

To: Laura Swan
Opotiki District Council (ODC)

From: Shae Crossan
Stratum Consultants Limited

Date: April 27, 2022

**Reference: Response to ODC S92 Request – RC2022-47
98C Ohiwa Harbour Road, Opotiki**

This memo is prepared by Stratum Consultants Limited in response to the request for information (RFI) from ODC Senior Planner Laura Swan dated 12 April 2022.

Landscape and Visual Assessment (LVA)

1. Please clarify the proposed conditions and controls being offered with respect to buildings (e.g., height, location, maximum footprint) and plantings on each lot and provide additional mitigation to address, in particular, the effects of potential development on lots 10-12.

Reason: The current controls proposed are unclear and not considered appropriate or sufficient to avoid adverse effects on the environment from the significant increase in built form that would occur, if consent is granted.

The LVA makes reference to two storey dwellings being appropriate. But the height limit for the zone is 9m, which would enable three storeys. There is also reference to private covenants restricting development to 7m. It is unclear what limits are proposed and required to ensure adverse visual effects are avoided. Development of two storey buildings on Lots 10-12 is not currently supported and is inconsistent with the development controls that apply to other lots in the immediate area, which are not on a significant ridgeline. The extent and form of planting on these lots is also considered to be insufficient given their prominent location.

The LVA records that all buildings (a dwelling and shed) would be restricted to the identified building platform. The platform shown on the scheme plan is understood to be only 10m by 20m. However, there is reference in the 1 March 2002 response to Mr Bryant to private covenants requiring all dwellings to exceed 200m². A restriction in the size and scale of buildings on each lot is considered appropriate but this needs to be practical and clearly identified on the plans.

Response:

The applicant has reconsidered the heights for the proposed lots. Proposed Lots 10 – 12 will be restricted to single storey dwellings and a consent notice condition can be recorded on these titles as such.

Proposed Lots 1, 2, 3, 4, 6 & 7 will have a 7m height restriction (two storey dwelling) that can also be recorded as a consent notice condition on these respective titles. The LVA has been updated as attached to reflect these requirements.

A 1000m² building platform has been added to each allotment as per the attached updated scheme plan and all buildings will be required to be located within these platform areas which will be shown on the LT Plan as a restrictive area.

2. Please clarify the status of the western shelterbelt, its legal location and whether this is to be retained. Please then update the LVA to ensure information and the assessment is consistent.

Reason: The LVA makes reference to removal of the western shelterbelt (i.e. para 4.14 and on some marked-up photos). However, it is shown in the landscape plan (J001233/03 Planting Plan) as being retained. The shelterbelt is also shown as being outside the property boundary on that Plan. If it is outside the legal boundary, removal of it will require landowner (council approval). If it is to be retained, it cannot be relied upon as mitigation if it is not within the applicant's land.

There is also a shelterbelt along the western boundary of Lots 10-12. This is not shown on the (J001233/03 Planting Plan) as being retained or removed. For clarity, the Plan should acknowledge this shelterbelt exists and clarify that it will be removed (as advised by the applicant during the site visit).

Response:

The western shelterbelt on Lots 10-12 to be removed which is located within the applicant's property. All other western/southwestern shelter belts including those within the unformed Onekawa Road reserve are to remain. This has been updated on the attached updated landscape plans.

3. Please provide an updated mitigation planting (Plan J001233/08 Scope of Planning Works) detailing what plantings, the applicant is proposing to complete prior to s224c. Please provide an explanation as to why all planting is not proposed to be completed pre s224c.

Reason: During the site visit the applicant advised that the key on Plan J001233/08 Scope of

Planning Works did not accurately reflect their intentions.

For various reasons, the reporting officer does not currently support planting being undertaken by individual landowners post s224c. It is desirable that any planting be established ahead of buildings to reduce temporary effects.

Response:

The applicant has reconsidered this request and is agreeable to undertake all proposed planting as shown on the attached landscape plans prior to Sec 224(c). A condition of consent is proffered to this effect.

4. Please advise if the applicant would be agreeable to the bulk of Lot 6 being retired and replanted in indigenous vegetation.

Reasons: Whilst native species are proposed, the scale and design of planting proposed means that it is not ecological restoration planting. A reduction in the number of lots, additional planting on other lots, and/or re-vegetation of most of Lot 6 could have positive biodiversity effects and create more functional linkages with existing areas of remnant biodiversity on adjoining land.

This could go some way to mitigating for the fact that the proposal is at odds with the provisions for the zone and many of the objectives and policies.

Response:

Additional native planting has been added around the western and northern perimeter of proposed Lot 6. The applicant wishes to retain the central embankment area of Lot 6 in pasture to allow for small scale grazing/horse paddock use for potential future purchasers.

Objectives and Policies

5. Please provide an assessment of Objective 11.2.1 and policy 11.2.1.1.

Reasons: As discussed at pre-application stage, whilst there are no rules about significant ridgelines in the Coastal zone chapter, these provisions are still relevant as the site is near and visible from the harbour and the significant ridgeline is identified on the planning maps.

Response:

The relevant objectives and policies from Chapter 11 (Ohiwa Harbour Road) are set out below with an assessment against these.

OBJECTIVE

11.2.1 Protect and enhance the outstanding natural and landscape values and preserve the natural character of the Ōhiwa Harbour environment.

POLICIES 11.2.1.1

To avoid as far as practicable and, where this cannot be achieved, remedy or mitigate the adverse effects of activities such as buildings, earthworks, accessways and tracks, especially on skylines and ridges, on the attributes and values of Ōhiwa Harbour, recognising that Ōhiwa Harbour is identified as an Outstanding Natural Feature and Landscape and an area of Outstanding Natural Character in regional planning documents.

Response:

Whilst the site is not located within an identified Outstanding Landscape or the Ohiwa Harbour Zone as identified on the District Plan Maps, the site lies on the edge of the zone boundary and also has a ridgeline identified on the District Plan Maps.

Whilst the ridgeline as depicted on the Planning Maps appears to be incorrect and does not follow the physical ridgeline, proposed Lots 10, 11 and 12 are physically located on a ridgeline.

As above, the applicant has preferred to restrict the buildings on these allotments to single storey, thus reducing any impacts on the higher site area from larger two storey dwellings when viewed from the Ohiwa Harbour catchment. As noted in the LVA colour and reflectivity controls are also proposed which will assist the buildings blending in with the natural environment. Reflectivity controls are also proposed to ensure that glare does not become an issue from the viewing catchment. The houses are setback from the crest of the ridge and planting is proposed in between the allotments that will assist in breaking up the built form between the dwellings.

No cut earthworks faces will be necessary to form any dwelling site on the ridgeline and the proposed right of way to serve Lots 10 – 12 is at existing ground level on easy graded land that will not require any cut batters with low planting proposed along the western edge

The LVA also notes that the native planting as proposed is a positive contribution to the character of the site, whilst the retention of some of the existing avocado trees will assist in retaining a rural character to the site.

In terms of a permitted baseline, under the Coastal Zone provisions (and given the site is not within strictly within the Ohiwa Harbour Zone), 9m high buildings could be constructed in this area of the site and up to two further dwellings as a permitted activity given the site exceeds 4ha in area. In addition to these dwellings, additional buildings accessory to permitted activities (i.e., farm buildings or sheds) could also be constructed in the location of proposed Lots 10 – 12 with no restriction on

colours and no requirements for planting. The proposed development including height restrictions, colour, and reflectivity controls is considered to be a more sympathetic outcome to the permitted scenario described above.

As such, it is considered that any visual effects on the physical ridgeline are adequately mitigated and avoided as part of the proposal and therefore the proposal is not contrary to the above listed objective and policy.

Proposed Road

6. Please provide a concept design of the Stage 2 proposed road, including cross sections at key points where the road is narrow or engineering works such as retaining will be required. This should also show the proposed stormwater control and disposal measures, location of proposed passing bays and a cul-de-sac at the end of the proposed road.

Reason:

Contrary to the AEE report, the proposal does not comply with the council's engineering code of practice with respect to the road design. At the pre-application advice was that a concept plan would need to be provided so effects can be fully understood and assessed.

Response:

Please refer to the attached concept roading plan which shows the requested matters including a typical x-section.

The proposed road is shown to have a single cross fall with stormwater to be collected in a table drain on the lower (western) side and channelled to Ohiwa Harbour Road. This is to prevent any concentrated stormwater discharging to the steeper embankments on the eastern side of the existing right of way/proposed road.

Culverts will be installed within the drain across the entrances to proposed Lots 1 – 4.

No retaining is proposed, and embankments will be battered to an acceptable grade as shown on the typical cross section.

It is noted that a small portion of the proposed road will be formed on part of Onekawa Road near the southern extent to achieve a 20.0m radius on the corner. It is not considered that this is an issue given this land is already vested and created as legal road.

We note that the proposed road has been reduced in length and will now terminate west of entrance to Lots 9 - 12. This is due to the need to incorporate the turning head in a physically practical location. It is proposed that the right of way up to this point (where proposed Lots 9 – 12 will gain access) will continue to be formed to the same standard as the public road (i.e., 5m sealed width) due to the number of lots served.

Water Supply

7. Please provide a copy of any resource consent held for the water take from the bore.

Reason: Some consents have a restriction on the type of use of water or volume of a take.

Response.

The proposed bore does not require a resource consent and complies with the permitted take of 35m³ per day for domestic use purposes.

Written Approvals and Consultation

8. Please clarify if the applicant accepts all the terms of the conditional written approvals / letter from Christopher Howard and Russell Davies? How is the applicant proposing to address those matters? I.e., through private covenants or does the applicant expect council to address them via conditions, if consent is granted? It is acknowledged a 10m setback is shown on the scheme plan.

Reason: A copy of conditional written approvals / letter from Christopher Howard and Russell Davies are included in the application. There is no discussion about these in the AEE report.

Response:

The conditions listed by C. Howard and R. Davies are accepted by the applicant, noting that the 10m setback as requested by C. Howard for Lot 10 is shown on the attached scheme plan. Please see attached recent email from R. Davies confirming they are agreeable to the 10m setback for Lot 12 only.

The applicant is agreeable to having consent notice restrictions in relation to the conditions requested by both parties. We consider that this is the most visible method of ensuring these matters need to be complied with, although should Council require it these could also be included a private covenant if necessary.

The OSET areas are denoted in the OSET report as being located away from Onekawa Road and as the land slopes away from Onekawa Road, overland stormwater flows will also traverse in this direction away from the neighbouring properties.

9. Has any consultation been undertaken with Ian Bertram who owns Lot 1 DP 8749 located at the start of Onekawa Road? Please provide a copy of the Record of Title for this lot so that we can confirm whether or not this lot has legal access over the existing right-of-way? It appears from the aerial imagery (below) that his driveway utilises a portion of the right-of-way area.

Response:

Based on the available aerial photography it would appear that Mr Bertram's current access is over the existing right of way owned by the applicant, however there are no recorded rights in this respect on Mr Bertram's title (copy attached).

This situation will be remedied through the creation and vesting of the public road as proposed which will legalise this access.

The applicant has attempted numerous times to contact Mr Bertram, however, has not received any response to date. The applicant will continue to try and contact Mr Bertram and we expect that we will be able to provide a further update on this within the next 1 – 2 weeks.

10. Has any consultation being undertaken with Dean and Logan Bertram who own Lot 1 Deposited Plan 545499?

Response:

Consultation has been undertaken with Dean and Logan Bertram. The applicant is currently discussing matters with these owners and as with Mr Bertram above, we expect to be able to provide an update on this consultation within the next 1 – 2 weeks.

Summary

We trust this supplies you with the information you require, and that the application can now continue to be processed.



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Attachments:

- Revised LVA & Landscape Plans
- Concept Rooding Plan
- Revised Scheme Plan
- Email – R. Davies
- Copy of Ian Bertram Title