

# NEW PLYMOUTH DISTRICT COUNCIL

## **Vary Consent Notice Condition**

Application# SUB22.48035.03

### **S42A Summary Statement of Jacqui Manning**

#### **Statement Date**

14 July 2025

#### **Hearing Date**

15 July 2025



Te Kaunihera-ā-Rohe o Ngāmotu  
**NEW PLYMOUTH  
DISTRICT COUNCIL**  
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## 1 Introduction

- 1.1 My name is Jacqueline Maree Manning (Jacqui), and I am a Senior Consultant Planner with Resource Management Group Ltd (also known as RMG). My experience and role with respect to preparing the original s42A report (**s42A report**) and this Summary Statement (**summary**) is as set out in paragraphs 1.1 to 1.7 of the s42A report.
- 1.2 My intention and purpose of this summary is to provide the Independent Hearing Commissioner (**IC**), Applicant and Submitters with the following:
- A concise overview of the s42A report.
  - A summary of key issues raised in evidence prior to the hearing by the Applicant and Submitters.
  - Updates to the recommendations contained in my s42A report.
- 1.3 I provide a preliminary view on matters 1.2 (b) and (c) at this time as I wish to hear the Applicant's and Submitters' evidence and the IC's questions and I note that there is a right of reply where I can provide a formal response to the matters heard at the Hearing.
- 1.4 I confirm that in preparing this summary I have reviewed the Applicant's and Submitters' evidence circulated Monday 30<sup>th</sup> June and 7<sup>th</sup> July, respectively, and referred to all that material identified at paragraph 1.11 of the s42A report and the s42A report itself.

## 2 Overview of the s42A Report

- 2.1 Sections 1 and 2 of the s42A report provide:
- an introduction to and the purpose / structure of the s42A report, and
  - a factual overview of the application site, existing environment, the proposal and the relevant statutory considerations for determining whether consent should be granted.
- 2.2 Section 3, paragraphs 3.1 to 3.6 of the s42A report outlines the notification process. Five submissions were received, and the submitters and nature of those submissions are as set out in paragraphs 3.7 to 3.12 of the s42A report.
- 2.3 The submissions received primarily addressed effect comparisons between the building platform for the dwelling within existing Area Z to that of proposed Area A: including noise and light, views and rural open space (loss of), and privacy. The joint position of the submitters is the application be declined and the established building within proposed Area A revert to a building other than for habitable purposes (i.e. an ancillary building).
- 2.4 In addition, the submissions addressed considerations in Mr Bain's Landscape Memo supporting the application Assessment of Environmental Effects (**AEE**) and the planting along boundaries of the application site adjoining the submitters, particularly the use of Poplar species.
- 2.5 The s42A report, Section 4, responds to the submissions, relying on supporting evidence for Council provided by Mr Brad Dobson (on visual (rural outlook) and landscape matters). The key issues (effects), given the nature of the submissions received, were grouped in the s42A report as follows:
- Key Issue 1: Rural character effects, and
  - Key Issue 2: Rural amenity effects.

- 2.6 At a higher order, in respect of both effects group, paragraphs 4.11 to 4.15 and 4.29 to 4.34 consider relevant objectives and policies of the Proposed New Plymouth District Plan (Appeals Version) (**Proposed Plan**) and in both instances my view is the proposal is consistent with the policy direction of the Proposed Plan.
- 2.7 Paragraphs 4.9 to 4.10 and 4.16 to 4.25 of the s42A report considers **rural character effects** which all five submissions address. Paragraph 4.9 focusses on the nature of each of the submissions, with all submitters seeking that Area Z is retained such that a dwelling should only be erected within this area subject to the existing consent notice conditions. The result being the conversion of the building back to a shed that does not provide any way in which it the building could be occupied for residential living.
- 2.8 Paragraphs 4.27 to 4.28 and 4.36 to 4.48 of the s42A report considers **rural amenity effects** which all five submissions address. Paragraph 4.27 focusses on the nature of each of the submissions, with loss of privacy, outlook, and enjoyment from properties being key matters raised by all submitters, and in respect of two submitters light and noise pollution effects were raised. Submitters' concern also related to the planting of Lombardy poplars planted on the application site, near boundaries of submitters.
- 2.9 In addition to the change of consent notice, draft recommended conditions were included in Attachment D which addresses considerations given in paragraphs 4.16 to 4.25 and 4.36 to 4.48 of the s42A report.
- 2.10 My overall view concerning rural character and amenity effects was that while the proposal generates effects, these can be managed / mitigated including through the conditions recommended, such that they are no more than minor.
- 2.11 I concluded that, for the reasons as set out in the s42A report, the issues raised relating to RMA matters can be resolved and through the imposition of the draft conditions recommended (or similar) that are contained in Attachment D to the report, consent may be granted for the proposal pursuant to s221, 104, and 104B of the RMA.

### 3 Key Issues in Evidence

- 3.1 The technical expert who provided evidence, Mr Brad Dobson, upon which I relied in preparing my s42A report, has considered the matters relevant to his expertise raised in evidence and will be available to provide additional comment and answer questions on these matters, and any further matters raised, at the Hearing.

#### **A. Submitters' Evidence – Kathryn Hooper (Planning)**

##### **(Pghs 26 to 31 – Retrospective Applications for Consent)**

- 3.2 Ms Hooper in her evidence in paragraphs 26 to 31 considers and provides context, referencing a recent IC's decision on a resource consent for a dwelling and associated fencing and retaining walls (retrospective) in New Plymouth. The decision by the IC emphasises that such applications should be evaluated as if the development had not yet occurred (per RMA s104 and 104B); that is the existing development should not be presumed acceptable just because it's already built, and the assessment must match that of a new proposal.
- 3.3 In terms of a response:

- a. I concur with Ms Hooper that retrospective consents offer the benefit of observing actual, not theoretical, effects.
  - b. The retrospective nature of this application is the change to the location of the consent notice extent to retrospective address the building as for habitable purposes.
  - c. The building, although being less ‘shed’ like and more visible as a dwelling, would be permitted by the standards of Proposed Plan (Appeals Version) and conditions of the consent notice applicable to the application site where it served an ancillary function.
  - d. Should the outcome of the process be to decline consent to the proposal. the building could be reverted to serve an ancillary function, as opposed to being required to be removed.
- 3.4 Thus, I have given consideration in my s42A report, in paragraphs 4.16 to 4.25 and 4.36 to 4.48 on the basis that the effects considered pertain to the use of the building, as opposed to the building itself.
- 3.5 As referenced in paragraph 4.25(c)(v) of the s42A report, it is Mr Dobson’s conclusion that the visual effects of the building within proposed Area A can be reduced over time through existing planting within the application site.
- 3.6 I consider the considerations given in 4.16 to 4.25, 4.36 to 4.48, and 4.50 to 4.59 remain a robust base for the IC to rely on.

### **B. Submitters’ Evidence – Kathryn Hooper (Planning)**

#### **(Pghs 32 to 78 – Removal or Variation of Consent Notices)**

- 3.7 The inadequacy of both the application and my s42A report in considering the context of the previous consent process and how the conditions were reached on environmental values that the original consent sought to protect are a key focus of Ms Hooper’s evidence within paragraphs 32 to 78.
- 3.8 In relation to the evidence received, I consider that:
- a. The location of Area Z was a factor considered in the granting of the subdivision consent (SUB22/48035). It was proffered as part of the application, considered by the reporting planner, and ultimately imposed as a condition of the subdivision consent in the form of a requirement for a consent notice on the Record of Title.
  - b. The consent notice’s relevance, and reliance afforded the same, in relation to the submitters was considered and addressed in paragraphs 46(a), 47 ‘*Effects more than minor assessment (Section 95D)*’, and 49 ‘*Assessment of Adverse Effects on Persons*’ of the s95 Notification Report.
  - c. Each submitter has valid and genuine reasons to have relied on the consent notice conditions, including those relating to Area Z, and in developing their own properties. However, the applicant also is afforded the opportunity to apply to vary a consent notice condition under s221(3) of the RMA at any time after the deposit of the survey plan.
  - d. Considerations at paragraphs 4.16 to 4.25 and 4.36 to 4.48 of the s42A report while not directly reflecting on / referencing the context of subdivision consent SUB22/48035, the assessment considers and addresses the effects pertaining to the location of dwelling / habitable building within proposed Area A in comparison to that of existing Area Z given an application has been made to vary the location of Area Z.
  - e. Further paragraphs 4.50 to 4.59 consider the established planting within the application site in consideration with the effects matters considered in the preceding assessments.

- f. The analysis in the s42A report is sufficient in terms of the considerations in relation to the variation to a consent notice.
- 3.9 On the matter of whether the context of the previous consent process and how the conditions were reached, and the ability for the submitters to rely on the consent notice conditions, I consider the considerations given in 4.16 to 4.25, 4.36 to 4.48, and 4.50 to 4.59 remain as a robust base for the IC to rely on.

**C. Submitters' Evidence – Kathryn Hooper (Planning)**

**(Pghs 79 to 85 – Change in Circumstances)**

- 3.10 Whether a material change in circumstances has occurred is challenged in Ms Hooper's evidence in paragraphs 79 to 84.
- 3.11 In terms of a response:
- a. As referenced in the s42A report and above in paragraph 3.7(c) s221(3) of the RMA enables at any time after the deposit of the survey plan an application to vary or cancel a consent notice.
  - b. S88 to 121 and s127(4) of the RMA apply to applications to vary or cancel a consent notice, with all necessary modifications (s221(3A) RMA).
  - c. Section 127 allows the holder of a resource consent to apply to a consent authority to change or cancel conditions of an existing resource consent (excluding conditions relating to the duration of the consent).
  - d. There is no requirement on an applicant to demonstrate that there has been a change in circumstances since the consent was granted. However, evidence of changed circumstances might support an application and help justify the change, especially if it affects the assessment of effects.
- 3.12 With respect to this application, and in consideration of the assessment undertaken and conclusions reached in the s42A report, I do not consider it necessary for the Applicant to demonstrate a change in circumstances. This does not, however, preclude the Applicant from doing so, being in a better position to respond on this matter.

**D. Submitters' Evidence – Kathryn Hooper (Planning)**

**(Pghs 86 to 129 – Assessment of Effects)**

- 3.13 The key point of Ms Hooper's evidence in undertaking an assessment of effects in paragraphs 86 to 129 is that the proposal results in greater adverse effects than provided by the current consent notice location, Area Z, as:
- a. Effects must be considered by comparing proposed Area A to the existing consented baseline, being Area Z.
  - b. A shed permitted on proposed Area A does not justify converting it into a dwelling where in doing so changes the nature of use of that building and its effects.
  - c. Allowing a dwelling in proposed Area A has the potential to contribute to a gradual erosion of rural character, which current policy aims to prevent.
  - d. Moving the dwelling introduces residential elements not aligned with the rural setting, leading to increased visual and amenity impacts which subdivision consent SUB22/48035's decision and resulting consent notice conditions were based on by restricting the dwelling to Area Z.

- e. Granting consent could undermine the reliability and purpose of consent notices and set a precedent for altering approved plans without proper justification. Without strong reasons the proposed change would erode trust in planning decisions and the use of consent notices as a tool for managing effects.
- 3.14 In relation to the evidence received, while I concur with Ms Hooper on matters (a) and (b) above, I consider:
- a. As addressed in my s42A report, the effects arising from the change can be managed or mitigated through conditions recommended, such that any effects resulting from the change are no more than minor.
  - b. A dwelling in proposed Area A will not lead to the gradual erosion of rural character. Although an extreme representation, any building on the application site, beyond that of a habitable dwelling, is not limited to a 'shed' to the scale and size subject to the application, such that the use of the land could result in buildings related to:
    - *agriculture, pastoral/livestock farming, dairying and horticulture, including rural produce retail where grown / produced on the site,*
    - *storage of products and initial processing of horticultural and agricultural products produced on site,*
    - *the storage and disposal of solid and liquid animal waste,*
    - *domestic animal boarding and breeding, and stock sale yards, and*
    - *rural research.*
- 3.15 Each site and circumstance are unique and must be considered on its merits in respect of the RMA. This is application for a discretionary activity (as opposed to non-complying). Granting consent would not undermine consent notices nor set a precedent.
- 3.16 I consider the considerations given in 4.16 to 4.25, 4.36 to 4.48, and 4.50 to 4.59 remain a robust base for the IC to rely on.

**E. Applicant's and Submitter's Evidence – Jennifer Carvill and Kathryn Hooper (Planning)**

**(Recommended Conditions)**

- 3.17 Ms Carvill in her evidence states that recommended Conditions 1(b), and 2 to 4 are in her opinion not necessary to address effects of the proposal. Notwithstanding this, she further advises that the Applicant is willing to accept most of these conditions with amendment to Conditions 2 and 3.
- 3.18 While establishing that the submitters seek the application be declined in its entirety, Ms Hooper in her evidence, paragraphs 154 to 160, explores alterations to the conditions recommended in the s42A report, acknowledging that some of the conditions are *Augier* conditions which the Applicant would need to volunteer to be imposed. There is also a question as to the Applicant's intent / ability to comply with any such conditions imposed given current actions. In addition to new conditions, changes to recommended Conditions 1 to 3 are proposed.
- 3.19 I discuss Conditions 1 to 3 as follows whereby these fall as recommendations should the IC be of a mind to grant consent to vary the consent notice.
- 3.20 **Condition 1** changes are sought by the submitters to:

- a. provide clarification through definition to terminology to the s42A report's recommended conditions, and
- b. add a further four conditions in reference to outdoor living areas, windows, additional building locations, and sport and recreation activities being undertaken at the application site.

3.21 I note in terms of a response to changes to the recommended conditions:

- a. **Conditions 1(a) and 1(b)** I consider the definition clarifications as appropriate; however, I have included the definitions as references for *Minor Residential Unit*, *Granny Flat*, and *obscured glass* for consistency in approach.
- b. New **Conditions 1(c) and 1(e)** as further mitigation measures in respect of the rural amenity effects considered in paragraphs 4.36 to 4.48 of the s42A report.
- c. New **Condition 1(d)** I consider to be slightly confusing with the use of references to *shall either be* and *and/or*. My interpretation of the entire condition is that the screening / obscure glass is sought regardless of the location, however it appears there is a preference by the submitters for the living areas windows to be facing south or east.  
  
It is unnecessary to impose a requirement for obscure glass, as sought by suggested Condition 1(d)(ii) and physical barrier, where a barrier would extend 1 metre either side and be level with the top of the glassed area of the window. In addition, the planting conditions as recommended by the s42A report will ensure the same outcome.
- d. New **Conditions 1(f) and 1(g)** are Augier conditions where the submitters seek further restrictions on the development and activities at the application site beyond that related to, or addressing effects of, the proposed relocation of the consent notice extent relating to the habitable building location. The matter pertaining to the use of the application site for the purposes of equestrian activities was addressed in paragraph 4.27(e) of the s42A report. I seek to understand the Applicant's response / position in respect of these conditions which will likely be presented at the hearing.

3.22 The changes proposed to **Condition 2** are sought by the Applicant to addresses administrative / typographical errors and afford the Applicant greater time to provide Council the Detailed Landscape Plan (DLP) and implement any amendments to the certified DLP.

3.23 I note in terms of those changes sought beyond addressing administrative / typographical errors in the recommended conditions:

- a. **Condition 2** proposed changes relate to enabling a longer period (i.e. 40 as opposed to 20 working days) for the development of a DLP given the level of detail required by Condition 3 and potential time for the Applicant to obtain quotes and engage a suitably qualified person. I consider a maximum of 30 working days, as opposed to approximately 2 months, as a practical and reasonable timeframe in which to ensure engagement for and preparation of the DLP.
- b. In respect of **Condition 2(b)(ii)** being the implementation of any 'change' to the 'certified DLP' I consider a change is appropriate, however not as sought by Ms Carvill's suggested changes on the basis that the imposition of Condition 4 is not challenged by Ms Carvill or Ms Hooper for the submitters which affords the Applicant 3 months from the date of certification to implement the DLP. Given this, the condition should be amended such that reference is only given to Condition 4 (as opposed to the subparts of Condition 4) which would afford the Applicant 3 months to implement any changes to the DLP, in a manner per the initial implementation / planting.



- c. The Applicant and the submitters' response / position in respect of these conditions will likely to be presented at the hearing.
- 3.24 Changes to **Condition 3** and subparts **3(a)** and **(d)** are sought by both the Applicant and submitters. A further two conditions are sought by the submitters whereby they seek to be involved in the development of the DLP.
- 3.25 In terms of those changes sought beyond addressing boundary referencing errors by both parties in the recommended conditions, I note in the following:
- The Applicant in respect of **Condition 3(a)** seeks to retain the Lombardy poplar planting within the application site and provide to a lesser extent screen mitigation to that recommended in the s42A report, Attachment D. Whereas the submitters seek the retention of the removal of the poplars and a far greater width of native planting, no less than 25 metres in width along the western / southwestern boundary of the application site. While a width of 5 metres or more is supported, the need for a 25 metre width is questionable, including the on-going maintenance of the same.  
Condition 3(a) was developed based on the evidence of Mr Dobson, upon which I relied in preparing my s42A report. While I recommend some changes to the condition further comments on this condition are likely to be raised and considered at the Hearing where Mr Dobson and the Applicants' and submitters' experts will be able to elaborate.
  - Amendments to and new subparts to **Condition 3(d)** by the Applicant and submitters serves to clarify the condition further. While supportive of the changes there will need to be further clarity around wording such as *'remains of the appropriate height'*.
  - Conditions **3(e)** and a **new condition (4)** are Augier conditions where the submitters seek involvement in the process of the development of the DLP or any variation that may occur. I seek to understand the Applicant's response / position in respect of these conditions and will likely be presented at the hearing.
- 3.26 The additional **Condition 6** sought by the submitters to register a *no complaints covenant* on the Record of Title for the application site is another Augier condition where the submitters seek further restrictions on the development and activities at the application site beyond that related to, or addressing effects of, the proposed relocation of the consent notice extent relating to the habitable building location. I seek to understand the Applicant's response / position in respect of the condition which will likely be presented at the hearing.
- 3.27 I consider that changes to the conditions requested by both parties have in some cases merit, which are addressed above and advised by Attachment A to this summary. However, currently I acknowledge the:
- Augier and additional / amended conditions which I expect the Applicant and submitters will respond in respect of,
  - Experts of Mr Dobson and Mr Bain may provide further clarity or respond to the IC's questions at the hearing,
- such that the recommendation in respect of conditions, should the IC be inclined to grant the application to vary the consent notice condition, these may evolve.

## 4 Recommendation(s)

- 4.1 I provide a preliminary view at this time on the evidence submitted (as identified in this summary); however, I wish to hear the evidence and IC's questions. I understand that I will have the opportunity to provide a formal response to the matters heard at the hearing.



- 4.2 I acknowledge the Planning evidence of Ms Carvill and technical evidence of Mr Bain on behalf of the Applicant and Planning evidence of Ms Hooper on behalf of the submitters as these relate to the s42A report recommendation.
- 4.3 For the sake of brevity, I understand the key matters of concern relate to:
- a. **Applicant:** proposed conditions, and
  - b. **Submitters:** Relocating the dwelling from Area Z to proposed Area A increases adverse effects on rural character and amenity which the conditions (and resultant consent notice) imposed on subdivision consent SUB22/48035 intended to avoid with these effects remaining relevant. There is no valid change in circumstances to justify the amendment and approving it would undermine planning integrity and set a risky precedent.
- 4.4 At this stage based on the evidence lodged and technical advice, I recommend the application is **granted** subject to conditions for the reasons as set out in the s42A report, except that amendments are made to those conditions recommended within the s42A report per Section 4(E) and Attachment A to this summary.

## 5 Conclusion

- 5.1 I conclude that, for the reasons as set out above, the issues raised relating to RMA matters can be resolved and through the imposition of the draft conditions recommended (or similar), refer Attachment A, consent may be granted for the proposal pursuant to s221, 104, and 104B of the RMA.
- 5.2 Overall, I recommend that consent be granted subject to the conditions as amended and set out in Attachment A.

Jacqui Manning

14 July 2025

## ATTACHMENT A – REVISITED CONDITIONS

### NOTE:

- **red text** relates to those changes I support sought, with modification, by the Submitters or Applicant to the recommended conditions contained within Attachment D to the s42A report.
- **blue text** relates to those changes sought by the Submitters or Applicant to the recommended conditions contained within Attachment D to the s42A report which I do not support or consider the Applicant should respond to as an Augier condition.

### 1. Consent Notice 12565106.1 shall be varied to read:

- A maximum of one habitable dwelling shall be permitted on Lot 2 LT 582431. This building shall be located within the Area marked 'A' on Lot 2 LT 582431 as shown on the Site Plan by BTW Company, Drawing No. 230274-SU-01, Sheet 1, Rev B2. The habitable building shall not be erected outside of the Area marked 'A' on Lot 2 LT 582431.*  
*For the avoidance of doubt, a Minor Residential Unit<sup>1</sup> would be considered a second habitable dwelling and is not permitted.*
- Any glazing shall be obscured glass<sup>2</sup> within the habitable dwelling where positioned 2.4 metres or more above ground level at the time the consent notice was originally registered on the Record of Title for Lot 2 DP 582431.*
- No balconies or decks more than 300mm above ground level existing at date of registration of this consent notice shall be established on the habitable dwelling or other structure within Lot 2 DP 582431.*
- Windows associated with any living areas (including any living room, lounge, dining room or dining area, library, or similar space for general living purposes) within the habitable dwelling shall be screened with a physical barrier (such as a trellis or similar structure). Such screening shall:*
  - be located adjacent to the window and positioned no more than 3 metres from the window of any living area on the habitable dwelling, and*
  - extend at least 1 metre to each side and from the ground level up to be at least level with the top of the glazed extent of the window.*
- No outdoor living areas associated with the habitable dwelling (including but not limited to decks, patios, courtyards, pools, spas, barbeque areas, and gardens) shall be located on the extent of Lot 2 DP 582431 extending from the western elevation of the dwelling to the site boundary.*
- No additional buildings or structures of any type or size (including any courts or arenas for sporting or recreational activities) may be built within 50 metres of the entire western boundary of the site.*

<sup>1</sup> **Minor Residential Unit** means a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site and includes a Granny Flat.

<sup>2</sup> **Obscured glass** means glass that has been treated, patterned, textured, frosted, etched, sandblasted, or otherwise manufactured so that it limits visibility through the glass from one side to the other, while still permitting the passage of natural light. The obscuration must be sufficient to prevent clear views through the glass in both directions, typically to a minimum of Level 3 obscuration on the Pilkington scale or an equivalent standard)

g. *At no time shall Lot 2 DP 582431 be used for Sport and Recreation Activities<sup>3</sup> unless the written approval for the activity is expressly given by the owners and occupiers of the following properties:*

- i. *271 Weld Road Lower (Lot 3 DP 582431),*
- ii. *263 Weld Road Lower (Lot 1 DP 432478),*
- iii. *247C Weld Road Lower (Lot 1 DP 500285),*
- iv. *247B Weld Road Lower (Lot 2 DP 432478), and*
- v. *255 Weld Road Lower (Lot 1 DP 484251).*

*All costs to register the consent notice shall be borne by the Consent Holder.*

2. No later than ~~20~~ 30 working days<sup>4</sup> from the date of **grant commencement** of this consent, the Consent Holder must submit a Detailed Landscape Plan (DLP) prepared by a landscape architect, or other suitably qualified and experienced person, to Council's Monitoring and Enforcement Officer for written certification in accordance with the information requirements set out in Condition 3.

The purpose of the DLP is to create a visual representation of the landscape for the site that addresses viewshafts, privacy, light, and noise mitigation in respect of adjoining properties.

- a. Where Council is unable to certify the DLP on the basis that the information requirements in Condition 3 have not been met, the Consent Holder shall submit a revised DLP for certification.
- b. Any change(s) to the certified DLP must be submitted to Council's Monitoring and Enforcement Officer for certification in accordance with Conditions 2 and 3(e).
  - i. Any change(s) to **the** DLP shall not be undertaken until certification of the change(s) by Council has occurred in writing.<sup>1</sup>
  - ii. ~~Conditions 4(a) to (c) apply~~ **applies** post certification of amendments, ~~where the Consent Holder shall implement within 10 workings days of certification~~

#### Advice Notes

- The *PROCESS* related to certification in respect of Condition 2 will occur in consultation with and on advisement by Council's Landscape and Urban Design Advisor at the Consent Holder's cost.
- Council will either certify or refuse to certify the DLP within 10 working days of receipt based on the parameters contained within Condition 3.
- Should Council refuse to certify the DLP then the Compliance and Monitoring Enforcement Officer will provide in writing an outline as to why certification is refused based on the parameters contained within Condition 3.
- Provided that the *information* requirements within Condition 3 are addressed in the DLP, certification will not be withheld.

3. The DLP required by Condition 2 must **address provide for** the following to achieve its purpose:
  - a. Extent of all landscape elements including for the:
    - i. ~~Eastern Western~~ / **Southwestern** site boundary facing Lot 2 DP 432478 (247B Weld Road Lower):
      - the Poplar shelterbelt shall be removed.

<sup>3</sup> **Sport and Recreation Activities** are defined as the use of land and buildings for organised sport, recreation activities, tournaments and sports education, e.g. parks, playgrounds, sportsgrounds, swimming pools, stadia and multi-sports facilities. It includes ancillary activities to sport and recreation activities. For the removal of doubt, this includes any horse training arena, riding school or other organized events, training or education involving equestrian activities.

<sup>4</sup> **Working days** as defined within the Resource Management Act 1991

- ~~and replaced with~~ a double row of mixed native evergreen planting ~~in the vicinity of the above referenced Poplar shelterbelt at the top of the embankment for the that~~ extent of the built form of both the dwelling within Area A and ancillary buildings.  
a 25-metre-wide native planting strip running parallel to the full length of the boundary.
  - no planting shall breach a height plane of 3 metres, measured from the existing ground level at the top of the embankment (for the avoidance of doubt, this point is to be measured at the eastern edge of the 25-metre native planting strip required in the bullet point above).
- ii. ~~Western / Southwestern Eastern~~ site boundary adjoining Lot 1 DP 432478 (~~263 Weld Road Lower~~):
- the Poplar shelterbelt shall be removed.
  - a 25-metre-wide native planting strip running parallel for the southern 50 metres of the boundary length.
  - ~~and replaced with~~ in all other areas a 5-metre-wide native planting strip running parallel to the length of the boundary.
  - the planting shall be located clear of the water easement running parallel to the boundary line such that the integrity of the easement remains unaffected.
- iii. ~~Eastern Western~~ part of site adjoining Lot 3 DP 582431 (271 Weld Road Lower):
- at or near boundary the Poplar planting shall be removed.
- iv. ~~Eastern Western~~ side of Area A and habitable building and associated outdoor living area (within the proximity of the existing broadleaf hedge):
- isolated mounding and planting or a line of clear-stemmed, pleached Hornbeam trees (or similar).
- v. Extent of site contained within Land Covenant Area Y on DP 582431:
- removal of ~~any the~~ existing planting ~~that is not consistent with the land covenant~~ and replacement with species consistent with the land covenant.
- b. The species, location, spacing, size (at time of planting), and quantity of all plants to be physically installed, with a particular focus of appropriateness of species for survival for their location,
- c. A full schedule of all plants to be physically installed including botanical name, common name, planter bag size, and quantities,
- d. Detailed landscape maintenance plan indicating all maintenance tasks to be undertaken:
- i. Per calendar month for a minimum period of 24 months ~~during the establishment of the landscape planting~~. Maintenance tasks ~~during establishment~~ shall include watering, feeding, mulching, re-staking, and pest and disease management.
  - ii. ~~The minimum height for pruning of the existing broadleaf hedge of 2.5 metres.~~
  - iii. ~~On an ongoing and regular basis thereafter replacement of damaged and dead plants.~~ Maintenance tasks during ongoing maintenance shall include mulching, re-staking, and pest and disease management, control of all plant pests and wild sown species, , trimming of vegetation to ensure that it remains of the appropriate height.
- e. Evidence that the DLP has been provided to the owners and occupiers of the following neighbouring properties for feedback and comment, including a record of feedback received from these parties and the changes (if any) made to the DLP in response to the feedback:
- i. 271 Weld Road Lower (Lot 3 DP 582431),
  - ii. 263 Weld Road Lower (Lot 1 DP 432478),
  - iii. 247C Weld Road Lower (Lot 1 DP 500285),
  - iv. 247B Weld Road Lower (Lot 2 DP 432478), and

v. 255 Weld Road Lower (Lot 1 DP 484251).

4. Within 3 months from the date of certification of the DLP, the Consent Holder must establish all planting on the site in accordance with the certified DLP.
- The landscaping shall be retained and maintained in accordance with the certified DLP.
  - Any plants that are removed, damaged, or fail shall be replaced at the sole expense of the Consent Holder as soon as possible, but no later than the next planting season, in accordance with the certified DLP.
  - The Consent Holder shall contact Council's Monitoring and Enforcement Officer within two (2) weeks of planting being fully implemented so the initial monitoring visit can occur.

**Advice Notes:**

- *The plantings will be monitored by Council's Monitoring and Enforcement Officer:*
    - ~ *At the completion of the physical installation of the planting and associated works, and*
    - ~ *24 months after the planting is first installed and completed.*
  - *Additional monitoring may take place thereafter if required.*
5. A no complaints covenant shall be registered against the record of title of the site preventing the Consent Holder from complaining about noise, odour, traffic, or other lawful activities occurring on any part of any of the following properties:
- 271 Weld Road Lower (Lot 3 DP 582431),
  - 263 Weld Road Lower (Lot 1 DP 432478),
  - 247C Weld Road Lower (Lot 1 DP 500285),
  - 247B Weld Road Lower (Lot 2 DP 432478), and
  - 255 Weld Road Lower (Lot 1 DP 484251).
- The covenant wording shall be provided by the Consent Holder's Lawyer to the Council's Planning Lead for approval.
  - All costs to register the covenant shall be borne by the Consent Holder.