

## HEARING CONDITIONS – JACQUI MANNING

### NOTE:

- standard text relates to the conditions recommended in the s42A report.
- **red text** relates to those changes I supported prior to the hearing sought, with modification, by the Submitters or Applicant to the recommended conditions contained within Attachment D to the s42A report.
- **blue text** relates to those changes sought by the Submitters or Applicant to the recommended conditions contained within Attachment D to the s42A report which I did not support or considered the Applicant should respond to as an Augier condition prior to the hearing.
- **green text** relates to changes to conditions raised at the hearing by Submitters or Applicant that I support.
- **highlighted text** relates to changes accepted by the Submitters and Applicant at the hearing that I agreed to.

1. Consent Notice 12565106.1 shall be varied to read:

- a. *A maximum of one habitable dwelling shall be permitted on Lot 2 LT 582431. This building shall be located within the Area marked 'A' on Lot 2 LT 582431 as shown on the Site Plan by BTW Company, Drawing No. 230274-SU-01, Sheet 1, Rev B2. The habitable building shall not be erected outside of the Area marked 'A' on Lot 2 LT 582431.*

*For the avoidance of doubt, a Minor Residential Unit<sup>1</sup> would be considered a second habitable dwelling and is not permitted.*

- b. *Any glazing shall be obscured glass<sup>2</sup> within the habitable dwelling where positioned 2.4 metres or more above ground level at the time the consent notice was originally registered on the Record of Title for Lot 2 DP 582431.*

- c. *No balconies or decks, in either case, more than 300mm above ground level existing at date of registration of this consent notice shall be established on the habitable dwelling or other structure within Lot 2 DP 582431.*

- d. *Windows associated with any living areas (including any living room, lounge, dining room or dining area, library, or similar space for general living purposes) within the habitable dwelling shall be screened with a physical barrier (such as a trellis or similar structure). Such screening shall:*

*i. Oriented to the north; and/or*

- ii. Oriented to the East and screened with a physical barrier (such as a trellis or similar structure) located adjacent to the window and positioned no more than 3.5 metres from the window of any living area on the habitable dwelling. The screening shall extend at least 1 metre to each side of the glassed area of the window or to the edge*

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

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

of the building (whichever is the lesser). The screening shall be from the ground level up to at least level with the top of the glazed extent of the window.

e. ~~No outdoor living areas associated with the habitable dwelling (including but not limited to decks, patios, courtyards, pools, spas, or barbeque areas, and gardens) shall be located on the extent of Lot 2 DP 582431 extending from the western elevation of the dwelling to the site boundary.~~

f. ~~No additional buildings or structures of any type or size (including any courts or arenas for sporting or recreational activities) may be built within 50 30 metres of the entire western boundary of the site.~~

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

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

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

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

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

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

#### **Advice Notes**

- The *process* related to certification in respect of Condition 2 will occur in consultation with and on advisement by Council's Landscape and Urban Design Advisor at the Consent Holder's cost.
- Council will either certify or refuse to certify the DLP within 10 working days of receipt based on the parameters contained within Condition 3.

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

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

- Should Council refuse to certify the DLP then the Compliance and Monitoring Enforcement Officer will provide in writing an outline as to why certification is refused based on the parameters contained within Condition 3.
  - Provided that the information requirements within Condition 3 are addressed in the DLP, certification will not be withheld.
3. The DLP required by Condition 2 must address provide for the following to achieve its purpose:
- a. Extent of all landscape elements within the site including for the:
    - i. Eastern Western / Southwestern site boundary facing Lot 2 DP 432478 (247B Weld Road Lower):
      - the Poplar shelterbelt shall be removed.
      - and-replaced-with a double row of mixed native evergreen planting in the vicinity of the above referenced Poplar shelterbelt at the top of the embankment for the that extent of the built form of both the dwelling within Area A and ancillary buildings.  
a 25-metre-wide native planting strip running parallel to the full length of the boundary.
      - no planting shall breach a height plane of 3 metres, measured from the existing ground level at the top of the embankment (for the avoidance of doubt, this point is to be measured at the eastern edge of the 25-metre native planting strip required in the bullet point above).
    - ii. Western / Southwestern Eastern site boundary adjoining Lot 1 DP 432478 (263 Weld Road Lower):
      - the Poplar shelterbelt shall be removed.
      - a 25-metre-wide native planting strip running parallel for the southern 50 metres of the boundary length.
      - and-replaced-with in all other areas a 5-metre-wide native planting strip running parallel to the length of the boundary.
      - the planting shall be located clear of the water easement running parallel to the boundary line such that the integrity of the easement remains unaffected.
    - iii. Eastern Western part of site adjoining Lot 3 DP 582431 (271 Weld Road Lower):
      - at or near boundary the Poplar planting shall be removed.
    - iv. Eastern Western side of Area A and habitable building and associated outdoor living area (within the proximity of the existing broadleaf hedge):
      - the existing broadleaf hedge (or similar) is retained.
      - isolated mounding and planting or a line of clear-stemmed, pleached Hornbeam trees (or similar).
    - v. Extent of site contained within Land Covenant Area Y on DP 582431:
      - removal of any the existing planting that is not consistent with the land covenant and replacement with species consistent with the land covenant.
  - b. The species, location, spacing, size (at time of planting), and quantity of all plants to be physically installed, with a particular focus of appropriateness of species for survival for their location,
  - c. A full schedule of all plants to be physically installed including botanical name, common name, planter bag size, and quantities,
  - d. Detailed landscape maintenance plan indicating all maintenance tasks to be undertaken:
    - i. Per calendar month for a minimum period of 24 36 months during the establishment of the landscape planting. Maintenance tasks during establishment shall include watering, feeding, mulching, re-staking, and pest and disease management and control of all plant pests and wild sown species.
    - ii. The minimum height for pruning of the existing broadleaf hedge of 2.5 metres.

- iii. On an ongoing and regular basis thereafter replacement of damaged and dead plants. Maintenance tasks during ongoing maintenance shall include mulching, re-staking, and pest and disease management, control of all plant pests and wild sown species, , trimming of vegetation to ensure that it remains of the appropriate height.
  - e. Evidence that the draft DLP has been provided to the owners and occupiers of the following neighbouring properties for feedback and comment, including a record of feedback received from these parties and the changes (if any) made to the DLP in response to the feedback:
    - i. 271 Weld Road Lower (Lot 3 DP 582431),
    - ii. 263 Weld Road Lower (Lot 1 DP 432478),
    - iii. 247C Weld Road Lower (Lot 1 DP 500285),
    - iv. 247B Weld Road Lower (Lot 2 DP 432478), and
    - v. 255 Weld Road Lower (Lot 1 DP 484251).
4. Within 3 months from the date of certification of the DLP, the Consent Holder must establish all planting on the site in accordance with the certified DLP.
- a. The landscaping shall be retained and maintained in accordance with the certified DLP.
  - b. Any plants that are removed, damaged, or fail shall be replaced at the sole expense of the Consent Holder as soon as possible, but no later than the next planting season, in accordance with the certified DLP.
  - c. The Consent Holder shall contact Council's Monitoring and Enforcement Officer within two (2) weeks of planting being fully implemented so the initial monitoring visit can occur.
- Advice Notes:**
- The plantings will be monitored by Council's Monitoring and Enforcement Officer:
    - ~ At the completion of the physical installation of the planting and associated works, and
    - ~ 24 months after the planting is first installed and completed.
  - Additional monitoring may take place thereafter if required.
5. A no complaints covenant shall be registered against the record of title of the site preventing the Consent Holder from complaining about noise, odour, traffic, or other lawful activities occurring on any part of any of the following properties:
- i. 271 Weld Road Lower (Lot 3 DP 582431),
  - ii. 263 Weld Road Lower (Lot 1 DP 432478),
  - iii. 247C Weld Road Lower (Lot 1 DP 500285),
  - iv. 247B Weld Road Lower (Lot 2 DP 432478), and
  - v. 255 Weld Road Lower (Lot 1 DP 484251).
- a. The covenant wording shall be provided by the Consent Holder's Lawyer to the Council's Planning Lead for approval.
  - b. All costs to register the covenant shall be borne by the Consent Holder.