



23 June 2022

Laura Swan  
Ōpōtiki District Council  
PO Box 44  
Ōpōtiki 3162

Dear Laura

**Comment on Notified Applications for Resource Consent: G & S Stilwell, 98C Ōhiwa Harbour Road, Waiōtahe**

Thank you for your email of 26 April 2022 regarding the above applications for resource consent.

This is **NOT** a submission. Bay of Plenty Regional Council Toi Moana (BOPRC) makes the following comments on the applications:

**Landscape and natural character**

While the subject site is outside the coastal environment it is on a prominent skyline ridge as viewed from Ōhiwa Harbour and the Waiōtahe Estuary areas. Overall, the proposed development, as per the revised design, may result in significantly adverse effects on natural character and landscape. In assessing this application Ōpōtiki District Council (ODC) will need to be satisfied the proposed development is consistent with their planning objectives, policies, and rules.

Conditions are required, particularly regarding the skyline ridge and controls on building heights and levels on the skyline. Associated mitigation planting and building design controls may still need to be expanded for the prominent skyline lots (proposed Lots 10 – 12) and perhaps others including the existing Lot 9 for any future building consent. These types of controls have been required for most other subdivisions in the locality.

While some building conditions are proposed, the application does not specify height limits. Tall and / or large buildings are likely to be very prominent on / near the skyline. The addition of nine new dwellings and associated development will be readily noticeable, and this will result in more than minor adverse effects. That is, the development will result in adverse effects that are noticeable and are likely to result in adverse impacts. These potentially adverse effects can potentially be mitigated or remedied.

If consent is granted BOPRC strongly recommends conditions of consent be imposed to ensure:

- Development controls address the skyline location.

Height, more certainty for vegetation cover, and screening; especially for Lots 10 – 12.

We strongly recommend the siting of buildings on prominent ridgelines be reviewed and the configuration changed to enable more planting between structures to soften and screen them. It is unclear whether all buildings will be limited to the identified building platforms.

- Buildings and structures are visually recessive and sited sensitively as viewed from Ōhiwa Harbour, local roads, and the lower Waiōtahe.

Building design controls are needed to address height, bulk and scale, garaging (hidden or avoided), and curtilage planting. A review at the building consent stage may be appropriate based on actual house plans and associated landscape planting.

- Enhancement of natural character.

This would require the progressive meaningful increase in naturally-occurring indigenous forest vegetation (remove stock, reduce pasture, increase naturally-regenerating indigenous coastal vegetation contiguous with existing indigenous forest). The landscaping currently proposed is minimal and needs to be expanded.

- Vistas of the night sky are protected.

Night lighting controls are needed to ensure that lighting is recessive and to prevent light spill off-site; avoidance of the use of street lights and outside spot-lights. Any exterior lighting should be low lumens / lux.

Please contact Richard Hart (Consultant Landscape Architect, phone 07 572 2929) for any queries regarding landscape and natural character matters.

We reiterate our 6 July 2022 comments regarding the application:

### **National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health (NES:CS)**

The application is supported by a Detailed Site Investigation (DSI) prepared by BCD Group, dated 8 March 2022. Based on the results presented in the DSI, BOPRC agrees that a Controlled Activity consent pursuant to Regulation 9(3) is most appropriate for the proposed subdivision. This is because although concentrations of cadmium, copper, zinc and total petroleum hydrocarbons were recorded above expected natural background concentrations they do not exceed the adopted soil contaminant standard for the protection of human health in a rural residential land use scenario. The DSI has been prepared in general accordance with the relevant Ministry for the Environment's Contaminated Land Management Guidelines.

Similarly, if the associated soil disturbance required to prepare each of the proposed Lots for the future intended land use cannot meet the permitted activity requirements of Regulation 8(3) then a Controlled Activity consent pursuant to Regulation 9(1) is considered most appropriate for the soil disturbance. Based on the concentrations of contaminants recorded it is not anticipated that a contaminated site management plan is required to support any subsequent soil disturbance, but as stated in the application and supporting DSI any soils that may need to be removed from the site cannot be considered cleanfill material and therefore must be disposed at an appropriately licensed facility. That is unless further sampling is completed at an adequate frequency for cadmium, copper, zinc, and in the case of proposed Lot 1 total petroleum hydrocarbons and submitted showing the concentrations of these contaminants meet expected natural background concentrations.

Please contact Rita Martin (Senior Regulatory Project Officer – Contaminated Land and Waste, BOPRC) for any queries regarding NES:CS matters.

## Stormwater

It appears from the information provided in the application the proposal does not include the discharge to a reticulated stormwater system.

Before granting any resource consent ODC will need to be satisfied the combination of soakage and the secondary flow paths can carry the 1% AEP climate change adjusted flow from this application, in accordance with NZS 4404:2010 (Land Development and Infrastructure) Clause 4.3.5.1 (Design Storms). The climate change scenario should be based on RCP 8.5 to the year 2122.

No soakage assessment has been provided. The soakage design should be provided, confirming adequate soakage is possible, prior to granting the subdivision (not at the time of the Building Consent).

It is unlikely the typical 10 year – 10 minute storage design will adequately mitigate the **critical rainfall duration** 1% AEP climate change adjusted event. This duration is likely to be significantly longer than the 10 minute rainfall event.

ODC needs to check that secondary flow paths will not flood adjoining houses and that due consideration is given to the effects of secondary flow paths crossing adjoining land.

### Stormwater detention

The proposed subdivision is located within a catchment that flows into an already flood prone area.

BOPRC recommends a condition of consent is imposed requiring on-site detention be provided to prevent an increase in runoff from the site in a climate change adjusted 100 year event. This detention should be to a minimum standard of 80% of pre-development peak discharge in accordance with the Stormwater Management Guidelines for the Bay of Plenty region (BOPRC Guideline 2012/01).

If the requirement for this post-development stormwater discharge mitigation condition is not provided for, BOPRC strongly recommends the application be declined as this application cumulatively could add to an existing stormwater flooding risk.

Further, in order for the discharge of stormwater to be a permitted activity the applicant should ensure they comply with Rule DW R20 (Discharge of Stormwater to Surface Water) and / or Rule DW R22 (Discharge of Stormwater to Land Soakage) of the Regional Natural Resources Plan (RNRP). Otherwise resource consent from the BOPRC is required.

## Flood risk

Having reviewed the application, BOPRC has no expectation that during a 1% AEP event the site will flood in relation to external watercourses.

ODC will still need to be satisfied that:

- Ephemeral flow paths have been considered.
- Flow paths from / onto neighbouring properties have been considered.
- There are no land stability concerns.

If an identified building site is located within an overland flow path, the design 1% AEP flood level should be set a minimum of 0.5m above general ground level and the building should not obstruct any existing flow paths. This requirement is not applicable to those building sites located on ridges.

### **Stability**

As the slopes on the site are in places steep, it is important all site development and buildings are constructed in accordance with the content and recommendations of the Geotechnical Assessment Report by Stratum Consultants, dated 18 March 2022. This report sets out guidance and conditions for earthworks, stormwater disposal, effluent disposal, retaining walls and house foundations.

The report also identifies indicative house sites and measures required to maintain site slope stability. These measures should be included as part of the conditions of consent and include specific recommendations on retaining walls and landslip protection, geotechnical review of the final design, inspection of subsoil's during excavation and construction, controls on filling, maintenance of vegetative cover and stormwater control.

Please contact Rachael Medwin (Engineering Hydrologist, BOPRC) for any queries regarding stormwater management, flood risk or stability matters.

### **Ecological values**

Onekawa Forest Remnants is to the east of the subject site, and Oscar Reeve Scenic Reserve to the west. Both sites are a coastal forest type that is increasingly uncommon in the region due to clearance and development. Both sites, where they coincide with the Coastal Environment Zone are IBDA A sites under the Operative Regional Coastal Environment Plan. These sites meet the criteria as Significant Natural Areas under the Ōpōtiki District Plan as forest remnants located in the Ōpōtiki Ecological District.

Planting using native species should use correctly ecosourced species appropriate for the site and location. We request ODC impose a condition of consent for future house sites to avoid the use of species that are known to become invasive such as *Prunus* species (eg; flowering cherries), strawberry dogwood, Chilean guava and agapanthus. This reduces the potential for garden species to invade nearby and adjacent natural areas.

Further, due to the proximity of future house sites to Onekawa Forest Remnants and Oscar Reeve Scenic Reserve BOPRC requests ODC includes advice notes highlighting to future home owners:

- the effects animals (including domestic cats, dogs and ferrets) could have on the ecological values of the area and
- the potential for some garden plant varieties to invade and degrade natural areas.

Please contact Nancy Willems (Environmental Consultant, phone 027 294 4558) for any queries regarding ecological values matters.

### **Onsite effluent disposal**

Operative On-Site Effluent Treatment Regional Plan (OSET Plan) Method 39 states –

*City and District Councils will:*

*Require that any subdivision consent relying on on-site effluent treatment of domestic wastewater, demonstrate a suitable on-site effluent treatment system and area for disposal for each lot. This will include method of treatment and containment, assumptions for designs, and land application area including reserve area. An evaluation of the site using the Schedule 5 'On-site Wastewater Disposal Site and Soil Evaluation Checklist' must be completed by a Suitably Qualified and Experienced Person accredited in site and soil assessment for on-site wastewater management system design.*

#### Existing dwelling Stage 1 proposed Lot 100 / Stage 2 proposed Lot 9

As part of the application the applicant needs to demonstrate that any existing on-site effluent system complies with the provisions of Schedule 1 to the OSET Plan. This should include pump out of the tank to determine tank size and integrity unless pumped within the last three years.

**Please note**, BOPRC will only accept on-site effluent treatment designs and Site and Soil Evaluations from individuals who have obtained Unit Standards 25124, 25125, 25127, 25128 and 25129.

A training course to obtain the Unit Standards is currently offered by WSP (formerly Opus). For information on the training course go to <https://nzetc.wsp.com/w/courses/cat-4-water-and-wastewater> and scroll down to "Wastewater Treatment". Onsite Wastewater Treatment Modules 1 and 2 are required.

For a list of currently approved OSET System Designers go to: For a list of currently approved OSET System Designers go to: [Approved OSET system designers \(boprc.govt.nz\)](https://www.boprc.govt.nz/approved-aset-system-designers).

#### Vacant lots – proposed Lots 1 – 4, 6, 7 and 10 – 12

Proposed Lots 1 – 4, 6, 7 and 10 – 12 are covered by an outline Site and Soil Evaluation in Appendix I to the application. The SSE has been prepared an approved wastewater system designer. More details will need to be provided at building consent stage.

Please contact Terry Long (Consultant Wastewater Specialist – phone 021 025 73881) for any queries regarding on-site effluent disposal matters.

### **Earthworks**

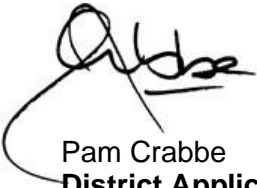
Earthworks proposed will be a permitted activity if the applicant can comply with all the conditions set out in Rule LM R1 (permitted earthworks) of the RNRP.

An area that may warrant further attention is if building platforms are to be included in the subdivision earthworks, the total earthworks area and volume would need to comply with permitted limits of Rule LM R1. If the applicant is unable to meet the conditions of Rule LM R1 then resource consent is required, and they should contact Kirsten Sanson (Consents Planner, BOPRC).

### **Decision**

When these applications are completed, please forward a copy of your Council's decision to the BOPRC (attention Pam Crabbe) or by email to [dac@boprc.govt.nz](mailto:dac@boprc.govt.nz) in accordance with section 8 of our agreed protocol.

Yours faithfully



Pam Crabbe  
**District Applications Coordinator**

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