

14 November 2016

Opotiki District Council
PO Box 44
Opotiki 3162



Attention: Michal Akurangi
michala@opotiki.govt.nz

Dear Michal

**SUBMISSION ON THE PROPOSED OPOTIKI DISTRICT PLAN - MOUNTAIN RIDGE HOLDINGS LIMITED, OHIWA BEACH ROAD, WAIOTAHU
HG REF: 1720-140722-01**

This submission is prepared in general accordance with Form 5 in Schedule 1 of the Resource Management (Forms, Fees and Procedure) Regulations 2003. The specific submission points (provision, submission and decision sought) are set out in the attached table.

Submitter Details

Full name of submitter	Mountain Ridge Holdings Limited
Contact name	Martin Bryan
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Trade Competition

Mountain Ridge Holdings Limited could not gain an advantage in trade competition through this submission.

Mountain Ridge Holdings Limited wishes to be heard in support of its submission.

If others make a similar submission, Mountain Ridge Holdings Limited will consider presenting a joint case with them at the hearing.

Signature of submitter

(or person authorised to sign on behalf of submitter)

A handwritten signature in black ink, appearing to read 'M. Bryan', written over a horizontal line. Below the line is another handwritten signature in black ink, appearing to read 'ca ghooring'.

Dated:

14/11/16

Background

Mountain Ridge Holdings Limited own an 81.7 hectare property (Lot 4 DP 339316, CT 602872) located at 137 Ohiwa Beach Road, Waiotahi. The land is within the Coastal Zone under the Proposed Opotiki District Plan and is predominantly hilly grazing land with sharp ridges and steeply cut sides. There are no significant features or sites identified on the planning maps which affect the property.

Martin Bryan and Margaret Looney are directors of Mountain Ridge Holdings Limited. The Bryan family has a long history in the area and Martin Bryan has owned the land since the early 1980's. Over this time the land has been used for grazing sheep, deer and more recently cattle.

Mountain Ridge Holdings Limited holds a valid resource consent for a 12 lot subdivision of the property. This subdivision creates 7 rural residential allotments between 1.25 hectares and 2.3 hectares in size along with four access lots and a balance area of 68.6 hectares. Each rural residential lot has a nominated building platform which is subject to development controls to ensure the visual impact is minimised. An extensive native replanting programme has been developed with around 17,000 trees to be planted. The subdivision is yet to be completed.

The economic use of the balance land for rural production activities is limited, primarily due to topographical constraints. The land does, however, have potential for further subdivision with numerous potential house sites and a network of existing farm tracks. The purpose of this submission is to ensure that the Proposed Opotiki District Plan provides for the subdivision and development of land within the Coastal Zone in an appropriate manner. In particular, this submission seeks recognition that changes in land use and flexibility in lot sizes are necessary to enable development in less sensitive locations and to protect the special qualities and values of the coastal environment.

Attached is a table listing the specific submission points on provisions within the Proposed Opotiki District Plan.

Please feel free to contact the undersigned if you have any queries. We would welcome the opportunity to discuss this submission in more detail and answer any questions you may have.

Yours faithfully
Harrison Grierson



Tim Fergusson
Senior Associate / Whakatane Manager

SUBMISSION POINTS

TABLE 1: PROPOSED OPOTIKI DISTRICT PLAN SUBMISSION POINTS

PROVISION	SUPPORT/OPOSE	SUBMISSION REASONS	RELIEF SOUGHT
Chapter 9 – Coastal Zone			
Objective 9.2.2	Oppose in part	<p>The concept of allowing subdivision and development in areas of the coastal environment that are able to absorb the effects on natural character is consistent with the New Zealand Coastal Policy Statement and is supported in principle.</p> <p>It is noted however that the objective seeks an outcome that is not supported by the policies and rules within the chapter. For example, Rule 9.3.2.1(3) allows up to four dwellings on sites larger than 4 hectares in size as a permitted activity with no restrictions on the location of these dwellings other than being outside an identified outstanding natural feature or landscape.</p>	<p>Amend Objective 9.2.2 as follows:</p> <p>The adverse effects of subdivision, use and development within the coastal environment on the natural character of the coastal environment are avoided, or are mitigated by confined to enabling development in areas better able to absorb the effects of the development than other areas of the coast.</p>
Policy 9.2.2.2	Oppose in part	<p>A policy seeking to maintain amenity values is appropriate, however the current wording of the policy is unclear, particularly the reference to maintaining the characteristics of residential properties.</p>	<p>Amend Policy 9.2.2.2 as follows:</p> <p>The characteristics of residential properties need to be maintained so that the amenity value of the site and adjoining sites is maintained. These include managing effects such as the height of buildings, storage areas, parking, loading, signage, noise, glare and separation distances.</p> <p>Manage the effects of residential activities through controls on building height, storage areas, parking, loading, signage, noise, glare and separation distances to ensure the amenity value of the site and adjoining sites is maintained.</p>

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Policy 9.2.2.5	Oppose in part	It is uncertain what is meant by the requirement to ensure subdivision is "planned and appropriate". The policy also largely duplicates policies 9.2.2.6 and 9.2.2.7 and these three policies can be rationalised into one.	Amend Policy 9.2.2.5 as follows: <i>Manage subdivision, use and development within the Coastal Zone to ensure that it is planned and appropriate, and so that it preserves the natural character of the coastal environment and avoid, remedy or mitigate adverse effects.</i>
Policy 9.2.2.6	Oppose	This policy largely duplicates matters dealt within Policy 9.2.2.5 and is therefore redundant.	Delete Policy 9.2.2.6
Policy 9.2.2.7	Oppose	This policy largely duplicates matters dealt within Policy 9.2.2.6 and is inconsistent with Policy 9.2.2.5 is therefore redundant.	Delete Policy 9.2.2.7
Chapter 15 - Subdivision			
Policy 15.2.1.4	Oppose in part	The intent of this policy is open to interpretation and should be clarified. The concept of retaining the productive capacity of rural land is supported. In its current form, however, the policy could be read as not allowing rural land to be used for non-productive purposes such as lifestyle lot subdivision. It is also not clear whether the policy applies to the land being subdivided or also reverse sensitivity effects on neighbouring properties. Policy 15.2.1.3 deals with the fragmentation and loss of productive land which is very similar to Policy 15.2.1.4 therefore it is considered unnecessary to have both policies.	Delete Policy 15.2.1.4 or amend to clarify that it does not seek to prevent any rural land from being utilised for activities other than rural production.
Rule 15.3.4(1)	Oppose in part	This rule provides for the subdivision of land in the Coastal Zone that meets the minimum lot size requirement of 4 hectares as a restricted discretionary activity.	Amend the activity status for this activity within the Coastal Zone from Restricted Discretionary to Controlled.

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		Under the Operative Opotiki District Plan this type of subdivision is listed as a controlled activity. A controlled activity status for the subdivision of land which meets all of the relevant subdivision and zone standards is an appropriate activity status and provides certainty to landowners.	
Rule 15.3.4(5)	Oppose	This rule lists the activity status for the subdivision of lots "where Land Use Consent has been granted" as a discretionary activity. It is unclear what this rule is aiming to control and why a discretionary activity status is necessary.	Delete Rule 15.3.4(5).
Rule 15.3.4(6)	Oppose in part	There is a cross-referencing error in the rule	Amend the rule as follows: Lots created under Rules 15.4.42.2, 15.4.42.3 and 15.4.42.4
Rule 15.3.4(7)	Oppose in part	There is a cross-referencing error in the rule	Amend the rule as follows: Lots created under Rules 15.4.42.2, 15.4.42.3 and 15.4.42.4 that do not comply with all the requirements
Rule 15.3.4(7)	Support	The inclusion of a controlled activity status for protection / incentive lot subdivision in the Coastal Zone is supported.	Retain the activity status.
Rule 15.4.2	Oppose in part	The rules within this section apply to the subdivision of land within the Coastal Zone. Rule 15.4.2.1 provides for the subdivision of land where the lots have a minimum size of 4 hectares. It is considered that a controlled activity status is appropriate for a subdivision that meets these requirements.	Introduce a new rule in section 15.4.2 which provides for the subdivision of a parent lot of more than 4 hectares where the subdivided lots will have a minimum lot size of 2,000m ² and an average density over the entire subdivision of 1 lot per 4

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		<p>In addition, it is appropriate that an additional subdivision rule be introduced to provide for the subdivision of a parent lot larger than 4 hectares where lots have a minimum size of 2,000m² and an average density over the entire subdivision of 1 lot per 4 hectares.</p> <p>An average lot size provision enables the clustering of buildings and associated development in locations that are better able to absorb the effects of these activities. This approach is promoted by the objectives and policies in the Coastal Zone chapter of the plan and is also consistent with national and regional planning policy for the coastal environment.</p> <p>Currently the rule framework provides for subdivision with a minimum lot size as a restricted discretionary activity and all other subdivision as a discretionary activity. The introduction of controlled, restricted discretionary and discretionary subdivision activities provides clearer direction regarding the outcomes sought for subdivision within the Coastal Zone and more flexibility in managing effects.</p>	<p>hectares. Add a restricted discretionary activity status for this rule in the activity status table under Rule 15.3.4.</p>
Rule 15.4.2.2	Oppose in part	<p>Clause 4 of this rule lists matters that Council will take into account when considering subdivisions under this rule. This provision subjective and is better included as an assessment criteria rather than a subdivision standard.</p>	<p>Relocate clause 4 of Rule 15.4.2.2 to Section 15.8 – Assessment Criteria for Discretionary Activities.</p>
Rule 15.4.2.3	Oppose in part	<p>Clause 2 of this rule lists matters that Council will take into account when considering subdivisions under this rule. This</p>	<p>Relocate clause 2 of Rule 15.4.2.3 to Section 15.8 – Assessment Criteria for Discretionary Activities.</p>

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Rule 15.4.2.4	Oppose	<p>provision subjective and is better included as an assessment criteria rather than a subdivision standard.</p> <p>This subdivision standard is not sufficiently clear about what is needed to achieve compliance and as currently worded it is open to interpretation.</p>	<p>Either amend Rule 15.4.2.4 to specify what is needed to achieve compliance, such as separation distances or screening or relocate the rule as an assessment criteria.</p>
Rule 15.4.3	Support in part	<p>The inclusion of a rule framework which incentivises the creation of protection lots is supported. The structure and wording of the rule framework within this section is difficult to follow and needs to be clarified. The protection and incentive components of the rule should be separated to make it clear that the rule enables the creation of additional lot as an incentive for the protection of significant features. Currently the rule refers to "protection or incentive lots" whereas the incentive lot should be enabled by the creation of a protection lot.</p>	<p>Amend Rules 15.4.3.1 and 15.4.3.2 to separate the protection and incentive lot components of the rule and clarify that the incentive lot provision is enabled by the creation of a protection lot.</p>
Rule 15.4.4.2	Support in part	<p>The inclusion of a rule setting out the maximum number of lots that can be served before a public road is required is supported. The use of the term "access strip" is too narrow however and technically does not include the other types of private access arrangements that may exist.</p>	<p>Either include a definition of Access Strip which includes access lot, access let, right of way and private road or alternatively include these terms within the rule.</p>
Rule 15.5.5.1	Support in part	<p>The inclusion of specific standards that are required to be met for subdivision is supported. Clause 6 deals with water supply and states that "where reticulation is not practicable, a means of adequate storage and continuous supply of potable water shall be provided to each lot". For rural subdivisions it is common to nominate a rainwater (roof collection) water supply where it is not practical to provide an alternative</p>	<p>Amend clause 6 of Rule 15.5.5.1 as follows: Provide an adequate supply of reticulated potable water to each lot. Where reticulation is not practicable, a means of adequate storage and continuous supply of potable water shall be provided to nominated for each lot.</p>

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Rule 15.7	Oppose in part	<p>The requirement to "provide a means of adequate storage and continuous supply" is not appropriate in this situation and the applicant for subdivision consent should be required to nominate the means of supply rather than provide it.</p> <p>This section lists the assessment criteria for restricted discretionary activity subdivisions. The activity status table in section 15.3.4 lists the status for subdivision which meets the subdivision standards within each zone. In the coastal zone the activity status is listed as restricted discretionary, however there are no assessment criteria listed in section 15.7 for subdivision within the Coastal Zone.</p>	<p>Add restricted discretionary activity assessment criteria for the subdivision of land within the Coastal Zone. See also other submission points relating to the subdivision of land within the Coastal Zone.</p>
15.8.1.1	Oppose in part	<p>Clause 7 of the assessment criteria for discretionary activities refers to the "effects of building platforms and access on the visual values and significant landscapes and features in the area, including an assessment by an appropriately qualified landscape architect." This clause needs to be clarified to specify the circumstances when an assessment by a landscape architect is likely to be required. As it currently reads it could be interpreted that all discretionary activity subdivisions require an assessment, which is an unnecessary and onerous requirement.</p>	<p>Amend clause 7 of the assessment criteria in section 15.8.1.1 as follows:</p> <p>Effects of building platforms and access on the visual values and significant landscape and features in the area, including an assessment by an appropriately qualified landscape architect where there is the potential for identified significant landscapes or features to be affected.</p>