

**BEFORE AN INDEPENDENT COMMISSIONER APPOINTED  
BY THE NEW PLYMOUTH DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991 ("RMA")

**AND**

**IN THE MATTER** an application under s221(3) of the RMA to vary  
a consent notice condition applying to the  
property at 263 Weld Road Lower, Oakura

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**STATEMENT OF EVIDENCE OF JENNIFER CARVILL**

**(PLANNING)**

**30 JUNE 2025**

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## **INTRODUCTION**

### **Qualifications and experience**

1. My name is Jennifer Marie Carvill.
2. I am a planner with over 25 years' professional experience and I hold the qualification of Bachelor of Planning with first class honours from the University of Auckland. I am a full member of the New Zealand Planning Institute, having gained my full membership in 2001.
3. I have a broad range of experience across the field of planning and resource management, including land use consenting, regional consenting and policy development. I am a Technical Director – Planning at Tonkin & Taylor Limited, and have held consulting planning roles for the majority of my career. I have also worked in a policy role for the Western Bay of Plenty District Council.
4. My experience in the Taranaki region includes rural, dairy, mining, and oil and gas activities, including presentation of expert evidence at the Proposed New Plymouth District Plan hearings and involvement in mediation and resolution of appeals in relation to the associated decisions.
5. I was engaged by the applicant following notification of the application and have reviewed the application that was lodged with New Plymouth District Council (Council) and the subsequently amended proposal and Landscape Memo – Addendum (May 2025) prepared by Mr Bain.
6. I have reviewed the Council's section 95 notification report (the s95 Report) and section 42A hearing report (the s42A Report), the relevant sections of the Proposed New Plymouth District Plan Appeals Version (Proposed Plan) and the submissions lodged following notification of the application.

### **Code of Conduct**

7. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (2023) and I agree to comply with it. In that regard, I confirm that this evidence is written within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **SCOPE OF EVIDENCE**

8. In my evidence, I:
  - (a) provide an executive summary of my key conclusions;
  - (b) provide some background context and details of the proposal relevant to my evidence;
  - (c) outline the applicable statutory framework;
  - (d) summarise potential effects of the proposal;
  - (e) assess the proposal against the relevant objectives and policies;
  - (f) respond to submissions; and,
  - (g) respond to the s42A Report.

## **EXECUTIVE SUMMARY**

9. The applicants seek to vary a consent notice condition to reposition the authorised location for a dwelling within the site at 263 Weld Road Lower from location 'Area Z' (2,834 m<sup>2</sup>) to 'Area A' (216 m<sup>2</sup>). This is an application for a discretionary activity and it is to be assessed using the standard Resource Management Act 1991 (RMA) decision making process that applies to resource consent applications, and in particular section 104.
10. In my opinion, any adverse effects associated with the proposed repositioning of the authorised location of the habitable dwelling on the site will be less than minor and the proposal is wholly consistent with the relevant objectives and policies of the Proposed New Plymouth District Plan and the Taranaki Regional Policy Statement. My conclusions include consideration of the original purpose of the consent notice, and a comparison of effects of the consented dwelling location (Area Z) and the proposed dwelling location (Area A) (among other matters).
11. I also note that the establishment of a dwelling in Area A would be a permitted activity under the Proposed Plan. It is only the Consent Notice condition that needs to be varied to authorise a dwelling in Area A. The existing building in this location complies with all relevant effects standards in the Proposed Plan as well as all of the other applicable requirements of the Consent Notice.
12. While I generally concur with the conclusions of the s42A Report, in my opinion the effects of the proposal are acceptable without recommended Conditions 1(b), and 2 to 4

from the S42A Report. Notwithstanding this, the applicants are willing to accept most of the recommended conditions and therefore **Attachment A** to my evidence sets out recommended amendments to Attachment D of the s42A Report.

## **BACKGROUND CONTEXT AND PROPOSAL**

### **Subdivision Consent and Consent Notice**

13. A subdivision consent<sup>1</sup> was granted in May 2022 that resulted in the creation of Lot 2 DP 582431<sup>2</sup> with an area of 4.2 ha and a site address of 263 Weld Road Lower, Oakura (the Site). The application for this subdivision consent was processed on a non-notified basis<sup>3</sup> and the conditions from the granted consent that are relevant to the application the subject of this hearing are as follows:

#### ***Condition 12***

*Conditions 13-25 below shall be imposed by way of consent notice registered against the new Record of Title of Lots 1-3 pursuant to Section 221 (while the land remains in the Rural Environment Area).*

...

#### ***Condition 15***

*No habitable buildings shall be erected outside of the Area marked Z on Lot 2.*

14. Accordingly, the above conditions (among others) were registered on the record of title by way of Consent Notice 12565106.1 (the Consent Notice).
15. The Consent Notice, as it relates to Lot 2 DP 582431, includes requirements relating to number and location of habitable dwellings; height of buildings; roof, cladding, water tank and guttering materials and shades; fencing; external lighting; cut and fill batters; and foundations. Apart from habitable dwellings, it does not limit the number of buildings.
16. I note that, while certain covenants also apply to the Site, the condition relating to the location of the habitable dwelling on the Site is only imposed via the Consent Notice and is not a restriction that has been set by way of covenant or other contractual

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<sup>1</sup> Subdivision consent SUB22/48035.

<sup>2</sup> Record of Title 1090181.

<sup>3</sup> Written approvals were submitted with the application from seven parties and effects on these parties were accordingly disregarded.

arrangement. The RMA specifically provides for variation and cancellation of consent notice conditions in section 221 and I address this further below.

### **Proposed Variation to the Consent Notice**

17. The applicant seeks to vary the Consent Notice as it relates to the restriction on the location of the one authorised habitable dwelling on the Site. In particular, the variation sought is to amend the area authorised for the dwelling from the consented Area Z to the proposed Area A.<sup>4</sup> The proposed amendments to the Consent Notice (relating to a single Consent Notice condition) are set out below, in strikethrough and underline.

*A maximum of one habitable dwelling shall be permitted on Lot 2 LT 582431. This building shall be located within the Area marked ~~'Z'~~ '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 ~~'Z'~~ 'A' on Lot ~~4~~ 2 LT 582431.*

18. Area Z is located in the south eastern portion of the Site and comprises an area of 2,834 m<sup>2</sup>. This area is currently in pasture and is crossed by an existing driveway.
19. Area A is located towards the west of the Site and comprises a significantly smaller area of 216 m<sup>2</sup>. This area is occupied by an existing building. The original application was for a proposed footprint of approximately 500 m, however this was amended by the applicant. The effect of the application would be to authorise the existing building as a habitable dwelling.<sup>5</sup>
20. The application is not to cancel the Consent Notice condition or conditions. It is to amend a single Consent Notice condition by moving the prescribed building platform. All other consent notice controls are proposed to remain unchanged.

### **Description of the Site and Surrounding Area**

21. There is a detailed description of the Site and surrounding area in the Assessment of Effects on the Environment (AEE), s95 Report, s42A Report and Mr Bain's evidence so I will not repeat that here. The s95 Report and s42A Report also provide comprehensive details regarding the zoning and other planning provisions that apply and therefore I only note here that the Site is zoned Rural Environment in the Operative New Plymouth District Plan and Rural Production Zone in the Proposed Plan and both zones anticipate

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<sup>4</sup> There is also a proposed correction of an error where the Consent Notice refers to Lot 1, rather than to Lot 2.

<sup>5</sup> Or, for completeness, any future replacement dwelling.

and provide for a dwelling on the Site as a permitted activity. Appeals on the Proposed District Plan have advanced to the stage where all rules in the Rural Production Zone of the Proposed Plan can be treated as operative<sup>6</sup> and no Rural Production Zone objectives or policies are under appeal. In my view, the objectives and policies of the Proposed Plan should be given primary weight (and the operative District Plan objectives and policies little or no weight).

### **Changes in Circumstances**

22. Changes in circumstances have occurred since the subdivision consent was granted, in particular from a statutory planning perspective, the Rural Production Zone chapter of the Proposed Plan is now beyond challenge (which, as addressed in my statement of evidence, recognises that rural dwellings are part of the rural experience).
23. In addition, there have been material changes to the existing environment. As described in the evidence of Mr Bain, additional development has occurred in the surrounding area including the establishment (or consenting) of additional dwellings, sheds, a garage, and a dwelling extension on the application Site and the surrounding properties. A building has been constructed within the proposed dwelling footprint location (Area A) and a shed has been constructed to the south. In addition, a driveway dissecting consented Area Z on the Site has also been constructed. Mr Bain's evidence is that the local area is relatively developed and its character aligns more closely with a rural lifestyle living environment. Further, Mr Dobson states in the s42A Report that "*The landscape is now functionally transitioning toward a rural lifestyle environment...*". I concur with these views.
24. I also note that Mr Bain's evidence is that, while he did not recommend Area Z, part of the rationale for Area Z being created (and therefore the proposal that Mr Bain assessed for the original subdivision) was, at least in part, with respect to views from 249 Weld Road Lower. Given the owners of 249 Weld Road Lower have provided their written approval to the proposal, this is also a relevant factor when considering changes in circumstances.

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<sup>6</sup> RMA, s86F.

## **APPLICABLE STATUTORY FRAMEWORK**

25. Section 221(3)(a) of the Resource Management Act 1991 (RMA) provides that, at any time after the deposit of a survey plan, the owner may apply to vary any condition specified in a consent notice.
26. Further, pursuant to section 221(3A), sections 88 to 121 and 127(4) to 132 apply, with all necessary modifications, to any such application. Therefore, the standard RMA decision making process that applies to resource consent applications is also relevant to this application. On this basis, my evidence will provide my opinion relating to:
- (a) the actual and potential effects of the proposal;
  - (b) the extent to which the proposal is consistent with the objectives and policies of the Proposed Plan; and
  - (c) the potential for a precedent or plan integrity effect, which can be relevant matters for consideration under section 104(1)(c) of the RMA.
27. While the proposal (activity, bulk and location) would be permitted under the Proposed Plan, and s104(2) applies (enabling a consent authority to disregard an adverse effect of the activity on the environment), given the context of this application (being a consent notice condition variation) the applicants are not relying on the permitted baseline to discount effects.
28. Neither the Proposed Plan nor the Operative New Plymouth District Plan specify the activity status for variation of a consent notice under section 221(3)(a) of the RMA. I concur with the s42A Report that the activity should be processed as a discretionary activity.

## **EFFECTS**

### **Rural Character and Amenity**

29. The amendment of the authorised location for a dwelling on the Site from Area Z to Area A has the potential to result in adverse effects on rural character and amenity.
30. Mr Bain has provided analysis of the existing landscape setting of the Site and the surrounding area, and assessed the potential effects of the proposal, including potential effects on spaciousness, the amenity of neighbouring dwellings and their outdoor living areas, and lighting effects. He has assessed comparative effects of a dwelling in

proposed Area A compared to consented Area Z. He concludes that the adverse effects of the proposal, including on all nearby neighbours, will be very low.

31. The s42A Report concludes that the potential effects on rural character and rural amenity can be managed / mitigated such that they are no more than minor.<sup>7</sup> While I generally concur with the conclusions of the s42A Report,<sup>8</sup> in my opinion the effects of the proposal are acceptable without recommended Conditions 1(b), and 2 to 4 from the s42A Report. Notwithstanding this, the applicants are willing to accept most of the recommended conditions and therefore Attachment A to my evidence sets out recommended amendments to Attachment D of the s42A Report, and I discuss these amendments shortly.
32. I note that a dwelling in proposed Area A would be a permitted activity under the Proposed Plan. It is only the Consent Notice condition that needs to be varied to authorise a dwelling in Area A. The existing building within proposed Area A fully meets all of the effects standards set out in the Rural Production Zone chapter of the Proposed Plan. In particular, the existing building complies with the maximum height control, setback requirements, and the height in relation to boundary control. There is no maximum gross floor area that applies to the Site (other than in relation to rural produce retail and intensive indoor primary production, which are not relevant).<sup>9</sup>
33. Further, except for location, the existing building meets all of the requirements of the Consent Notice, including building height, external lighting and materials and shades used for roofing and cladding.
34. In addition, it is relevant that the existing Consent Notice allows the construction of a dwelling with a much larger footprint within Area Z (2,834 m<sup>2</sup>), compared to proposed Area A (216 m<sup>2</sup>) which limits the footprint of any dwelling to 216 m<sup>2</sup> (reduced from approximately 500 m<sup>2</sup> in the application as lodged).
35. As outlined below, the Proposed Plan recognises that rural dwellings are part of the rural experience throughout the district, and this is the case in the area surrounding the Site. Therefore, I am of the opinion that a dwelling on the Site in Area A will be consistent with the existing and anticipated rural character in the Rural Production Zone.

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<sup>7</sup> s42A Report, para 4.26 (rural character), para 4.43 (rural amenity – privacy), and para 4.49 (rural amenity – light and noise).

<sup>8</sup> While there remains some minor differences in opinion between my conclusions and the conclusions of the s42A Report relating to levels of effects, collectively we are agreed that any effects will be minor (at worst).

<sup>9</sup> RPROZ-S6 *Maximum gross floor area*.



36. I have also considered the purpose of specifying the location for the dwelling in the Consent Notice, and in particular have reviewed the planning report and decision for the subdivision consent, and the Visual Impact Assessment submitted with the subdivision application. That s42A planning report/decision relies on the findings of the Landscape and Visual Impact Assessment submitted with the subdivision application (also prepared by Mr Bain), and concludes that the (Area Z) building platform is satisfactorily located, including to meet the objective of not being prominent in the area. This consideration associated with the positioning of Area Z continues to be met by proposed Area A. In summary, I consider that the principal environmental effects sought to be addressed by authorisation of Area Z will also be addressed by Area A.
37. Based on the evidence of Mr Bain, and my own experience as a planner, I consider that the effects on rural character and amenity of amending the authorised location of the dwelling at the Site from the 2,834 m<sup>2</sup> Area Z to the 216 m<sup>2</sup> Area A will be less than minor.

### **Loss of Land for Primary Production**

38. The development of highly productive land can result in adverse effects on the availability of the finite characteristics of that land for land-based primary production.
39. “Highly productive land” is defined in the National Policy Statement for Highly Productive Land (NPS HPL). In this context, the NPS HPL’s interim definition applies, being land that is zoned general rural or rural production, and is mapped in the New Zealand Land Resource Inventory as LUC 1, 2 or 3.<sup>10</sup>
40. In accordance with this definition, the majority of Area Z is highly productive land (classified as LUC Class 1c-2) and Area A is not highly productive land (classified as LUC Class 4e-2).
41. On this basis, the NPS-HPL does not apply to Area A, and I consider that the proposed repositioning of the authorised location for a dwelling on the Site from Area Z to Area A will have no adverse effect on highly productive land.<sup>11</sup>

### **Effects Summary**

42. Overall, I consider that the effects of the proposed variation to the Consent Notice will be less than minor and acceptable.

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<sup>10</sup> Refer clause 3.5(7) of the NPS-HPL.  
<sup>11</sup> Additionally, an existing building already occupies Area A.

## OBJECTIVES AND POLICIES

43. The proposal has been assessed against the objectives and policies of the Proposed Plan and the Taranaki Regional Policy Statement (the TRPS) in the s42A Report and I concur with the officer's conclusion that the proposal is consistent with the relevant provisions.<sup>12</sup> In summary, I make the following comments.
44. The TRPS recognises the role of resource use and development, and that in rural areas there may be effects on amenity values and that in many cases these effects are anticipated / expected as part of the characteristics of rural areas, including associated dwellings.<sup>13</sup>
45. The Proposed Plan objectives for the Rural Production Zone seek to ensure that land in the zone is predominantly used for primary production; that the role, function and predominant character of the zone is not compromised by incompatible activities; and that the predominant character and amenity of the zone is maintained. In particular, Objective RPROZ-O4 identifies key features of the predominant character and amenity of the Rural Production Zone which are to be maintained, including (2):
- "low density built form with open space between buildings that are predominantly used for agricultural, pastoral and horticultural activities (for example, barns and sheds), low density rural living (for example, farm houses and worker's cottages and community activities (for example, rural halls, domains and schools))"*
46. These objectives are supported by policies, the most relevant of which seek to:
- (a) allow residential activities that are compatible with the role, function and predominant character of the zone (RPROZ-P1); and
  - (b) maintain the role, function and predominant character of the zone by controlling the effects of building height, bulk and location; and setbacks from boundaries (RPROZ-P4).
47. I consider that the proposed repositioning of the authorised location for a dwelling on the Site from Area Z to Area A will be wholly consistent with these objectives and policies. In particular, the low density built form of the Site will be maintained, and the authorisation of a dwelling in Area A will remain consistent with the role, function and predominant

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<sup>12</sup> I note that the s42A Report includes consideration of subdivision objectives and policies which I do not consider to be relevant to the application, as it does not involve a subdivision. Regardless, the relevance or otherwise of these provisions does not affect my assessment.

<sup>13</sup> TRPS UDR Objective 1, UDR Policy 1, AMY Objective 1, and AMY Policy 1.

character of the surrounding rural area as the number of dwellings authorised on the Site will remain unchanged.

## **OTHER MATTERS**

48. Precedent effect and plan integrity are other matters that can be relevant under section 104(1)(c) of the RMA.
49. In my view, any future application for a similar activity would be assessed on its own merits and particular facts, taking into account the existing environment and the provisions of the plan. In addition, s221 of the RMA expressly provides a mechanism to vary consent notice conditions, and the proposal is wholly consistent with the objectives and policies of the Rural Production Zone. Therefore, no precedent effect or impact on the integrity of the plan would occur as a result of the grant of this application.

## **SUBMISSIONS**

50. I have reviewed the submissions on the application and note that most of the matters raised in the submissions are not specifically planning matters. Mr Bain has addressed each of the submissions in relation to landscape and amenity matters, and addresses each of the neighbouring properties in Annexure A to his evidence. Mr Bain concludes that the submissions have not caused him to revise his previous conclusions with respect to adverse effects and I concur with this conclusion.

## **SECTION 42A REPORT AND CONDITIONS**

51. I have reviewed the s42A Report and generally concur with the conclusions of that report. Based on the evidence of Mr Bain, and my own expertise as a planner, in my opinion the effects of the proposal are acceptable without recommended Conditions 1(b), and 2 to 4 from the s42A Report, which are intended to further mitigate effects. However, the applicants are willing to accept most of the recommended conditions and therefore Attachment A to my evidence sets out recommended amendments to Attachment D of the s42A Report. My recommended amendments to conditions include input from Mr Bain.
52. I briefly discuss each of the proposed amendments below.

## Condition 2

53. Condition 2 requires the submission of a Detailed Landscape Plan (DLP) no later than 20 working days from the date of grant of the consent.
54. In my view a longer time period for the development of this plan is appropriate given the level of detail required. I have proposed 40 working days, to enable the consent holder to obtain quotations for the preparation of the DLP by a suitably qualified and experienced person, to identify and consider appropriate species for the planting (including availability), and to develop the detail required by Condition 3.
55. With regard to the timing of the submission of the DLP, I consider that this should be in relation to the date of 'commencement' of the consent, rather than the date of 'grant'.
56. These amendments are as follows:

*No later than ~~20~~ 40 working days from the date of ~~commencement~~ grant 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.*

57. Condition 2(b)(ii) relates to implementation of any certified changes to the DLP, with the wording proposed in the s42A Report being "*where the Consent Holder shall implement within 10 working days of certification*".
58. In my view, this wording should be clarified, and provision should be made for the certified DLP to specify an implementation timeframe that is different from the 10 working days required in the condition. This acknowledges the fact that it may not be appropriate to implement changes to the certified DLP within 10 working days, for example seasonal maintenance tasks.
59. I have also suggested some minor corrections to Condition 2(b)(i).
60. These amendments are as follows:

*b. Any change(s) to the certified DLP must be submitted to Council's Monitoring and Enforcement Officer for certification in accordance with Condition 2.*

*i. Any change(s) to the DLP shall not be undertaken until certification of the change(s) by Council has occurred in writing.'*

*ii. Conditions 4(a) to (c) apply post certification of amendments. Implementation of certified amendments shall be undertaken by the Consent Holder within 10 working days of certification, or within such other timeframe as specified in the certified DLP. ~~where the Consent Holder shall implement within 10 working days of certification~~*

### Condition 3

61. Condition 3(a) sets out the landscape elements that must be included in the DLP. My recommended amendments here can be summarised as follows:

- (a) Correction of location descriptors.

References to 'Eastern site boundary' are amended to 'Southwestern site boundary', and references to 'Western side of Area A' are amended to 'Eastern side of Area A'.

- (b) Clarification of the location, nature and extent of native planting.

Condition 3(a)(i) and (ii) in the s42A Report both require additional native planting. Based on the wording in the recommended condition, and Mr Dobson's report, Mr Bain and I understand that the intention is for the planting required by (i) to occur at the top of the embankment in the vicinity of the existing Poplar shelterbelt (rather than at the boundary). For (ii), we understand that this planting is intended to also occur in the vicinity of the existing Poplar shelterbelt, from its northern end to where it meets the planting required in (i).

My recommended amendments to the wording seek to clarify these locations, and provide consistent wording regarding the nature and extent of the native planting, being '*a double row of mixed native evergreen planting*'. Whatever the intention of the proposed wording in the s42A Report, in my opinion the wording I have recommended is appropriate.

- (c) Deletion of the requirement to remove existing Poplar shelterbelts.

Recommended Condition 3 in the s42A Report requires the removal of existing Poplar shelterbelts in three locations on the Site. As discussed in the evidence of Mr Bain, the existing Poplars provide shelter, visual scale, and enable winter sunlight. I concur with Mr Bain that the removal of the Poplars is not justified for the purposes of managing the effects of the proposal.

- (d) Deletion of requirements in relation to a water easement.

Condition 3(a)(ii) in the s42A Report includes requirements in relation to a water easement. The applicants have advised that this water easement no longer exists. On this basis, I consider that these requirements can be deleted.

- (e) Deletion of requirement for isolated mounding and additional planting near the existing broadleaf hedge.

Condition 3(a)(iv) in the s42A Report requires isolated mounding and additional planting on the eastern side of Area A, near the existing broadleaf (Griselinia) hedge. As discussed in the evidence of Mr Bain, additional tall vegetation in this location will provide marginal benefit as visual screening from the east, and the retention of the existing hedge at a minimum height of 2.5 m (once established) will soften and screen views on the eastern side of the dwelling while continuing to allow morning sun. To address this, I have suggested amendments to Condition 3(a)(iv) to require the retention of the existing hedge, and addition of a new clause Condition 3(d)(ii), which will require the landscape maintenance plan to specify 2.5 m as the minimum height for pruning of the existing hedge.

- (f) Clarification of the vegetation to be removed from Area Y.

Condition 3(a)(v) in the s42A Report requires removal of existing planting in Area Y, and replacement of that planting with species consistent with the land covenant. In my view this should be clarified such that only planting that is inconsistent with the requirements of the land covenant (if any) needs be removed.

62. The amendments to Condition 3 are set out as follows:

*The DLP required by Condition 2 must address the following to achieve its purpose:*

a. *Extent of all landscape elements including for the:*

- i. Southwestern Eastern site boundary facing Lot 2 DP 432478 (247B Weld Road Lower):

A double row of mixed native evergreen planting in the vicinity of the existing Poplar shelterbelt at the top of the embankment, for the extent of the built form of both the dwelling within Area A and the ancillary buildings.

~~the Poplar shelterbelt shall be removed and replaced with a double row of mixed native evergreen planting for that extent of the built form of both the dwelling within Area A and ancillary buildings.~~

- ii. Southwestern Eastern site boundary adjoining Lot 1 DP 432478:

A double row of mixed native evergreen planting in the vicinity of the existing Poplar shelterbelt, for the length of the common boundary from the northern end of the existing Poplar shelterbelt to where it meets the planting required in 3(a)(i).

~~the Poplar shelterbelt shall be removed and replaced with 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. ~~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 t~~The existing broadleaf hedge ~~(or similar) is retained~~  
~~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:
  - i. all maintenance tasks to be undertaken per calendar month for a minimum period of 24 months. Maintenance tasks 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 m.

## CONCLUSION

- 63. In my opinion, any adverse effects associated with the proposed repositioning of the authorised location of the habitable dwelling on the Site will be less than minor and the proposal is wholly consistent with the relevant objectives and policies of the Proposed Plan.
- 64. Attachment A to my evidence sets out recommended amendments to the s42A Report recommended conditions.

**Jennifer Carvill**  
Tonkin & Taylor Limited

30 June 2025

# Attachment A to Planning Evidence of Jennifer Carvill

## Base document – Attachment D of s42A Report

30 June 2025 – Amendments proposed in planning evidence shown underlined and in ~~strike-through~~ in blue text.

### ATTACHMENT D – DRAFT RECOMMENDED CONDITIONS

1. Consent Notice 12565106.1 shall be varied to read:
  - a. *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.*
  - b. *Any glazing shall be obscured glass 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.*
2. No later than ~~20~~ 40 working days<sup>1</sup> from the date of commencement ~~grant~~ 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 Condition 2.
  - 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 post certification of amendments; Implementation of certified amendments shall be undertaken by the Consent Holder within 10 working days of certification, or within such other timeframe as specified in the certified DLP. 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.

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<sup>1</sup> Working days as defined within the Resource Management Act 1991



- 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 the following to achieve its purpose:
- a. Extent of all landscape elements including for the:
    - i. ~~Southwestern~~ ~~Eastern~~ site boundary facing Lot 2 DP 432478 (247B Weld Road Lower):  
A double row of mixed native evergreen planting in the vicinity of the existing Poplar shelterbelt at the top of the embankment, for the extent of the built form of both the dwelling within Area A and the ancillary buildings.  
~~the Poplar shelterbelt shall be removed and replaced with a double row of mixed native evergreen planting for that extent of the built form of both the dwelling within Area A and ancillary buildings.~~
    - ii. ~~Southwestern~~ ~~Eastern~~ site boundary adjoining Lot 1 DP 432478:  
A double row of mixed native evergreen planting in the vicinity of the existing Poplar shelterbelt, for the length of the common boundary from the northern end of the existing Poplar shelterbelt to where it meets the planting required in 3(a)(i).  
~~the Poplar shelterbelt shall be removed and replaced with 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. ~~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 t~~The existing broadleaf hedge (or similar) is retained~~) 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:  
~~R~~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:
    - i. all maintenance tasks to be undertaken per calendar month for a minimum period of 24 months. Maintenance tasks 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 m.
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.
- a. The landscaping shall be retained and maintained in accordance with the certified DLP.

- b. 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.
- c. 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.*