

## ATTACHMENT F – SUMMARY TABLE & FULL SET OF SUBMISSIONS

SUB #	SUBMITTER(S)	PART OF APPLICATION SUBMISSION RELATES	SUBMISSION SUMMARY	DECISION SOUGHT	TO BE HEARD - JOINT
Generic to all 5 submissions			<div><div>a. will not promote sustainable management of natural and physical resources, and will not achieve purpose and principles of the RMA</div><div>b. will not meet reasonably foreseeable needs of future generations</div><div>c. will not enable social, economic and cultural well-being of Oakura community to be met</div><div>d. is contrary to purposes and provisions of relevant planning documents, including the District Plan (Appeals Version) and TRPS</div><div>e. will result in unacceptable and inappropriate adverse effects on environment that cannot be adequately avoided, remedied or mitigated</div><div>f. contrary to Part 2 and other provisions of the RMA</div></div>		
1	Greg & Katy Sheffield	Entirety	<div><div>• Specifically agreed and signed off on approved building platform with previous owner when decision to subdivide land was made (SUB22/43805, dated May 2022), which was approved by Council</div><div>• Agreed to purchase land from previous owner to ensure maintained privacy from northern living aspects and master bedroom as this was important</div><div>• Proposed building site directly impacts very aspects looked to protect when agreeing to original subdivision (namely privacy from northern aspects of house and master bedroom)</div><div>• Particularly note that:<div><div>~ Approved building platform closer but generally discreet and well hidden from all viewpoints (living areas and bedrooms)</div><div>~ Proposed building platform significantly more visible and less private from multiple viewpoints</div><div>~ Proposed building platform visible from all major living areas (lounges, kitchen, children's bedrooms, and front living areas and master bedroom)</div><div>~ Approved building platform is discreetly visible from children's bedrooms and one window in lounge. Rest of lounge, kitchen and master bedroom do not have views of Approved building platform</div><div>~ From outdoor living areas and garden, proposed building platform directly visible, whereas approved platform is discreet and non-intrusive</div></div></div><div>• Change in location will have significant effects on privacy, outlook, and enjoyment of property</div></div>	<div>Decline – Not vary / remove the consent notice</div> <div><div>• Retain Area Z as building platform, keep consent notice same, and require any future dwelling must be constructed within approved area</div><div>• Any associated application for change of use of shed should be declined</div></div>	<div>Yes</div> <div>Joint Case Considered</div>
2	James Dinnis	Entirety	<div><div>• Background<div><div>~ Purchased property in early part 2022, at time Beatons subdivision going through</div><div>~ Understood land would have a specific building platform identified on title (Area Z).</div><div>~ When purchased intention to gain resource consent for second dwelling, at time was going to be for parents then later other family or a rental as income stream</div><div>~ Engaged planner, landscape architect, and engineer to come up with proposal that would blend into landscape and not be offensive to neighbours, building platform was lowered, stud height kept to minimum and roof pitch kept to 8 degrees, cladding and colours in keeping with rural setting</div><div>~ View shafts from neighbouring properties were taken into account including that of Fourie's specific habitable building platform (Area Z) and landscape mitigation plan created, all affected parties' signatures were gained plus other close neighbours were given copy of plan and asked for comments. Everyone seemed happy and gained resource consent, it was a costly process in regard to fees and time taken but followed correct process and maintained integrity of environment.</div><div>~ Fourie's proposing to convert shed to dwelling meters away from proposed second dwelling and long way from specific habitable building platform</div></div></div></div>	<div>Decline – Not vary / remove the consent notice</div> <div><div>• Retain Area Z as building platform, keep consent notice same, and require any future dwelling must be constructed within approved area</div><div>• Removal of Lombardy poplars that have been planted</div><div>• Any associated application for change of use of shed should be declined</div></div>	<div>Yes</div> <div>Joint Case Considered</div>



			<div><div>~ Obvious this was original intention when purchased land and have no regard for neighbours or work undertaken by Beatons with neighbouring parties when originally subdivided land</div><div>• Written Approvals</div><div>~ The Fourie's have been trying to get approvals from the neighbours. The second time they asked us for sign off to move the building platform I asked Heinrich for a landscape mitigation plan plus building plans similar to the ones we supplied. None were supplied and we have watched their new dwelling being created without neighbours' consent</div><div>~ The Fourie's originally applied to move the building platform, and we gave our written approval to this - and they also signed our resource consent application for our second dwelling. The written approval we gave was for something quite different to what the council is now considering, being the conversion of an existing shed to a dwelling, and the removal of Area Z. If there is any doubt, we did not give approval to the subject application.</div><div>• Adverse effects</div><div>~ Correct process has not been followed and now affected in negative way by actions of neighbours. Effects are things such as noise pollution, light pollution, loss of rural feel and space, loss of privacy, and planting of poplars right on eastern boundary which will affect morning sun and effluent bed</div><div>~ Built main dwelling with aim of blending into rural landscape as much as possible and now Fourie's dwelling sits right in view shaft from front door. At night there's light pollution. None of this would affect if land rules on title had been followed</div><div>~ NPDC were made well aware of it looked like Fourie's intentions were from outset and didn't take action. Now neighbours having to spend time and money trying to prevent what RMA is there to prevent happening, and all seems wrong</div></div>		
3	Rebecca & Leanne Shaw	Entirety	<div>• Correct process to build dwelling with respect to RMA and Building Act not complied with as an after the fact application</div> <div>~ Hard to understand why RMA application is for shed conversion when this is not true. Application itself refers to 'shed' as a barn house and said conversion already occurred, which makes application misleading and in part untruthful</div> <div>~ Throughout submission, shed referred to as dwelling as this is what is built and cannot call it a shed conversion when that is simply not the truth. This is a dwelling, it always has been</div> <div>~ Currently undertaking a major renovation of property and have gone down correct pathway of obtaining building consent, complying with RMA, and completing inspections along way. Simply cannot support application, from people who choose to ignore these requirements, and attempting to do them retrospectively as a way to find way around a problem and get what they want</div> <div>~ Hope values of Building Act and RMA can be upheld and stop to application progressing as way to show correct processes need to be followed by all</div> <div>• Rural character of land altered beyond what was stated in original subdivision of land</div> <div>~ Original subdivision SUB22/48035 stated <i>"Mr Bains LVIA report further states that effects from the creation of Lot 2 are reduced by the identification of a Proposed Building Platform (Area Z on Subdivision Scheme Plan). This tucks the dwelling towards the embankment and prevents the wider open space on Lot 2 being built on. The access way represents a small change and in combination with the dwelling creates a very low effect on landscape character."</i></div> <div>~ NPDCI supported Mr Bain's statement by <i>"I concur with the comments above from Mr Bain and also note that due to the Proposed Building Platform being tucked into the embankment, it is very unlikely that any future dwelling on Lot 2 will be visible from Weld Road. There may be potential views from Timaru Road towards the site, however these views are in a specific location and not of a continuous nature. Regarding views from the wider area, it is considered that any loss of spaciousness beyond the neighbouring properties will be negligible."</i></div> <div>~ Dwelling in current location is visible from Weld Road and as a result there has been an alteration to rural character of land.</div>	<div>Decline – Not vary / remove the consent notice</div> <div>• Dwelling converted back to shed as per consent application and dwelling erected on correct building platform as per plans as they stood when Applicant purchased land</div> <div>• Retain Area Z as building platform, keep consent notice same, and require any future dwelling must be constructed within approved area</div> <div>• Any associated application for change of use of shed should be declined</div>	<div>Yes</div> <div>Joint Case Considered</div>

			<div><div><div><div>~ Original subdivision application concluded that Area Z was best area for building platform as it would have very low effect on landscape character, yet the dwelling in current spot now has major effect</div><div>~ Dwelling at 263 is clearly visible from Weld Road as you travel down it</div><div>~ would expect NPDC to stand by support for designated building platform in area Z to give trust and confidence in those that supported original subdivision application</div><div>~ Should be case for any person in future to have confidence that what is decided in a subdivision application stands long term</div></div><div><div>• Property now has reduced privacy as a result of being exposed to already built shed/dwelling</div><div><div>~ Property directly impacted by dwelling in current location. As it stands, have direct line of sight to dwelling from master bedroom, sunroom, and kitchen. Will also be completely open to them from outdoor spa area being created where garage currently stands. Current garage will be demolished in June / July and converted to outdoor living area (as per approved building consent plans). From property, completely open and exposed, and look directly to dwelling at 263. This would not be case if dwelling was built in its designated spot and tucked into embankment</div><div>~ Rebut comments made by Richard Bain in 'Landscape Memo August 2024' that he wrote in support of this application. His statement about effects on dwelling at 255 Weld <i>"This property has... no view of the existing shed to be converted."</i> is simply untrue and would discourage you to rely on his comments which directly relate to neighbouring dwellings when he is making these assumptions not from physical addresses in which he refers to</div><div>~ This report completely contradicts earlier report provided for subdivision of land that created 263 Weld Road. It seems that for a fee he will happily write what his client wants, rather than stand by an unbiased report he originally wrote. Also wish to draw attention to cover photo and other photographs throughout report from August 2024, which show multiple photos of dwelling being built. The clear amount of windows and verandah area is a lot different from the three bay shed that sits next to it. Despite the fact his report states the property is just a shed and calls this process a shed conversion. He would be completely aware this is not a shed and not a shed conversion</div><div>~ Mr Bain's report, states <i>"Even ignoring new planting, the only likely additional effect from a dwelling as opposed to a shed is possible night lighting and outdoor amenity areas and the creation of outdoor amenity areas. Concerning lighting, sheds are generally not occupied at night. Even so, night lighting represents a very low effect as surrounding neighbours are probably inside at night and generally unaware of lighting associated with dwellings"</i>. There is a strong difference from a shed which has human activity from time to time, compared with human activity in an on-going capacity</div><div>~ Outdoor area at 263 has direct line of sight to house and outdoor living area. Believe if dwelling built on designated building platform, would be subject to minimum or no human activity from dwelling at any hour. Even considering amount of human activity spent at sheds, if used as sheds, it would be fairly minimal in order to maintain livestock and property (i.e. lawnmowers, tractors etc)</div><div>~ When consider this in respect to human activity at dwelling there is a stark contrast. From observations there is usually always someone home, and cars coming and going several times a day. Look directly at driveway, shed and dwelling and can see people inside at certain times of day when at two windows that look up at our property. Outdoor area and around verandah have some view towards property and can easily observe people walking around property</div></div><div><div>• Impact and stress of whole application</div><div><div>~ Purchased and moved into property July 2024 and had no idea of this current breach of RMA. Having done everything above board and correctly in respect of own property renovations</div><div>~ Onto week 16 of renovation, which has ended up being nearly a rebuild! Family of 4 living in motorhome on property while work being done</div><div>~ Stress and intensity of project alone is enough without having to spend time on submission</div><div>~ When first approached by Henrich asking for support with application in February 2025, advised wouldn't be supporting and then two days later found letter from his mother-in-law</div></div></div></div></div></div>	
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			<p>Susie Anderson saying how unkind we were and implying we cannot think for ourselves in respect of matter</p> <p>~ Letter left in Oakura Medical Centre envelope, and at the time, family were patients. Susie co-owns practice with husband Brent Anderson and another Doctor who was family GP</p> <p>~ Given nature of letter felt uneasy about situation and moved family to another practice</p> <p>~ Difficulties face for freedom of speech</p> <p>~ Regardless of final outcome of matter will always be amicable towards neighbours and hopefully can all move forward from this once sorted</p>		
4	Steven & Angela Blair	Entirety	<ul style="list-style-type: none"><li>• Introduction</li><li>~ Bring to NPDCs attention inequality feel has been placed on surrounding properties, due to clear need for expert advice and expertise when responding to Resource Consent of nature where Applicant not followed due process nor been completely truthful in such application.</li><li>~ Such expert advice and input places unfair financial burden on affected property owners with no wrong-doing or personal need for such service, and assumes surrounding property owners are of same financial means to be able to do so</li><li>~ Recently undertaken building extension and on top Ange made redundant January 2025 which has had financial impact on household</li><li>~ Meant forced to make choice between investing 'dead' money seeking advice and help pulling submission together to clearly state ways rights impinged by activities at 263 Weld Road, or risk trying to go alone and hope we show negative impacts change would have on property and lifestyle</li><li>~ Feel NPDCs handling of entire process over last 2+ years since Applicant purchased property has placed undue stress and now financial burden on Applicants surrounding neighbours. NPDC has unfairly supported Applicant being able to be in a position that puts pressure on Council to accept their application due financial loss by Applicant</li><li>~ Since purchased property in 2016 have had to complete applications to NPDC twice to ensure any building activities undertaken on property are in line with requirements under the RMA and Building Act</li><li>~ Followed due process and consulted with neighbours prior to undertaking such building work to ensure stay within legal boundaries of what is required and ensure maintain great relationships with neighbours at same time, unlike Applicant</li><li>~ Believe Applicant broken 'Land Law', by undertaking action of building habitable dwelling outside designated build Zone on property</li><li>~ Applicant Construction Manager and Licensed Building Practitioner (LBP) and entirely aware of obligations required of them under both RMA and Building Act; Applicant has acted without integrity or compliance with such obligations to seek outcome entirely favourable to themselves and at detriment to neighbouring properties</li><li>~ Applicants purchased property with knowledge of building platform and failed to undertake appropriate due diligence with surrounding neighbours on how likely they would be to support a move of building zone on property, operating instead on belief entitled to do what they want due to history in area</li><li>~ Applicant along with friends and family have created fracture within neighbouring community with approaches taken after taking possession of property which included trespassing, property damage, threats and defamation of other neighbours</li><li>~ At no point have Applicants met with us with documentation clearly showing intentions which would have allowed tweak or input to changes to find mutual ground where changes would be suitable to all parties</li><li>~ Aware Applicant has met with at least two other affected parties and have refused all others of mutual arrangements agreeable to by all surrounding parties</li><li>~ Aware Applicant plans in future to run horse school from property</li><li>~ Have had two face-to-face meetings with Applicant – Heinrich has approached us at our property twice - First time shortly after purchased property and after handwritten letter dropped in mailbox outlining excitement at building their "dream home" on property</li></ul>	<p>Decline – Not vary / remove the consent notice</p> <ul style="list-style-type: none"><li>• Retain Area Z as building platform, keep consent notice same, and require any future dwelling must be constructed within approved area</li><li>• Any associated application for change of use of shed should be declined</li><li>• Removal of dwelling in entirety or removal of items within structure that allow it to be used as habitable space/dwelling. Heard Applicant intends to, if not successful, live in caravan on site &amp; use amenities in dwelling. The reversing of dwelling back to shed would therefore prevent Applicant from using as dwelling if this was case</li><li>• Leave Zone Z as building platform, and consent notice remain unchanged, and require status quo – that any future dwelling must be constructed within approved area - Area Z</li><li>• Should be denied on basis that a shed has never existed</li><li>• Denser smaller planting should be made along embankment, so Applicant's activities less obvious to neighbouring properties, along with reducing travel of noise from property</li><li>• Support proposal of planting outlined in Nick and Abigail Hacklings at 247B, submission to reduce impact of shading on their property and home</li><li>• Ensure legal mitigation process in place to prevent Fouries from undertaking commercial activities such as a horse school, or introduce floodlighting, etc.</li><li>• Ensuring actionable pathway for neighbouring property owners to initiate if Fouries decide to act outside appropriate processes again</li></ul>	<p>Yes</p> <p>Joint Case Considered</p>

			<div><div><div>~ Heinrich presented map with dot in pen on it showing where hoping to move building platform. Spot was back from current location of shed and dwelling which have been built on site now</div><div>~ Meeting was to let us know they were hoping to build in a different spot as indicated on map produced</div><div>~ At meeting advised Heinrich would not support change to building platform, unless they were open to including a restriction within that documentation ruling out building and operating of a horse school on property</div><div>~ Heinrich confirmed at first meeting it was Sophies future plan to run horse school at property but one that was a few years out yet</div><div>~ Greatly concerns as closest neighbours to end of property where school is likely to be positioned. Horse school would drastically impact ability to continue to enjoy property as now do</div><div>~ Such commercial operations would increase traffic on one lane road with horse trucks coming and going from property, posing a danger to all using road</div><div>~ Aware of issues faced on Surrey Hill Road by neighbours of Dickies horse arena and do not wish to be subjected to flood lighting or megaphones calling out instructions at students and their horses, early in mornings, evenings and during weekends.</div><div>~ If building platform remains in Zone Z, as currently required, the Applicants will also experience impacts of any horse school operated on property in line with neighbours</div><div>~ It is important to note, aware the RMA does not provide for the Applicants to operate such a facility on the property, without consent, however, also aware of unconsented business run by Sophie at parents' property down road and impact that has had on property owners around that property</div><div>~ Along with current breach of building and resource consent process on their own property at 263 Weld Road, highly likely the Fouries will operate and do whatever like at expense of neighbours</div><div>~ Raised concerns with Council and asked Council to take action to prevent very outcome we currently experiencing</div><div>~ After meeting, did not see Heinrich again until just recently.</div><div>~ Were advised by neighbours of first application Fouries made to Council, to move building platform, which included three written letters of support. Were never presented any forms or paperwork by Fouries as they believed we were not impacted by changes on their property. Made aware Fouries advised Council all other neighbours who hadn't signed were happy with proposed changes, which was completely incorrect.</div><div>~ Also understand different people who signed were not signing for change of use of a shed to a dwelling and each were provided with differing sets of information.</div><div>~ Spoke with Council after email and questioned how it is possible that Fouries could have completed earthworks to such a degree and why there were two foundations for two buildings being prepared</div><div>~ Asked Council if process with Beatons was revenue gathering exercise, since not worth paper written on and asked how tp withdraw consent to original subdivision given intention of subdivision and associated input neighbours had given was not being honoured</div><div>~ Council took no action. Fouries put application on hold and got on with first building initial shed. That was completed and received a text message from Heinrich advising not to worry that foundation work on second building site was for a second shed.</div><div>~ In the middle of building extension of house at time and heard from building inspector who knows Heinrich personally that they were building their home at site application refer to as shed</div><div>~ NPDC have known and had enough information to be aware of Fouries intentions not to build in marked building platform and have turned blind eye.</div><div>~ NPDC have had many communications with residents of neighbouring properties raising concerns. Asked NPDC to explain what processes have failed for Fouries and surrounding neighbours to be in position we all in now. Never received response</div></div></div>		
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			<div><div><div>~ Applicant moved into dwelling October 2024 but have felt let down by lack of process and support they have received from Council to enable such flouting of rules and regulations</div><div>~ Heinrich arrived at door recently asking if we would attend a group meeting at their property along with other neighbours to give them opportunity to outline plans and change in circumstances they have had. That meeting never took place as Applicant failed to give any neighbours enough time before they had to meet with us, and there was a lack of information prior to be able to attend such a meeting</div><div>• Impacts on us and why we seek the NPDC decline the application</div><div>~ Applicant has built right above our neighbours at 247B. The shed and dwelling which has been erected are an eyesore from all but 3 windows from our home. Applicant had chosen colour that does not blend with the rural aspect instead choosing large black buildings that stand out in the skyline</div><div>~ Our property already existed and do not have option to change outlook away from looking at Applicants property nor should be required to</div><div>~ Aware owners 247D granted consent to build second dwelling on property just above neighbours at 247B which means character of rural outlook has drastically changed. Now facing cluster of houses directly in front</div><div>~ As Applicant has built so close to side of property and directly in front feel privacy has been diminished. If dwelling was built above on Zone Z this would be less of impact on privacy. Had a right to rely on them building on Zone Z.</div><div>~ Unable to request Applicant plant trees high enough to block out buildings as would impact occupants of 247B blocking sunlight from reaching their property until late afternoon. We understand however, the Applicant has already undertaken such planting without consideration of neighbours</div><div>~ If = buildings were within current building platform, Applicant would be out of line of sight, would not hear them as currently do now from property when they are outside. Have visibility of house, children's trampoline etc from all living spaces and bedroom windows.</div><div>~ Understand from granting of original subdivision completed on Beatons behalf, the building platform and expert advice received by Beatons via Blue marble, and agreed with by NPDC outlined the following in Council Officers report for subdivision states (Paragraph 20):</div><div>~ <i>"A Landscape and Visual Impact Assessment (LVIA) undertaken by Richard Bain of Bluemarble has been provided with the application. This LVIA states that any potential effects on rural character from the proposal would be from the creation of Lot 2, as this enables an additional dwelling. The extent of change to Lot 1 is negligible given the existing dwelling. Lot 3 will also create negligible effect on rural character as it is a small lot that will be amalgamated with Lot 1 DP 315057 (271 Weld Road Lower). Mr Bains LVIA report further states that effects from the creation of Lot 2 are reduced by the identification of a Proposed Building Platform (Area Z on Subdivision Scheme Plan). This tucks the dwelling towards the embankment and prevents the wider open space on Lot 2 being built on. The access way represents a small change and in combination with the dwelling creates a very low effect on landscape character. "</i></div><div>~ Hard to trust views of a company who has flip flopped on original recommendations to Council and being paid (again) but to now present Applicants' perspective instead.</div><div>~ Views from Weld Road were concern in original application granted on basis there would be limited view of a new dwelling from Weld Road, given restriction with building platform contained in zone Z</div><div>~ If Applicants dwelling was within designated building platform, it would not be visible from road. Understand others have submitted photographic evidence to show impact from Weld Road. Clear from these the Applicants dwelling referred to as shed is inconsistent with this original determination.</div><div>• Summary</div><div>~ The Applicant's process has been an on-going saga which has caused undue psychological stress, on all concerned, and has created tension within neighbourhood which has reduced enjoyment of property throughout process</div></div></div>		
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			<div><div>~ Due to elevation of property above our privacy has been reduced – when Applicants stand on their bank they look onto deck with spa pool and have view of all bedrooms and living spaces along with backyard</div><div>~ Main concern is Applicants intention to develop horse school at property. With earth works and temporary fencing which have been undertaken so far concerned it will be on section of land closest. If this goes ahead there will be light and noise pollution and increased heavy traffic on a small road</div><div>~ If the building platform remains at Zone Z privacy issue goes away and likelihood of flood lighting and noise pollution will be reduced also as the Applicant will have to also consider the impact of these activities on their home</div></div>		
5	Nicholas & Abigail Hackling	Entirety	<div><div><div>• Knowingly and deliberately built habitable dwelling outside Zone Z</div><div>• History:<div><div>~ Precursor to development discussions occurred with Applicant</div><div>~ BTW Geotechnical Assessment refers to building types – dwelling and garage</div><div>~ Early advice to NPDC proposal for ‘shed’ would result in change of use from shed to dwelling</div><div>~ Not surprised when the Applicant moved into it (October 2024)</div><div>~ During construction and after completion building at no time used as a ‘shed’ - terminology in application misleading</div><div>~ A retrospective consent, the shed is already a dwelling, and Applicant living in it</div><div>~ Written approvals not for conversion of existing shed into dwelling – were for an application prepared before building work begun &amp; building platform relocated</div><div>~ Forms presented and declined to sign - pertain to application being prepared in advance of building dwelling - concerning Applicant proceeded establish dwelling when clear neighbours had concerns and would not give approval - blatant disregard for process</div></div></div><div>• Effects on Property<div><div>~ Result in dwelling much closer to existing home than original subdivision provided for</div><div>~ Developed property on basis no dwelling could be established in this location</div><div>~ Proximity is obvious (ref photo)</div><div>~ Moving dwelling closer positions outdoor living areas such that they will overlook property, affecting sense of privacy. Given Applicant already living in property, feel loss of privacy acutely already</div><div>~ Reduced amenity of property, reducing enjoyment of land and outdoor areas.</div><div>~ Blocking of sunlight to our property</div><div>~ Visible from Weld Road, not intention of original subdivision</div><div>~ Create additional noise and light emissions near dwelling</div><div>~ Blocking of sunlight (ref photo) first shed erected</div><div>~ Noise and light - shed is not occupied at night and doesn't create additional light or noise - dwelling will have light and noise 24/7 - dwelling closest to sleeping and living spaces - dwelling and outdoor living areas designed on understanding dwelling on Applicant's property within Area Z. Can not change what is built on property to address overlooking of Applicants ‘shed’ and outdoor spaces</div></div></div><div>• Original Subdivision<div><div>~ Reason for consent notice being in place, Beatons subdivided upper section, consulted with 9 neighbouring dwellings.</div><div>~ When consulted, initially asked for a 40 metre no build &amp; no tree planting parallel to western boundary line.</div><div>~ Compromise between all 9 was allocation of building platform in zone Z with each neighbour having specific concerns</div><div>~ No written submissions opposed the original subdivision because Beatons created Area Z taking all feedback on board, and proposed significant mitigation works to address each concern carefully</div></div></div></div></div>	<div>Decline – Not vary / remove the consent notice</div> <div><div>• Removal of shed / dwelling in entirety or removal of items within ‘shed’ that allow ‘shed’ to be used as habitable space / dwelling</div><div>• Not to extinguish Zone Z as building platform, and consent notice to remain unchanged</div><div>• Require status quo – that any future dwelling be constructed in Zone Z</div><div>• Any change of use of the shed be denied</div><div>• Removal of Lombardy Poplars along embankment</div></div>	<div>Yes</div> <div>Joint Case Considered</div>

			<div><div><div>~ Conditions 12-25 on original consent (imposed by way of consent notice) reflect concerns and agreed mitigation</div><div>~ Stipulations included no high planting should occur at top of embankment (which lies between our dwelling and the proposed sheds), along boundary to 247D Weld Road's driveway (to prevent shadowing) &amp; that no buildings to be erected within 50 metres of the same boundary line</div><div>~ Zone Z for building platform so no habitable building would be outside of area &amp; no high planting would be necessary to screen it and unlikely that any building would be built along the hill line</div><div>~ Would never have approved original subdivision in absence of establishment of Area Z because the effects would have been significant</div><div>~ Removal of the consent notice will undermine original subdivision, and NPDC's original decision to grant consent for subdivision, and will result in exact effects we were originally concerned about occurring at time land was subdivided</div></div><div><div>• Landscape mitigation by Blue Marble</div><div><div>~ Original application for subdivision consent was supported by Blue Marble</div><div>~ Council Officers report for subdivision states (Paragraph 20): <i>A Landscape and Visual Impact Assessment (LVIA) undertaken by Richard Bain of Bluemarble has been provided with the application. This LVIA states that any potential effects on rural character from the proposal would be from the creation of Lot 2, as this enables an additional dwelling. The extent of change to Lot 1 is negligible given the existing dwelling. Lot 3 will also create negligible effects on rural character as it is a small lot that will be amalgamated with Lot 1 DP 315057 ( 271 Weld Road Lower). Mr Bains LVIA report further states that effects from the creation of Lot 2 are reduced by the identification of a Proposed Building Platform (Area Z on Subdivision Scheme Plan). This tucks the dwelling towards the embankment and prevents the wider open space on Lot 2 being built on. The access way represents a small change and in combination with the dwelling creates a very low effect on landscape character</i></div><div>~ Find it very strange how same company can flip flop on mitigation recommendations</div><div>~ Views from Weld Road were a concern with original application and original subdivision was granted on basis there would be limited view of a new dwelling from Weld Road, given Area Z</div></div><div><div>• Mitigation planting</div><div><div>~ Fourie's paperwork &amp; on plan that row of Lombardy poplar trees should be planted along boundary as per the Blue Marble landscape memo</div><div>~ Blue Marbles original Landscape memo dated May 2023 stated a double row of native vegetation would be planted along embankment and made no mention of Lombardy Poplars</div><div>~ Landscape memo dated August 2024 amended to reflect that, despite landscape advice of Mr Bain, Lombardy Poplars have been planted along embankment already. These grow vigorously &amp; up to 30-40 metres in height</div><div>~ By wanting to change use of shed to dwelling, they are then mitigating impact to neighbours by planting poplars along raised bank</div><div>~ These will put us in shade until afternoon (these trees will grow to be far taller than the shed framing)</div><div>~ Following due process, until appropriate documents processed and granted this mitigation planting would be on hold, however trees already planted along highest point of section, not on embankment &amp; appears no consideration given that these trees likely to shade our property until the afternoon</div><div>~ From our vantage point (below the level of the Applicant's land) the saplings are already at the topmost point of the sheds</div><div>~ More acceptable planting along this ridge would be smaller griselinia or pittosporum hedge that could be trimmed at 2 metres</div><div>~ Before building commenced, spoke with Fouries about concern of planting high trees &amp; that it was 'our worst nightmare' &amp; they assured us that this wouldn't happen</div></div></div></div></div>		
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			<div><div><div>~ Unfortunately, another of concerns raised when approached by Beatons to give approval for subdivision, and we received assurance that our concerns about high planting on embankment would not occur. Now it is occurring</div><div>~ For the very reason – to avoiding shading effects - when purchasing land in 2009/2010, negotiated agreement with Kevin Thomas (seller) that row of pines that bordered 247D Weld Road's driveway &amp; 263 Weld Road's land would be removed as they provided excessive shadowing onto land that surpassed midday/ 2pm (dependant on the season). These were felled around 2014, once G and T Beaton took possession of the land</div><div>~ Placement of Lombardy Poplars in same area as original pines removed, for purpose of mitigating effects of a dwelling which should not be in this location, is unacceptable</div></div><div><div>• 247C Weld Road – Second Dwelling Creation (&amp; subdivision)</div><div><div>~ Nick King &amp; Sioban Lutterell (247A Weld Road) wanted to create rental property on their section. Initially they planned to build this on the furthest point from their dwelling that was on our boundary, within approximately 30 metres of our dwelling</div><div>~ After consultation they moved construction back to 80 metres from our dwelling</div><div>~ Dwelling later subdivided off from primary dwelling, to create 247C Weld Road</div></div><div><div>• Building 'Main Residence' and cottage at 247B Weld Road</div><div><div>~ After creation of 247C Weld Road, decided our 2nd dwelling should be moved further away from other two properties to give more privacy (110 metres)</div><div>~ Original plan was to build main residence within 25 m of cottage so we could share septic system (engineered for 2 dwellings), minimise power cable run etc. as this (at the time) would not have required additional resource consent</div><div>~ With construction of 247C Weld Road and NPDC's acceptance of this, also applied for resource consent for cottage to be further than 25m from main dwelling, as per RMA/District plan at time, at an additional cost and was granted</div></div><div><div>• 247D Weld Road 2nd dwelling</div><div><div>~ Owners of 247D Weld Road have already applied for &amp; been consented approval to build a second dwelling on land</div><div>~ Second dwelling will be within 90 metres of property which is also neighbouring 263's 'shed' that they wish to 'convert' which is 80 metres away</div><div>~ This will create a built-up area in a rural aspect (something hoping to avoid when originally built property) as only 50 metres from 263 Weld Road's 'sheds</div><div>~ Consent for 247D Weld Road's second dwelling not shown on Applicants' paperwork &amp; there is no mention of mitigating planting on this boundary line</div><div>~ It doesn't seem to have been considered at all in the assessments</div><div>~ With this approved second dwelling situated 90 metres from house on elevated platform, the proposal of Fourie's shed being used as a dwelling creates a built-up area of development with 3 properties then being situated within a 100 metre radius; 2 of which are above our property looking over us</div></div><div><div>• Alleged 'lack of room' on Area Z to build dwelling</div><div><div>~ Applicant alleges there is not sufficient room for their activity within Area Z given they have put the driveway through it</div><div>~ Simple exercise of placing same dwelling and shed layout that lies within Area Z clearly fits</div></div><div><div>• Summary</div><div><div>~ On-going episode caused undue psychological stress, on all concerned, and has tainted the enjoyment of home.</div><div>~ Due to elevation of property above, feel no conversation have is private anymore, standing on bank looks directly into only window in Master bedroom, encroaching on feeling of privacy in this space.</div><div>~ Surrounding neighbours received handwritten letter in a Oakura Medical envelope vilifying Nick's character</div></div></div></div></div></div></div></div>		
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Te Kaunihera-ā-Rohe o Ngāmotu

New Plymouth  
District Council



**FORM 13**  
**Submission on a resource  
consent application subject to  
public or limited notification**

Resource Management Act 1991

Submissions must be received by the end of the 20th working day  
following the date the application was notified.

Email to: applications@npdc.govt.nz

If the application is subject to limited notification, New Plymouth  
District Council may adopt an earlier closing date for submissions  
once the Council receives responses from all affected parties.

Or post to: The Planning Lead  
New Plymouth District Council  
Private Bag 2025  
New Plymouth 4340

**1. Submitter details**

1a. Full name

Steven & Angela

Blair

First name(s)

Surname

1b. Contact person's name  
if different from above  
e.g. lawyer, planner,  
surveyor

Kathryn

Hooper

First name(s)

Surname

Planner/Executive Director

Landpro Limited

Designation

Company

1c. Electronic service  
address

kathryn@landpro.co.nz

1d. Telephone

0277592044

Mobile

Landline

1e. Postal address or  
alternative method of  
service under Section  
352 of RMA 1991

P. O. Box 8235, New Plymouth 4342

**Serving of documents**

The Council will serve all formal documents electronically via the email address provided above. Where there is  
no email address provided the documents will be posted to the above postal address.

**2. Application details**

2a. Resource consent  
number

SUB22/48035.03

2b. Applicant

Heinrich & Sophie

Fourie

First name(s)

Surname

2c. Site address

263 Weld Road Lower, New Plymouth

2d. Description of the  
proposed activity

Shed conversion and removal of Zone Z - building platform

**3. Trade competition**

☒ I am **not** a trade competitor for the purposes of section 308B of the RMA. (Proceed to 4.)

☐ I am a trade competitor for the purposes of section 308B of the RMA.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions  
in Part 11A of the RMA.

Select one of the following:

☒ I am ☐ I am **not** directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment, and
- Does not relate to trade competition or the effects of trade competition.

Please turn over

**OFFICE USE ONLY**

Date received

Property ID

Application #

Time received

Land ID

Document #

Received by

#### 4. Submission

Before making a submission, please ensure you have read/seen the full resource consent application, including the assessment of environmental effects (AEE) and all the plans.

- 4a. ☐ I/we support the application in whole or in part ☒ I/we oppose the application in whole or in part ☐ I am/we are neutral to the application

4b. Please specify below:

- i. The matters within the application you support or oppose, or wish to comment on.
- ii. The reasons for making this submission (please give precise details).

Attach additional pages if required.

See attached document

#### 4. Submission - continued

4c. I seek the following decision from the Council:

☐

To grant resource consent

☐

To decline resource consent

☐

Grant resource consent with amendments and/or conditions (as described below)

4d. Please specify details of the decision you seek from the Council, including the parts of the application you wish to have amended and the general nature of conditions sought:

Attach additional pages if required.

See attached

Please turn over

## 5. Attendance and wish to be heard at hearing

A formal hearing may be held for notified applications if any matters are not resolved at a pre-hearing meeting. It gives the applicant, and all submitters who stated in their submission that they wish to be heard, the opportunity to formally present their views to an independent commissioner.

It is recommended that submitters speak to their submission for all but minor issues. Stating that you wish to be heard at the submission stage does not obligate you to appear at the hearing later if you change your mind.

If you state that you do not wish to be heard, the Council is not obliged to advise you of the hearing or send you the hearing documents. However you will be sent a copy of the decision and retain your right to appeal the decision.

5a. If a hearing is held, do you wish to be heard in support of your submission? ☒ Yes ☐ No

5b. If others make a similar submission, would you consider presenting a joint case with them at the hearing? ☒ Yes ☐ No

You may choose to contribute toward the cost of engaging a professional e.g. a planner or lawyer to represent your combined interests.

## 6. Privacy statement

The Privacy Act 2020 applies to the personal information provided in this submission. For the purposes of processing the resource consent application the Council may disclose your personal information to another party. If you want to have access to, or request correction of, that personal information, please contact the Council.

## 7. Declaration and privacy waiver

☒ I will/have served a copy of my submission on the applicant, as required by Section 96(6) of the Resource Management Act 1991.

By signing\* this submission or by submitting this submission electronically, I confirm that the information contained in this submission is true and correct. I agree to the disclosure of my personal information in respect of this submission.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.



Signature of submitter (or person authorised to sign on behalf of submitter)

5 May 2025

Date

\*A signature is not required if this submission is submitted electronically.

### Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):
  - It is frivolous or vexatious.
  - It discloses no reasonable or relevant case.
  - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
  - It contains offensive language.
  - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.
3. You may wish to obtain your own professional advice, such as from a lawyer, surveyor or planner, before finalising your submission. 'An Everyday Guide to the RMA' found on the Ministry for the Environment website [www.mfe.govt.nz](http://www.mfe.govt.nz) has useful information for submitters. If you have any further questions regarding this process, phone the Council on 06-759 6060 and ask to speak to the planner processing the application.

The below document outlines our response to the Submission on Resource Consent Application as detailed below:

**Application number:** SUB22/48035.03

**Applicant & Owner:** Heinrich & Sophie Fourie

**Address:** 263 Weld Road Lower, Oakura legally described as Lot 2 DP 582431

**Activity Description:** Vary a condition specified in consent notice 12565106.1 pursuant to section 221(3)(a) of the Resource Management Act 1991

**To:** New Plymouth District Council

**Name of submitter:** **Angela and Steven Blair**

**Physical Address of submitter:** 247C Weld Road, Oakura

**Address for service:** C/- Kathryn Hooper

Landpro Limited

P. O. Box 8235

NEW PLYMOUTH

E: kathryn@landpro.co.nz

This is a submission on an application to vary a condition specified in consent notice 12565106.1 pursuant to section 221(3)(a) of the Resource Management Act 1991. The activity requires consent as a discretionary activity.

We **could not gain an advantage** in trade competition through this submission.

We **wish to be heard** in support of our submission.

If others make a similar submission, we would consider presenting a joint case with them at any hearing.

### **Scope of submission**

1. This submission relates to the application in its entirety.

### **Nature of submission**

2. We oppose the application in its entirety.

### **Primary reasons for submission**

3. Our primary reasons for this submission are that the application:
  - a. will not promote the sustainable management of natural and physical resources, and will not achieve the purpose and principles of the Resource Management Act 1991 (“**RMA**”);
  - b. will not meet the reasonably foreseeable needs of future generations;
  - c. will not enable the social, economic and cultural well-being of the Oakura community to be met;
  - d. is contrary to the purposes and provisions of the relevant planning documents, including the Proposed New Plymouth District Plan and the Regional Policy Statement (RPS) for Taranaki;
  - e. will result in unacceptable and inappropriate adverse effects on the environment that cannot be adequately avoided, remedied or mitigated; and
  - f. are contrary to Part 2 and other provisions of the RMA.
4. In addition to the general reasons above, our specific reasons for opposing the application to amend the consent notice are set out below.

### **Additional reasons for declining the application**

#### ***Introduction***

5. We are submitting this in writing to the NPDC as a way of our voices being heard.

6. However, we wish to bring to the NPDCs attention the inequality we feel has been placed on us and the surrounding properties, due to the clear need for expert advice and expertise when responding to a Resource Consent of a nature where the applicant has not followed due process nor been completely truthful in such an application.
7. Such expert advice and input places an unfair financial burden on affected properties owners with no wrongdoing or personal need for such a service. And assumes that surrounding property owners are of the same financial means to be able to do so.
8. As we have recently undertaken a building extension ourselves and on top of this Ange was made redundant in January 2025 which has had a financial impact on our household.
9. This has meant we have been forced to make a choice between investing 'dead' money into seeking such advice and help in pulling our submission together to clearly state the ways our rights are impinged by the activities at 263 Weld Road, or risk trying to go it alone in pulling our submission together and hope that what we put together shows the negative impacts the change would have on our property and lifestyle.
10. We feel the NPDCs handling of the entire process over the last 2+ years since the applicant purchased the property has placed undue stress and now a financial burden on the applicants surrounding neighbours. The NPDC and has unfairly supported the applicant being able to be in a position that puts pressure on the council to accept their application due financial loss by the applicant.
11. Since we purchased our property in 2016 we have had to complete applications to the NPDC twice ourselves to ensure any building activities we have undertaken on our property are in line with requirements under the Resource Management Act 1991 and the Building Act 2004.
12. We have followed due process and ensured we have consulted with our neighbours prior to undertaking such building work so as to ensure we stay within the legal boundaries of what is required and also ensure we maintain great relationships with our neighbours at the same time.
13. Unlike the applicant of the current resource consent SUB22/48035.03 being considered by the NPDC regarding our submission.

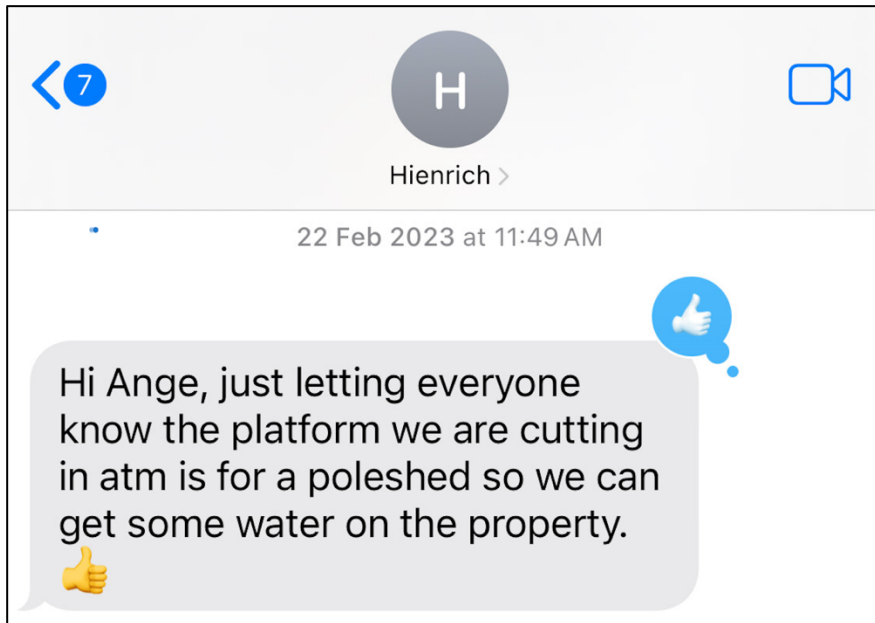
14. We believe the applicant has broken 'Land Law', by undertaking the action of building a habitable dwelling outside the designated build Zone on their property.
15. The applicant is a Construction Manager and Licensed Building Practitioner (LBP) and is entirely aware of the obligations required of them under both the RMA and Building Act; the applicant has acted without integrity or compliance with such obligations to seek an outcome entirely favourable to themselves and at the detriment to the neighbouring properties.
16. The applicants purchased the property with knowledge of the building platform and failed to undertake appropriate due diligence with the surrounding neighbours on how likely they would be to support a move of the building zone on the property, operating instead on the belief that they are entitled to do what they want due to Sophies history in the area.
17. The applicant along with friends and family have created a fracture within the neighbouring community with the approaches taken after taking possession of the property which included trespassing, property damage, threats and defamation of other neighbours.
18. At no point have the applicants met with us with documentation clearly showing their intentions which would have allowed us to tweak or input to the changes to find a mutual ground where the changes would be suitable to all parties.
19. We are aware the applicant has met with at least two of the other affected parties and have refused all offers of mutual arrangements agreeable to by all surrounding parties.
20. We are also aware the applicant has plans in the future to run a horse school from the property.
21. We have had two face-to-face meetings with the applicant – Heinrich has approached us at our property twice.
22. The first time was shortly after they had purchased the property and after a handwritten letter was dropped in our mailbox outlining their excitement at building their "dream home" on the property.



23. Heinrich presented a map to us with a dot in pen made on it showing where they were hoping to move the building platform too. This spot was back from the current location of the shed and dwellings which have been built on the site now.
24. This meeting was to let us know they were hoping to build in a different spot as indicated on the map he produced.
25. At this meeting we advised Heinrich that we would not support a change to the building platform, unless they were open to including a restriction within that documentation ruling out the building and operating of a horse school on the property.
26. Heinrich confirmed at that first meeting that it was in fact Sophies future plan to run a horse school at the property but one that was a few years out yet.
27. This concerns us greatly as we are the closest neighbours to the end of the property where this school is likely to be positioned. A horse school would drastically impact our ability to continue to enjoy our property as we do now.
28. Such commercial operations would also increase traffic on the one lane road with horse trucks coming and going from the property, posing a danger to our daughter, us and our neighbours using the road.
29. We are aware of the issues faced on Surrey Hill Road by neighbours of the Dickies horse arena and do not wish to be subjected to flood lighting or megaphones calling out instructions at students and their horses, early in the mornings, evenings and during weekends.
30. If the building platform remains in Zone Z, as is currently required, it will mean the applicants will also experience the impacts of any horse school operated on the property in line with their neighbours.
31. It is important to note here, we are aware that the RMA does not provide for the applicants to operate such a facility on the property, without consent, however we are also aware of the unconsented business which is run by Sophie Fourie at her parents property down the road and the impact that has had on property owners around that property.
32. Along with the current breach of the building and resource consent process on their own property at 263 Weld Road. We believe it is highly likely that the Fouries will

operate as they usually do and do whatever they like at the expense of their neighbours.

33. We raised our concerns with the council – please refer to the email in **attachment 1**, to the council, which outlines those concerns and asks the council to take action to prevent the very outcome we are currently experiencing.
34. After that meeting, we did not see Heinrich again until just recently.
35. We were advised by our neighbours, of the first application the Fouries made to the council, to move the building platform, which included three written letters of support. We were never presented any forms or paperwork by the Fouries as they believed that we were not impacted by changes on their property. We were made aware that the Fouries advised the council that all other neighbours who hadn't signed, were happy with the proposed changes, which was completely incorrect.
36. We also understand the different people who did sign were not signing for change of use of a shed to a dwelling and each were provided with differing sets of information.
37. We spoke with the council after our email and questioned how it is possible that the Fouries could have completed earth works to such a degree and why there were two foundations for two buildings being prepared.
38. We asked the council if the process with the Beatons was simply a revenue gathering exercise, since it seemed to not be worth the paper it was written on and asked how we could withdraw our consent to the original subdivision given the intention of the subdivision and the associated input the neighbours had given was not being honoured.
39. The council took no action. The Fouries put the application on hold and got on with first building the initial shed. That was completed and we received a text message from Heinrich advising us not to worry that the foundation work on the second building site was for a second shed. See screenshot below.



40. We were in the middle of building the extension of our house at the time and heard from a building inspector who knows Heinrich personally that they were building their home at the site the application is referring too as a shed.
41. The NPDC have known and had enough information to be aware of the Fouries intentions not to build in the marked building platform and have turned a blind eye.
42. The NPDC have had many communications with the residents of the neighbouring properties raising our concerns. I have asked the NPDC to please explain what processes have failed for the Fouries and surrounding neighbours to be in the position we are all in now. I have never received a response. See attachment 2 & 3.
43. The applicant moved into the dwelling in October 2024, this did not surprise us. But we have definitely felt let down by the lack of process and the support they have received from the council to enable such flouting of rules and regulations.
44. Heinrich arrived at our door again recently asking if we would attend a group meeting at their property along with our other neighbours. To give them the opportunity to outline their plans and a change in circumstances they have had. That meeting never took place as the applicant failed to give any of the neighbours enough time before they had to meet with us, and there was a lack of information prior to be able to attend such a meeting.

### **Impacts on us and why we seek the NPDC decline the application:**

45. The applicant has built right above our neighbours at 247B. The shed and dwelling which has been erected are an eyesore from all but 3 windows from our home. The applicant had chosen a colour that does not blend with the rural aspect instead choosing large black buildings that stand out in the skyline.
46. As our property already existed, we do not have an option to change our outlook away from looking at the applicants, property nor should we be required to.
47. We are also aware the owners of 247D have been granted consent to build a second dwelling on their property just above our neighbours at 247B also which now means the character of the rural outlook has drastically changed for us. We are now facing a cluster of houses directly in front of us.
48. As the applicant has built so close to the side of the property and directly in front of us all we feel our privacy has been diminished. If the dwelling was to have been built above on Zone Z this would be less of an impact on our privacy. We had a right to rely on them building on Zone Z.
49. We are unable to request the applicant to plant trees high enough to block out their buildings as this would impact the occupants of 247B blocking sunlight from reaching their property until late afternoon. We understand however, the applicant has already undertaken such planting without consideration of their neighbours.
50. If the buildings were within the current building platform, the applicant would be out of our line of sight, we would not hear them as we currently do now from our property when they are outside. We have visibility of their house, the children's trampoline etc from all of our living spaces and bedroom windows.
51. We understand from the granting of the original subdivision that was completed on the Beatons behalf, the building platform and expert advice received by the Beatons via Blue marble, and agreed with by the NPDC outlined the following in the Council Officers report for the subdivision states (Paragraph 20):

*“ A Landscape and Visual Impact Assessment (LVIA) undertaken by Richard Bain of Bluemarle has been provided with the application. This LVIA states that any potential effects on rural character from the proposal would be from the creation of Lot 2, as this enables an additional dwelling. The extent of change to Lot 1 is negligible given the existing dwelling. Lot 3 will also create negligible effects on rural character as it is a small lot that will be amalgamated with Lot 1 DP 315057 (271 Weld Road Lower). Mr Bains LVIA report further states that effects from the*

*creation of Lot 2 are reduced by the identification of a Proposed Building Platform (Area Z on Subdivision Scheme Plan). This tucks the dwelling towards the embankment and prevents the wider open space on Lot 2 being built on. The access way represents a small change and in combination with the dwelling creates a very low effect on landscape character. “*

52. We find it very hard to trust the views of a company who has now flip flopped on their original recommendations to council and are being paid (again) but to now present the applicants perspective instead.
53. The views from Weld Road were a concern in the original application which was granted on the basis that there would be limited view of a new dwelling from Weld Road, given the restriction with the building platform contained in zone Z.
54. If the applicants dwelling was within the designated building platform, it would not be visible from the road. We understand others have submitted photographic evidence to show the impact from Weld Road the applicants building has had. It is clear from these photos the applicants dwelling which they refer to as a shed is inconsistent with this original determination.

## **Summary**

55. The applicants process has been an on-going saga which has caused undue psychological stress, on all concerned, and has created tension within our neighbourhood which has reduced the enjoyment of our property throughout this process.
56. Due to the elevation of the property above us our privacy has been reduced - when the applicants stand on their bank they look onto our deck where we have a spa pool and have view of all of our bedrooms and living spaces along with our backyard.
57. As we outlined in the background section. Our main concern is the applicants intention to develop a horse school at the property. With the earth works and temporary fencing which have been undertaken so far we are concerned that it will be on the section of land closest to us. If this goes ahead there will be light and noise pollution, and increased heavy traffic on a small road.
58. If the building platform remains at Zone Z the privacy issue goes away and the likelihood of flood lighting and noise pollution will be reduced also as the applicant will have to also consider the impact of these activities on their home also.

### **Decisions we seek from the Council:**

59. The decision we seek is for the NPDC to decline the resource consent that is sought and not to vary/remove the consent notice.
60. Removal of the dwelling in its entirety or removal of items within the structure that allow it to be used as a habitable space/dwelling. We have heard that the applicant intends to, if not successful, live in a caravan on site & use the amenities in the dwelling. The reversing of the dwelling back to a shed would therefore prevent the applicant from using it as a dwelling if this was the case.
61. Leave Zone Z as the building platform, and the consent notice to remain unchanged, and require the status quo – that any future dwelling must be constructed within the approved area - Area Z.
62. The change of use consent application should be denied, on the basis that a shed has never existed.
63. Denser smaller planting should be made along the embankment so the applicants activities are less obvious to neighbouring properties, along with reducing the travel of noise from their property. We support the proposal of planting outlined in Nick and Abigail Hacklings at 247B, submission so as to reduce the impact of shading on their property and home.
64. Ensure legal mitigation process is in place to prevent the Fouries from undertaking commercial activities such as a horse school, or introduce floodlighting, etc. Ensuring an actionable pathway for neighbouring property owners to initiate if the Fouries decide to act outside the appropriate processes again.

Signed:

The image shows two handwritten signatures in grey ink. The signature on the left is 'A & S Blair' and the signature on the right is 'G. Brown'.

---

A & S Blair

Date: 6 May 2025

## Attachment 1:



Ange Blair <ange4hope@gmail.com>

### Resource Consent Query - Weld Road Lower

Ange Blair <ange4hope@gmail.com>

7 June 2023 at 11:49

To: Bridget.Rook@npdc.govt.nz, BuildingAdministration@npdc.govt.nz, Kate.Keegan@npdc.govt.nz

Hi Bridget,

I believe some of our neighbours have been in touch with yourself, Kate Kenndy and Talimai Filo in regards to the Resource and Planning/Building consents for the property at 263 Weld Road Lower which sits in front of our property and in the middle of a number of our neighbours.

We are also concerned about the lack of communication and consultation by the new owners of this property, Heinrich and Sophie Fourie.

Our concern is mainly due to the new (we assume) shed building which seems to be being built in front of our property and sits outside of the current building zone for this property?

We have not been approached for our view on these changes and have heard via other neighbours that the Fourie's do not consider our property to be affected by their proposed changes.

Looking out all of my house windows tells me otherwise. We are not able to plant out the Fourie's new buildings as they sit high on the hill above our property, in part due to the impact planting would have on our neighbours below the Fouries, Nick and Abi Hackling.

We were required to sign off on the initial subdivision of this property with the previous owners and extensive consultation was completed at that time with all of our neighbours and there was supposed to be a building exclusion zone to avoid the issues currently being presented but we were all assured the building zone would mean this issue would not be able to happen.

The building zone initially established and agreed during that consultation process (with the Beatons) considered all neighbours and provided minimal impacts to the neighbouring properties. I do not understand how this can be changed and building started without consultation and agreement with those who had to sign off on the initial subdivision? Is this just a tick box exercise by the council as revenue generation in fees?

Had we been aware that the new owners could come in and change things without consultation first we would not have agreed to the subdivision.

This lack of consideration and consultation has caused a reasonable amount of stress for some of our neighbours and we are aware of bullying tactics by the Fouries to secure agreement from at least one of the neighbours who have (apparently agreed?). This is on top of trespassing, the removal and damage of fences and gates etc.

We are also aware that the reason the two other neighbours have agreed is they want support from the Fouries in getting approval for changes on their own properties. A you scratch my back and we'll scratch yours approach.

The only plan we have seen from the Fouries, soon after they purchased the property, does not align with what is currently being built on site, this further adds to the confusion around what they would actually like to achieve?

We have heard the Fouries have advised that all neighbours are happy with their changes, we are advising the council that this is not the case for us. As we advised the Fouries when they first advised they were looking to make some changes, we are unlikely to agree unless they are happy to provide some assurances to us around commercial activities we have heard they are planning on undertaking on the property in the future which would introduce both noise and light pollution in the area.

A big concern of ours is their involvement with un-consented building works further down Weld Road at the Andersons property. We hope the council will step in early to avoid ongoing issues for the neighbours in our area.

Any information you can provide around this would be appreciated.

Regards,  
Annala and Steven Blair



**Ange Blair** <ange4hope@gmail.com>

to david.macleodMP, Jacqui, Nick, Greg, James, Chris, Becs, Nick, Graeme, Abs, Richard, Kate ▾

Mon 6 Jan, 10:49



Thanks so much Jacqui for taking the time to respond on your time off.

I guess my main question around the "process" is how the councils processes have failed to ensure the right consents have been in place prior to the building existing and why now council consultants are suggesting we consult with a lawyer/planner?

Is the council aware that the property is continuing to be developed while the consent process is on hold?

It seems the council has supported this blatant flouting of proper "process" being spoken of and seems to be continuing to do so by enabling the property to be occupied.

How long does the RMA support occupation of an uncontested property without action being taken by the council?

Again, it seems the original lodging of the subdivision has been simply a fee generation process for the council with no actual intent on ensuring property owners stick to the conditions outlined in the final outcomes lodged with them.

So basically in New Plymouth property owners can do as they please and the council will turn a blind eye? Can we please have all the fees we've paid recently for our shed and extension refunded? If we'd known there was no need to get the right consents til after the fact we'd have just built our shed and extension too!

David McLeod, is there anything under government process that will support a review of how the council have approached this issue and lack of process being applied by the council? There is plenty of information available to show the owners fully intended from the outset to build their home in its current location.

Thanks,  
Ange

...





**Kate Keegan** <Kate.Keegan@npdc.govt.nz>

to Zane, me, Nick, Greg, James, Chris, Bees, Nick, Graeme, Abs, Richard, david.macleodMP@parliament.govt.nz, Jacqui ▼

Wed 8 Jan, 08:41



Kia ora Ange,

Thank you for copying me into the email sent to Jacqui Manning on 6 January.

In respect of 263 Weld Road there are two separate, though interconnected processes underway – the application to vary the consent notice and current use of the converted shed as a dwelling which does not comply with the consent notice. The Council has made the decision to pause on enforcement action while the application to vary the consent notice is processed. We have communicated to 263 Weld Road that when a decision is released on the application to vary the consent notice, a decision on our enforcement response will follow.

When the occupation of the converted shed was identified, Council's response was immediate. We met with the property owners, recorded this non compliance on our records and communicated what the next steps would be – as noted above.

I trust this email provides assurance we are actively working to resolve the matter at 263 Weld Road.

Further details will follow from Council later in January regarding the limited notification of the application to vary the consent notice.

\*\*\*



**Ange Blair** <ange4hope@gmail.com>

8 Jan 2025, 09:21



to Kate, Nick, Greg, James, Chris, Beccs, Nick, Graeme, Abs, Richard, david.macleodMP@parliament.govt.nz, Zane, Jacqui ▾

Thanks Kate,

Let's just be clear on a couple of things here as you've over simplified council's involvement in its dealings with us and the property owners prior to the current application:

1. The dwelling is not a converted shed, it's been built as a dwelling from the outset.
2. The property owners of 263 Weld Road applied for consent to move the building platform prior to building the dwelling. Which was also put on hold as most of the neighbours did not agree with the change.
3. A number of the neighbours including ourselves raised our concerns about the property owners and their motives with the council prior to the building existing - council took no action despite these people being involved in another unconsented building further down the road which is used as a business.
4. Building inspectors for the council confirmed they were aware the building was for a dwelling during its build.

Everyone else here have had to apply for the right consents prior to undertaking our building work. The exception is with 263 who have seemingly been supported by the council to do what they want.

So again I ask, what processes have failed in council that have allowed this dwelling to exist within what was allocated as a building exclusion zone.

Regards,  
Ange





Te Kaunihera-ā-Rohe o Ngāmotu

New Plymouth  
District Council



**FORM 13**  
**Submission on a resource  
consent application subject to  
public or limited notification**

Resource Management Act 1991

**Submissions must be received by the end of the 20th working day  
following the date the application was notified.**

If the application is subject to limited notification, New Plymouth  
District Council may adopt an earlier closing date for submissions  
once the Council receives responses from all affected parties.

Email to: applications@npdc.govt.nz

Or post to: The Planning Lead  
New Plymouth District Council  
Private Bag 2025  
New Plymouth 4340

### 1. Submitter details

1a. Full name	<input type="text" value="Nicholas &amp; Abigail"/>	<input type="text" value="Hackling"/>
	First name(s)	Surname
1b. Contact person's name if different from above e.g. lawyer, planner, surveyor	<input type="text" value="Kathryn"/>	<input type="text" value="Hooper"/>
	First name(s)	Surname
	<input type="text" value="Executive Director"/>	<input type="text" value="Landpro"/>
	Designation	Company
1c. Electronic service address	<input type="text" value="nhackling@hotmail.com, brownabi@hotmail.com, kathryn@landpro.co.nz"/>	
1d. Telephone	<input type="text" value="+64 27 759 2044"/>	<input type="text" value="+64 6 769 5631"/>
	Mobile	Landline
1e. Postal address or alternative method of service under Section 352 of RMA 1991	<input type="text" value="57 Vivian Street, PO Box 8235, New Plymouth 4342"/>	

#### Serving of documents

The Council will serve all formal documents electronically via the email address provided above. Where there is no email address provided the documents will be posted to the above postal address.

### 2. Application details

2a. Resource consent number	<input type="text" value="sub22/48035.03"/>	
2b. Applicant	<input type="text" value="Heinrich &amp; Sophie"/>	<input type="text" value="Fourie"/>
	First name(s)	Surname
2c. Site address	<input type="text" value="263 Weld Road Lower, RD4, New Plymouth"/>	
2d. Description of the proposed activity	<input type="text" value="Proposed change of use of a shed to a dwelling &amp; extinguish Zone Z building platform."/>	

### 3. Trade competition

- ☒ I am **not** a trade competitor for the purposes of section 308B of the RMA. (Proceed to 4.)
- ☐ I am a trade competitor for the purposes of section 308B of the RMA.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the RMA.

Select one of the following:

- ☒ I am ☐ I am **not** directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment, and
- Does not relate to trade competition or the effects of trade competition.

Please turn over

#### OFFICE USE ONLY

Date received	<input type="text"/>	Property ID	<input type="text"/>	Application #	<input type="text"/>
Time received	<input type="text"/>	Land ID	<input type="text"/>	Document #	<input type="text"/>
Received by	<input type="text"/>				

#### 4. Submission

Before making a submission, please ensure you have read/seen the full resource consent application, including the assessment of environmental effects (AEE) and all the plans.

- 4a. ☐ I/we support the application in whole or in part ☒ I/we oppose the application in whole or in part ☐ I am/we are neutral to the application

- 4b. Please specify below:
- i. The matters within the application you support or oppose, or wish to comment on.
  - ii. The reasons for making this submission (please give precise details).

Attach additional pages if required.

See additional pages attached.

#### 4. Submission - continued

4c. I seek the following decision from the Council:

☐

To grant resource consent

☒

To decline resource consent

☐

Grant resource consent with amendments and/or conditions (as described below)

4d. Please specify details of the decision you seek from the Council, including the parts of the application you wish to have amended and the general nature of conditions sought:

Attach additional pages if required.

See additional pages attached.

Please turn over

## 5. Attendance and wish to be heard at hearing

A formal hearing may be held for notified applications if any matters are not resolved at a pre-hearing meeting. It gives the applicant, and all submitters who stated in their submission that they wish to be heard, the opportunity to formally present their views to an independent commissioner.

It is recommended that submitters speak to their submission for all but minor issues. Stating that you wish to be heard at the submission stage does not obligate you to appear at the hearing later if you change your mind.

If you state that you do not wish to be heard, the Council is not obliged to advise you of the hearing or send you the hearing documents. However you will be sent a copy of the decision and retain your right to appeal the decision.

5a. If a hearing is held, do you wish to be heard in support of your submission? ☒ Yes ☐ No

5b. If others make a similar submission, would you consider presenting a joint case with them at the hearing? ☒ Yes ☐ No

You may choose to contribute toward the cost of engaging a professional e.g. a planner or lawyer to represent your combined interests.

## 6. Privacy statement

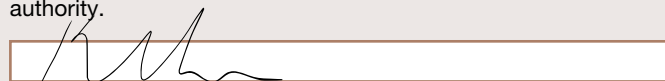
The Privacy Act 2020 applies to the personal information provided in this submission. For the purposes of processing the resource consent application the Council may disclose your personal information to another party. If you want to have access to, or request correction of, that personal information, please contact the Council.

## 7. Declaration and privacy waiver

☒ I will/have served a copy of my submission on the applicant, as required by Section 96(6) of the Resource Management Act 1991.

By signing\* this submission or by submitting this submission electronically, I confirm that the information contained in this submission is true and correct. I agree to the disclosure of my personal information in respect of this submission.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.



Signature of submitter (or person authorised to sign on behalf of submitter)

02-05-2025

Date

\*A signature is not required if this submission is submitted electronically.

### Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):
  - It is frivolous or vexatious.
  - It discloses no reasonable or relevant case.
  - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
  - It contains offensive language.
  - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.
3. You may wish to obtain your own professional advice, such as from a lawyer, surveyor or planner, before finalising your submission. 'An Everyday Guide to the RMA' found on the Ministry for the Environment website [www.mfe.govt.nz](http://www.mfe.govt.nz) has useful information for submitters. If you have any further questions regarding this process, phone the Council on 06-759 6060 and ask to speak to the planner processing the application.

## **SUBMISSION ON RESOURCE CONSENT APPLICATION**

**Application number: SUB22/48035.03**

**Applicant & Owner: Heinrich & Sophie Fourie**

**Address: 263 Weld Road Lower, Oakura legally described as Lot 2 DP 582431**

**Activity Description: Vary a condition specified in consent notice 12565106.1 pursuant to section 221(3)(a) of the Resource Management Act 1991**

**To:** New Plymouth District Council

**Name of submitter:** Nick and Abigail Hackling

**Address for service:** C/- Kathryn Hooper

Landpro Limited

P. O. Box 8235

New Plymouth

E: kathryn@landpro.co.nz

This is a submission on an application to vary a condition specified in consent notice 12565106.1 pursuant to section 221(3)(a) of the Resource Management Act 1991. The activity requires consent as a discretionary activity.

We could not gain an advantage in trade competition through this submission.

We wish to be heard in support of our submission.

If others make a similar submission, we would consider presenting a joint case with them at any hearing.

### **Scope of submission**

1. This submission relates to the application in its entirety.

### **Nature of submission**

2. We oppose the application in its entirety.

### **Primary reasons for submission**

3. Our primary reasons for this submission are that the application:
  - a. will not promote the sustainable management of natural and physical resources, and will not achieve the purpose and principles of the Resource Management Act 1991 ("**RMA**");
  - b. will not meet the reasonably foreseeable needs of future generations;
  - c. will not enable the social, economic and cultural well-being of the Oakura community to be met;
  - d. is contrary to the purposes and provisions of the relevant planning documents, including the Proposed New Plymouth District Plan and the Regional Policy Statement (RPS) for Taranaki;
  - e. will result in unacceptable and inappropriate adverse effects on the environment that cannot be adequately avoided, remedied or mitigated; and
  - f. are contrary to Part 2 and other provisions of the RMA.
4. In addition to the general reasons above, our specific reasons for opposing the application to amend the consent notice are set out below.

### **Additional reasons for declining the application**

#### *Comments on the application and background*

5. In our opinion our neighbours have knowingly and deliberately built a habitable dwelling outside of the designated build Zone on their title.
6. Before buying the land, the applicant should have done their due diligence and if they wished to move the Zone indicated on the Sale and Purchase agreement, they should have made their offer subject to moving of 'Zone Z'. Following that they could have canvassed those affected parties (as was done by G and T Beaton, who originally subdivided the land) and made an informed decision before their purchase.



7. It is our belief that at no time did the applicant intend to build within the designated building Zone.
8. When the Fourie's began trenching power to the site, Nick met with Heinrich on their land (22 Feb 2023). They discussed ours & the neighbouring properties' concerns & Nick suggest there could be some compromise & a middle ground before they started any earthworks or construction. At the time of the meeting the digger was still on site and trenching the power cable in from the road boundary to the 'shed site'. When questioned, Heinrich advised Nick that it was just power for the shed. Nick explained that the Sheffields (271 Weld Road) & ourselves had discussed that the main issue, which was that their proposed building platform was in front of our properties meaning that the Sheffields looked down on them & the Fouries looked up at their living area & bedroom. Our concern is that they looked into our bedroom (second floor room) & down on all of our living & entertaining areas. As a compromise it was suggested that a move of a building platform to 25 metres in a south easterly direction would be in everyone's interest & would ensure a signature of approval from those opposing the consent change. Heinrich's response to Nick was that 'couldn't happen as Sophie wanted to ride her horses on that land'. Later on, Heinrich's reply to Greg Sheffield was that 'it was his land & he could do whatever he wanted to do'.
9. One pole shed was erected adjacent to the clay square (the clay square being proposed house site). The BTW Geotechnical Assessment Report, Appendix E to the RFI Response, dated 1 June 2023, Section 1.1 states that the report is for a "*Building Consent level assessment for a proposed pole shed type dwelling and pole shed type garage*").
10. The original application for the moving of the building platform, the one we were consulted on, was handed to the council in August 2024 with we believe 3 signatures and the council was informed that the other neighbours had been spoken to and "were all happy". This was not the case.
11. Following this, a further building consent application was submitted to NPDC for a 'shed'. The consented plans were open to public viewing and were sent to us by the NPDC.
12. Nick is a former Licensed Building Practitioner (LBP) and it was obvious that this was not a pole shed, considering the amount of detail provided in comparison to the other shed. Plans were provided by Hill Design Engineering. This was pointed out to the NPDC, and we advised the NPDC that once completed the applicant would apply for a change of use from a shed to a dwelling (See T. Hansens application.)

13. We remained concerned that the NPDC was allowing the 'shed' to be constructed to the standard of a dwelling, and were not surprised when the applicant moved into it (October 2024). NPDC however kept insisting they had the situation under control. See **Appendix A** – correspondence from Bridget Rook – being just one example.
14. During its construction and after completion this building has at no time been used as a 'shed' thus the terminology used in the application is misleading - 'Existing Shed to be converted into dwelling'. This is definitely a retrospective consent, the shed is already a dwelling, and the applicant is living in it.
15. We also note that any signed, written approvals from neighbouring property owners was NOT for the conversion of an existing shed into a dwelling. These approvals were for an application that had been prepared before any building work had begun & were regarding the building platform being relocated. These forms were presented to us too, and we declined to sign them. They pertain to the application that was clearly being prepared in advance of building a dwelling. It is concerning that the applicant has proceeded to go about establishing a dwelling in an underhand manner, when it was clear that the neighbours had concerns and would not give approval. It shows blatant disregard for the process.

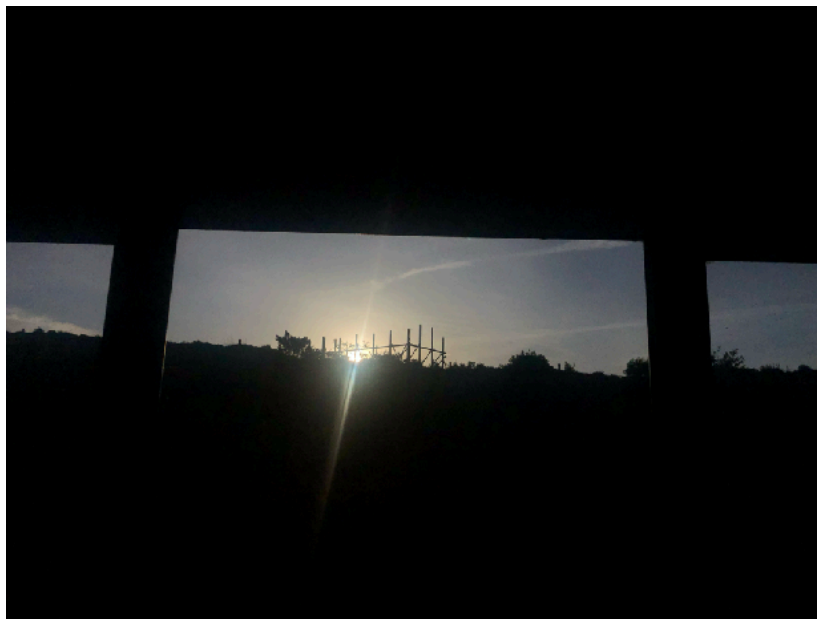
*Effects on us and our property*

16. Photo 1 Below shows the current house/shed in relation to our dwelling.



**Photo 1. View of Fourie's shed & house in relation to our dwelling (left) & the elevation (April 2025)**

17. The removal of 'Area Z', which will allow the dwelling to be established where the 'sheds' are on the applicants property, will (continue to) adversely affect us. It will;
- a. Result in a dwelling much closer to our existing home (and authorised second dwelling) than the original subdivision provided for. We have developed our property on the basis that no dwelling could be established in this location. The proximity is obvious in Photo 1.
  - b. By moving the dwelling closer to us, it positions outdoor living areas such that they will overlook our property, affecting our sense of privacy. Given that the applicant is already living in the property, we feel this loss of privacy acutely already.
  - c. Reduce the amenity of our property, reducing the enjoyment we have of our land and outdoor areas.
  - d. Blocking of sunlight to our property.
  - e. Be visible from Weld Road, which was not the intention of the original subdivision.
  - f. Create additional noise and light emissions in close proximity to our dwelling.
18. The blocking of sunlight is illustrated by the photo we took below on 28 May 2023 at 8.23AM, when the first shed was established.



**Photo 2 .View from Master Bedroom, 28 May 23, 8.23AM frame of first shed erected.  
This will block our sun.**

19. To expand on the concern about noise and light, as a shed, the building is not occupied at night & doesn't create additional light or noise. As a dwelling there will be light & noise 24/7 & the proposed dwelling is closest to our sleeping & living spaces.
20. Further, we have designed our dwelling and outdoor living areas on the understanding that any dwelling on the applicants property will be within Area Z. We can no longer change what we have built, and given the topography, with the overlooking aspect of the applicants 'shed' and nay outdoor spaces, it is impossible for us to mitigate this effect for ourselves. This is why we agreed to 'Area Z' when the site was originally subdivided.

### **Original Subdivision by Tracey & Graeme Beaton (SUB 22/48035)**

21. The area proposed has been a 'no habitable building zone', secured by way of consent notice on the title associated with SUB 22/48035 granted 27 May 2022 (see **Appendix B**). Tracey and Graeme Beaton did this subdivision, and they retained the part of the land with the existing dwelling on it at 249 Weld Road. The reason for the consent notice being in place is detailed below.
22. When the Beatons subdivided the upper section, they consulted with all 9 neighbouring dwellings. When we were consulted we initially asked for a 40 metre no build & no tree planting parallel to their western boundary line. The compromise between all 9 was the allocation of a building platform in zone Z to appease all of our concerns.
23. I note that section 4.3 in the subject consent application that states that NO written submissions opposed the original subdivision. This is because the Beatons, who applied for the original subdivision that created Area Z, did their subdivision properly.
24. Each neighbour the Beatons approached had specific concerns. The Beatons took all of the feedback on board, and proposed significant mitigation works to address each concern carefully. They prepared an application that neighbouring parties were comfortable with, and happy to give their written approval to. With all of this mitigation, the subdivision was able to go ahead. Conditions 12-25 on the original consent (imposed by way of consent notice) reflect the concerns and the agreed mitigation.
25. Our stipulations included that no high planting should occur at the top of the embankment (which lies between our dwelling and the proposed sheds, and is clear in Photo 1), along the boundary to 247D Weld Road's driveway (to prevent shadowing) & that no buildings to be erected within 50 metres of the same boundary line.

26. The Beatons took everyone's concerns into consideration & created a 'Zone Z' building platform so that no habitable building would be outside of this area & therefore no high planting would be necessary to screen it and unlikely that any building would be built along the hill line.
27. In summary, we would never have approved the original subdivision in the absence of the establishment of 'Area Z' because the effects on us would have been significant. The removal of the consent notice will undermine the original subdivision, and the NPDC's original decision to grant consent for the subdivision, and it will result in the exact effects we were originally concerned about occurring at the time the land was subdivided.

### **Landscape mitigation by Blue Marble**

28. The original application for subdivision consent was supported by Blue Marble. The Council Officers report for the subdivision states (Paragraph 20):

A Landscape and Visual Impact Assessment (LVIA) undertaken by Richard Bain of Bluemarle has been provided with the application. This LVIA states that any potential effects on rural character from the proposal would be from the creation of Lot 2, as this enables an additional dwelling. The extent of change to Lot 1 is negligible given the existing dwelling. Lot 3 will also create negligible effects on rural character as it is a small lot that will be amalgamated with Lot 1 DP 315057 (271 Weld Road Lower). Mr Bains LVIA report further states that effects from the creation of Lot 2 are reduced by the identification of a Proposed Building Platform (Area Z on Subdivision Scheme Plan). This tucks the dwelling towards the embankment and prevents the wider open space on Lot 2 being built on. The access way represents a small change and in combination with the dwelling creates a very low effect on landscape character.

29. We find it very strange how the same company can flip flop on their mitigation recommendations.
30. Views from Weld Road were a concern with the original application and the original subdivision was granted on the basis that there would be limited view of a new dwelling from Weld Road, given the Area Z Restriction. Photo's 3 and 4 below illustrate why - if the dwelling was within Area Z, it would not be visible.





**Photo 3. View of the Fourie's shed & house from Weld Road Lower (April 2025)**



**Photo 4. Wide view of Fourie's shed & house from Weld Road Lower (April 2025)**

## Mitigation planting

31. It states in the Fourie's paperwork & on their plan that a row of Lombardy poplar trees should be planted along boundary as per the Blue Marble landscape memo. Blue Marbles original Landscape memo dated May 2023 (see screen shot in **Appendix D**) stated that a double row of native vegetation would be planted along the embankment and made no mention of Lombardy Poplars. We note however that the Landscape memo dated August 2024 seems to have been amended to reflect that, despite the landscape advice of Mr Bain, Lombardy Poplars have been planted by the applicant along the embankment already.
32. These trees grow vigorously & up to 30-40 metres in height.
33. By wanting to change the use of their shed to a dwelling, they are then mitigating the impact to neighbours by planting these poplars along the raised bank. These will put us in shade until the afternoon (these trees will grow to be far taller than the shed framing shown in photo 2 above).
34. Following due process, one would argue that until the appropriate documents have been processed and granted this mitigation planting would be on hold, however these trees have already been planted along the highest point of their section, not on the embankment & appears no consideration has been given that these trees are now likely to shade our property until the afternoon. From our vantage point (below the level of the applicants land) the saplings are already at the topmost point of the sheds. A more acceptable planting along this ridge would be smaller griselinia or pittosporum hedge that could be trimmed at 2 metres. Before building commenced we spoke with the Fouries about our concern of planting high trees & that it was 'our worst nightmare' & they assured us that this wouldn't happen.
35. Unfortunately this is another of the concerns we raised when we were approached by the Beatons to give approval for the subdivision, and, we received assurance that our concerns about high planting on the embankment would not occur. Now it is occurring.
36. For the very reason – to avoiding shading effects - when purchasing our land in 2009/2010, we negotiated an agreement with Kevin Thomas (seller) that the row of pines that bordered 247D Weld Road's driveway & 263 Weld Road's land would be removed as they provided excessive shadowing onto our land that surpassed midday/ 2pm (dependant on the season). These were felled around 2014, once G and T Beaton took possession of the land. An aerial showing the area of trees that were removed is below.



**Photo 5. Annotated aerial photo (2012 NPDC Historic Imagery) showing trees that were removed.**

37. The placement of Lombardy Poplars in the same area as the original pines that we had removed, for the purpose of mitigating the effects of a dwelling which should not be in this location, is unacceptable to us.

#### **247C Weld Road – Second Dwelling Creation (& subdivision)**

38. Nick King & Sioban Lutterell (247A Weld Road) wanted to create a rental property on their section. Initially they planned to build this on the furthest point from their dwelling that was on our boundary, within approximately 30 metres of our dwelling.
39. After consultation with them, they moved the construction back to 80 metres from our dwelling. This dwelling was later subdivided off from the primary dwelling, to create 247C Weld Road.

#### **Building our ‘Main Residence’ and cottage at 247B Weld Road**

40. After the creation of 247C Weld Road, we decided that our 2nd dwelling should be moved further away from the other two properties to give more privacy (110 metres). Our original plan was to build our main residence within 25 m of the cottage so we could share the septic system (engineered for 2 dwellings), minimise the power cable run etc. as this (at the time) would not have required additional resource consent.



41. With the construction of 247C Weld Road and the NPDC's acceptance of this, we also applied for resource consent for our cottage to be further than 25m from our main dwelling, as per RMA/District plan at the time, at an additional cost to ourselves and this was granted.

### **247D Weld Road 2nd dwelling**

42. The owners of 247D Weld Road have already applied for & been consented approval to build a second dwelling on their land.
43. The second dwelling will be within 90 metres of our property which is also neighbouring 263's 'shed' that they wish to 'convert' which is 80 metres away. This will create a built-up area in a rural aspect (something we were hoping to avoid when we originally built our property) as we are only 50 metres from 263 Weld Road's 'sheds.
44. The consent for 247D Weld Road's second dwelling has not been shown on the applicants' paperwork & there is no mention of mitigating planting on this boundary line. It doesn't seem to have been considered at all in the assessments.
45. With this approved second dwelling situated 90 metres from our house on an elevated platform, the proposal of the Fourie's shed being used as a dwelling creates a built up area of development with 3 properties then being situated within a 100 metre radius; 2 of which are above our property looking over us.

### *The alleged 'lack of room' on Area Z to build the dwelling*

46. The applicant alleges that there is not sufficient room for their activity within Area Z given they have put the driveway through it. We have undertaken a simple exercise of placing the same dwelling and shed layout that is proposed that lies within Area Z. This is shown in the photoshopped image below. It clearly fits.



**Figure 1. Photoshopped image showing the proposed Dwelling easily fitting within Area Z. The exact same setout of sheds/dwelling and tanks that is proposed (those on the right hand side of image) has been cut and placed on the plan showing the dwelling is able to fit entirely within Area Z, on the left hand side.**

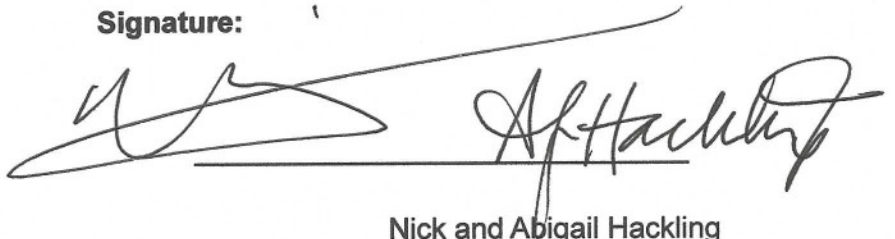
## Summary

47. This on-going episode has caused undue psychological stress, on all concerned, and has tainted the enjoyment of our home.
48. Due to the elevation of the property above us we feel that no conversation we have is private anymore, standing on the bank looks directly into the only window we have in our Master bedroom, encroaching on the feeling of privacy in this space.
49. To add to this, the surrounding neighbours received a handwritten letter in a Oakura Medical envelope (see **Appendix C**) vilifying Nick's character.

**Please specify details of the decision you seek from the Council, including the parts of the application you wish to have amended and the general nature of conditions sought:**

50. The decision we seek is for the NPDC to decline the resource consent that is sought and not to vary/remove the consent notice.
51. Removal of the Fourie's shed/dwelling in its entirety or removal of items within the 'shed' that allow the 'shed' to be used as a habitable space/dwelling (speaking with the applicant they have suggested that if not successful, they intend to live in a caravan on site & use the amenities in the shed). This therefore negates the fact that they cannot use it as a dwelling as they would still be using it as such.
52. Not to extinguish Zone Z as the building platform, and the consent notice to remain unchanged, and require the status quo – that any future dwelling must be constructed within the approved area - Area Z.
53. Furthermore, any change of use of the shed should be denied. If the correct process has been followed the shed should be as such and thus no unnecessary spending has been made as yet converting it into a dwelling.
54. Removal of the Lombardy Poplars along the embankment.

**Signature:**

The image shows two handwritten signatures in black ink. The signature on the left is a stylized, cursive 'N'. The signature on the right is a more elaborate cursive script that appears to read 'Abigail Hackling'. Both signatures are written over a horizontal line.

Nick and Abigail Hackling

**Date:**

02-05-2025

## **Appendix A: Correspondence from Bridget Rook, NPDC**

On 2/06/2023, at 8:01 AM, Bridget Rook <[Bridget.Rook@npdc.govt.nz](mailto:Bridget.Rook@npdc.govt.nz)> wrote:

Hi Nick,

Thanks for your email.

I can confirm that at the moment they are just constructing a pole-type shed. This is a permitted rural activity and appears to be more than 15m from the boundary. The applicant is aware of the 15m setback rule. The applicant is a builder himself and has advised the building team what they are currently building. It is a large shed but it does meet the criteria for exempt works.

At the moment the consent still remains on hold and I cannot work on it. When I receive further information and/or written approvals I will assess all the information along with the neighbours concerns (including all neighbours emails).

In the mean time I would really appreciate it if you and your neighbours can trust that I will follow the correct RMA process once I can begin processing this application again. We are extremely busy and I need to put these emails aside until further information comes in.

They definitely cannot start building a dwelling without consent to move the building platform so please be assured that all they can do is build the shed.

Yes the consent for a second dwelling at 247d Weld Road has been approved - I have given a link below.

<https://t1ciapp.npdc.govt.nz/T1Prod/CiAnywhere/Web/PROD/ECMCore/BulkAction/Get/7069a8f4-e09a-4283-adf0-ccd9cc1a36f1>

This link will expire on 22 June 2023, 7:55 a.m..

Kind regards,  
Bridget

## **Appendix B – Consent and Officers Report for SUB22/48035 (May 2022)**



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth  
District Council**

When replying please quote: SUB22/48035

27 May 2022

Graeme and Tracey Beaton  
C/- Taylor Patrick Surveyors  
EMAIL: Stefan@taylorpatrick.co.nz

Dear Stefan,

**CONSENT SUB22/48035 IS GRANTED FOR A 3-LOT RURAL SUBDIVISION TO BE UNDERTAKEN 249 WELD ROAD LOWER, TATARAİMAKA**

I am pleased to be able to **enclose** a copy of a Resource Consent Approval, and my Planners Report prepared under the Resource Management Act 1991, for the above project.

If you are unhappy with any part of this decision you have the right to object in accordance with Section 357A(2) of the Resource Management Act 1991. Any objection shall be made in writing, setting out the reasons for the objection. This must be lodged with Council within 15 working days after receiving this decision.

Any monitoring or time involved in ensuring compliance may result in extra charges being invoiced to you. Therefore, to reduce additional charges payable to you, please ensure that you comply with the conditions of the Resource Consent as soon as possible. Additionally, to reduce administration costs, please contact one of Councils Monitoring Officer's on 759 6060 or email [enquiries@npdc.govt.nz](mailto:enquiries@npdc.govt.nz) to inform us when work is about to commence.

Extension of Timeframe

The purpose of this letter is also to formally extend the timeframe within which the decision is to be issued, under sections 37 & 37A of the Resource Management Act 1991 (RMA). Section 115(3) of the RMA states that for applications not notified and where a hearing is not held, notice of the decision and a notification decision must be given within 20 working days after the date the application was first lodged with the authority.

However, under sections 37A(4)(a) & (b), it is advised that these timeframes for issuing the notification decision and consent decision have been extended to 40 working days. The time extension was necessary as New Plymouth District Council are experiencing higher volumes of resource consents than usual.

The consent authority also recognises its duty under s21 to avoid unreasonable delay. Given the reasons above for extending timeframes, it is considered the 20 extra working days are reasonable.

Yours sincerely,

Bridget Rook  
ENVIRONMENTAL PLANNER

## **RESOURCE CONSENT SUB22/48035**

**Granted under Sections 95, 104, 104B, 104D, 108 and 220 of the Resource Management Act 1991.**

<b>Applicant:</b>	Graeme and Tracey Beaton
<b>Location:</b>	249 Weld Road Lower, Tataraimaka
<b>Legal Description:</b>	LOT 2 DP 484251 held in RT 685707
<b>Proposal:</b>	3-lot rural subdivision and amalgamation
<b>Status:</b>	The proposal is subject to rules Rur78, Rur79, Rur81, Rur82, Rur83 and Rur84 and is a Non-Complying Activity under the Operative District Plan.

### **DECISION:**

In accordance with Sections 95A-E, 104, 104B, 104D, 108 and 220 of the Resource Management Act 1991, consent is granted on a non-notified basis to subdivide LOT 2 DP 484251 into three allotments as shown on the scheme plan submitted with the application SUB22/48035 submitted by Taylor Patrick Surveyors, entitled 'Lots 1 to 3 being a proposed subdivision of Lot 2 DP 484251', project no. 21089, drawing no. 100, dated 30/09/21 for the reasons discussed in the planners report as summarised below:

1. the proposal will not significantly affect existing levels of rural character and amenity;
2. adequate access, services and building platforms can be provided;
3. any adverse effects of the proposal on the environment will be no more than minor;
4. the proposal is consistent with the relevant objectives and policies of the District Plan, Proposed District Plan, Regional Policy Statement and relevant National Policy Statement;
5. there are no reasons to refuse consent under Section 106; and
6. the proposal meets the Purpose of the Resource Management Act.

### **Subject to the following conditions imposed under Section 108 of the Resource Management Act 1991:**

1. The subdivision activity shall be carried out in accordance with the plans and all information submitted with the application and all referenced by the Council as consent number SUB22/48035.

### **Section 223 approval**

2. The survey plan shall generally conform with the subdivision scheme plan submitted with application no: SUB22/48035 submitted by Taylor Patrick Surveyors, entitled 'Lots 1 to 3 being a proposed subdivision of Lot 2 DP 484251', project no. 21089, drawing no. 100 and dated 30/09/21.

#### Amalgamation Condition

3. That Lot 3 hereon be held together with Lot 1 DP 315057 and one registered title issued herewith. Refer to LINZ Request ref: 1786092.

#### Section 224 approval

##### Septic Tank

4. Confirmation is required that existing septic tank and effluent field serving the site are contained wholly within the boundaries of Lot 1.

***Advice note:*** Lot 2 shall require on-site septic treatment for sewerage. The Lot shall require enough room for on-site septic tank, soakage field and reserve area, taking into account the required distance from boundaries and area required for on-site stormwater disposal.

##### Stormwater

5. Any dwelling constructed on Lot 2 shall not change or disrupt the existing overland flowpath network. The applicant shall dispose of the stormwater in a way that does not create a nuisance to neighbouring land and/or property.

##### Vehicle Crossing

6. A *type G* sealed vehicle crossing shall be constructed to serve Lot 2 to the Standard specified in the Council's Land Development & Subdivision Infrastructure Standard. An application with the appropriate fee shall be made to the Council for a new Vehicle Crossing, and upon approval the vehicle crossing is to be installed by a Council approved contractor at the applicant's cost.
7. Any excavation that takes place within road reserve during this development shall require an approved Corridor Access Request (CAR). Refer to the "National Code of Practice for Utility Operators' Access to Transport Corridors" for additional information. Applications can be made via the website [www.beforeUdig.co.nz](http://www.beforeUdig.co.nz) or 0800 248 344. A CAR along with a Traffic Management Plan must be submitted a minimum of 5 working days before an operator intends to start work for minor works or 15 working days for major works and project works. All costs incurred shall be at the applicant's expense.

##### General

8. All work shall be constructed under the supervision of a suitably qualified person who shall also certify that the work has been constructed to the approved Infrastructure Standard requirements.
9. The supervision of the work, and its certification and the provision of as built plans shall be as prescribed in section 1.8 of NPDC Land Development & Subdivision Infrastructure Standard.
10. A Council inspection fee shall apply at cost.
11. The consent holders shall pay the Council's costs of any monitoring that may be necessary to ensure compliance of the use with the conditions specified.

##### Consent notice

12. Conditions 13-25 below shall be imposed by way of a 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).



### Lot 1

13. No habitable buildings shall be erected outside of the Area marked E on Lot 1.
14. A maximum of one habitable dwelling shall be permitted on Lot 1.

### Lot 2

15. No habitable buildings shall be erected outside of the Area marked Z on Lot 2.
16. A maximum of one habitable dwelling shall be permitted on Lot 2.
17. No habitable buildings shall exceed 5.5m in height above existing ground level.
18. Roofs of all new buildings (habitable and non-habitable) shall be a recessive shade (less than 20% Light Reflectance Value (LRV)).
19. Cladding materials (including walls and gable ends, excluding glazing and joinery) of all new buildings (habitable and non-habitable) shall be a recessive shade (less than 40% Light Reflectance Value (LRV)).
20. Water tanks and guttering shall be a recessive shade, with a light reflectance value (LRV) of less than 25% LRV.
21. Any fencing of new boundaries shall consist of post and rail, or wire post and batten fencing.
22. No closed board fencing taller than 1.2m high should be located further than 10m from any building (taller fencing within 10m of dwellings is permitted to enable privacy of courtyards etc).
23. No external point sources of light shall be visible from outside the Lots. All external light fittings shall be 'hooded' and cast down.
24. Any cut or fill batters greater than 1.5m in height should be laid back at an angle suitable for planting or grassing. This angle should be no steeper than 1:1.

### Lot 3

25. No habitable buildings shall be erected within Lot 3 hereon.

### **Advice notes:**

#### **Consent Lapse Date**

- 1) *This consent lapses on **27 May 2027** unless the consent is given effect to before that date; or unless an application is granted before the expiry of that date under section 125 of the Resource Management Act 1991 to extend the expiry date.*

*This consent is subject to the right of objection as set out in section 357A of the Resource Management Act 1991.*

#### **Development Contribution**

- 2) *A Development Contribution for off-site services of **\$3,176.66 excluding GST** for Lot 1 is payable by the applicant and shall be invoiced separately. The 224 release of this subdivision will not be approved until payment of this contribution is made.*



### **Damage to council assets**

- 3) *The owner is required to pay for any damage to the road or Council assets that results from their development. The developer must notify the Council of any damage and the Council will engage their contractor to carry out the repair work. The owner, builder/developer or appointed agent responsible for building/development work must repair, to the satisfaction of Council, damaged roads, channels drains, vehicle crossings and other assets vested in council adjacent to the land where the building/construction work takes place.*

*Safe and continuous passage by pedestrians and vehicles shall be provided for. Footpath or road shall be restored to the Council's satisfaction as early as practicable.*

*Developers are required to pay for any damage to the road or street that results' from their development. The developer must employ a council approved contractor to carry out such work.*

### **Infrastructure Standards**

- 4) *All the above works are to be designed and constructed in accordance with the following current and relevant New Plymouth District Council's Land Development & Subdivision Infrastructure Standard.*
- 5) *Other alternative solutions may be approved for those aspects where the Infrastructure Standards are unable to be met or can be achieved in a different way.*

### **Water Supply**

- 6) *There is no reticulated water supply available to the site. Any dwelling constructed on Lot 2 will require provision for the water needs of the project in accordance with the provisions of the Building Code. The activity will require you to provide for its own potable water supply in accordance with the standards specified by the Building Code. Details showing how this is to be provided for will need to be provided as part of the Building Consent application for the project. Bore or well water supply will require a water quality test and results report. No firefighting water is available to this development. It is recommended that a 75mm instantaneous female coupling and valve be fitted to any water storage tanks that may be constructed as part of this work. The requirements of the New Zealand Fire Services Firefighting Water Supplies Code of Practice may have to be met.*

**DATED:**



Zane Wood  
Planning Consents Lead



Te Kaunihera-ā-Rohe o Ngāmotu

## New Plymouth District Council

### S42A PLANNER'S REPORT TO THE PLANNING CONSENTS LEAD FOR SUBDIVISION CONSENT

<b>Application Number:</b>	SUB22/48035
<b>Proposal:</b>	3-lot rural subdivision
<b>Applicant:</b>	Graeme and Tracey Beaton
<b>Site Address:</b>	249 Weld Road Lower, Tataraimaka
<b>Legal Description:</b>	<p>LOT 2 DP 484251 held in RT 685707 (issued 19/06/2015)</p> <p>Relevant Interests:</p> <ul style="list-style-type: none"><li>• Easement 360024.3 - Right to convey electricity over parts marked B and C on DP 484251</li><li>• Easement 7784375.1 – Right to convey water over park marked D on DP 484251</li><li>• Consent Notice 10058782.2</li></ul>
<b>Site Area:</b>	5.6251 hectares
<b>Zone:</b>	<p>Operative District Plan: Rural Environment Area</p> <p>Proposed District Plan: Rural Production Zone</p>
<b>District Plan Overlays:</b>	<p>Operative District Plan: N/A</p> <p>Proposed District Plan: Controlled Area – Keeping of Goats</p>
<b>Activity Status:</b>	<p>Operative District Plan: Non-complying</p> <p>Proposed District Plan: N/A</p>

### SITE DESCRIPTION AND SURROUNDING ENVIRONMENT

1. The subject site and surrounding area has been described in part 2.0 of the application and adopted here. In summary, the subject site is a 5.6251ha rural block that fronts Weld Road and is bounded by other lifestyle blocks created under the parent title and adjacent parent title. The site is mainly pasture and contains an existing dwelling, garaging and associated sheds. Access is via a private driveway. There are no streams or waterbodies on or adjoining the site.
2. The site was created under subdivision consent SUB14/46269 which was a 2 lot rural subdivision.
3. A site visit was undertaken on 26 April 2022.



Figure 1: Aerial of subject site and surrounding area



Figure 2: Facing north showing proposed building platform on Lot 2.





Figures 3 and 4: Facing west from the building platform on Lot 2.

## CONSENT HISTORY

4. The applicants agent has looked into the subdivision history and provided the following information in the application:

The parent title is Lot 2 DP 16300 12.5447 ha, created in 1988 and contained in TN12/1100. We have reviewed historic subdivision since 1988 of that title and count the following **four** parcels as being created from this parent – Lot 1 DP 315057 (0.7455 ha), Lot 1 DP 328657 (0.8006 ha), Lot 2 DP 393350 (4.0616 ha) and Lot 1 DP 484251 (0.5329 ha) leaving a balance of Lot 2 DP 484251 (5.6251ha) – which is the application site.

It is also relevant to note that the adjoining parent title Lot 2 DP 15900 (TN 12/1100) 9.2795ha created in 1987 has also had subdivision – this being the following **three** parcels Lot 2 DP 432478 (1.2307ha), Lot 1 DP 500285 (0.5747ha) and Lot 2 DP 500285 (3.8058 ha) with a balance lot of Lot 1 DP 432478 (4.4766 ha).

These two parent parcels sum to 21.8342 ha, all of the new lots listed above add to 21.8535 ha, a difference of 200 sqm which is a rounding difference due to stream boundaries and illustrates that all land in the Parents has been accounted for here.

Overall, we consider that the proposed subdivision is the fifth smaller allotment from the parent, with a balance of > 4ha remaining in proposed Lot 2, thus we assess the proposal as meeting the **Discretionary Activity** standard of Rule 78 ODP.

5. The above information has been checked by Bridget Rook and is correct.

## PROPOSAL

6. The proposal is to subdivide LOT 2 DP 484251 into three allotments, one of which will be amalgamated with the neighbouring site Lot 1 DP 315057. The subdivision will result in the creation of one new rural lifestyle allotment.
7. Proposed lot sizes are below:
  - Lot 1 - 1.3458ha (contains the existing house and surrounds)
  - Lot 2 - 4.1578ha (the vacant balance lot which will contain a proposed building platform)
  - Lot 3 - 0.1219ha (small area of vacant land to be amalgamated with adjacent site)



Figure 5: Scheme plan

## STATUTORY REASONS FOR THE APPLICATION

### National Environmental Standards

8. Regulations 5(4)(5)&(6) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESC) describes subdivision, change of land use and disturbing soil as activities to which the NES applies. However, only where an activity that can be found on the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) has or is likely to have occurred on the site.
9. The property has been used for agricultural purposes based on historical aerial imagery and information provided by the applicant. Traditionally farming in the area has been for dairy purposes. Some agricultural activities are included on the HAIL which may have occurred on the site.

site, i.e. the storage of agrichemicals, storage of fuel, storage of tanalised wood, farm dumps, sheep dips and the use of asbestos materials for sheds/buildings. Therefore, under Section 5 of the NES it is important to determine whether the site should be considered a "piece of land" under the NES to determine if further investigation is required and/or consents under the NES 2011.

10. An assessment of the HAIL list has been carried out along with a site visit and emails with the applicant to ascertain the historical uses of the site. Based on the information acquired, I do not consider the site to be a "piece of land" under the requirements of the NES. I have also checked the TRC Selected Land Use register and NPDC's record systems and there are no recorded sites.
11. For the reasons discussed above further assessment against the NES is not required and the site is not considered to be "a piece of land".

### **Operative New Plymouth District Plan (2005)**

12. The site is located within the Rural Environment Area and contains no overlays.
13. The site does not contain nor is adjacent to a Statutory Acknowledgement Area.

### Rules

14. The proposal requires consent under the following District Plan rules:

<b>Rule #</b>	<b>Rule Name</b>	<b>Status of Activity</b>	<b>Comment</b>
Rur78	Minimum Lot size in a Rural Environmental Area and number of lots subdivided	Non-complying	<p>The proposed subdivision will result in the creation of a fifth and sixth allotment from the parent title since the District Plan was deemed to be operative. There will be a balance lot of over 4ha (proposed lot 2).</p> <p>The sixth allotment to facilitate the boundary adjustment technically makes the application non-complying.</p>
Rur79	Requirement to provide practicable vehicular access to allotments from a road	Controlled	<p>The new access driveway to Lot 2 off Weld Road will be 6m in legal width which meets the requirement in Appendix 22.2A (Table 22.2B). A new rural vehicle crossing will be constructed.</p> <p>Lot 1 will be accessed via an existing vehicle crossing and 6m wide driveway.</p>
Rur81	Requirement to adequately service the property	Controlled	<p>Vacant lot 2 can be adequately serviced. Stormwater disposal to ground can be undertaken and an engineering report as a condition of consent is anticipated. Tank water stored from the roof is anticipated for water supply. Sewage disposal to ground is proposed.</p> <p>Lot 1 already has a dwelling with existing servicing and no development is proposed for Lot 3.</p>

Rur82	Requirement for a building platform	Controlled	The proposed lot 2 is of a size that can accommodate a building platform that meets the requirements specified in Appendix 22.1.
Rur83	Requirement for existing buildings to meet standards in relation to the new boundaries	Controlled	Existing buildings will meet the requirements for distance from boundaries.
Rur84	Requirement for financial contributions	Controlled	Financial contributions required.

15. The proposal is non-complying activity under the Operative New Plymouth District Plan being the highest status under the above Operative Plan (bundling principle).

### **Proposed New Plymouth District Plan (Notified 23 September 2019)**

16. The site is located within the Rural Production Zone and contains the *Controlled Area – Keeping of Goats* overlay.

17. No decisions have yet been made on the Proposed Plan.

18. There are no rules with immediate legal effect that apply to this proposal.

### **EFFECTS DISREGARDED**

19. The following effects have been disregarded for the purposes of the notification decision and s104 assessment (s95D, 95E and 104(2)&(3)(a)):

- The permitted baseline has not been applied as no subdivision of any lot size has permitted status in the Operative or Proposed Plan.
- Effects on persons who own or occupy the site and adjacent sites have been disregarded for the public notification assessment.
- The application is for a non-complying activity therefore the assessment of adverse effects is not restricted and no such effects have been disregarded.
- I am not aware of any trade competition effects relating to this application.
- The written approvals of the following parties have been provided with the application and therefore any effects on them have been disregarded.

Map Identifier (Figure 6)	Name	Address
A	Beth and Neil Bentall	255 Weld Road Lower
B	Gregory and Katy Sheffield	271 Weld Road Lower
C	Stoney Bay Trustee Limited (Lisa Vale and Robert Bateman)	LOT 2 DP 486355 (no address yet but addressed 283 Weld Road Lower on written approval form)
D	Fi's Trees Limited (Christopher Waugh)	247 Weld Road Lower



E	Nick King and Siobhan Lottrell	247A Weld Road Lower
F	Angela and Steven Blair	247C Weld Road Lower
G	Hackling Family Trust	247B Weld Road Lower

- It is noted that parties B, C, D, E and G have signed revision 02 of the scheme plan and parties A and F have signed revision 03 which is the final submitted revision. The only change between the revisions is the later addition of a proposed land covenant marked areas A and YY which allows for a maximum vegetation height of 2m within these areas. The covenant is over proposed lot 2 and Lot 1 DP 315057 and does not affect those parties who have signed scheme plan revision 02.



Figure 6: Neighbours who have given written approval.

## NOTIFICATION DECISION

### Public Notification (s95A)

#### Step 1: mandatory public notification in certain circumstances

- The applicant has not requested that the application be publicly notified.
- The applicant has not refused to provide further information or refused to agree to commissioning a report under s95C.
- The application is not made jointly with an application to exchange recreation reserve land.

#### Step 2: if not required by step 1, public notification precluded in certain circumstances

- The application is not subject to a rule or national environmental standard that precludes notification.



- 
- The application is not precluded from public notification.

**Step 3: if not precluded by step 2, public notification required in certain circumstances**

- There is no rule or NES that requires public notification of the application.
- If the activity will have or is likely to have adverse effects on the environment that are more than minor the application must be publicly notified.

*Assessment of Adverse Effects on the Environment*

20. Using the Operative and Proposed District Plan objectives and policies as guidance, I consider the main issues relate primarily to rural character and amenity values in the area, cumulative effects, rural servicing and vehicle access. An assessment is provided below:

**Rural Character/Rural Amenity**

- A Landscape and Visual Impact Assessment (LVIA) undertaken by Richard Bain of Bluemarle has been provided with the application. This LVIA states that *any potential effects on rural character from the proposal would be from the creation of Lot 2, as this enables an additional dwelling. The extent of change to Lot 1 is negligible given the existing dwelling. Lot 3 will also create negligible effects on rural character as it is a small lot that will be amalgamated with Lot 1 DP 315057 (271 Weld Road Lower).* Mr Bains LVIA report further states that *effects from the creation of Lot 2 are reduced by the identification of a Proposed Building Platform (Area Z on Subdivision Scheme Plan). This tucks the dwelling towards the embankment and prevents the wider open space on Lot 2 being built on. The access way represents a small change and in combination with the dwelling creates a very low effect on landscape character.*
- I concur with the comments above from Mr Bain and also note that due to the Proposed Building Platform being tucked into the embankment, it is very unlikely that any future dwelling on Lot 2 will be visible from Weld Road. There may be potential views from Timaru Road towards the site, however these views are in a specific location and not of a continuous nature. Regarding views from the wider area, it is considered that any loss of spaciousness beyond the neighbouring properties will be negligible.
- The LVIA undertaken by Richard Bain also recommends mitigation conditions that the applicant has adopted and offered to form part of the application. The conditions are listed within clause 3.0 of the application document. I concur that these conditions will aid in mitigating adverse effects on rural character and these will therefore be imposed by way of a 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).
- For the above reasons it is considered that any adverse effects on rural character and rural amenity will be no more than minor. I concur with Mr Bains conclusion in his report stating that *With mitigation, the subdivision will not alter the areas rural character beyond a minor degree.*

**Lot Size**

- Proposed Lots 1 and 2 have site areas of 1.3458ha and 4.1578ha which meet the allotment size and are considered appropriate and acceptable for the rural environment area. Lot 2 also meets the required 4ha requirement for the balance lot. The creation of a 5<sup>th</sup> lot from the parent title is a discretionary. However, the proposal is technically non-complying under Rule Rur78 as it creates a 6<sup>th</sup> lot (Lot 3) that is only 1219m<sup>2</sup> and smaller than what is typically envisaged within the Rural Environment Area. Despite being a 6<sup>th</sup> lot that does not meet the minimum allotment size, this narrow lot will be amalgamated with neighbouring site Lot 1 DP 315057 and is essentially aiding a boundary adjustment. As such, it is considered that the lots are considered an appropriate size for the Rural Environment Area.

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### **Cumulative Effects**

- Because the area contains a high number of rural residential sized allotments and a 5<sup>th</sup> lots is being created from the parent title, it is necessary to address any cumulative effects. Mr Bains report states that *the character of this area is defined by those smaller allotments, so the proposal is consistent with this character and does not tip it to another character type. The configuration of the proposal is helpful in this regard as the new lot boundaries follow the topography and the new dwelling platform location is specified. There will be no sequential effects as the proposal is not visible from Weld Road and is indistinct from Timaru (Timaru) Road.* I concur with these comment from Mr Bain and consider any adverse cumulative effects will be no more than minor.

### **Building Platform and Bulk and Location Requirements**

- The proposed building platform has been assessed in Mr Bains LVIA report and he considers this location to be appropriate to ensure that the dwelling will not be prominent in the area. I concur this Mr Bain that this proposed building platform is satisfactorily located. Design controls on buildings (habitable and non-habitable) offered in the application will further reduce any visual impact that may occur. It is expected that given the topography of Lot 2, any cut and fill earthworks are likely to be relatively small and limited to creating a building platform and accessway only.

### **Traffic/Road Safety**

- The existing vehicle access to Lot 1 is considered acceptable, has good visibility and will remain unchanged. Lot 3 is entirely paddock and accessed via a gate. This will remain unchanged and is being amalgamated with the adjacent lot. A new vehicle crossing will be created of Weld Road to serve lot 2. Councils Development Engineer Matt Sanger has reviewed that application and is satisfied with this proposed vehicle crossing shown on the scheme plan.
- The proposal will create additional traffic generation on Weld Road due to a new dwelling, however Weld Road is a Local Road and can absorb any additional traffic from the new lot.
- For these reasons it is considered that any adverse effects on traffic and road safety will be no more than minor.

### **Servicing**

- The existing dwelling on proposed Lot 1 is self-sufficient for water supply, wastewater and stormwater disposal. Vacant lot 2 can be adequately serviced. Stormwater disposal to ground can be undertaken and water supply can be provided via water tanks. Sewage disposal to ground is proposed.

### **Conclusion**

- Overall, it is in my opinion that the effects of the proposal on the environment will be no more than minor any potential effects are able to be avoided, remedied or mitigated.

### **Step 4: public notification in special circumstances**

21. No special circumstances exist that warrant the application being publicly notified.

### **Conclusion on public notification**

22. It is concluded under s95A of the RMA that the application does not need to be publicly notified.

### **Limited Notification (s95B)**

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Step 1: certain affected groups and affected persons must be notified

- No protected customary rights groups or customary marine title groups are affected by the activity.
- The proposal is on land that does not contain nor is adjacent to a Statutory Acknowledgement Area.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

- The application is not subject to a rule or national environmental standard that precludes notification.
- The application is not precluded from limited notification.

Step 3: if not precluded by step 2, certain other affected persons must be notified

- A person is affected if the consent authority decides that the activity's adverse effects on the person are minor or more than minor.

*Assessment of Affected Parties*

23. This application included written approvals from adjacent sites. Those who have provided written approvals are details in paragraph 19 earlier. Adverse effects on these neighbours have been disregarded.

24. Adjacent properties who have not provided written approval are numbered 1-5 below:



Figure 4: Location Map of Site and Potentially Affected Parties

25. Properties labelled 1 and 3 – These properties are separated from the subject site via existing access-legs, therefore they are not directly adjoining the subject site. However they are

---

considered adjacent properties due to being in the near vicinity of the subject site. Dwellings on these properties are likely to have only minimal views of the future dwelling due to being well separated from the building platform and at a higher ground level. It is also expected that other dwellings and vegetation in-between will provide screening.

26. Property labelled 2 - This is a vacant site but is likely to have a new dwelling in the near future. From the proposed building platform on Lot 2, you can't see down into this neighbouring property as there is a decent drop down to the river terrace that occurs around the boundary line. For this reason it is unlikely that a dwelling on the neighbouring site would have views into the building platform on Lot 2.
27. Properties labelled 4 and 5 - These sites are across the road from the subdivision site. These neighbours won't have any views of the proposed building platform and the subdivision. The only visible change will be the new vehicle crossing. Therefore rural character and existing amenities will be retained for these adjacent sites.
28. Access and traffic - The existing dwelling on Lot 1 will continue to utilise the existing vehicle crossing of Weld Road Lower. A new driveway and vehicle crossing for Lot 2 will be constructed which Councils Development Engineer Matt Sanger is satisfied with. The traffic volumes likely to be generated by the subdivision will not be discernible within the existing rural environment and will have less than minor effects on adjacent person's ability to access the roading network.
29. Conclusion – For the reasons above it is considered that adverse effects on adjacent sites will be less than minor.

#### Step 4: further notification in special circumstances

30. No special circumstances exist that warrant the application being limited notified.

#### Conclusion on limited notification

31. It is concluded under s95B of the RMA that the application does not need to be limited notified.

### **Overall Notification Decision**

32. The application does not need to be notified under sections 95A – 95E of the RMA.

## **SECTION 104 ASSESSMENT**

### **Assessment of Actual and Potential Effects on the Environment - S104(1)(a)**

33. The assessment of adverse effects on the environment and people in the notification assessment is also relevant for the purposes of the assessment under s104(1)(a). Any effects on the wider environment will be no more than minor and effects on adjacent properties will be less more than minor. No further consideration of the adverse effects of the proposal is considered necessary under S104.
34. The proposal has been assessed by the Council's development engineer, Matt Sanger, in order to confirm that the proposed subdivision will not create undue pressure on infrastructure or traffic systems. Mr Sanger found that there was no anticipated undue pressure on traffic or infrastructure related to this proposal.

#### Conclusion

35. In summary, it is considered the actual and potential adverse effects of the proposal are able to be avoided, remedied or mitigated through the imposition of conditions and are therefore

---

acceptable.

### **Assessment of Proposal against Planning Documents - Section 104(1)(b)**

#### Taranaki Regional Policy Statement

36. The proposal is consistent with the relevant provisions of the Operative Taranaki Regional Policy Statement (2010).

#### Operative District Plan

37. The following objectives and policies of the District Plan are relevant to this application:

*Objective 1; Policy 1.1 – character and amenity*  
*Objective 4; Policies 4.1, 4.2, 4.5, 4.8 – rural character*  
*Objective 14; Policies 14.1 – preserve and enhance natural character*  
*Objective 18; Policies 18.1 – Maintain and enhance access to the coast*  
*Objective 20; Policy 20.7 – Road Transportation and safety*  
*Objective 22; Policy 22.1 – Avoid the adverse effects of subdivision*

38. The application is not contrary to the relevant objectives and policies of the Operative District Plan outlined above which relate primarily to the issues of amenity, rural character, subdivision, traffic safety and efficiency and natural character.

#### Proposed District Plan

39. The Objectives and Policies of the Proposed District Plan are required to be considered alongside those of the Operative District Plan as they have legal effect.

40. The following Objectives and Policies of the Proposed District Plan are relevant to this application:

RPROZ-O2, O3, O4, O6 - RPROZ-P1, P2, P4, P5 & P8  
SUB-O1, SUB-O2 – SUB-P1, SUB-P2, P3, P10, P12, P13 & P14

41. The application is not contrary to the relevant objectives and policies of the Proposed District Plan outlined above which relate primarily to the issues of rural production and amenity, subdivision, traffic safety and servicing.

### **Other Matters - s104(1)(c)**

42. The following other matters are considered relevant to the proposal:

#### Precedent

43. Precedent effect is a relevant factor for Council to take into account in this instance. A precedent reflects the concern that a granted application may have influence on the assessment of future applications.

44. I agree with the applicant that the site is unique and will not provide likely opportunity for others to claim that they have a similar proposal. The unique aspect is that the site is within a cluster of lots that are not visible from Weld Road and only partially visible from Timaru Road (at a distance). This subdivision will create a 5<sup>th</sup> allotment from the parent title and therefore cumulative effects have been addressed in the LVIA provided in the application which states *There will be no sequential effects as the proposal is not visible from Weld Road and is indistinct*

---

*from Timiru (Timaru) Road. I concur with this comment.*

45. It is also noted that all surrounding sites containing dwellings have provided written approval and therefore effects on these neighbours have been disregarded.
46. Overall and for the reasons given above, I consider that the grant of the application would not set a precedent which will influence the way in which future applications are dealt with.

### **Non-Complying 'Gateway' Test - s104D**

47. It is considered, based on the above assessment that the effects of the proposal will be minor. It is also considered that the proposal is not contrary to the objectives and policies of the operative and proposed District Plans. Overall, the proposal passes both threshold tests as set out in s104D(1), and as such, Council may consider granting consent to the proposal if appropriate under s104 of the Act.

### **Particular Considerations for Subdivision (s106)**

- There are no identified natural hazards affecting the site subject to subdivision.
- Sufficient provision has been made for legal and physical access to each allotment created by the subdivision.
- There is no reason to decline this application under section 106 of the RMA.

### **Overall Assessment to Grant or Decline**

48. I conclude the effects of the proposal are acceptable and the proposal is not contrary to the objectives and policies of the relevant plans, including the Operative and Proposed District Plans. The application can be granted under the Operative District Plan.

### **Weighting between District Plans**

49. A weighting exercise is not required as a decision has not yet been made on any rules relevant to this application under the Proposed District Plan.

### **PART 2 of the RMA**

50. Having regard to the above assessment it is concluded that the proposal is consistent with the Part 2 of the Resource Management Act 1991 as the proposal achieves the purpose of the RMA being sustainable management of natural and physical resources.

### **RECOMMENDATION**

51. That for the above reasons the application be approved on a non-notified basis pursuant to Sections 95A-E, 104, 104B, 104D, 108 and 220 of the Resource Management Act 1991, subject to the conditions suggested within resource consent SUB22/48035 attached to this document.

### **Report Details**

Prepared By: Bridget Rook (Environmental Planner)  
Team: Planning – Customer and Regulatory Services  
Approved By: Zane Wood (Planning Consents Lead)

Date: 27 May 2022  
Document No.: 8776436

### Appendix C: Letter from the applicant to Neighbours





Henry & Sophia have not broken any laws & have paid huge fees to Council such as yourselves. I would see Nick Hadley has taken it upon himself to obstruct this young family trying to build their home on land they bought. Henry had a cardiac arrest and died 2 years ago on the Rotherham rugby field, he is lucky to be alive & was excited to build this home for his family. They have just been told both these boys have the same heart condition & are disadvantaged which has prompted me to pen this letter.



I seriously doubt signing  
of the home seriously  
affects any one of you.  
So I'm begging you to  
think for yourselves & not  
be bullied by a man that  
has no real reason to complain.  
We have lived happily on  
Wald Road for 45 years &  
cannot believe what's going on  
in your neck of the woods.  
Sylvia & I being will be  
great neighbours at the end  
of the day. I am happy to  
get a letter from Ian Tennant  
Cardiologist TBH to confirm this.  
Please show some kindness.  
Sincerely Sue Anderson

**Appendix D: Extract from LIM report LIM24/115496 (Blue marble mitigation plan that accompanied the original application for subdivision consent SUB 22/48035)**

**9. MITIGATION**

The purpose of these recommendations is to mitigate any likely, or potential, adverse effects created by the proposed subdivision. The previous sections have analysed and outlined the likely effects the subdivision will create on the receiving environment's rural amenity. Mitigation recommendations have been developed in response to these effects and aim to ensure the development can occur with no more than a minor effect.

**9.1. DEVELOPMENT RESTRICTIONS**

**9.1.1. Lot 2:** Any second dwelling (as contemplated within the District Plan) which is constructed within Lot 2 shall be related in appearance, location and overall aesthetic to a 'master dwelling'. I.e: one shall be outwardly and visually subservient in appearance to the other - no more than 50% the size of the 'master dwelling'. See Landscape Recommendations for further information pertaining to this.

**9.1.2. Lot 2:** A No Habitable Building Zone applies from 135m west of the Weld Road boundary, as shown in Fig 17.



Figure 17: Building Zone Restriction

**Appendix E: Extract from T Hansen's Form 10 Change of Resource consent condition 27/8/2024.**

- 1.10. Regarding mitigation, effects on properties assessed as having visual effects greater than low (minor) can be reduced with screen planting. To this end, a Landscape Mitigation Plan has been prepared and comprises three main areas of planting. The first is a double row of native vegetation to be planted along the top of the embankment (Figure 3 below) This planting will screen views from all properties south of the site including 247, 247a, 247b and 247c Weld Road Lower.



Figure 3: Top of embankment adjacent to building area.

- 1.11. The second area to be planted is west of 271 Weld Road Lower on sloping land outside of the areas X and Y on the Scheme Plan. The third area is a hedge and specimen trees located along the western side of the driveway.



Figure 4: Driveway fence east of building area.



Te Kaunihera-ā-Rohe o Ngāmotu

New Plymouth  
District Council



**FORM 13**  
**Submission on a resource  
consent application subject to  
public or limited notification**

Resource Management Act 1991

**Submissions must be received by the end of the 20th working day  
following the date the application was notified.**

If the application is subject to limited notification, New Plymouth  
District Council may adopt an earlier closing date for submissions  
once the Council receives responses from all affected parties.

Email to: applications@npdc.govt.nz

Or post to: The Planning Lead  
New Plymouth District Council  
Private Bag 2025  
New Plymouth 4340

### 1. Submitter details

1a. Full name	<input type="text" value="Greg and Katy"/>	<input type="text" value="Sheffield"/>
	First name(s)	Surname
1b. Contact person's name if different from above e.g. lawyer, planner, surveyor	<input type="text" value="Kathryn Hooper"/>	<input type="text"/>
	First name(s)	Surname
	<input type="text" value="Planner"/>	<input type="text" value="Landpro Limited"/>
	Designation	Company
1c. Electronic service address	<input type="text" value="kathryn@landpro.co.nz"/>	
1d. Telephone	<input type="text" value="+64277592044"/>	<input type="text"/>
	Mobile	Landline
1e. Postal address or alternative method of service under Section 352 of RMA 1991	<input type="text" value="P. O. Box 8235, New Plymouth 4342"/>	

#### Serving of documents

The Council will serve all formal documents electronically via the email address provided above. Where there is no email address provided the documents will be posted to the above postal address.

### 2. Application details

2a. Resource consent number	<input type="text" value="SUB22/48035.03"/>	
2b. Applicant	<input type="text" value="Heinrich &amp; Sophie"/>	<input type="text" value="Fourie"/>
	First name(s)	Surname
2c. Site address	<input type="text" value="263 Weld Road Lower, RD4, NEW PLYMOUTH"/>	
2d. Description of the proposed activity	<input type="text" value="Proposed change of use of a shed to a dwelling and remove Zone-Z&lt;br/&gt;designated building platform from title"/>	

### 3. Trade competition

- ☒ I am **not** a trade competitor for the purposes of section 308B of the RMA. (Proceed to 4.)
- ☐ I am a trade competitor for the purposes of section 308B of the RMA.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the RMA.

Select one of the following:

- ☒ I am ☐ I am **not** directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment, and
- Does not relate to trade competition or the effects of trade competition.

Please turn over

#### OFFICE USE ONLY

Date received	<input type="text"/>	Property ID	<input type="text"/>	Application #	<input type="text"/>
Time received	<input type="text"/>	Land ID	<input type="text"/>	Document #	<input type="text"/>
Received by	<input type="text"/>				

#### 4. Submission

Before making a submission, please ensure you have read/seen the full resource consent application, including the assessment of environmental effects (AEE) and all the plans.

- 4a. ☐ I/we support the application in whole or in part
- ☒ I/we oppose the application in whole or in part
- ☐ I am/we are neutral to the application

- 4b. Please specify below:

- i. The matters within the application you support or oppose, or wish to comment on.
- ii. The reasons for making this submission (please give precise details).

Attach additional pages if required.

See additional pages attached

#### 4. Submission - continued

4c. I seek the following decision from the Council:

☐

To grant resource consent

☒

To decline resource consent

☐

Grant resource consent with amendments and/or conditions (as described below)

4d. Please specify details of the decision you seek from the Council, including the parts of the application you wish to have amended and the general nature of conditions sought:

Attach additional pages if required.

See attached

Please turn over



## 5. Attendance and wish to be heard at hearing

A formal hearing may be held for notified applications if any matters are not resolved at a pre-hearing meeting. It gives the applicant, and all submitters who stated in their submission that they wish to be heard, the opportunity to formally present their views to an independent commissioner.

It is recommended that submitters speak to their submission for all but minor issues. Stating that you wish to be heard at the submission stage does not obligate you to appear at the hearing later if you change your mind.

If you state that you do not wish to be heard, the Council is not obliged to advise you of the hearing or send you the hearing documents. However you will be sent a copy of the decision and retain your right to appeal the decision.

5a. If a hearing is held, do you wish to be heard in support of your submission? ☒ Yes ☐ No

5b. If others make a similar submission, would you consider presenting a joint case with them at the hearing? ☒ Yes ☐ No

You may choose to contribute toward the cost of engaging a professional e.g. a planner or lawyer to represent your combined interests.

## 6. Privacy statement

The Privacy Act 2020 applies to the personal information provided in this submission. For the purposes of processing the resource consent application the Council may disclose your personal information to another party. If you want to have access to, or request correction of, that personal information, please contact the Council.

## 7. Declaration and privacy waiver

☒ I will/have served a copy of my submission on the applicant, as required by Section 96(6) of the Resource Management Act 1991.

By signing\* this submission or by submitting this submission electronically, I confirm that the information contained in this submission is true and correct. I agree to the disclosure of my personal information in respect of this submission.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.



Signature of submitter (or person authorised to sign on behalf of submitter)

5 May 2025

Date

\*A signature is not required if this submission is submitted electronically.

### Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):
  - It is frivolous or vexatious.
  - It discloses no reasonable or relevant case.
  - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
  - It contains offensive language.
  - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.
3. You may wish to obtain your own professional advice, such as from a lawyer, surveyor or planner, before finalising your submission. 'An Everyday Guide to the RMA' found on the Ministry for the Environment website [www.mfe.govt.nz](http://www.mfe.govt.nz) has useful information for submitters. If you have any further questions regarding this process, phone the Council on 06-759 6060 and ask to speak to the planner processing the application.

## **SUBMISSION ON RESOURCE CONSENT APPLICATION**

**Application number: SUB22/48035.03**

**Applicant & Owner: Heinrich & Sophie Fourie**

**Address: 263 Weld Road Lower, Oakura legally described as Lot 2 DP 582431**

**Activity Description: Vary a condition specified in consent notice 12565106.1 pursuant to section 221(3)(a) of the Resource Management Act 1991**

**To:** New Plymouth District Council

**Name of submitter:** Greg & Katy Sheffield

**Physical Address of submitter:** 271 Weld Road, Oakura

**Address for service:** C/- Kathryn Hooper

Landpro Limited

P. O. Box 8235

New Plymouth

E: kathryn@landpro.co.nz

This is a submission on an application to vary a condition specified in consent notice 12565106.1 pursuant to section 221(3)(a) of the Resource Management Act 1991. The activity requires consent as a discretionary activity.

We **could not gain an advantage** in trade competition through this submission.

We **wish to be heard** in support of our submission.

If others make a similar submission, we would consider presenting a joint case with them at any hearing.



### **Scope of submission**

1. This submission relates to the application in its entirety.

### **Nature of submission**

2. We oppose the application in its entirety.

### **Primary reasons for submission**

3. Our primary reasons for this submission are that the application:
  - a. will not promote the sustainable management of natural and physical resources, and will not achieve the purpose and principles of the Resource Management Act 1991 (“**RMA**”);
  - b. will not meet the reasonably foreseeable needs of future generations;
  - c. will not enable the social, economic and cultural well-being of the Oakura community to be met;
  - d. is contrary to the purposes and provisions of the relevant planning documents, including the Proposed New Plymouth District Plan and the Regional Policy Statement (RPS) for Taranaki;
  - e. will result in unacceptable and inappropriate adverse effects on the environment that cannot be adequately avoided, remedied or mitigated; and
  - f. are contrary to Part 2 and other provisions of the RMA.
4. In addition to the general reasons above, our specific reasons for opposing the application to amend the consent notice are set out below.

### **Additional reasons for declining the application**

5. We specifically agreed and signed off on the Approved building platform with the previous owner when the decision to subdivide the land was made (SUB22/43805, dated May 2022), which was then approved by Council. The scheme plan we approved is included as Figure 1 of Appendix 1 attached.

6. We also agreed to purchase land from the previous owner to ensure we maintained our privacy from our northern living aspects and master bedroom as this was important to us.
7. The Proposed Building site directly impacts the very aspects we looked to protect when agreeing to the original subdivision (namely our privacy from northern aspects of the house and from our master bedroom). We particularly note that:
  - a) The Approved building platform is closer but generally discreet and well hidden from all viewpoints (living areas and bedrooms).
  - b) The Proposed building platform is significantly more visible and less private from multiple viewpoints.
  - c) The Proposed building platform is visible from all our major living areas (lounge, kitchen, children's bedrooms, and front living areas and our master bedroom).
  - d) The Approved building platform is discreetly visible from children's bedrooms and one window in the lounge. The rest of the lounge, kitchen and master bedroom do not have views of the Approved building platform.
  - e) From our outdoor living areas and our garden, the proposed building platform is directly visible, whereas the approved platform is discreet and non-intrusive.
8. We have illustrated the effect that the change in Building Platform Location will have on us and our property via a series of photos attached in Appendix 1. These show that the change in location will have significant effects on our privacy, outlook, and enjoyment of our property.

**Please specify details of the decision you seek from the Council, including the parts of the application you wish to have amended, and the general nature of conditions sought:**

9. The decision we seek is for the NPDC to decline the resource consent that is sought and not to vary the consent notice.

10. Retain Area Z as the building platform, keep the consent notice the same, and require that any future dwelling must be constructed within the approved area.
11. Any associated application for change of use of the shed should be declined.

**Signature:**



---

Greg and Katy Sheffield

**Date:** 5 May 2025

***Appendices:***

***Appendix 1: Comparison of visual effects***



APPENDIX 1: Comparison of visual effects – Approved Platform (Area Z) Versus Proposed Platform (as per SUB22/43805.03)



Figure 1: ORIGINAL SCHEME PLAN TO WHICH WE GAVE WRITTEN APPROVAL – SHOWING ORIENTATION OF OUR DWELLING IN RELATION TO THE APPLICANTS SITE AND AREA Z





**Figure 2. DWELLING LAYOUT – Viewpoint locations market with RED NUMBERS**



VISUAL EFFECTS FROM EACH VIEWPOINT

Viewpoint 1

Approved building platform (left)

Proposed building platform (Clay area, right)





Viewpoint 2

Approved building platform



Proposed building platform





Viewpoint 3

Approved building platform

Proposed building platform





**Viewpoint 4**

**The Approved building platform is not visible from Viewpoint 4**

**Proposed building platform**



Viewpoint 5

The Approved building platform is not visible from Viewpoint 5

Proposed building platform





Viewpoint 6

The Approved building platform is not visible from Viewpoint 6

Proposed building platform





Viewpoint 7 (From Garden)

Approved Building Platform



Proposed building platform





Te Kaunihera-ā-Rohe o Ngāmotu

New Plymouth  
District Council



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Or post to: The Planning Lead  
New Plymouth District Council  
Private Bag 2025  
New Plymouth 4340

### 1. Submitter details

1a. Full name	<input type="text" value="Rebecca &amp; Leanne"/>	<input type="text" value="Shaw"/>
	First name(s)	Surname
1b. Contact person's name if different from above e.g. lawyer, planner, surveyor	<input type="text" value="Kathryn"/>	<input type="text" value="Hooper"/>
	First name(s)	Surname
	<input type="text" value="Planner/Executive Director"/>	<input type="text" value="Landpro Ltd"/>
	Designation	Company
1c. Electronic service address	<input type="text" value="kathryn@landpro.co.nz"/>	
1d. Telephone	<input type="text" value="0277592044"/>	<input type="text"/>
	Mobile	Landline
1e. Postal address or alternative method of service under Section 352 of RMA 1991	<input type="text" value="P. O. Box 8235, New Plymouth 4342"/>	

#### Serving of documents

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### 2. Application details

2a. Resource consent number	<input type="text" value="SUB22/48035.03"/>	
2b. Applicant	<input type="text" value="Heinrich &amp; Sophie"/>	<input type="text" value="Fourie"/>
	First name(s)	Surname
2c. Site address	<input type="text" value="263 Weld Road Lower, Oakura"/>	
2d. Description of the proposed activity	<input type="text" value="Shed conversion and removal of Area Z (building platform) from title."/>	

### 3. Trade competition

☒ I am **not** a trade competitor for the purposes of section 308B of the RMA. (Proceed to 4.)

☐ I am a trade competitor for the purposes of section 308B of the RMA.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the RMA.

Select one of the following:

☒ I am ☐ I am **not** directly affected by an effect of the subject matter of the submission that:

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Please turn over

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4. Submission

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4a.

☐

I/we support the application in whole or in part

☒

I/we oppose the application in whole or in part

☐

I am/we are neutral to the application

4b.

Please specify below:

i.

The matters within the application you support or oppose, or wish to comment on.

ii.

The reasons for making this submission (please give precise details).

Attach additional pages if required.

See attached document

#### 4. Submission - continued

4c. I seek the following decision from the Council:

☐

To grant resource consent

☒

To decline resource consent

☐

Grant resource consent with amendments and/or conditions (as described below)

4d. Please specify details of the decision you seek from the Council, including the parts of the application you wish to have amended and the general nature of conditions sought:

Attach additional pages if required.

See attached. We would like to see the dwelling converted back to a shed as per their consent application and then a dwelling erected on the correct building platform as per the plans as they stood when they purchased the land.

Please turn over



## 5. Attendance and wish to be heard at hearing

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By signing\* this submission or by submitting this submission electronically, I confirm that the information contained in this submission is true and correct. I agree to the disclosure of my personal information in respect of this submission.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.



Signature of submitter (or person authorised to sign on behalf of submitter)

5 May 2025

Date

\*A signature is not required if this submission is submitted electronically.

### Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B.
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  - It discloses no reasonable or relevant case.
  - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
  - It contains offensive language.
  - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.
3. You may wish to obtain your own professional advice, such as from a lawyer, surveyor or planner, before finalising your submission. 'An Everyday Guide to the RMA' found on the Ministry for the Environment website [www.mfe.govt.nz](http://www.mfe.govt.nz) has useful information for submitters. If you have any further questions regarding this process, phone the Council on 06-759 6060 and ask to speak to the planner processing the application.

## **SUBMISSION ON RESOURCE CONSENT APPLICATION**

**Application number: SUB22/48035.03**

**Applicant & Owner: Heinrich & Sophie Fourie**

**Address: 263 Weld Road Lower, Oakura legally described as Lot 2 DP 582431**

**Activity Description: Vary a condition specified in consent notice 12565106.1 pursuant to section 221(3)(a) of the Resource Management Act 1991**

<b>To:</b>	New Plymouth District Council
<b>Name of submitter:</b>	Rebecca and Leanne Shaw
<b>Physical Address of submitter:</b>	255 Weld Road, Oakura
<b>Address for service:</b>	C/- Kathryn Hooper Landpro Limited P. O. Box 8235 NEW PLYMOUTH E: kathryn@landpro.co.nz

This is a submission on an application to vary a condition specified in consent notice 12565106.1 pursuant to section 221(3)(a) of the Resource Management Act 1991. The activity requires consent as a discretionary activity.

We **could not gain an advantage** in trade competition through this submission.

We **wish to be heard** in support of our submission.

If others make a similar submission, we would consider presenting a joint case with them at any hearing.

### **Scope of submission**

1. This submission relates to the application in its entirety.

### **Nature of submission**

2. We oppose the application in its entirety.

### **Primary reasons for submission**

3. Our primary reasons for this submission are that the application:
  - a. will not promote the sustainable management of natural and physical resources, and will not achieve the purpose and principles of the Resource Management Act 1991 ("**RMA**");
  - b. will not meet the reasonably foreseeable needs of future generations;
  - c. will not enable the social, economic and cultural well-being of the Oakura community to be met;
  - d. is contrary to the purposes and provisions of the relevant planning documents, including the Proposed New Plymouth District Plan and the Regional Policy Statement (RPS) for Taranaki;
  - e. will result in unacceptable and inappropriate adverse effects on the environment that cannot be adequately avoided, remedied or mitigated; and
  - f. are contrary to Part 2 and other provisions of the RMA.
4. In addition to the general reasons above, our specific reasons for opposing the application to amend the consent notice are set out below.

### **Additional reasons for declining the application**

5. There are four main parts to this objection.
  - a) Firstly, that the correct process to build a dwelling with respect to the Resource Management Act 1991 and the Building Act 2004 has not been complied with, as this is an after the fact application.
  - b) Secondly, the rural character of the land has been altered beyond what was stated in the original subdivision of the land.
  - c) Thirdly, our property now has reduced privacy as a result of being exposed to the already built shed/dwelling.
  - d) Fourthly, the impact and stress of this whole application.

***The correct process to build a dwelling with respect to the Resource Management Act 1991 and the Building Act 2004 has not been complied with***

6. We find it hard to understand why this Resource Management Act application is for a shed conversion when this is not true. The application itself refers to the 'shed' as a barn house and the said conversion has already occurred, which makes the application misleading and in part untruthful. Throughout my submission, we will call the shed a dwelling as this is what is built and we cannot call it a shed conversion when that is simply not the truth. This is a dwelling, it always has been.
7. We are currently undertaking a major renovation of our property, and have gone down the correct pathway of obtaining building consent, complying with the Resource Management Act, and completing our inspections along the way. We simply cannot support this application, from people who choose to ignore these said requirements, and are attempting to do them retrospectively as a way to find a way around a problem and get what they want.
8. We hope that the values of the Building Act and the Resource Management Act can be upheld and a stop to this application progressing as a way to show that correct processes need to be followed by all people in this country.

***Rural Character***

9. In respect to the rural character of the land, the original subdivision SUB22/48035 stated *"Mr Bains LVIA report further states that effects from the creation of Lot 2 are reduced by the identification of a Proposed Building Platform (Area Z on Subdivision Scheme Plan). This tucks the dwelling towards the embankment and prevents the wider open space on Lot 2 being built on. The access way represents a small change and in combination with the dwelling creates a very low effect on landscape character."*
10. Furthermore, the New Plymouth District Council supported Mr Bain's statement by writing *"I concur with the comments above from Mr Bain and also note that due to the Proposed Building Platform being tucked into the embankment, it is very unlikely that any future dwelling on Lot 2 will be visible from Weld Road. There may be potential views from Timaru Road towards the site, however these views are in a specific location and not of a continuous nature. Regarding views from the wider area, it is considered that any loss of spaciousness beyond the neighbouring properties will be negligible."*

11. With the dwelling in its current location, it is visible from Weld Road and as a result there has been an alteration to the rural character of the land. The original subdivision application concluded that Area Z was the best area for the building platform as it would have a very low effect on the landscape character, yet with the dwelling in its current spot it now has a major effect. The dwelling at 263 is clearly visible from Weld Road as you travel down it. We would expect the New Plymouth District Council to stand by its support for the designated building platform in area Z to give trust and confidence in those that supported the original subdivision application. Furthermore, this should be the case for any person in the future to have confidence that what is decided in a subdivision application stands long term.

### ***Reduced Privacy***

12. Further to the alteration of the rural character that affects people driving along Weld Road, our property is directly impacted by the dwelling in its current location. As it stands, we have a direct line of sight to the dwelling from our master bedroom, sun room, and kitchen. We will also be completely open to them from the outdoor spa area that is being created from where my garage currently stands. Our current garage will be demolished in June or July and converted to an outdoor living area (as per our approved building consent plans). From our property, we are completely open and exposed, and look directly to the dwelling at 263. This would not be the case if the dwelling was built in its designated spot and tucked into the embankment.

13. We wish to rebut the comments made by Richard Bain in the document titled 'Landscape Memo August 2024' that he wrote in support of this application. His statement about the effects on my dwelling at 255 Weld *"This property has... no view of the existing shed to be converted."* is simply untrue and we would discourage you to rely on his comments which directly relate to neighbouring dwellings when he is making these assumptions not from the physical addresses in which he refers to.

14. Moreover, this report completely contradicts his earlier report that was provided for the subdivision of the land that created 263 Weld Road. It seems to us that for a fee he will happily write what his client wants, rather than stand by an unbiased report he originally wrote. We also wish to draw your attention to the cover photo and other photographs throughout his report from August 2024, which show multiple photos of the dwelling being built. The clear amount of windows and the verandah area is a lot different from the three bay shed that sits next to it. Despite the fact his report states the property is

just a shed and calls this process a shed conversion. To me, he would be completely aware that this is not a shed and this is not a shed conversion.

15. Furthermore to Mr Bain's report, he states *"Even ignoring new planting, the only likely additional effect from a dwelling as opposed to a shed is possible night lighting and outdoor amenity areas and the creation of outdoor amenity areas. Concerning lighting, sheds are generally not occupied at night. Even so, night lighting represents a very low effect as surrounding neighbours are probably inside at night and generally unaware of lighting associated with dwellings"*. There is a strong difference from a shed which has human activity from time to time, compared with human activity in an on-going capacity.
16. The outdoor area at 263 has a direct line of sight to my house and outdoor living area. We believe that if the dwelling was built on the designated building platform we would be subject to minimum or no human activity from the dwelling at any hour. Even considering the amount of human activity spent at the sheds, if used as sheds, it would be fairly minimal in order to maintain the livestock and the property (i.e. lawnmowers, tractors etc).
17. However, when you consider this in respect to human activity at the dwelling there is a stark contrast. From our observations there is usually always someone home, and cars coming and going several times a day. We look directly at the driveway, shed and dwelling and can see people inside at certain times of the day when they are at the two windows that look up at our property. Their outdoor area and around the verandah has some view towards our property and we can easily observe people walking around the property.

### ***Impact of the application***

18. We wish to state the stress and uneasiness this application has brought on us. We purchased and moved into our property in July 2024 and had no idea of this current breach of the Resource Management Act. We have done everything above board and correctly in respect of our own property renovations. As we write this we are onto week 16 of our renovation, which has ended up being nearly a rebuild! We are a family of 4 living in a motorhome on our property while the work is being done. The stress and intensity of this project alone is enough without having to spend time on this submission.

19. When first approached by Henrich asking for support with this application in February 2025 we advised we wouldn't be supporting it and then two days later we found a letter from his mother-in-law Susie Anderson saying how unkind we were and implying we cannot think for ourselves in respect of this matter. This letter was left in an Oakura Medical Centre envelope and, at the time, our family were patients there. Susie co-owns this practice with her husband Brent Anderson and another Doctor who was our family GP. Given the nature of the letter we felt uneasy about the situation that we moved our family to another practice. We have attached a copy of the letter for your reference as I think you should be aware of the difficulties we face for freedom of speech. Regardless of the final outcome of this matter we will always be amicable towards our neighbours and hopefully we can all move forward from this once it is sorted.

**Please specify details of the decision you seek from the Council, including the parts of the application you wish to have amended, and the general nature of conditions sought:**

- 20. The decision we seek is for the NPDC to decline the resource consent that is sought and not to vary the consent notice.
- 21. Retain Area Z as the building platform, keep the consent notice the same, and require that any future dwelling must be constructed within the approved area.
- 22. Any associated application for change of use of the shed should be declined.

**Signature:**

Two handwritten signatures in black ink, one appearing to be 'R' and the other 'L', positioned side-by-side.

---

Rebecca and Leanne Shaw

**Date:** 5 May 2025





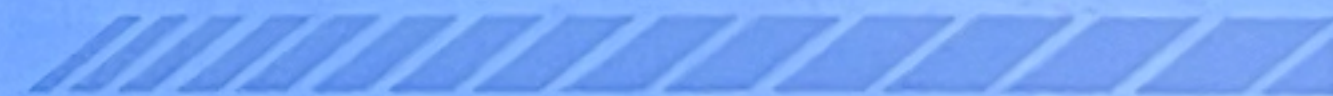
OAKURA MEDICAL CENTRE

P O Box 40 Oakura 4345

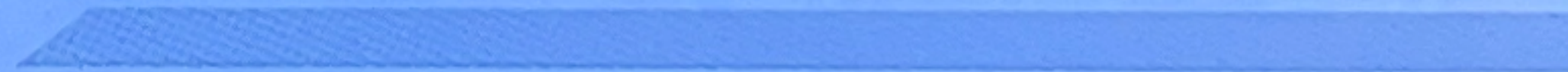
Telephone (06) 752-7199 Fax (06) 752-7195

email: oakura.mc@xtra.co.nz

Lodge With  
**DX**MAIL



**DX POSTAL**





Henry & Sophie have not broken any laws & have paid huge fees to Carcil such as yourselves. It would seem Nick Haddling has taken it upon himself to discredit this young family trying to build there home on land they bought. Henry had a Cardiac arrest and died 2 years ago on the Rahotu Rugby field, he is lucky to be alive & was excited to build this home for his family. They have just been told both there boys have the same heart condition & are disadvantaged. Which has prompted me to pen this letter



I seriously doubt signing  
of their name seriously  
affects any one of you.

So I'm begging you to  
think for yourselves & not  
be bullied by a man that  
has no real reason to complain?

We have lived happily on  
Wald Road for 45 years &  
cannot believe what's going on  
in your neck of the woods.

Sophie & Henry will be  
great neighbours at the end  
of the day. I am happy to  
get a letter from Ian Tennant  
Cardiologist TBH. to confirm this.

Please show some kindness.  
Sincerely, Susie Anderson





Te Kaunihera-a-Rohe o Ngāmotu

New Plymouth  
District Council



**FORM 13**  
**Submission on a resource  
consent application subject to  
public or limited notification**

Resource Management Act 1991

**Submissions must be received by the end of the 20th working day  
following the date the application was notified.**

If the application is subject to limited notification, New Plymouth  
District Council may adopt an earlier closing date for submissions  
once the Council receives responses from all affected parties.

Email to: applications@npdc.govt.nz

Or post to: The Planning Lead  
New Plymouth District Council  
Private Bag 2025  
New Plymouth 4340

### 1. Submitter details

1a. Full name	<input type="text" value="James"/>	<input type="text" value="Dinnis"/>
	First name(s)	Surname
1b. Contact person's name if different from above e.g. lawyer, planner, surveyor	<input type="text" value="Kathryn"/>	<input type="text" value="Hooper"/>
	First name(s)	Surname
	<input type="text" value="Planner/Executive Director"/>	<input type="text" value="Landpro Ltd"/>
	Designation	Company
1c. Electronic service address	<input type="text" value="kathryn@landpro.co.nz"/>	
1d. Telephone	<input type="text" value="0277592044"/>	<input type="text" value="-"/>
	Mobile	Landline
1e. Postal address or alternative method of service under Section 352 of RMA 1991	<input type="text" value="P. O. Box 8235, New Plymouth 4342"/>	

#### Serving of documents

The Council will serve all formal documents electronically via the email address provided above. Where there is no email address provided the documents will be posted to the above postal address.

### 2. Application details

2a. Resource consent number	<input type="text" value="SUB22/48035.03"/>	
2b. Applicant	<input type="text" value="Heinrich &amp; Sophie"/>	<input type="text" value="Fourie"/>
	First name(s)	Surname
2c. Site address	<input type="text" value="263 Weld Road, RD4, New Plymouth"/>	
2d. Description of the proposed activity	<input type="text" value="Proposed change of use from shed to dwelling."/> <input type="text" value="Extinguish consent notice restricting building platform to Area Z."/> <input type="text"/>	

### 3. Trade competition

☒ I am **not** a trade competitor for the purposes of section 308B of the RMA. (Proceed to 4.)

☐ I am a trade competitor for the purposes of section 308B of the RMA.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the RMA.

Select one of the following:

☒ I am ☐ I am **not** directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment, and
- Does not relate to trade competition or the effects of trade competition.

Please turn over

#### OFFICE USE ONLY

Date received	<input type="text"/>	Property ID	<input type="text"/>	Application #	<input type="text"/>
Time received	<input type="text"/>	Land ID	<input type="text"/>	Document #	<input type="text"/>
Received by	<input type="text"/>				

Liardet Street, Private Bag 2025, New Plymouth 4340, NZ, Telephone 06-759 6060, Email enquiries@npdc.govt.nz, Website www.npdc.govt.nz

#### 4. Submission

Before making a submission, please ensure you have read/seen the full resource consent application, including the assessment of environmental effects (AEE) and all the plans.

- 4a. ☐ I/we support the application in whole or in part
- ☒ I/we oppose the application in whole or in part
- ☐ I am/we are neutral to the application

- 4b. Please specify below:

- i. The matters within the application you support or oppose, or wish to comment on.
- ii. The reasons for making this submission (please give precise details).

Attach additional pages if required.

See attached

#### 4. Submission - continued

4c. I seek the following decision from the Council:

☐

To grant resource consent

☒

To decline resource consent

☐

Grant resource consent with amendments and/or conditions (as described below)

4d. Please specify details of the decision you seek from the Council, including the parts of the application you wish to have amended and the general nature of conditions sought:

Attach additional pages if required.

See attached.

Please turn over

## 5. Attendance and wish to be heard at hearing

A formal hearing may be held for notified applications if any matters are not resolved at a pre-hearing meeting. It gives the applicant, and all submitters who stated in their submission that they wish to be heard, the opportunity to formally present their views to an independent commissioner.

It is recommended that submitters speak to their submission for all but minor issues. Stating that you wish to be heard at the submission stage does not obligate you to appear at the hearing later if you change your mind.

If you state that you do not wish to be heard, the Council is not obliged to advise you of the hearing or send you the hearing documents. However you will be sent a copy of the decision and retain your right to appeal the decision.

5a. If a hearing is held, do you wish to be heard in support of your submission? ☒ Yes ☐ No

5b. If others make a similar submission, would you consider presenting a joint case with them at the hearing? ☒ Yes ☐ No

You may choose to contribute toward the cost of engaging a professional e.g. a planner or lawyer to represent your combined interests.

## 6. Privacy statement

The Privacy Act 2020 applies to the personal information provided in this submission. For the purposes of processing the resource consent application the Council may disclose your personal information to another party. If you want to have access to, or request correction of, that personal information, please contact the Council.

## 7. Declaration and privacy waiver

☒ I will/have served a copy of my submission on the applicant, as required by Section 96(6) of the Resource Management Act 1991.

By signing\* this submission or by submitting this submission electronically, I confirm that the information contained in this submission is true and correct. I agree to the disclosure of my personal information in respect of this submission.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.



Signature of submitter (or person authorised to sign on behalf of submitter)

5 May 2025

Date

\*A signature is not required if this submission is submitted electronically.

### Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):
  - It is frivolous or vexatious.
  - It discloses no reasonable or relevant case.
  - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
  - It contains offensive language.
  - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.
3. You may wish to obtain your own professional advice, such as from a lawyer, surveyor or planner, before finalising your submission. 'An Everyday Guide to the RMA' found on the Ministry for the Environment website [www.mfe.govt.nz](http://www.mfe.govt.nz) has useful information for submitters. If you have any further questions regarding this process, phone the Council on 06-759 6060 and ask to speak to the planner processing the application.



## SUBMISSION ON RESOURCE CONSENT APPLICATION

**Application number:** SUB22/48035.03

**Applicant & Owner:** Heinrich & Sophie Fourie

**Address:** 263 Weld Road Lower, Oakura legally described as Lot 2 DP 582431

**Activity Description:** Vary a condition specified in consent notice 12565106.1 pursuant to section 221(3)(a) of the Resource Management Act 1991

**To:** New Plymouth District Council

**Name of submitter:** Claire Frost & James Dinnis

**Physical Address of**

**Submitter:** 247D Weld Road, Oakura

**Address for service:** C/- Kathryn Hooper

Landpro Limited

P. O. Box 8235

New Plymouth

E: kathryn@landpro.co.nz

This is a submission on an application to vary a condition specified in consent notice 12565106.1 pursuant to section 221(3)(a) of the Resource Management Act 1991. The activity requires consent as a discretionary activity.

We **could not gain an advantage** in trade competition through this submission.

We **wish to be heard** in support of our submission.

If others make a similar submission, we would consider presenting a joint case with them at any hearing.

### **Scope of submission**

1. This submission relates to the application in its entirety.

### **Nature of submission**

2. We oppose the application in its entirety.

### **Primary reasons for submission**

3. Our primary reasons for this submission are that the application:
  - a. will not promote the sustainable management of natural and physical resources, and will not achieve the purpose and principles of the Resource Management Act 1991 ("**RMA**");
  - b. will not meet the reasonably foreseeable needs of future generations;
  - c. will not enable the social, economic and cultural well-being of the Oakura community to be met;
  - d. is contrary to the purposes and provisions of the relevant planning documents, including the Proposed New Plymouth District Plan and the Regional Policy Statement (RPS) for Taranaki;
  - e. will result in unacceptable and inappropriate adverse effects on the environment that cannot be adequately avoided, remedied or mitigated; and
  - f. are contrary to Part 2 and other provisions of the RMA.
4. In addition to the general reasons above, our specific reasons for opposing the application to amend the consent notice are set out below.

### **Additional reasons for declining the application**

#### ***Background***

5. Claire Frost and myself own 247 D Weld Rd (Lot 1 DP 432478). We purchased this property in the early part of 2022, at the time the Beatons subdivision was going through Council and we understood the land would have a specific building platform identified on the title (being Area Z).
6. When we purchased 247D Weld Road the intention was to gain resource consent for a second dwelling, at the time this was going to be for my parents then later for other family or as a rental as an income stream.

7. We engaged planner and a landscape architect and engineer to come up with a proposal that would blend into the landscape and not be offensive to our neighbours, building platform was lowered, stud height kept to a minimum and roof pitch kept to 8 degrees, cladding and colours in keeping with a rural setting.
8. The view shafts from neighbouring properties were taken into account including that of the Fourie's specific habitable building platform (Area Z) and a landscape mitigation plan was created, all affected parties signatures were gained plus all other close neighbours were given a copy of the plan and asked for comments. Everyone seemed happy and we gained the resource consent, it was a costly process in regards to fees and time taken but feel we followed the correct process, and maintained the integrity of the environment.
9. A copy of our land use consent for our second dwelling, which includes the approved plans, is attached as Appendix 1.
10. Now the Fourie's are proposing to convert a shed to a dwelling meters away from our proposed second dwelling and a long way from their specific habitable building platform. It is obvious to us that this was their original intention when they purchased the land and they have no regard for the neighbours or the work that was undertaken by the Beatons with the neighbouring parties when they originally subdivided their land.

### ***Written Approvals***

11. The Fourie's have been trying to get approvals from the neighbours. The second time they asked us for sign off to move the building platform I asked Heinrich for a landscape mitigation plan plus building plans similar to the ones we supplied. None were supplied and we have watched their new dwelling being created without neighbours consent.
12. The Fourie's originally applied to move the building platform and we gave our written approval to this - and they also signed our resource consent application for our second dwelling. The written approval we gave was for something quite different to what the council is now considering, being the conversion of an existing shed to a dwelling, and the removal of Area Z. If there is any doubt, we did not give approval to the subject application.

### ***Adverse effects***

13. Correct process has not been followed and now we are now affected in a negative way be the actions of our neighbours. The effects are things such as noise pollution, light

pollution, loss of the rural feel and space, the loss of privacy, and the planting of poplars right on our eastern boundary which will affect morning sun and our effluent bed.

14. We have built our main dwelling with the aim of blending into the rural landscape as much as possible and now the Fourie's proposed dwelling sits right in our view shaft from the front door. At night there's light pollution. None of this would affect us if the land rules on the title had been followed.
15. The NPDC were made well aware of what it looked like the Fourie's intentions were from the outset and didn't take action. Now we as neighbours are having to spend time and money trying to prevent what the RMA is there to prevent happening, and this all seems wrong.

**Please specify details of the decision you seek from the Council, including the parts of the application you wish to have amended, and the general nature of conditions sought:**

16. The decision we seek is for the NPDC to decline the resource consent that is sought and not to vary the consent notice.
17. Retain Area Z as the building platform, keep the consent notice the same, and require that any future dwelling must be constructed within the approved area.
18. Removal of the Lombardy poplars that have been planted.
19. Any associated application for change of use of the shed should be declined.

**Signature:**

A handwritten signature in dark ink, appearing to read 'James Dinnis', is written over a light grey rectangular background.

James Dinnis

**Date:** 6 May 2025

**APPENDIX 1:** Copy of LUC23/48218 – second dwelling at 247D Weld Road.



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth  
District Council**

When replying please quote document no: LUC23/48218

12 May 2023

Laura Buttimore Planning  
12C Frank Frethey Place  
New Plymouth 4340

Attention: Fiona Stephenson – fiona@lbplanning.co.nz

Dear Fiona,

**LUC23/48218 CONSENT IS GRANTED FOR AN ADDITIONAL HABITABLE BUILDING THAT ENCROACHES THE SIDE YARD & IS LOCATED GREATER THAN 25 METRES FROM THE CONSENTED HABITABLE DWELLING AT 247D WELD ROAD LOWER, TATARAİMAKA, NEW PLYMOUTH, NEW PLYMOUTH**

I am pleased to be able to **enclose** a copy of a Resource Consent Approval, and my Planners Report prepared under the Resource Management Act 1991, for the above project.

If you are unhappy with any part of this decision you have the right to object in accordance with Section 357A(2) of the Resource Management Act 1991. Any objection shall be made in writing, setting out the reasons for the objection. This must be lodged with Council within 15 working days after receiving this decision.

Any monitoring or time involved in ensuring compliance may result in extra charges being invoiced to you. Therefore, to reduce additional charges payable to you, please ensure that you comply with the conditions of the Resource Consent as soon as possible.

Yours sincerely

Karleen Thomson  
Consultant Planner



Te Kaunihera-ā-Rohe o Ngāmotu

# New Plymouth District Council

## **RESOURCE CONSENT LUC23/48218**

**Granted under Sections 95A, 95B, 95D, 95E, 104, 104B and 108 of the Resource Management Act 1991.**

<b>Applicant:</b>	<b>James Dinnis &amp; Clare Frost</b>
<b>Location:</b>	<b>247D WELD ROAD LOWER, TATARAIMAKA, NEW PLYMOUTH</b>
<b>Legal Description:</b>	<b>Lot 1 DP 432478 Comprised in Record of Title 524827</b>
<b>Status:</b>	<b>The proposal is a Discretionary Activity under the Operative District Plan</b>
<b>Proposal:</b>	<b><u>Operative District Plan</u> To construct a second habitable building that encroaches the yard setbacks and is located more than 25 metres from the consented habitable dwelling within the Rural Environment</b>

### **LAND USE DECISION:**

In accordance with Sections 95A, 95B, 95D, 95E, 104, 104B, 108 and 108AA of the Resource Management Act 1991, consent is granted to construct a second habitable building that encroaches the yard setbacks within the Rural Environment as shown on the site and developments plans submitted with application LUC23/48218 in the Rural Environment under the Operative District Plan for the reasons discussed in the planners report, as summarised below:

1. The effects of the proposal on the environment will be acceptable;
2. The proposal is consistent with the relevant objectives and policies of the Operative District Plan, Regional Policy Statement and National Policy Statement for Highly Productive Land and all other relevant matters.
3. Overall, the proposal is consistent with the relevant objectives and policies of the Proposed District Plan.
4. The proposal is consistent with the anticipated Rural Character and Amenity Effects of the Rural Environment, with the spaciousness, low density built form and rural characteristics of the area prevailing. Accordingly, dispensation can be granted for a second habitable dwelling.
5. Dispensation has been granted for seconded habitable building to be located 216 metres from the consented dwelling as the chosen location will not fragment the balance of the property, is located on low quality soils consistent with the National Policy Statement for Highly Productive Land and will result in less earthworks.
6. Dispensation has been granted for the encroachment of the side yard as the written approvals of the adjoining neighbours (283 & 249 Weld Road Lower) was obtained.
7. The proposal meets the Purpose of the Resource Management Act.



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**Subject to the following conditions imposed under Section 108 of the Resource Management Act 1991:**

**General Conditions**

1. The development shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC23/48218 and officially received by Council on 30 March 2023 except as amended by the conditions below.

Copies of the approved plans are attached:

- Natural Capital - Landscape Mitigation + Context Plan.
- Natural Capital - Distance to Potentially Affected Parties
- Elevation Plans.
- Floor Plan.
- Site Plan entitled Proposed 2<sup>nd</sup> Dwelling for James Dinnis – 247 Weld Road – Lower, Tataraimaka.

In the case of inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.

2. The consent holders shall pay the Council's costs of any monitoring that may be necessary to ensure compliance of the use with the conditions specified.

**Prior to Earthworks Commencing – Augier Condition**

Erosion and Sediment Control

3. The consent holder must ensure that all silt and sediment control measures are in place in accordance with the Waikato Regional Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities.

**During/Post Construction**

Setbacks

4. The habitable dwelling must be located a minimum of 12.5 metres from the Northern Boundary and 7.5 metres from the Eastern Boundary.

Dwelling design/colour

5. The consent holder must ensure that the dwelling is single storey.
6. The consent holder must ensure that the reflectivity light reflectance value (LRV) is less than 35% for exterior walls and less than 25% for the roof.
7. The consent holder must ensure that there are no exterior lamp resources, lighting must be oriented downward and hooded.

Landscaping

8. Landscaping is to be undertaken in accordance with the submitted landscaping mitigation plan by Natural Capital entitled "*Dinnis Land Use Consent* –

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*Landscape Mitigation + Context Plan*" within the next planting season after the code of compliance for the habitable building has been issued.

9. In the event that any of the landscaping die or become diseased, the consent holder must replace the plant(s) with the same or similar species of the same height within the next planting season.

**Advice notes:**

**1. Accidental Discovery**

If the consent holder discovers archaeological evidence, or suspected archaeological evidence, they shall without delay notify:

- Ngati Tairi Hapu;
- Heritage New Zealand Pouhere Taonga (HNZPT); and
- New Zealand Police in the case of skeletal remains; and

Stop work within the immediate vicinity of the discovery to allow a site inspection by HNZPT and the Ngati Te Tairi Hapu and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required. Site work shall only recommence following consultation with the Consent Authority, HNZPT, Ngati Te Tairi Hapu, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

**2. Damage to Council Assets**

*The owner is required to pay for any damage to the road or Council assets that results from their development. The developer must notify the Council of any damage and the Council will engage their contractor to carry out repair work.*

*The owner, builder/developer or appointed agent responsible for building/development work must repair to the satisfaction of Council, damaged roads, channels drains, vehicle crossings and other assets vested in council adjacent to the land where the building/construction work takes place.*

*Safe and continuous passage by pedestrians and vehicles shall be provided for. Footpath or road shall be restored to the Council's satisfaction as early as practicable.*

*Developers are required to pay for any damage to the road or street that results from their development. The developer must employ a council approved contractor to carry out such work.*

**3. Construction works**

*All works are to be designed and constructed in accordance with the following current and relevant New Plymouth District Council's Land Development & Subdivision Infrastructure Standard.*

*Other alternative solutions may be approved for those aspects where the Infrastructure Standards are unable to be met or can be achieved in a different way.*

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**4. Development Contributions**

*A Development Contribution will be charged at the time of building consent.*

**5. Consent Lapse Date**

*This consent lapses on **12 May 2028** unless the consent is given effect to before that date; or unless an application is granted before the expiry of that date under section 125 of the Resource Management Act 1991 to extend the expiry date.*

*This consent is subject to the right of objection as set out in section 357A of the Resource Management Act 1991*

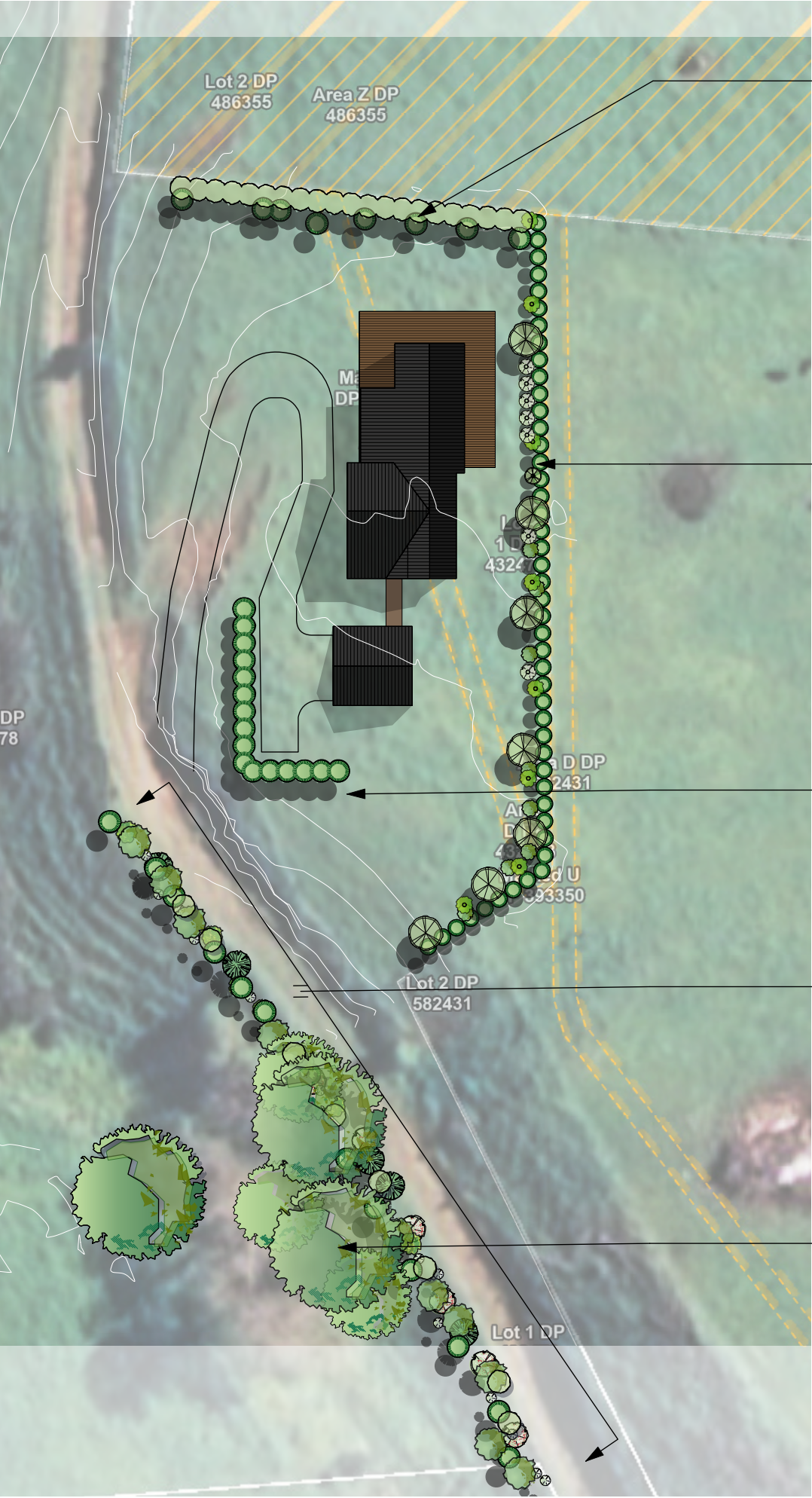
**DATED: 12 May 2023**



ZANE WOOD  
PLANNING CONSENTS LEAD



PLATE 1 - SECONDARY DWELLING  
LANDSCAPE MITIGATION  
1:500 @ A3



Newly established northern planting - not required for mitigation. It will be managed to allow viewshafts through to the sea.

Main dwelling platform cut down below eastern bank. Native species established along eastern and southern boundary.

Newly installed eastern native planting includes a row of *griselinia littoralis* along fence line and internal row of mixed native species including (but not limited to): *Leptospermum scoparium* - Manuka, *Pseudopanax laetus*, *Coprosma* spp, *Pittosporum tenuifolium* - kohuhu, *Olearia paniculata* - akiraho, *Plagianthus regius* - ribbonwood.

Establish either a hedgerow around southwest corner of access contouring, or mixed natives.

Partial new planting to western side of driveway to mitigate for night lighting effects. Supplement existing planting with additional row of mixed natives. Interplant with puriri, wineberry, cabbage tree, pittosporum mountain green, pittosporum eugeniodes, coprosma virescens, pseudopanax laetus/lessonii. Ensure good mix of taller and low species to achieve depth and density at lower levels of planting. - Extend planting in front of poplars (poplars being deciduous).

Retain poplars.

Approved Plans for  
LUC23/48218  
Dated 12 May 2023  
Karleen Thomson

PLATE 2 - PARCEL CONTEXT  
LOCATION OF PRIMARY AND SECONDARY DWELLING  
1:1500 @ A3

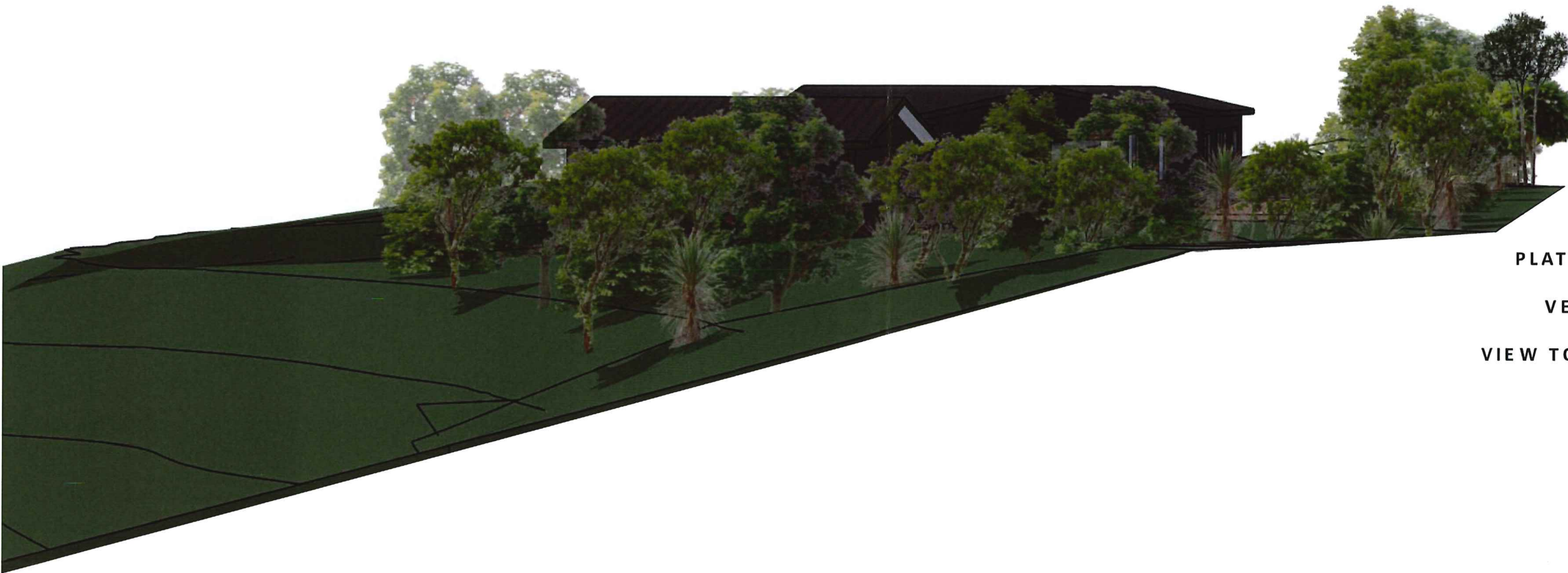




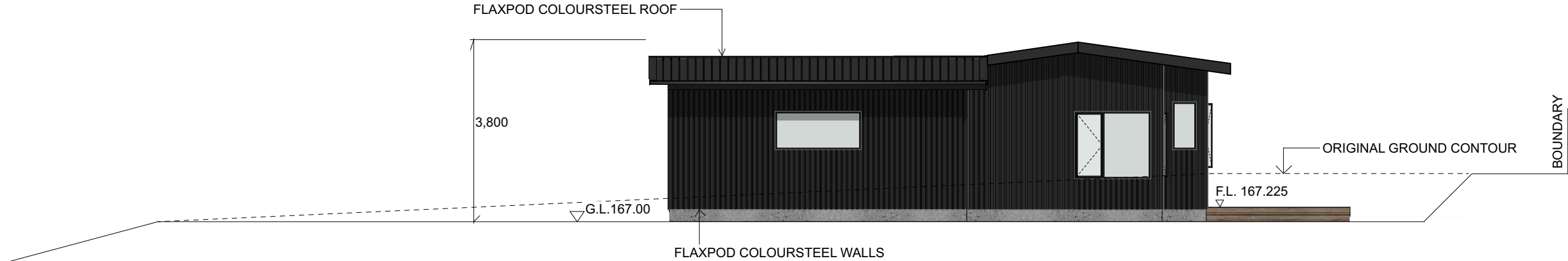
**PLATE 6 - MODEL VIEW WITH  
ESTABLISHED VEGETATION -  
APPROX 5 - 7 YEARS.  
EASTERN ELEVATION**  
*(Vegetation is shown slightly transparent in  
places to give the perception of depth. In reality,  
the density of planting will be more solid)*

- Dwelling Design Controls:**
- Single Storeyed
  - Reflectivity LRV of less than 25% - roof and walls
  - No exterior lamp sources - lights hooded and cast down
  - Driveway of rural materials
  - For proposed height see architectural plans (max height above existing GL 5m.
  - Water tanks to south/west of dwelling, set down and similar

- Vegetation Performance Standards**
- Vegetation installed 2022 (much of the vegetation is already establishing well)
  - Supplementary species in next two years to include puka, puriri, wineberry, pseudopanax & pittosporum
    - Species were installed pb5 approx 600mm above ground level
    - Spacing of species is approximately 1.5m
  - Vegetation shall be maintained at approximately 3m-4m above existing GL
    - Vegetation should reach this height within 5 years
  - The model puka are shown at around 3m, with puriri at 4m



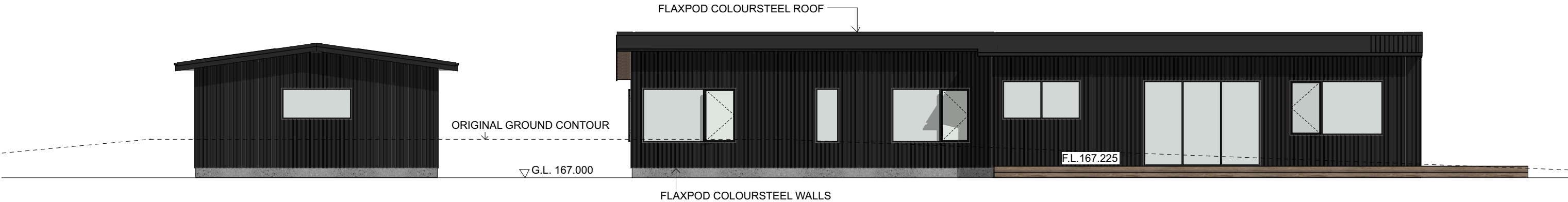
**PLATE 7 - SOUTH EAST MODEL  
VIEW WITH ESTABLISHED  
VEGETATION - APPROX 5 - 7  
YEARS.  
VIEW TOWARD DWELLING FROM  
APPROX 27M A.S.L**



1

South Elevation

1:100

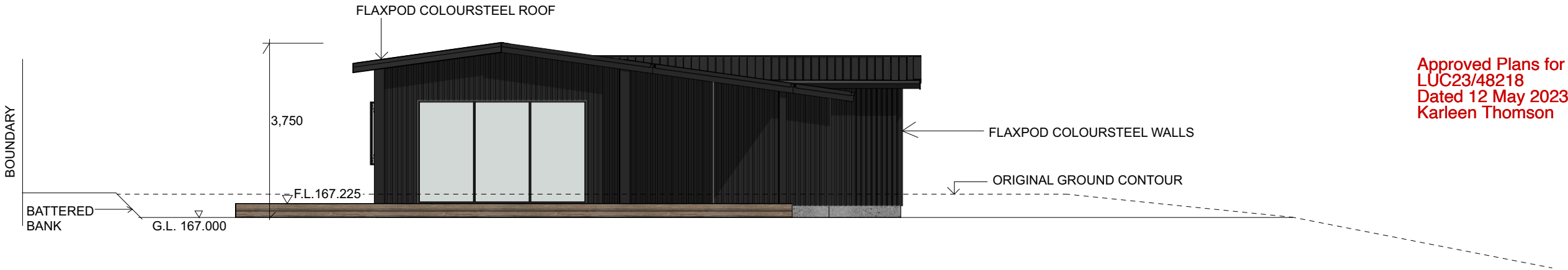


2

East Elevation

1:100

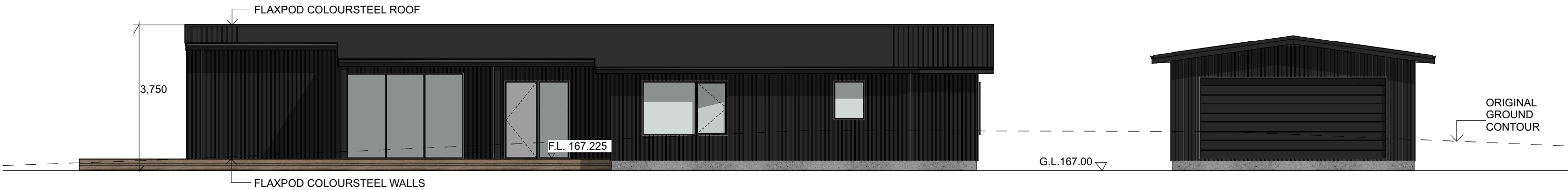
1. Contractor to confirm all site levels prior to construction.  
2. Grid lines & dimensions taken from the outside of timber framing. The contractor shall check and verify all dimensions on site prior to construction. Any discrepancies shall be referred to the Architectural Designer.  
3. These drawings are to be read in conjunction with the project specification, Engineer's Drawings and calculations and all other supporting documents and standards.



1

North Elevation

1:100



2

West Elevation

1:100

1. Contractor to confirm all site levels prior to construction.  
2. Grid lines & dimensions taken from the outside of timber framing. The contractor shall check and verify all dimensions on site prior to construction. Any discrepancies shall be referred to the Architectural Designer.  
3. These drawings are to be read in conjunction with the project specification, Engineer's Drawings and calculations and all other supporting documents and standards.





