and 10B.

39. The Committee asked submitters several questions regarding the present responsibility amongst right of way users for the removal of a fallen or dangerous tree; or, the incidental removal of tree limbs. It was confirmed that all users take a shared responsibility. Mr Hudson's proposed condition, as drafted however, makes such (potential) instances the responsibility of the consent holder. Such a condition would not meet the confines of Section 108AA(1)(b) of the Act in that it is not directly connected to an adverse effect of the activity or an applicable District or Regional Rule (as opposed to an objective or policy).

4.0 Response to Questions raised by the Committee

40. The Committee asked questions to Mr O’Leary with respect to the involvement of an independent arborist with respect to the Vegetation Management Plan. Mr O’Leary agrees that this would add both independence and rigour to such a consent condition. He considers that it is appropriate that the Council appoint an independent arborist to review and certify the Vegetation Management Plan. A resource consent condition has been drafted to this effect.
41. The application states that there will be no gate sales with respect to the proposal. This is correct. However, Mr Judd eluded to the potential (albeit rare and infrequent) that clients may wish to visually inspect a specimen tree(s) prior to proceeding with the purchase. It is also noted that GTS are commonly engaged by clients to select various products from nurseries and trusted by existing clients for their knowledge, care and selection in such circumstances. The likelihood of a client wanting to visually inspect the product would be when tree(s) reaches a level of maturity; and, would only be at the request of a particular client where they are not satisfied with photos provided. Due to health and safety reasons, visitors would need to be accompanied on-site by GTS staff.
42. Whilst these traffic movements were not included in the traffic calculations provided, visits from customers in such an event would be low volume and frequency.

5.0 Outstanding Matters of Contention amongst experts

43. There are three areas where opinions differ between experts being:
- a. The hours of operation of the activity;
 - b. The provision of the improvements on the opposite side of Turitea Road; and
 - c. The length of passing bays required, should the subdivision proceed independently.

The Hours of Operation

44. The difference of opinion relates to whether the hours of operation in the conditions of consent should be 7.00am to 6.30pm Monday to Friday, as deemed appropriate by Mr O’Leary; or, cease 30 minutes earlier at 6.00pm, as *preferred* by Mr Forrest. Mr Jessen summarised that there was not much difference between the two in terms of ‘effects’. The reason for the preference was not clarified at the hearing by Mr Forrest. On the contrary to

this, Mr O'Leary's opinion is summarised at paragraph 13 of his Statement of Supplementary Evidence.

45. Mr Jessen suggested that a way of 'navigating' this issue could be to provide for a set number of allowances per calendar year. The applicant is amenable to this approach and could accept a condition which restricted the hours of operation between 6.00pm and 6.30pm on up to 15 occasions per calendar year. The hours of operation would be 7:00am to 6:00pm Monday to Friday on all other occasions.

Necessity of the improvements on the opposite side of Turitea Road

46. This matter is discussed in paragraph 32 above. Mr Connelly considers that improvements on the opposite side of Turitea Road is desirable. Mr Clark does not consider that these improvements are required or necessary to address any identified adverse effect.

The length of passing bays required (Subdivision Only)

47. As stated in Appendix A of Mr O'Leary's *Supplementary Statement of Evidence*, the reason why Mr Connelly informed that Planning Experts that he supported 10m long passing bays was to accommodate a domestic vehicle towing a trailer. No other reasons were given. Mr Connelly advised in the hearing that the length of the passing bays would be required to be similar to that shown in the land use consent to allow for visibility between passing bays. Mr Clark responds below.
48. Whilst there will be a net increase of two dwellings on-site, one of these could be built 'as of right', independent from this proposal and without any right of way improvements. This has been confirmed in the evidence of both planning experts. The subdivision consent will therefore increase the number of traffic movements that can use the right of way by one additional dwelling. The number of movements based on research and surveys would suggest around six movements per day or one movement in the peak hour.
49. The type of traffic will be mostly residential in nature. Based on the submissions by adjacent neighbours the main concern relates around the increased use of the right of way relates to trucks. This would not occur for the subdivision consent if it proceeded independently.
50. In considering the effects of one additional rural residential lot that would use the access, they are considered to be less than minor in the context of the existing right of way formation. The timing and number of movements at peak times will be consistent with other users of the right of way. The type of vehicles would also be similar to other vehicles using the right of way.

51. Submitters have stated that the existing traffic and right of way arrangements operate safely and satisfactory. They also made the comment that they rarely come across another vehicle when using the right of way. One further rural residential property would make no material difference to the safety and convenience to existing right of way users. Accordingly, it is Mr Clark's view that the existing right of way formation can provide safe and convenient access for the new lot with no noticeable effect on the existing users.
52. If the Commissioners were of a mind to require improvements to the right of way for this small increase, then Mr Clark would recommend that the three passing bays are no longer than six metres with a reduced width to 5.0 metres. Two cars only require 4.8 metres to pass each other safely. There would also be no need to do additional widening near the entrance to 130 Turitea Road as this was specifically designed to accommodate the large turning truck.
53. Mr Connelly is suggesting passing bay to accommodate car towing trailers. While this may happen from time to time, it is unusual to design for the worst-case scenario. The likelihood of two cars towing trailer using the right of way at the same time would be very rare.
54. As noted above, a permitted activity from the site could generate a relatively high number of traffic movements with no requirement to upgrade the right of way. The subdivision will generate fewer movements and therefore there is no need to upgrade the right of way.
55. To summarise, the Committee have before it three possible scenarios to consider should the subdivision proceed independently:
- a. Scenario A: Subdivision consent is approved with no improvements to the right of way, as can be supported by Mr Clark.
 - b. Scenario B: Subdivision consent is approved with 6 metre long passing bays and the width of the passing bays can be decreased from 5.5m to only 5m. This can also be supported by Mr Clark.
 - c. Scenario C: Subdivision consent is approved with passing bay lengths similar to the land use consent proposed. This can be supported by Mr Connelly.
56. Scenario C would have no impact on the existing trees along "the Avenue". Scenario B would likely have less impact on the roots of trees due to the smaller length and narrower width. Scenario C would have the same or similar impact as the land use consent, described in evidence. The effects can be managed in accordance with the same consent conditions imposed on the land use consent proposed (conditions 10, 10A and 10B).

6.0 Conclusions

57. Having considered all of the above matters, raised in submissions and expert evidence, the applicant and the Council's Experts are largely in agreement that both the land use consent and the subdivision consent **can be granted**. An appropriate level of consistency has been achieved with the overall purpose of the applicable statutory instruments; and, the relevant statutory tests of the Resource Management Act 1991 are met.
58. The proposal will lead to the efficient use of existing buildings and the land resource. Where effects generated by the proposal have the potential to be adverse, these have been appropriately avoided, remedied or mitigated. Resource consent can be granted subject to appropriate resource consent conditions. The proposal will also have positive effects.
59. Whilst there remains some (minor) areas of disagreement between the Council and the Applicant's expert as to appropriateness or necessity of some resource consent conditions, the Committee can determine such matters. The areas of disagreement and suggested conditions are further outlined in the *attached* documents.

Draft Conditions following the Hearing
126 Turitea Road – LU 5093 and SUB 5082

CLEAN VERSION – 13 DECEMBER 2019

DEFINITIONS

In the following conditions:

Activity:	Means the non-rural (arborist) activity undertaken within the site and does not include any horticultural activity that would be permitted to occur in the Rural Zone of the District Plan.
Horticultural Activity:	Means a Rural Activity as permitted by the District Plan under Rule 9.5.1.
Highlighted Blue text:	Identifies conditions amended since hearing on 28 November 2019.
Footnote	Describes areas of disagreement.
Strikethrough	Indicates text to be deleted.

1	<p>Draft Land Use Consent Conditions (LU 5093)</p> <p>GENERAL ACCORDANCE</p> <p>The Consent Holder must ensure that the activity operates in general accordance with the information provided with the application dated 6 May 2019, the further information dated 26 June 2019, 5 July 2019 and 15 November 2019 and plan prepared by <i>The Property Group</i> Ref: 718050 Sheet 1 dated 8/8/19, except as required by the following conditions.</p> <p>Where there is inconsistency between the application documents and the requirements of the following conditions, these conditions prevail.</p>
2	<p>HOURS OF OPERATION</p> <p>The hours of operation for the use of the site as a base for the arborist business must only occur between 7am-6.00pm¹ Monday-Friday. The consent holder may exceed these operating hours up until 6.30pm on no more than 15 occasions per calendar year. Only administrative office work associated with the arborist depot activity shall be permitted to occur during the weekends.</p>
3	<p>MAXIMUM NUMBER OF VEHICLE MOVEMENTS</p> <p>The Consent Holder must ensure that there are no more than 4 small-medium sized trucks associated with the activity. The activity shall have vehicle movement that so not exceed the following.</p> <ul style="list-style-type: none"> • Average Weekday 20 light vehicles per day 8 truck movements per day • Peak Weekday 30 light vehicles per day 12 truck movements per day • Weekend Office use only no truck movements <p>Note: Traffic movements are expected to be reasonably evenly distributed with flows nearing the peak once per week.</p>
4	<p>MAXIMUM VEHICLE SIZE</p> <p>The Consent Holder must ensure that the maximum vehicle length must not exceed a 7.2-metre length rigid vehicle or 13-metre length when towing.</p>
5	<p>ONSITE CIRCULATION AND VISIBILITY</p> <p>Prior to operating from the site, the Consent Holder must submit details of the onsite circulation design to Council's Senior Planner for approval that:</p> <ol style="list-style-type: none"> (a) Shows the intended circulation of vehicles on the site; (b) demonstrates how the site can accommodate manoeuvring of the largest vehicle, and (c) demonstrate visibility of vehicles on the shared driveway when exiting the site in accordance with the following: <ul style="list-style-type: none"> • a minimum sight distance of 14 metres if the surface within the site is unsealed, or • a minimum sight distance of 12 metres if the surface within the site is sealed. <p>[Note: Sight line distances of 20 metres are desirable if the surface is unsealed and 16 metres if the surface is sealed].</p>
6	<p>Prior to operating from the activity from the site, the approved final onsite circulation design must be implemented, and visibility achieved.</p>

¹ Mr Forrest considers this should be 7.00am to 6.00pm. Mr O'Leary considers this should be 7.00am to 6.30pm. The applicant could accept a condition which allows an exceedance of this up until 6.30pm on no more than 15 occasions per calendar year.

6A	All vehicles must exit the site in accordance with the approved final onsite circulation plan, under condition 5 or as modified by Condition 18B.								
7	<p>NOISE PERFORMANCE STANDARD</p> <p>The Consent Holder must ensure that noise from the activities 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:</p> <table data-bbox="268 488 895 701"> <tr> <td>7.00am – 7.00pm</td> <td>50dB LAeq (15mins)</td> </tr> <tr> <td>7.00pm - 10.00pm</td> <td>45dB LAeq (15mins)</td> </tr> <tr> <td>10.00pm – 7.00am</td> <td>40dB LAeq (15mins)</td> </tr> <tr> <td>10.00pm – 7.00am</td> <td>70dB LAm_{ax}</td> </tr> </table> <p>Noise levels shall be measured in accordance with NZS 6801:2008 <i>Acoustics – Measurement of environmental sound</i> and assessed in accordance with NZS 6802:2008 <i>Acoustics – Environmental noise</i>.</p> <p>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.</p>	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 LAm _{ax}
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8	<p>FIREWOOD AND MULCH</p> <p>The Consent Holder must ensure there is no firewood or timber¹ transported to the site associated with the activity. Where the processing or storage of firewood occurs associated with the horticultural activity, this must be for private use only and not retailed from the site.</p>								
9	<p>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.</p>								
10	<p>REPLACEMENT OF TREES – SHARED DRIVEWAY</p> <p>If the shared driveway upgrade requires the removal of trees along the ‘avenue’, then the Consent Holder must provide a final landscaping plan to Palmerston North City Council’s Senior Planner for approval, (in consultation with an independent arborist and/or landscape expert), detailing ‘like for like’ species replacement trees with the replacement tree being a minimum grade of PB40.</p>								
10A	<p>If any tree limbs require pruning along the length of the avenue portion of the shared driveway when upgrading the shared driveway, the Consent Holder shall plant a new replacement tree of similar species of minimum grade of PB40 adjacent (set further back towards the boundary of the right of way) <i>for the purpose of maintaining the ‘avenue’ effect along the shared driveway. Where this is impractical, it should be located as near as reasonably practical to maintain the avenue effect and in which case, the consent holder must submit a plan showing the location of the replacement tree for approval of the Council’s Senior Planner.</i></p>								
10B	<p>The Consent Holder must undertake the planting within the plan approved under condition (10 and/or 10A) above within 3 months of completion of the upgrade to the shared driveway or where seasonally impracticable, the following planting season.</p>								

¹ Timber slabs may be brought back to the site for personal use or for donation to others such as *Tanenuiarangi o Manawatu Inc.*

11	<p>FINAL DETAILS OF POLE SHED</p> <p>Prior to the construction of the pole shed building, the consent holder must supply to Council's Senior Planner for approval a floor plan and building elevations of the pole shed to be located within the site. The purpose of this condition is to confirm compliance that the final height and dimensions of the pole shed building is in accordance with the application and that on-site circulation can still be completed in the manner approved under Condition 5.</p>
12	<p>If the location of the pole shed alters any matters detailed in Condition 5 (a) to (c), the consent holder must provide an updated onsite circulation design to Council's Senior Planner which details how the matters in Condition 5 (a) to (c) will be met.</p>
14	<p>STORMWATER MANAGEMENT PLAN</p> <p>Prior to construction of the upgrade works to the shared driveway and operation of the activity, the Consent Holder must submit to Palmerston North City Council's Senior Planner for approval a Stormwater Management Plan (SMP). The SMP must be designed to control and manage the effects of any additional surface area associated with the construction of the passing bays or new areas of sealed surface on the shared driveway. It must address the following:</p> <ul style="list-style-type: none"> (a) A runoff assessment shall be completed for any additional sealed areas and the effects managed accordingly so that it does not increase the rate of stormwater discharge to any neighbouring property. (b) The capacity of the existing Turitea Road roadside swale (if required) shall be confirmed that it can convey the additional flow. <p>Erosion and sediment control measures as per Greater Wellington Regional Council's <i>'Erosion and Sediment Control Guidelines for the Wellington Region'</i> dated September 2002.</p>
15	<p>SHARED DRIVEWAY CONSTRUCTION</p> <p>Prior to commencement of activities onsite, the shared driveway and vehicle entranceway (with the exception of the improvements identified on the opposite side of Turitea Road)² must be upgraded in accordance with the plans prepared by <i>Resonant Consulting Limited titled 'Right of Way Upgrade, 126 Turitea Road, Overall Layout, Guardian Tree Services' Job No.218243 Sheet 1 Rev.6 dated 12/11/19 and Vegetation Removal Sheet 1 Rev.1 dated 13/11/19</i> and achieve the following:</p> <ul style="list-style-type: none"> • Visibility shall be achieved between passing bays (particularly bays 1 and 2), and • Adequate swept path is provided for the largest vehicle.
15A	<p>Before undertaking upgrade works required by condition 15 the Consent Holder must submit engineering plans for approval by the PNCC Roading Manager or their nominee that meets the following:</p> <ul style="list-style-type: none"> (i) The engineering plans shall be in accordance with the Palmerston North Engineering Standards for Land Development (ESLD) 2019, except where authorised by conditions of this consent. The plans must be prepared by a Chartered Professional Engineer or Professional Surveyor with appropriate qualifications acceptable to Council. (ii) Incorporate the recommendations of the approved Stormwater Management Plan in condition 14 above.

² Mr Connelly and Mr Clark's opinions differ on whether the area on the opposite side of Turitea Road needs to be upgraded in accordance with NZTA Appendix D. Mr Connelly considers this improvement necessary as necessary and Mr Clark does not. If the Committee prefers the evidence of Mr Clark, the blue highlighted text would be added.

	<p>(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 3 of IPENZ construction monitoring set out in Council’s ESLD 2019.</p> <p>(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”.</p>
15B	<p>TEMPORARY USE OF THE SITE</p> <p>Notwithstanding Conditions 15 and 15A above, the consent holder may utilise the site for the activity for a period no longer than 4 months, provided the following is achieved:</p> <p>(a) All passing bays detailed in conditions 15A have been constructed; and</p> <p>(b) All relevant aspects of Conditions 6, 15 and 15A have been satisfied with respect to the construction of these passing bays;</p> <p><u>Note:</u> The intention of this condition is to enable to temporary use of the site whilst the remaining areas of the site are to be sealed provided that the passing bays required under condition 15A have been constructed.</p>
16	<p>ENGINEERING WORKS COMPLETED</p> <p>Prior to commencement of the activity at the site, the consent holder must provide a written statement from the approved Technical Representative (under condition 15A) confirming that:</p> <p>(i) The physical works have been carried out in accordance with the engineering plans approved under condition 15A above.</p> <p>(ii) The physical works meet Council’s Engineering Standards for Land Development 2019, except where authorised by conditions of this consent.</p> <p>(iii) All of the requirements of clause 1.33 of the Council’s Engineering Standards for Land Development 2019 have been provided to Council.</p>
17	<p>UPGRADE EXISTING VEHICLE CROSSING</p> <p>Prior to the activity commencing at the site the Consent Holder must upgrade the existing vehicle crossing on Turitea Road serving the shared driveway in accordance with the plan prepared by <i>Resonant Consulting Limited titled ‘Right of Way Upgrade, 126 Turitea Road, Overall Layout, Guardian Tree Services’ Job No.218243 Sheet 1 Rev.6 dated 12/11/19, with the exception of the improvements identified on the opposite side of Turitea Road³.</i></p> <p><i>Note: A vehicle crossing consent will be required.</i></p>
18	<p>LIGHTING</p> <p>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.</p>

³ Mr Connelly and Mr Clark’s opinions differ on whether the area on the opposite side of Turitea Road needs to be upgraded in accordance with NZTA Appendix D. Mr Connelly considers this improvement necessary as necessary and Mr Clark does not. If the Committee prefers the evidence of Mr Clark, the blue highlighted text would be added.

18A	<p>VEGETATION MANAGEMENT PLAN</p> <p>Prior to any physical works associated with the construction or upgrade of the shared driveway, the consent holder must submit a 'Vegetation Management Plan' (VMP) to Council's Senior Planner for technical certification (in consultation with an independent arborist and/or landscape expert). The VMP must be prepared by an appropriately qualified and experienced arborist and must be designed to minimise damage to the existing root structures of well-established or mature trees associated with the construction of Passing Bays 1 and 2, as shown on the plan approved under condition 15 above.</p> <p>The VMP will outline the following:</p> <ul style="list-style-type: none"> (a) The location and species of any potentially affected trees associated with the construction of the passing bays; (b) Methods to be implemented to minimise root damage to existing trees retained within Passing Bays 1 and 2 and retain the health of any tree's underground root structure; and (c) the extent of work located within the areas of the passing bays, including: the area and height/depth of any cut or fill; final height and gradients of the passing bays; and, where existing roots may need to be cut to establish the passing bay areas.
18B	<p>The consent holder must implement the VMP certified in accordance with Condition 18A above throughout the duration of construction works for Passing Bays 1 and 2.</p>
18C	<p>After the upgrade is completed, no trees may be trimmed or removed unless there is an independent expert report prepared by a suitably qualified arborist confirming that the removal or trimming is required for health and safety reasons and approval is given by the Council's Senior Planner⁴.</p>
19	<p>REVIEW CONDITION</p> <p>The Palmerston North City Council may serve notice on the Consent Holder pursuant to Section 128 of the Resource Management Act 1991 of its intention to review the conditions of the consent within 24 months of granting of consent for the purpose of reviewing the effectiveness of the conditions of the consent in avoiding and remedying adverse effects on the environment in respect to amenity and traffic effects, and if considered appropriate by the Consent Authority, to deal with those effects that are beyond the limits contemplated by the granting of this consent by further or amended conditions.</p>
20	<p>MONITORING FEES</p> <p>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.</p> <p>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.</p> <p><i>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.</i></p>
21	<p>A fee will be payable by the consent holder if any non-compliance with the conditions of this consent are discovered as a result of monitoring. This fee is set in accordance with Section 36(1)(c) of the Resource Management Act 1991 and Section 690A of the Local Government Act 1974.</p>

⁴ Mr Hudson recommended condition 15 in response to the Committee's question. The applicant's response to this matter is detailed in paragraphs 38 and 38 of the Applicant's Right of Reply.

<p style="text-align: center;">1</p>	<p>Draft Subdivision Consent Conditions (SUB 5082)</p> <p>GENERAL ACCORDANCE</p> <p>The survey plan must conform to the subdivision consent proposal shown on the concept plan by Resonant Consulting Ltd, Plan titled: <i>‘Proposed Subdivision, 126 Turitea Road, Palmerston North, Scheme Plan – Guardian Tree and Landscape’</i> prepared by Resonant Consulting Limited Job No.218243 Sheet 1 Rev.1 dated 11/6/19, held within SUB 5082.</p>
<p style="text-align: center;">1A</p>	<p>Conditions 5, 6, 8 and 9 of SUB 5082 below will be considered satisfied if the corresponding conditions of the land use consent under LU 5093 have been satisfied.</p>
<p style="text-align: center;">2</p>	<p>EASEMENTS</p> <p>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.</p>
<p style="text-align: center;">3</p>	<p>RIGHT OF WAY EASEMENTS</p> <p>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 <i>‘Proposed Subdivision, 126 Turitea Road, Palmerston North, Scheme Plan – Guardian Tree and Landscape’</i> prepared by Resonant Consulting Limited Job No.218243 Sheet 1 Rev.3 dated 11/11/19.</p>
<p style="text-align: center;">4</p>	<p>CADASTRAL SURVEY DATASET</p> <p>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.</p>
<p style="text-align: center;">5</p>	<p>STORMWATER MANAGEMENT PLAN</p> <p>Prior to construction of the upgrade works to the shared driveway and operation of the activity, the Consent Holder must submit to Palmerston North City Council’s Senior Planner for approval a Stormwater Management Plan (SMP). The SMP must be designed to control and manage the effects of any additional surface area associated with the construction of the passing bays or new areas of sealed surface on the shared driveway. It must address the following:</p> <ul style="list-style-type: none"> (a) A runoff assessment shall be completed for any additional sealed areas and the effects managed accordingly so that it does not increase the rate of stormwater discharge to any neighbouring property. (b) The capacity of the existing Turitea Road roadside swale (if required) shall be confirmed that it can convey the additional flow. (c) Erosion and sediment control measures as per Greater Wellington Regional Council’s <i>‘Erosion and Sediment Control Guidelines for the Wellington Region’</i> dated September 2002.

6	<p>ENGINEERING PLANS</p> <p>Scenario A – No improvements required⁵</p> <p>Prior to requesting approval under Section 223 of the Resource Management Act 1991 the applicant must comply with the following:</p> <ul style="list-style-type: none"> (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 and sealing of the widening to the shared driveway, and upgrade to the entranceway to Turitea Road in accordance with the revised Right of Way Upgrade Plan prepared by Resonant dated XX/XX/XX which ensures passing for the largest vehicle and trailer combination, adequate space for the swept path for the largest vehicle/trailer combination³ and that visibility is achieved between Passing Bays 1 and 2 for vehicles. The plans shall also implement the recommendations of the approved Stormwater Management Plan in condition 5 above. (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 3 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. <p>Scenario B – Passing Bays required to be constructed as per Gary Clark’s recommendations:</p> <p>Prior to requesting approval under Section 223 of the Resource Management Act 1991 the applicant must comply with the following:</p>
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⁵ In the event that the subdivision consent is implemented without the land use consent, the subdivision consent conditions would need to ‘stand-alone’. The subdivision would only require one new rural- residential allotment (and not the Guardian Tree Services Business).

There are three options available to the Committee and a condition has been structured for each scenario:

- Scenario A: Subdivision consent is approved with no improvements to the right of way. as can be supported by Mr Clark.
- Scenario B: Subdivision consent is approved with 6 metre long passing bays (plus taper) and the width of the passing bays can be decreased from 5.5m to only 5m. This can also be supported by Mr Clark.
- Scenario C: Subdivision consent is approved with passing bay lengths (plus taper). This can be supported by Mr Connelly.

- (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 and sealing of the widening to the shared driveway and upgrade to the entranceway to Turitea Road. The passing bays must be a minimum of 6m long and 5.0m in width, in accordance with the revised Right of Way Upgrade Plan prepared by Resonant dated XX/XX/XX which ensures passing for the largest vehicle and trailer combination, adequate space for the swept path for the largest vehicle/trailer combination and that visibility is achieved between Passing Bays 1 and 2 for vehicles.** The plans shall also implement the recommendations of the approved Stormwater Management Plan in condition 5 above.
 - (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 3 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".
- No physical works can be carried out until the above has been approved by Council.

Scenario C - Passing Bays required to be constructed as per Glenn Connelly's recommendations:

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 and sealing of the widening to the shared driveway and upgrade to the entranceway to Turitea Road in accordance with the revised Right of Way Upgrade Plan prepared by Resonant dated XX/XX/XX to a minimum length of 10m which ensures passing for the largest vehicle and trailer combination, adequate space for the swept path for the largest vehicle/trailer combination and that visibility is achieved between Passing Bays 1 and 2 for vehicles.** The plans shall also implement the recommendations of the approved Stormwater Management Plan in condition 5 above.
 - (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 3 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".
- No physical works can be carried out until the above has been approved by Council.

7	<p>INSTALLATION OF NEW ONSITE WASTEWATER SYSTEM TO REPLACE EXISTING (LOT 1)</p> <p>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).</p>
8	<p>UPGRADE EXISTING VEHICLE CROSSING</p> <p>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 C standard, except that the access width to be shared driveway may be 5.5m, as per the plan approved under condition 1 of SUB 5082 above.⁶</p> <p><i>Note: A vehicle crossing consent will be required.</i></p>
9	<p>ENGINEERING WORKS COMPLETED</p> <p>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:</p> <ul style="list-style-type: none"> (i) The physical works have been carried out in accordance with the engineering plans approved under condition 6. (ii) The physical works meet Council’s Engineering Standards for Land Development 2019, except where authorised by conditions of this consent. (iii) All of the requirements of clause 1.33 of the Council’s Engineering Standards for Land Development 2019 have been provided to Council.
10	<p>REPLACEMENT OF TREES – SHARED DRIVEWAY</p> <p>If the shared driveway upgrade requires the removal of trees along the ‘avenue’, then the Consent Holder must provide a final landscaping plan to Palmerston North City Council’s Senior Planner for approval detailing ‘like for like’ species replacement trees with the replacement tree being a minimum grade of PB40.</p>
10A	<p>If any tree limbs require pruning along the length of the avenue portion of the shared driveway when upgrading the shared driveway, the Consent Holder shall plant a new replacement tree of similar species of minimum grade of PB40 adjacent (set further back towards the boundary of the right of way) for the purpose of maintaining the ‘avenue’ effect along the shared driveway. Where this is impractical, it should be located as near as reasonably practical to maintain the avenue effect and in which case, the consent holder must submit a plan showing the location of the replacement tree for approval of the Council’s Senior Planner.</p>
10B	<p>The Consent Holder must undertake the planting within the plan approved under condition (10 and/or 10A) above within 3 months of completion of the upgrade to the shared driveway or where seasonally impracticable, the following planting season.</p>

⁶ If the Committee prefers scenario A detailed in the Applicant’s Right of Reply, as supported by Mr Clark, then the existing vehicle crossing will not need to be upgraded and this condition can be removed.

<p>10C</p>	<p>VEGETATION MANAGEMENT PLAN</p> <p>Prior to any physical works associated with the construction or upgrade of the shared driveway, the consent holder must submit a 'Vegetation Management Plan' (VMP) to Council's Senior Planner for technical certification (in consultation with an independent arborist and/or landscape expert). The VMP must be prepared by an appropriately qualified and experienced arborist and must be designed to minimise damage to the existing root structures of well-established or mature trees associated with the construction of Passing Bays 1 and 2, as shown on the plan approved under condition 15 above.</p> <p>The VMP will outline the following:</p> <ul style="list-style-type: none"> (a) The location and species of any potentially affected trees associated with the construction of the passing bays; (b) Methods to be implemented to minimise root damage to existing trees retained within Passing Bays 1 and 2 and retain the health of any tree's underground root structure; and <p>the extent of work located within the areas of the passing bays, including: the area and height/depth of any cut or fill; final height and gradients of the passing bays; and, where existing roots may need to be cut to establish the passing bay areas.</p>
<p>10D</p>	<p>The consent holder must implement the VMP certified in accordance with Condition 18A above throughout the duration of construction works for Passing Bays 1 and 2.</p>
<p>10E</p>	<p>After the upgrade is completed, no trees may be trimmed or removed unless there is an independent expert report prepared by a suitably qualified arborist confirming that the removal or trimming is required for health and safety reasons and approval is given by the Council's Senior Planner⁷.</p>
<p>12</p>	<p>CONSENT NOTICE – BUILDING FOUNDATIONS, STORMWATER DISCHARGE, MINIMUM FINISHED FLOOR LEVELS</p> <p>Pursuant to Section 221 of the Act a consent notice condition must be imposed on requiring the following:</p> <p><u>Construction earthworks for raised building platform – Lot 2</u></p> <ul style="list-style-type: none"> (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. <p><u>Stormwater Discharge (Lots 1 and 2)</u></p> <ul style="list-style-type: none"> (b) The registered proprietor of Lots 1 and 2 must ensure that any stormwater from new impervious surfaces and water tank overflow shall be discharged in a controlled manner to on-site drains or the Turitea Stream and not via overland flow paths over adjoining properties. <p><u>Minimum Finished Floor Level (Lots 1 and 2)</u></p> <ul style="list-style-type: none"> (c) Prior to the foundations being poured a Surveyors Certificate is required confirming

⁷ Mr Hudson recommended condition IS in response to the Committee's question. The applicant's response to this matter is detailed in paragraphs 38 and 38 of the Applicant's Right of Reply.

	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>It is acknowledged that the land is subject to a natural hazard, being flooding inundation. Lot 2 is subject to areas affected by inundation from the Turitea Stream during a 0.5% AEP modelled flood event as shown within the PNCC Combined Flood Model held within the file for SUB 5082. The property owner of Lot 2 is advised to contact Horizons Regional Council prior to applying for building consent to construct any building or structure that may impede the flow carrying capacity of the Turitea Stream.</p> <p><u>Water Supply – Dwellings (Lots 1 and 2)</u></p> <p>(d) The residential dwellings within Lots 1 and 2 must not use the trickle-feed for domestic water supply.</p> <p><u>Fire-fighting water supply</u></p> <p>(e) Upon the construction or relocation of a new dwelling or dependent dwelling within Lots 1-2, the registered proprietors shall ensure that onsite fire-fighting water supply is provided in accordance with the Palmerston North City District Plan.</p> <p>Note: <i>Rule 9.6.5(i) of the Palmerston North District Plan sets out the current requirements for onsite fire-fighting water supply.</i></p>
13	<p>ALL CONDITIONS MET</p> <p>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.</p>

Draft Conditions Amended following Hearing on 28 November 2019

126 Turitea Road – LU 5093 and SUB 5082

CONDITION COMPARISON TABLE – 16 DECEMBER 2019

DEFINITIONS

In the following conditions:

Activity:	Means the non-rural (arborist) activity undertaken within the site and does not include any horticultural activity that would be permitted to occur in the Rural Zone of the District Plan.
Horticultural Activity:	Means a Rural Activity as permitted by the District Plan under Rule 9.5.1.
Highlighted Blue text:	Identifies conditions amended since hearing on 28 November 2019.
Footnote	Describes areas of disagreement.
Strikethrough	Indicates text to be deleted.

Draft Land Use Consent Conditions (LU 5093)			
S42A Report Condition No:	Condition from s42A Report	Caucused Condition No:	Agreed Condition
1	GENERAL ACCORDANCE 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.	1	GENERAL ACCORDANCE The Consent Holder must ensure that the activity operates in general accordance with the information provided with the application dated 6 May 2019, the further information dated 26 June 2019, 5 July 2019 and 15 November 2019 and plan prepared by <i>The Property Group</i> Ref: 718050 Sheet 1 dated 8/8/19, except as required by the following conditions. Where there is inconsistency between the application documents and the requirements of the following conditions, these conditions prevail.
2	HOURS OF OPERATION 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.	2	HOURS OF OPERATION The hours of operation for the use of the site as a base for the arborist business must only occur between 7am-6.00pm ¹ Monday-Friday. The consent holder may exceed these operating hours up until 6.30pm on no more than 15 occasions per calender year. Only administrative office work associated with the arborist depot activity shall be permitted to occur during the weekends.
3	MAXIMUM NUMBER OF VEHICLES 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 xxx light vehicles per day xxx truck movements per day Weekday Peak weekday xxx light vehicles per day xxx truck movements per day	3	MAXIUMUM NUMBER OF VEHICLE MOVEMENTS The Consent Holder must ensure that there are no more than 4 small-medium sized trucks associated with the activity. The activity shall have vehicle movement that so not exceed the following. <ul style="list-style-type: none"> Average Weekday 20 light vehicles per day 8 truck movements per day Peak Weekday 30 light vehicles per day 12 truck movements per day Weekend Office use only no truck movements Note: Traffic movements are expected to be reasonably evenly distributed with flows nearing the peak once per week.

	Weekend xxx light vehicles per day no truck movements per day		
4	MAXIMUM VEHICLE SIZE 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.	4	MAXIMUM VEHICLE SIZE The Consent Holder must ensure that the maximum vehicle length must not exceed a 7.2-metre length rigid vehicle or 13-metre length when towing.
5	FINAL ONSITE CIRCULATION AND VISIBILITY 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.	5	ONSITE CIRCULATION AND VISIBILITY Prior to operating from the site, the Consent Holder must submit details of the onsite circulation design to Council's Senior Planner for approval that: (a) Shows the intended circulation of vehicles on the site; (b) demonstrates how the site can accommodate manoeuvring of the largest vehicle, and (c) demonstrate visibility of vehicles on the shared driveway when exiting the site in accordance with the following: <ul style="list-style-type: none">• a minimum sight distance of 14 metres if the surface within the site is unsealed, or• a minimum sight distance of 12 metres if the surface within the site is sealed. <i>[Note: Sight line distances of 20 metres are desirable if the surface is unsealed and 16 metres if the surface is sealed].</i>
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.	6	Prior to operating from the activity from the site, the approved final onsite circulation design must be implemented, and visibility achieved.
-		6A	All vehicles must exit the site in accordance with the approved final onsite circulation plan, under condition 5 or as modified by Condition 12 below.
7	DELIVERIES 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.	-	Condition Deleted
8	NOISE PERFORMANCE STANDARD 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 LAmax Noise levels shall be measured in accordance with NZS 6801:2008 <i>Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise.</i>	7	NOISE PERFORMANCE STANDARD The Consent Holder must ensure that noise from the activities 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 LAmax Noise levels shall be measured in accordance with NZS 6801:2008 <i>Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise.</i>

	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.		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.
9	FIREWOOD AND MULCH 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.	8	FIREWOOD AND MULCH The Consent Holder must ensure there is no firewood or timber ¹ transported to the site associated with the activity. Where the processing or storage of firewood occurs associated with the horticultural activity, this must be for private use only and not retailed from 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.	9	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.
11	REPLACEMENT OF TREES – SHARED DRIVEWAY 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.	10	REPLACEMENT OF TREES – SHARED DRIVEWAY If the shared driveway upgrade requires the removal of trees along the 'avenue', then the Consent Holder must provide a final landscaping plan to Palmerston North City Council's Senior Planner for approval, (in consultation with an independent arborist and/or landscape expert) , detailing 'like for like' species replacement trees with the replacement tree being a minimum grade of PB40.
-		10A	If any tree limbs require pruning along the length of the avenue portion of the shared driveway when upgrading the shared driveway, the Consent Holder shall plant a new replacement tree of similar species of minimum grade of PB40 adjacent (set further back towards the boundary of the right of way) for the purpose of maintaining the 'avenue' effect along the shared driveway. Where this is impractical, it should be located as near as reasonably practical to maintain the avenue effect and in which case, the consent holder must submit a plan showing the location of the replacement tree for approval of the Council's Senior Planner.
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.	10B	The Consent Holder must undertake the planting within the plan approved under condition (10 and/or 10A) above within 3 months of completion of the upgrade to the shared driveway or where seasonally impracticable, the following planting season.
-		11	FINAL DETAILS OF POLE SHED Prior to the construction of the pole shed building, the consent holder must supply to Council's Senior Planner for approval a floor plan and building elevations of the pole shed to be located within the site. The purpose of this condition is to confirm compliance that the final height and dimensions of the pole shed building is in accordance with the application and that on-site circulation can still be completed in the manner approved under Condition 5.
-		12	If the location of the pole shed alters any matters detailed in Condition 5 (a) to (c), the consent holder must provide an updated onsite circulation design to Council's Senior Planner which details how the matters in Condition 5 (a) to (c) will be met.

¹ Timber slabs may be brought back to the site for personal use or for donation to others such as *Tanenuiarangi o Manawatu Inc.*

<p>14</p>	<p>STORMWATER MANAGEMENT PLAN</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>Erosion and sediment control measures as per Greater Wellington Regional Council's 'Erosion and Sediment Control Guidelines for the Wellington Region' dated September 2002.</p>	<p>14</p>	<p>STORMWATER MANAGEMENT PLAN</p> <p>Prior to construction of the upgrade works to the shared driveway and operation of the activity, the Consent Holder must submit to Palmerston North City Council's Senior Planner for approval a Stormwater Management Plan (SMP). The SMP must be designed to control and manage the effects of any additional surface area associated with the construction of the passing bays or new areas of sealed surface on the shared driveway. It must address the following:</p> <ol style="list-style-type: none"> (a) A runoff assessment shall be completed for any additional sealed areas and the effects managed accordingly so that it does not increase the rate of stormwater discharge to any neighbouring property. (b) The capacity of the existing Turitea Road roadside swale (if required) shall be confirmed that it can convey the additional flow. (c) Erosion and sediment control measures as per Greater Wellington Regional Council's 'Erosion and Sediment Control Guidelines for the Wellington Region' dated September 2002.
<p>15</p>	<p>ENGINEERING PLAN APPROVAL – UPGRADE OF SHARED DRIVEWAY</p> <p>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:</p> <p>(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:</p> <ul style="list-style-type: none"> • 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 <p>(ii) The Engineering Plans must be submitted to Council for approval prior to any work being undertaken.</p>	<p>15</p>	<p>SHARED DRIVEWAY CONSTRUCTION</p> <p>Prior to commencement of activities onsite, the shared driveway and vehicle entranceway (with the exception of the improvements identified on the opposite side of Turitea Road)² must be upgraded in accordance with the plans prepared by <i>Resonant Consulting Limited</i> titled '<i>Right of Way Upgrade, 126 Turitea Road, Overall Layout, Guardian Tree Services' Job No.218243 Sheet 1 Rev.6 dated 12/11/19 and Vegetation Removal Sheet 1 Rev.1 dated 13/11/19</i> and achieve the following:</p> <ul style="list-style-type: none"> • Visibility shall be achieved between passing bays (particularly bays 1 and 2), and • Adequate swept path is provided for the largest vehicle.

² Mr Connelly and Mr Clark's opinions differ on whether the area on the opposite side of Turitea Road needs to be upgraded in accordance with NZTA Appendix D. Mr Connelly considers this improvement necessary as necessary and Mr Clark does not. If the Committee prefers the evidence of Mr Clark, the blue highlighted text would be added.

	<p>(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.</p> <p>(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".</p> <p>(v) No physical works can be carried out until the above has been approved by Council. 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.</p>		
-		15A	<p>Before undertaking upgrade works required by condition 15 the Consent Holder must submit engineering plans for approval by the PNCC Roading Manager or their nominee that meets the following:</p> <ul style="list-style-type: none"> (i) The engineering plans shall be in accordance with the Palmerston North Engineering Standards for Land Development (ESLD) 2019, except where authorised by conditions of this consent. The plans must be prepared by a Chartered Professional Engineer or Professional Surveyor with appropriate qualifications acceptable to Council. (ii) Incorporate the recommendations of the approved Stormwater Management Plan in condition 14 above. (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 3 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".
-		15B	<p>TEMPORARY USE OF THE SITE</p> <p>Notwithstanding Conditions 15 and 15A above, the consent holder may utilise the site for the activity for a period no longer than 4 months, provided the following is achieved:</p> <ul style="list-style-type: none"> (a) All passing bays detailed in conditions 15A have been constructed; and (b) All relevant aspects of Conditions 6, 15 and 15A have been satisfied with respect to the construction of these passing bays; <p><u>Note:</u> The intention of this condition is to enable to temporary use of the site whilst the remaining areas of the site are to be sealed provided that the passing bays required under condition 15A have been constructed.</p>
16	<p>ENGINEERING WORKS COMPLETED</p> <p>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:</p> <ul style="list-style-type: none"> (i) The physical works have been carried out in accordance with the engineering plans approved under condition 15 above. (ii) The physical works meet Council's Engineering Standards for Land Development 2019. 	16	<p>ENGINEERING WORKS COMPLETED</p> <p>Prior to commencement of the activity at the site, the consent holder must provide a written statement from the approved Technical Representative (under condition 15A) confirming that:</p> <ul style="list-style-type: none"> (i) The physical works have been carried out in accordance with the engineering plans approved under condition 15A above. (ii) The physical works meet Council's Engineering Standards for Land Development 2019, except where authorised by conditions of this consent.

	All of the requirements of clause 1.32 of the Council's Engineering Standards for Land Development 2019 have been provided to Council.		(iii) All of the requirements of clause 1.33 of the Council's Engineering Standards for Land Development 2019 have been provided to Council.
17	<p>UPGRADE EXISTING VEHICLE CROSSING</p> <p>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.</p> <p><i>Note: A vehicle crossing consent will be required.</i></p>	17	<p>UPGRADE EXISTING VEHICLE CROSSING</p> <p>Prior to the activity commencing at the site the Consent Holder must upgrade the existing vehicle crossing on Turitea Road serving the shared driveway in accordance with the plan prepared by <i>Resonant Consulting Limited titled 'Right of Way Upgrade, 126 Turitea Road, Overall Layout, Guardian Tree Services' Job No.218243 Sheet 1 Rev.6 dated 12/11/19, with the exception of the improvements identified on the opposite side of Turitea Road³.</i></p> <p><i>Note: A vehicle crossing consent will be required.</i></p>
18	<p>LIGHTING</p> <p>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.</p>	18	<p>LIGHTING</p> <p>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.</p>
-		18A	<p>VEGETATION MANAGEMENT PLAN</p> <p>Prior to any physical works associated with the construction or upgrade of the shared driveway, the consent holder must submit a 'Vegetation Management Plan' (VMP) to Council's Senior Planner for technical certification <i>(in consultation with an independent arborist and/or landscape expert)</i>.. The VMP must be prepared by an appropriately qualified and experienced arborist and must be designed to minimise damage to the existing root structures of well-established or mature trees associated with the construction of Passing Bays 1 and 2, as shown on the plan approved under condition 15 above.</p> <p>The VMP will outline the following:</p> <ul style="list-style-type: none"> (a) The location and species of any potentially affected trees associated with the construction of the passing bays; (b) Methods to be implemented to minimise root damage to existing trees retained within Passing Bays 1 and 2 and retain the health of any tree's underground root structure; and (c) the extent of work located within the areas of the passing bays, including: the area and height/depth of any cut or fill; final height and gradients of the passing bays; and, where existing roots may need to be cut to establish the passing bay areas.
-		18B	The consent holder must implement the VMP certified in accordance with Condition 18A above throughout the duration of construction works for Passing Bays 1 and 2.
-		18C	<i>After the upgrade is completed, no trees may be trimmed or removed unless there is an independent expert report prepared by a suitably qualified arborist confirming that the removal or trimming is required for health and safety reasons and approval is given by the Council's Senior Planner⁴.</i>

³ Mr Connelly and Mr Clark's opinions differ on whether the area on the opposite side of Turitea Road needs to be upgraded in accordance with NZTA Appendix D. Mr Connelly considers this improvement necessary as necessary and Mr Clark does not. If the Committee prefers the evidence of Mr Clark, the blue highlighted text would be added.

⁴ Mr Hudson recommended condition IS in response to the Committee's question. The applicant's response to this matter is detailed in paragraphs 38 and 38 of the Applicant's Right of Reply.

19	<p>REVIEW CONDITION</p> <p>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.</p>	19	<p>REVIEW CONDITION</p> <p>The Palmerston North City Council may serve notice on the Consent Holder pursuant to Section 128 of the Resource Management Act 1991 of its intention to review the conditions of the consent within 24 months of granting of consent for the purpose of reviewing the effectiveness of the conditions of the consent in avoiding and remedying adverse effects on the environment in respect to amenity and traffic effects, and if considered appropriate by the Consent Authority, to deal with those effects that are beyond the limits contemplated by the granting of this consent by further or amended conditions.</p>
20	<p>MONITORING FEES</p> <p>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.</p> <p>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.</p> <p><i>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.</i></p>	20	<p>MONITORING FEES</p> <p>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.</p> <p>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.</p> <p><i>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.</i></p>
21	<p>A fee will be payable by the consent holder if any non-compliance with the conditions of this consent are discovered as a result of monitoring. This fee is set in accordance with Section 36(1)(c) of the Resource Management Act 1991 and Section 690A of the Local Government Act 1974.</p>	21	<p>A fee will be payable by the consent holder if any non-compliance with the conditions of this consent are discovered as a result of monitoring. This fee is set in accordance with Section 36(1)(c) of the Resource Management Act 1991 and Section 690A of the Local Government Act 1974.</p>

Draft Subdivision Consent Conditions (SUB 5082)			
S42A Report Condition No:	Condition from s42A Report	Caucused Condition No:	Agreed Condition
1	<p>GENERAL ACCORDANCE</p> <p>The survey plan must conform to the subdivision consent proposal shown on the concept plan by Resonant Consulting Ltd, Plan titled: <i>'Proposed Subdivision, 126 Turitea Road, Palmerston North, Scheme Plan – Guardian Tree and Landscape'</i> prepared by Resonant Consulting Limited Job No.218243 Sheet 1 Rev.1 dated 11/6/19, held within SUB 5082.</p>	1	<p>GENERAL ACCORDANCE</p> <p>The survey plan must conform to the subdivision consent proposal shown on the concept plan by Resonant Consulting Ltd, Plan titled: <i>'Proposed Subdivision, 126 Turitea Road, Palmerston North, Scheme Plan – Guardian Tree and Landscape'</i> prepared by Resonant Consulting Limited Job No.218243 Sheet 1 Rev.1 dated 11/6/19, held within SUB 5082.</p>
-		1A	Conditions 5, 6, 8 and 9 of SUB 5082 below will be considered satisfied if the corresponding conditions of the land use consent under LU 5093 have been satisfied.
2	<p>EASEMENTS</p> <p>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</p>	2	<p>EASEMENTS</p> <p>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.</p>
3	<p>RIGHT OF WAY EASEMENTS</p> <p>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 <i>'Proposed Subdivision, 126 Turitea Road, Palmerston North, Scheme Plan – Guardian Tree and Landscape'</i> prepared by Resonant Consulting Limited Job No.218243 Sheet 1 Rev.1 dated 11/6/19.</p>	3	<p>RIGHT OF WAY EASEMENTS</p> <p>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 <i>'Proposed Subdivision, 126 Turitea Road, Palmerston North, Scheme Plan – Guardian Tree and Landscape'</i> prepared by Resonant Consulting Limited Job No.218243 Sheet 1 Rev.3 dated 11/11/19.</p>
4	<p>CADASTRAL SURVEY DATASET</p> <p>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.</p>	4	<p>CADASTRAL SURVEY DATASET</p> <p>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.</p>
5	<p>STORMWATER MANAGEMENT PLAN</p> <p>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:</p> <ul style="list-style-type: none"> • 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. 	5	<p>STORMWATER MANAGEMENT PLAN</p> <p>Prior to construction of the upgrade works to the shared driveway and operation of the activity, the Consent Holder must submit to Palmerston North City Council's Senior Planner for approval a Stormwater Management Plan (SMP). The SMP must be designed to control and manage the effects of any additional surface area associated with the construction of the passing bays or new areas of sealed surface on the shared driveway. It must address the following:</p> <ul style="list-style-type: none"> (a) A runoff assessment shall be completed for any additional sealed areas and the effects managed accordingly so that it does not increase the rate of stormwater discharge to any neighbouring property. (b) The capacity of the existing Turitea Road roadside swale (if required) shall be confirmed

	Erosion and sediment control measures as per Greater Wellington Regional Council's 'Erosion and Sediment Control Guidelines for the Wellington Region' dated September 2002.		that it can convey the additional flow. (c) Erosion and sediment control measures as per Greater Wellington Regional Council's 'Erosion and Sediment Control Guidelines for the Wellington Region' dated September 2002.
6	<p>ENGINEERING PLANS</p> <p>Prior to requesting approval under Section 223 of the Resource Management Act 1991 the applicant must comply with the following:</p> <p>(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:</p> <ul style="list-style-type: none"> • 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 <p>(ii) The Engineering Plans must be submitted to Council for approval prior to any work being undertaken.</p> <p>(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.</p> <p>(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".</p> <p>(v) No physical works can be carried out until the above has been approved by Council.</p>	6	<p>ENGINEERING PLANS</p> <p>Scenario A – No improvements required⁵</p> <p>Prior to requesting approval under Section 223 of the Resource Management Act 1991 the applicant must comply with the following:</p> <p>(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 and sealing of the widening to the shared driveway, and upgrade to the entranceway to Turitea Road in accordance with the revised Right of Way Upgrade Plan prepared by Resonant dated XX/XX/XX which ensures passing for the largest vehicle and trailer combination, adequate space for the swept path for the largest vehicle/trailer combination³ and that visibility is achieved between Passing Bays 1 and 2 for vehicles. The plans shall also implement the recommendations of the approved Stormwater Management Plan in condition 5 above.</p> <p>(ii) The Engineering Plans must be submitted to Council for approval prior to any work being undertaken.</p> <p>(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 3 of IPENZ construction monitoring set out in Council's ESLD 2019.</p> <p>(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".</p> <p>(v) No physical works can be carried out until the above has been approved by Council.</p> <p>Scenario B – Passing Bays required to be constructed as per Gary Clark's recommendations:</p> <p>Prior to requesting approval under Section 223 of the Resource Management Act 1991 the applicant must comply with the following:</p> <p>(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 and sealing of the widening to the shared driveway and upgrade to the entranceway to Turitea Road. The passing bays must be a minimum of 6m long and 5.0m in width.</p>

⁵ In the event that the subdivision consent is implemented without the land use consent, the subdivision consent conditions would need to 'stand-alone'. The subdivision would only require one new rural- residential allotment (and not the Guardian Tree Services Business).

There are three options available to the Committee and a condition has been structured for each scenario:

- Scenario A: Subdivision consent is approved with no improvements to the right of way, as can be supported by Mr Clark.
- Scenario B: Subdivision consent is approved with 6 metre long passing bays (plus taper) and the width of the passing bays can be decreased from 5.5m to only 5m. This can also be supported by Mr Clark.
- Scenario C: Subdivision consent is approved with passing bay lengths (plus taper). This can be supported by Mr Connolly.

	<p>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.</p>		<p>in accordance with the revised Right of Way Upgrade Plan prepared by Resonant dated XX/XX/XX which ensures passing for the largest vehicle and trailer combination, adequate space for the swept path for the largest vehicle/trailer combination and that visibility is achieved between Passing Bays 1 and 2 for vehicles. The plans shall also implement the recommendations of the approved Stormwater Management Plan in condition 5 above.</p> <p>(ii) The Engineering Plans must be submitted to Council for approval prior to any work being undertaken.</p> <p>(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 3 of IPENZ construction monitoring set out in Council’s ESLD 2019.</p> <p>(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”.</p> <p>No physical works can be carried out until the above has been approved by Council.</p> <p>Scenario C - Passing Bays required to be constructed as per Glenn Connelly’s recommendations:</p> <p>Prior to requesting approval under Section 223 of the Resource Management Act 1991 the applicant must comply with the following:</p> <p>(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 and sealing of the widening to the shared driveway and upgrade to the entranceway to Turitea Road in accordance with the revised Right of Way Upgrade Plan prepared by Resonant dated XX/XX/XX to a minimum length of 10m which ensures passing for the largest vehicle and trailer combination, adequate space for the swept path for the largest vehicle/trailer combination and that visibility is achieved between Passing Bays 1 and 2 for vehicles. The plans shall also implement the recommendations of the approved Stormwater Management Plan in condition 5 above.</p> <p>(ii) The Engineering Plans must be submitted to Council for approval prior to any work being undertaken.</p> <p>(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 3 of IPENZ construction monitoring set out in Council’s ESLD 2019.</p> <p>(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”.</p> <p>No physical works can be carried out until the above has been approved by Council.</p>
7	<p>INSTALLATION OF NEW ONSITE WASTEWATER SYSTEM TO REPLACE EXISTING (LOT 1)</p> <p>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</p>	7	<p>INSTALLATION OF NEW ONSITE WASTEWATER SYSTEM TO REPLACE EXISTING (LOT 1)</p> <p>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</p>

	of the “Manual for On-site Wastewater Systems Design and Management (Horizons Regional Council, 2010).		of the “Manual for On-site Wastewater Systems Design and Management (Horizons Regional Council, 2010).
8	<p>UPGRADE EXISTING VEHICLE CROSSING</p> <p>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.</p> <p><i>Note: A vehicle crossing consent will be required.</i></p>	8	<p>UPGRADE EXISTING VEHICLE CROSSING</p> <p>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 C standard, except that the access width to be shared driveway may be 5.5m, as per the plan approved under condition 1 of SUB 5082 above.⁶</p> <p><i>Note: A vehicle crossing consent will be required.</i></p>
9	<p>ENGINEERING WORKS COMPLETED</p> <p>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:</p> <p>(i) The physical works have been carried out in accordance with the engineering plans approved under condition 6.</p> <p>(ii) The physical works meet Council’s Engineering Standards for Land Development 2019. All of the requirements of clause 1.32 of the Council’s Engineering Standards for Land Development 2019 have been provided to Council.</p>	9	<p>ENGINEERING WORKS COMPLETED</p> <p>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:</p> <p>(i) The physical works have been carried out in accordance with the engineering plans approved under condition 6.</p> <p>(ii) The physical works meet Council’s Engineering Standards for Land Development 2019, except where authorised by conditions of this consent.</p> <p>(iii) All of the requirements of clause 1.33 of the Council’s Engineering Standards for Land Development 2019 have been provided to Council.</p>
10	<p>REPLACEMENT OF TREES -SHARED DRIVEWAY</p> <p>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.</p>	10	<p>REPLACEMENT OF TREES – SHARED DRIVEWAY</p> <p>If the shared driveway upgrade requires the removal of trees along the ‘avenue’, then the Consent Holder must provide a final landscaping plan to Palmerston North City Council’s Senior Planner for approval detailing ‘like for like’ species replacement trees with the replacement tree being a minimum grade of PB40.</p>
11	<p>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.</p>	10A	<p>If any tree limbs require pruning along the length of the avenue portion of the shared driveway when upgrading the shared driveway, the Consent Holder shall plant a new replacement tree of similar species of minimum grade of PB40 adjacent (set further back towards the boundary of the right of way) for the purpose of maintaining the ‘avenue’ effect along the shared driveway. Where this is impractical, it should be located as near as reasonably practical to maintain the avenue effect and in which case, the consent holder must submit a plan showing the location of the replacement tree for approval of the Council’s Senior Planner.</p>
-		10B	<p>The Consent Holder must undertake the planting within the plan approved under condition (10 and/or 10A) above within 3 months of completion of the upgrade to the shared driveway or where seasonally impracticable, the following planting season.</p>
		10C	<p>VEGETATION MANAGEMENT PLAN</p> <p>Prior to any physical works associated with the construction or upgrade of the shared driveway, the consent holder must submit a ‘Vegetation Management Plan’ (VMP) to Council’s Senior Planner for technical certification (in consultation with an independent arborist and/or landscape expert). The VMP must be prepared by an appropriately qualified and experienced arborist and must be designed to minimise damage to the existing root</p>

⁶ If the Committee prefers scenario A detailed in the Applicant’s Right of Reply, as supported by Mr Clark, then the existing vehicle crossing will not need to be upgraded and this condition can be removed.

			<p>structures of well-established or mature trees associated with the construction of Passing Bays 1 and 2, as shown on the plan approved under condition 15 above.</p> <p>The VMP will outline the following:</p> <p>(a) The location and species of any potentially affected trees associated with the construction of the passing bays;</p> <p>(b) Methods to be implemented to minimise root damage to existing trees retained within Passing Bays 1 and 2 and retain the health of any tree's underground root structure; and</p> <p>the extent of work located within the areas of the passing bays, including: the area and height/depth of any cut or fill; final height and gradients of the passing bays; and, where existing roots may need to be cut to establish the passing bay areas.</p>
-		10D	<p>The consent holder must implement the VMP certified in accordance with Condition 18A above throughout the duration of construction works for Passing Bays 1 and 2.</p>
-		10E	<p>After the upgrade is completed, no trees may be trimmed or removed unless there is an independent expert report prepared by a suitably qualified arborist confirming that the removal or trimming is required for health and safety reasons and approval is given by the Council's Senior Planner⁷.</p>
12	<p>CONSENT NOTICE – BUILDING FOUNDATIONS, STORMWATER DISCHARGE, MINIMUM FINISHED FLOOR LEVELS</p> <p>Pursuant to Section 221 of the Act a consent notice condition must be imposed on requiring the following:</p> <p><u>Construction earthworks for raised building platform – Lot 2</u></p> <p>(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.</p> <p><u>Stormwater Discharge (Lots 1 and 2)</u></p> <p>(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.</p> <p><u>Minimum Finished Floor Level (Lots 1 and 2)</u></p> <p>(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:</p> <ul style="list-style-type: none"> • 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. 		<p>CONSENT NOTICE – BUILDING FOUNDATIONS, STORMWATER DISCHARGE, MINIMUM FINISHED FLOOR LEVELS</p> <p>Pursuant to Section 221 of the Act a consent notice condition must be imposed on requiring the following:</p> <p><u>Construction earthworks for raised building platform – Lot 2</u></p> <p>(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.</p> <p><u>Stormwater Discharge (Lots 1 and 2)</u></p> <p>(b) The registered proprietor of Lots 1 and 2 must ensure that any stormwater from new impervious surfaces and water tank overflow shall be discharged in a controlled manner to on-site drains or the Turitea Stream and not via overland flow paths over adjoining properties.</p> <p><u>Minimum Finished Floor Level (Lots 1 and 2)</u></p> <p>(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:</p> <ul style="list-style-type: none"> • 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.

⁷ Mr Hudson recommended condition IS in response to the Committee's question. The applicant's response to this matter is detailed in paragraphs 38 and 38 of the Applicant's Right of Reply.

	<p><u>Water Supply – Dwellings (Lots 1 and 2)</u> (d) Residential dwellings within Lots 1 and 2 must obtain water supply for domestic purposes from onsite rooftop collection and tank storage only.</p> <p><u>Fire-fighting water supply</u> (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.</p> <p><i>Note: Rule 9.6.5(i) of the Palmerston North District Plan sets out the current requirements for onsite fire-fighting water supply.</i></p> <p><u>Turitea Flood Plain – Lots 1 and 2</u> (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.</p>		<ul style="list-style-type: none"> • A written statement from a Licensed Cadastral Surveyor confirming that the building/s has been built to the required minimum floor level. <p>It is acknowledged that the land is subject to a natural hazard, being flooding inundation. Lot 2 is subject to areas affected by inundation from the Turitea Stream during a 0.5% AEP modelled flood event as shown within the PNCC Combined Flood Model held within the file for SUB 5082. The property owner of Lot 2 is advised to contact Horizons Regional Council prior to applying for building consent to construct any building or structure that may impede the flow carrying capacity of the Turitea Stream.</p> <p><u>Water Supply – Dwellings (Lots 1 and 2)</u> (d) <i>The residential dwellings within Lots 1 and 2 must not use the trickle-feed for domestic water supply.</i></p> <p><u>Fire-fighting water supply</u> (e) Upon the construction or relocation of a new dwelling or dependent dwelling within Lots 1-2, the registered proprietors shall ensure that onsite fire-fighting water supply is provided in accordance with the Palmerston North City District Plan.</p> <p>Note: <i>Rule 9.6.5(i) of the Palmerston North District Plan sets out the current requirements for onsite fire-fighting water supply.</i></p> <p>(f) <i>Deleted</i></p>
13	<p>ALL CONDITIONS MET</p> <p>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.</p>	13	<p>ALL CONDITIONS MET</p> <p>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.</p>