

26/02/2021

Ref: J000232 Whyte

Land Owners at 33 and 35 Shearer Road

Via Email: c/o Henry Whyte

Dear Land Owners at 33 and 35 Shearer Road,

RE: Subdivision 37 Shearer Road, Te Puke

Thank you for the meeting at 35 Shearer Road. The following is a summary of the key points taken from the meeting, as well as our response to the letter sent by Norris Ward McKinnon on 18th February 2021.

As we understand it, your main concerns (and our replies) in relation to the subdivision are as follows:

Concern	Response
1. The proximity of the existing house at 35 Shearer Road to the existing Legal Road Boundary;	The applicant will provide a 0.5 – 1m high planted landscape bund along part of the northern boundary of 35 Shearer Road with 1.8m high wooden acoustic fencing on top of the bund. This will reduce traffic noise and also provide a buffer between the existing house and the existing legal road boundary. A photo of an example is enclosed;
2. The potential for complaints made by future landowners of proposed Lots 1-8 with regards to existing rural & agricultural activities taking place in the area;	A no complaints covenant/consent notice will be offered as a consent condition and registered on the titles of the proposed lots in relation to any rural/agricultural activities;
3. The potential for future stages of the development to come off the end of Shearer Road;	As discussed there are no plans to create further development off the end of Shearer Road and the topography does not allow for a significant amount of future development;
4. The proximity of the Lots in relation to the established orchards (main concern is proposed Lot 1)	See response to Point 2
5. The potential for noise vibrations from construction and the potential for power outages to the existing	A construction management plan will be required of the Contractor to protect power and communications supply to existing residents. A

houses due to construction. It is noted that some residents work from home and require power and internet during the day;	copy of this will be supplied to residents of Shearer Road and emergency contact numbers provided for the Contractors.
6. The potential for noise from traffic increase;	The acoustic mitigation proposed in point 1 will mitigate noise from traffic. In addition, it is proposed to surface the road outside the house on 35 Shearer Road in Asphalt to reduce tyre friction noise created through a chipseal surface.
7. The potential for a reduction in internet capability due to more users using the network;	This is outside of the control of the applicant. Confirmation will be required from a network provider through the consenting process that connectivity is available and that this will not affect the level of service experienced by existing users.
8. Concerns regarding the existing road width of Shearer Road being able to cater for additional traffic;	Council's Development Code governs the minimum road width dependent on the expected number of users. Should widening be required as a result of the additional traffic it is expected that Council would require widening as a condition of subdivision consent.
9. Concern regarding effects on land value;	Valuation of land is subjective and cannot be considered through a resource consent process. As mentioned at our meeting we believe that the development and protection of native bush in the vicinity will enhance values in the area.
10. Councils responsibility in signing off the existing dwelling at 35 Shearer Road;	As discussed, we are happy to discuss this issue with Council and explore any remedies available in conjunction with the subdivision process. However, this current situation is no fault of the developer therefore any assistance is provided in good faith only.
11. Stormwater runoff which follows the natural contour into 35 and 33 Shearer Road;	Stormwater would continue to follow existing flow paths and not be exacerbated through the use of appropriate stormwater management practices. This would be required as a consent condition and will form part of the detailed design stage. We are currently in the process of updating the engineering plans which we will submit with the resource consent, this is a result from our discussion in the meeting regarding the current design. The new plans will be provided in due course.
12. Privacy;	With the installation of the proposed bund and fencing we do not believe privacy for existing residents will be compromised. The proposed lots are remote from any existing dwellings and

	are physically and visually separated by existing mature bush.
13. Effects on the existing driveways where the new road will be constructed;	The detailed design phase will address any effects on existing driveways. No existing driveways will be compromised from their current function by this development.
14. Effects on amenity, character of the surrounding environment and adverse environmental effects.;	The Resource Management Act is legislation that must be adhered to when applying for a resource consent. It is the responsibility of the consent holder to consider these effects and reduce any effects that are deemed more than minor. Council will consider the application and only approve the resource consent if it agrees that the adverse effects on the environment are minimal.
15. Effects as a result of extending Shearer Road will encourage visits to the area by members the public;	Members of the public have the right to use any public road. Land owners do not have the right to restrict the use of a public road.
16. Proposed Shearer Road realignment;	<p>The land north of the Paper Road is owned by a Trust which is a separate entity to the Trust which owns the farm. It is not within the beneficiaries interest to sell part of the land to Council for the purpose of a road. The only lot to benefit in this case will be 35 Shearer Road.</p> <p>In order to realign Shearer Road a road stop will need to occur. This is where a portion of the paper road converts to private ownership, this is a 2 year process. A road legalisation will also need to occur where the land coverts from private ownership to road. Both are very time consuming and expensive and it is not within the Trusts interest to implement this.</p>
17. The integrity of the District Plan;	<p>The resource consent application will report on the District Plan rules, objective and policies. It is Councils responsibility to approve the resource consent and ensure the objectives and policies within the Plan are met.</p> <p>The clustering of smaller lots for residential purposes allows for those seeking a lifestyle living. Clustering lots prevents fragmentation of rural land and is an efficient and cost effective use of physical resources. The amalgamation of large rural lots is also encouraged within the plan.</p> <p>We believe the integrity of the District Plan is upheld.</p>



Another discussion explained the rules within the district plan which allow for boundary adjustments of existing titles and on-site protection lot subdivision in the rural zone when protecting Significant Ecological Features (Tall forest) and Heritage Features (Pa Sites).

Attached are the current scheme plans Revision G for your records. Also attached is a no complaints consent notice example and a photo of a landscape bund we have designed with acoustic fencing shown on top of the bund.

It would be appreciated if you could respond to us and advise if you have any further questions or concerns.

Regards,

Maven Bay of Plenty

Lauren Rook

Surveyor

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