

27/11/2025

To: Expert Panel

Fast Track reference: **Arataki [FTAA-2506-1083]**

**Response to Minute 3 of the Expert Panel.**

[REDACTED] (here forth known as the Olive Grove) welcome the request from the Expert Panel to provide further information with regards to their previous feedback on the Arataki Subdivision (reference FTAA-2506-1083).

This letter provides our response to the matters raised by the Expert Panel in point [12](b):

**- Changes to buffer planting proposals**

We support the change to the buffer planting, with the proposed Leylan Cypress (*Cupressus ovensii*) our preferred preference. We agree with the information provided in section 2.1.3 (Planning Overview Response Report, prepared by Woods, page 8) and continue to maintain that while the type of planting is more suitable, the width should be increased to 30m.

**- Use of consent notices instead of covenants to protect and maintain the planting**

We understand that the proposed covenants to protect the buffer area from building and to ensure planting/fencing is maintained in the long term have been changed to consent notices at the request of HDC. We note in section 2.1.2 (Planning Overview Response Report, prepared by Woods, page 8) the applicant states:

*“This approach enables Council to monitor compliance and undertake enforcement if required, providing neighbouring rural landowners with a clear pathway to raise concerns should maintenance issues arise in the future.”*

We continue to have reservations about this proposed management of the buffer strip for the following reasons:

- Splitting the responsibility of the maintenance and planting of the buffer strip into ten (10) different land owners (along the shared boundary with the Olive Grove, it is considerably more when including the land owners along the Shaggy Range boundary) could lead to inconsistent maintenance and protection of this buffer strip. Each landowner will need to be aware of their responsibilities, undertake the necessary due diligence at the time of property purchase and be prepared to maintain this buffer strip. If the buffer strip was held in the ownership of one owner (for example a Body Corporate) the strip would have a better chance of being consistently maintained for the purpose that it is to be planted.
- Moving the requirement from a covenant to a consent notice is beneficial in that it will provide HDC a mechanism to follow up with each individual land owner if required, but we question how effective HDC will be in requiring land owners to comply given the potential cost and time implications to HDC.

- HDC are not required to monitor the effectiveness of the buffer strip once it is planted after two years (see draft Condition 59(b) that requires the consent holder to maintain the planting for up to two years). After that period of time, there seems to be no responsibility for any authority to monitor the health and maintenance of the planting. Therefore, HDC will only step in to uphold the consent notice on the back of a complaint by the Olive Grove or other person, by which time it may be difficult to reverse the damage to the planting and new planting may need to be established.
- We request that changes are made to the wording in proposed conditions 65C and 65D to correctly state the purpose of the “No Build Area” and “Buffer Interface Landscaping”. Condition 65C refers to the purpose of the “No Build Area” to *“providing an appropriate rural-urban interface”*. Condition 65D refers to the purpose of the “Buffer Interface Landscaping” as *“to provide for a continued vegetated appearance and to protect the rural-urban interface”*.

We consider that this wording should be strengthened to correctly inform residents as to the purpose of these areas, suggested wording could be:

*“to provide for a robust vegetated buffer strip, clear of buildings, to minimise effects from neighbouring agricultural activities including vegetation sprays and bird scarers.”*

- As the consent notices will have real problems of effectiveness, we recommend that there is also a registered covenant in favour of the Olive Grove property. This would allow, at the time and cost of the Olive Grove, the right to enforce the covenant obligations. This makes commercial sense as it is the Olive Grove’s property interests that are being affected should the covenants be breached. It is in the interest of the owners of the Olive Grove to protect the health and safety of the neighbours as they will bear the burden of the complaints.

The covenant would be similar to the proposed consent notices and include a reverse sensitivity clause, requirements of land owners to maintain and replenish buffer planting to a specific landscape specification and to keep the buffer area free from structures.

We request that the wording of any such covenant is provided in draft form to the Olive Grove for consultation.

- **Impact of the potential future relocation of the Shaggy Range access driveway along the shared boundary.**

We have reviewed the submission made by the owners of Shaggy Range next door and understand that the location of a driveway into this property has not yet been confirmed.

We do not support the relocation of the driveway along the boundary of the Olive Grove. A driveway (where people, animals and vehicles will be present) within a buffer zone negates the protective purpose of that zone, which should be fully vegetated and devoid of structures.

**Further matters:**

We thank the Expert Panel for thoroughly considering the matter of reverse sensitivity and to allow us the opportunity to be involved in the discussion.

We will be available for a short conference session if required, however, Alison Francis from Bay Planning Limited is away from Dec 12 2025 – Jan 12 2026 and we request that any conference is held outside of those times if possible.

Regards



Alison Francis **MNZPI**

Bay Planning Ltd