

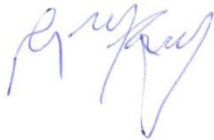
POST HEARING MINUTE #2

APPLICATION BY BRYAN AND KIM ROACH LUC23/48350

1. The following is further to my Post Hearing Minute dated 28 March 2025 and arises from my review of the respective peer reviews of the permitted baseline and pergola assessments provided by Mr Robinson and Ms Hooper.
2. Firstly, I would like to thank all participants for their compliance with my Post Hearing Minute of 28 March 2025. That is, Mr Grieve for his updated legal submissions; the Applicant's experts for their permitted base line and pergola design plans, including Mr Arnold and Mr McEwan, and Mr Lawn for his PDP assessment of those designs; and Mr Robinson and Ms Hooper for their respective reviews of those plans and the associated PDP assessment.
3. On reviewing the post-hearing documents provided to me, I find there to be general agreement amongst the three planning experts, Mr Lawn, Mr Campbell, and Ms Hooper that the permitted baseline design prepared by Mr Arnold can comply with the PDP.¹ There is however disagreement from Mr Campbell and Ms Hooper with the PDP assessment of the proposed pergola completed by Mr Lawn. The disagreement relates to whether the pergola is considered as a separate structure, as assessed by Mr Lawn, or whether it is an extension of the existing fence or wall as Mr Robinson and Ms Hooper interpret it to be. If the pergola is considered as an attached extension of the existing boundary wall / fence, then it does not meet the maximum permitted fence or wall height of 2m within a side yard (effects standard MRZ-S10).
4. Having reviewed the respective assessments provided by Mr Lawn, Ms Hooper, and Mr Campbell, I find that there is sufficient doubt that the pergola design submitted on behalf of the Applicants would have the status of a permitted activity under the PDP.
5. I therefore request that the Applicant's experts reconsider the pergola design having regard to the peer review comments submitted by Mr Campbell and Ms Hooper and to my findings on this matter outlined above, in accordance with the following direction:
 - A. A pergola design inclusive of planting details for the middle outdoor deck area that would meet the intent of the offered condition to mitigate privacy and overlooking effects, and a PDP compliance assessment of it.
 - (i) The pergola redesign is to be prepared by Mr McEwan and include amendments from the design submitted on 11 April 2025 to ensure compliance with effects standard MRZ-S10, and maintain compliance with all other PDP rules and standards.

¹ Excepting that Ms Hooper questions the site coverage calculation applying to the existing dwelling at 24 Woolcombe Terrace in regard to the "substantial overhanging eaves" of the 'Houe 1' building.

- (ii) Mr Lawn is to provide assessment of the pergola against the PDP in a table format with a row by row assessment against each relevant standard and include reference to any relevant rules and conditions necessary to verify permitted activity status, and include specific commentary on how the redesigned pergola addresses the compliance issues raised by Mr Campbell and Ms Hooper with the previous design.
 - (iii) The redesigned pergola and compliance assessment of it requested in (i) and (ii) above are to be provided to Ms Straka no later than **Monday 28 April 2025**, being the same day that Mr Grieve's Right of Reply is due to be filed.
- 6. The remaining action from my 28 March 2025 Post Hearing minute still stands. That is, Mr Grieve's Right of Reply on behalf of Mr & Mrs Roach is to be filed with Ms Straka by Monday **28 April 2025**.
- 7. I am conscious that the statutory holidays falling between now and 28 April 2025 may not provide sufficient time for the Applicant's experts to meet the above directions and for Mr Grieve to complete his Right of Reply. I therefore invite Mr Grieve to submit an achievable timeline for the above directions to be met if it is impracticable to achieve them by 28 April 2025.



Philip McKay
Independent Commissioner
On behalf of New Plymouth District Council

Dated: 17 April 2025