

BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL
INDEPENDENT HEARING COMMISSIONER

IN THE MATTER

the Resource Management Act 1991

AND

IN THE MATTER

of an application under section 88 of the
act by Helen and Layne Greensill to
undertake a 3-lot subdivision of 1303
South Road, Oakura (SUB21/47711)

RIGHT OF REPLY BY CONNOR MARNER ON BEHALF OF HELEN AND LAYNE
GREENSILL

27 JULY 2022

REVISED 12 AUGUST 2022

REPLY TO MATTERS RAISED IN HEARING

Permitted Baseline

1. In the hearing, the matter of shelter belts was raised in context of the permitted baseline for along the proposed boundary of Lots 2 and 3 adjoining 1305A and 1305B South Road. Shelter belts are managed in Rule Rur 75 of the Operative District Plan which permits shelter belts located within 20m of a side boundary that faces south west, south east or anywhere in the arc between (135 degrees to 225 degrees, with north being 0 degrees). The height of shelter belts is restricted by the height plane angle provided in Appendix 3.7 which the height of shelter belts to fit within a height plane angle originating at 9m in height at a 35-degree angle for a maximum length of 20m. A similar rule for shelter belts is located within the proposed District Plan under rule RPROZ-S3.
2. Emphasis was placed on rural structures being located along this boundary in terms of the permitted baseline with comments being made about hay sheds and other such rural structures. This failed to take into context that the operative District Plan is an effect-based plan and any such structure does not have to be rural in nature and may be an industrial or commercial activity. There are many such activities that could be conducted in that space while still complying with the maximum vehicle movements, noise and other such performance standards and would not be considered rural in any stretch of the definition.
3. The view of the Kaitake Ranges was discussed through the hearing at different times in relation to the submitters view of this land feature. However, it is noted that the District Plan does not provide any protection for 'views' and only provides protection in terms of rural character and amenity.

Building vs Structure

4. The definition of buildings and structures was sought to be clarified in regards to the no-build area and what restrictions may apply to this area.

The operative District Plan defines Buildings as follows;

'BUILDING means any STRUCTURE, whether TEMPORARY or permanent, moveable or fixed, 5m² or greater in area in plain view and 2m or greater in HEIGHT, or any fence greater than two metres in HEIGHT, but does not include:
(a) Any part of the BUILDING or attachment to it, which in its entirety: - is less than 1m in HEIGHT; or - has a diameter or width of 600mm or less;
(b) Up to 600mm of overhanging eaves;

(c) Any scaffolding or false-work erected for maintenance or construction purposes; (d) Cranes and derricks/drilling rig masts; (e) OFFICIAL and ADVERTISING SIGNS; (f) Underground pipes; (g) HARD PROTECTION WORKS; and (h) Any VEHICLE, trailer, tent, caravan or boat unless being used as a place of accommodation or business.'

The operative District Plan defines Structures as follows;

STRUCTURE means any BUILDING, equipment, device or other facility made by people and which is fixed to land, and includes any raft. In the context of this plan BUILDINGS, NETWORK UTILITIES, OFFICIAL SIGNS, ADVERTISING SIGNS, HARD PROTECTION WORKS, DRIVEWAYS, RIGHT OF WAYS, ROADS, VEHICLE ACCESS POINTS, SERVICE LANES, fences, scaffolding and falsework, cranes and derricks are all types of STRUCTURES and must therefore meet the rules for STRUCTURES as well as those specific to them.

5. Considering the definition for Structure includes right of ways and access points, it is not considered practical to restrict structures as well as buildings from the 'no-build' area.
6. Clarification was also sought in the hearing in terms of if the restrictions of the 'no-build' area and if any vegetation could be planted within this area. The restriction of buildings within this area would not prevent any landscaping of the 'no-build' with the exception of any shelter belts would be required to comply with rule Rur 75.

Outstanding Mitigation

7. The peer review of the LVIA provided by Natural Capital provided recommended mitigation to be considered and through the hearing it was asked if these matters had all been satisfied. All of the matters raised in the peer review were subsequently incorporated into the Landscape Mitigation Plans that were provided as a result of the peer review. All of the matters identified were addressed and the mitigation highlighted was offered as part of the Landscape Plans. I do note one discrepancy with the peer review stating a maximum height of future residential dwellings at 5m while the Landscape Plans and associated mitigation suggested by Blue Marble stating a maximum 6m height for future dwellings.
8. Additional mitigation was suggested by Mr. Hart in email dated 17 March 2022 which has all being provided with the exception of a re-adjustment of the boundary by 15m width (at the cost of the applicants). Otherwise, all the proposed mitigation being sought has been provided.

9. It is noted that one of the other requirements by Mr. Hart was '*no temporary accommodation i.e. buses and caravans to be used as dwellings for a prolonged time.*' The District Plan (as seen in the above definitions) would consider a bus or caravan a building being used for residential purposes, in these circumstances, and would be subject to the requirements of the District Plan which would require consent for the proposed use.

Agreements Reached Post Hearing

10. Agreement was reached in regards to the provision for a convex mirror to be located at the junction of the access for proposed Lots 2 and 3, 1305A and 1305B South Road on the ROW for the benefit of all the properties identified. Amended draft conditions to reflect this agreement has been included and it is noted that this may involve the installation of more than one mirror.
11. In the event the existing hedge is required to be removed, the proposed 'arrow-shaped' portion of hedge to be located on the northern corner of proposed Lot 2, adjacent to the existing hedge, would sufficiently screen the existing residential activity from 1305A South Road and would not result in additional effects.
12. It is submitted that all other issues in the Hearing have been thoroughly canvassed in the application, the Applicant's evidence, Council's evidence and discussions during the course of the hearing.
13. An agreed version of consent conditions following joint witness conferencing by the planning experts was submitted as to Ms. Hickmott on 27 July 2022.

Connor Marner

Independent Planner

27 July 2022

Revised on 12 August 2022