BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL APPOINTED INDEPENDENT HEARINGS COMMISSIONER GINA SWEETMAN

IN THE MATTER	of the Resource Management Act 1991 ("RMA")
AND	
IN THE MATTER OF	Section 357 objection to the decline of a non-notified subdivision consent SUB22/48013 at 118 Wortley Road, Lepperton, New Plymouth

BRIEF OF EVIDENCE FOR THE APPLICANT TARA MAREE STEPHENS AND AARON WILLIAM STEPHENS

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INTRODUCTION AND BACKGROUND

1. Our names are Tara Maree Stephens and Aaron William Stephens and we reside in New Plymouth at 118 Wortley Road, Lepperton. I (Tara) was born and bred in Taranaki and I, (Aaron) moved back to New Plymouth in 2006.

2. We have three children (aged 8, 13 and 16 years), and I (Tara) have a degree in Human Resources, Massey University, Palmerston North and I am the owner/operator and manager of Hunting & Fishing, Ngamotu, New Plymouth and Valley Mega Centre, Waiwhakaiho, New Plymouth. I (Aaron) am a Foreman at a reputable Taranaki building company, Clelands Construction.

OWNERSHIP AND SITE HISTORY

3. We purchased the land at 118 Wortley Road 10 years ago as an 8.5 acre block with an existing dwelling.

4. 118 Wortley Road was originally a house and a 1 acre section. The owners prior to us did a boundary adjustment to include the paddock directly behind the house that we built our house in.

5. In 2017 we applied to the New Plymouth District Council (NPDC) for resource consent to build a second dwelling on the land.

6. Resource Consent was granted for this by NPDC on 4 July 2017 (a copy of that Consent was provided to the Commissioner by our lawyer in this case (Scott Grieve) by Memorandum of Counsel dated 31 October 2025). And we adhered to the

conditions that were imposed on that consent. The dwelling was completed and we moved into it in July 2019.

7. When applying for that resource consent, we were transparent with NPDC in the fact that we would one day apply for consent to subdivide the old house off the larger property, giving the old house its own title. This is also noted by Mr Grieve in his above Memorandum of Counsel, 31 October 2025 at paragraph 9.

8. When planning and designing our new house, we were extremely mindful of the placement of the house, preserving open space, avoiding interference with the rural outlook, placing it out of view of neighbours etc to keep the rural feel. We believe we did a good job in achieving that.

9. We lived in the original older dwelling as a family while we were building the second new dwelling.

10. The services to our new house were purposely put through the middle of the paddock to prevent the need for any future works on that land for these services. For example, if the subdivision now being considered was to go ahead, the house could never be moved; it would have to remain in the same place - so again not interfering or changing the existing rural landscape.

11. Our property continues to operate as a small lifestyle block, subject to necessary restrictions and safety rules, and the application for subdivision does not materially alter or impact on those arrangements.

12. The proposed subdivision will not alter the land use, farming activity, or rural character. We will continue to farm the same

number of cattle on the land in exactly the same way as it presently does.

13. The nature and character of the property and subdivision will not be altered in any way. It will remain a lifestyle block and exactly like it is now.

14. Our neighbours are a honey farm, with a large shed who recently purchased land between ourselves and their land. We have heard that they are about to seek our approval, and other neighbours approval, to allow them to build a huge honey warehouse on their land. This will potentially effect the landscape and utilise productive land. These neighbours also moved 100s meters of dirt last year in preparation for commercial expansion without our knowledge of consent.

15. The original house at our property at 118 Wortley Road has been there since the 1950s, by subdividing this house and a piece of land and putting it on a new title creates absolutely no changes to the environment. Our services run through the paddocks so the building platform remains the same.

USE OF THE LOTS INCLUDING THE SEPARATION BETWEEN HOUSES - AND DISCONNECTED NATURE OF THE ACTIVITIES.

16. There was a clear separation between the existing house and our new house, along with the neighbours. Access was considered. Our new house was deliberately placed a distance away from the existing house - to keep the rural feel and not be living in one another’s pockets.

17. Both dwellings on the property are entirely self-contained and independent. There is a clear physical separation between the older existing and new houses, as well as appropriate separation from neighbouring properties.

18. Each existing dwelling on our property already has:

- Its own tank water supply;
- Its own septic tank and soakage bed;
- Independent power and telecommunications connections;
- Existing and independent vehicle accessways.

19. The layout of the dwellings was carefully planned by us to preserve privacy and the rural feel, ensuring that the houses do not overlook each other or diminish the character of the surrounding area.

'RURAL' ACTIVITIES THAT ARE CURRENTLY OCCURRING AND OUR ABILITY TO CONTINUE THESE UNINTERRUPTED

20. We currently run 6-8 "beefies" (cattle) on the land. There is one main access point to that land by the road. The only time this access is very infrequently used is to allow for contracting equipment to enter the lifestyle part of the property for hay making/sileage making, fertilising for example – temporarily at various times of the year, normally about twice per year. This access, for example, was last used about 12 months ago for cutting hay by a contractor – the hay cutting took about 2 hours. We are soon due to do a sileage cut for feed for winter which will also take about the same time – after that the access point probably won't be used again until next summer for the same purposes. Every now and again the property is fertilised – this

occurs approximately every two years or so and takes about one hour maximum (there are only two relatively small paddocks).

21. Since we have owned the property, we have never had any complaints about any of the rural activities (or any other activities) on our land from the neighbours, our tenants, or anyone else whatsoever.

SUPPORT OF NEIGHBOURS – NO ONE HAS INDICATED ANY CONCERNS ETC

22. We originally commenced this subdivision application process back in 2020 and approached the neighbours at the time. Affected parties approvals (APAs) were signed by the neighbouring properties, none of the neighbours had, or have, any concerns whatsoever about our subdivision.

23. When we recommenced the subdivision process in 2024, we approached new neighbours for signed APAs and again, no one has any concerns. All of our neighbours have signed and are happy for this to proceed.

24. The property is existing, nothing changes. The vehicle access remains the same, the house can't shift, so it doesn't change anything.

25. The proposal, therefore, has full neighbour support and presents no adverse effects on adjoining landowners.

26. Our neighbour at 106 Wortley Road, Lepperton relocated a house in 2016/2017, a second dwelling on his property and has successfully put that on a separate title. He was a regional councillor at the time.

27. We feel that we have answered all the councils questions to date and are confused as to why our application has been declined - when our abovementioned neighbour at 106 Wortley Road was able to change the landscape by adding an additional house and vehicle access, and ours is an existing house that has been in the location/neighbourhood for around 50 years.

28. We have also engaged with Tegel about our subdivision application – and, as the Commissioner is aware, came to an agreement with Tegel about covenants on our land that are acceptable to us and Tegel (as provided to the Commissioner in Mr Grieve's Memorandum of Counsel dated 7 November 2025 – discussed further below).

IMPORTANCE OF THE PROPOSAL TO US AND RATIONALE (CURRENTLY HAVE TO BE LANDLORDS ETC)

29. This subdivision is of significant personal importance to our family. Our intent is to provide for our children's future while maintaining the property's rural integrity.

30. We have been successfully renting the older house on the property out, through Occupy Property, for the last almost 7 years (since we moved into our new house on the property).

31. During this process, one of the Councils requirements was that we would require a Non-Complaints Covenant with Tegel to be set up for the property at 118 Wortley Road. In good faith we contacted Tegel and their lawyers drafted up the non-complaints covenant which has cost us thousands of dollars in lawyers' fees. We did this in good faith. We feel with such a particular requirement asked for by the Council - that this is very hard-nosed to then simply turn down our application. As noted,

we provided a copy of that covenant to the Commissioner on 7 November 2025.

32. We started this subdivision process back in 2020. After a frustrating time with Bland & Jackson Surveyors Ltd (who we first engaged to assist us to complete the subdivision), in August 2024 we engaged Landpro Ltd to contact the Council on our behalf to see where this process was at. Landpro was advised by NPDC that our application was unable to be looked at or progressed any further due to an outstanding account not being paid since 2022. We had not been given this invoice and had no knowledge of it. It was addressed to Bland & Jackson, c/- us. Bland & Jackson had not passed this invoice onto us, nor discussed it with us.

33. Had we been aware of this, and paid it at the time would this process have been tidied up back in 2022? The Council planner that was originally working on our application has since left NPDC. We paid this outstanding invoice within a few days to tidy it up and keep the process moving with Landpro.

34. We put our Objection (to the decision to decline our subdivision consent application earlier this year) into the Council. The notice of the objection was filed on our behalf by Mr Rendall at Landpro on 19 May 2025, which was within the 15 working days as stated in section 357C of the Resource Management Act. The way we read the RMA section 357C(3) is that the council, being the body in which the objection is being made, didn't adhere to the 20 working day timeframe to consider the objection and to appoint an Independent Commissioner. After numerous emails and phone calls to the Council asking for updates, we were made aware that the Council had appointed a Commissioner on 8 October 2025 - 102 working days after we filed an objection to

the decision. We feel that the council's ill practice/not following protocol has also hindered our application process to date. We are glad that our subdivision application is now finally being considered by someone independent and impartial.

35. Bland & Jackson prepared the original Scheme Plan for us back in about 2019 before the subdivision application was lodged in 2020, and we were guided by them at that time.

36. On reflection, since lodging our Objection earlier this year – we have amended the Scheme Plan with Landpro so that it provides us with more paddock space – and we think the smaller Lot 1 now proposed also fits in very well with the adjacent neighbouring properties. This can be clearly seen, for example, in the plan attached in the Appendices to Branden Darlow's Highly Productive Land Assessment Report prepared for us dated November 2025 – see the Appendices 6.1.2 LINZ Titles Existing Land Parcels/Lifestyle Blocks Surrounding Subject Site, page 22 of that report. This plan shows the land surrounding our property - and it is notable that to the south of our proposed Lot 1 there are already three smaller blocks of land of 0.5, 0.6 and 0.5 hectares. To the north of our land we note the 0.2 hectare area - which is our neighbours land at 106 Wortley Road (that we have referred to earlier in this evidence).

37. The new Scheme Plan provided to the Commissioner by Mr Grieve on 31 October 2025 at our instruction, also, we believe, takes into account the National Policy Statement – Highly Productive Land (NPS-HPL) - which we understand from Mr Darlow's evidence came into effect on 17 October 2022 – about two or three years after Bland & Jackson produced our original Scheme Plan lodged with the subdivision consent application in 2020.

38. We have read Mr Darlow's evidence and agree with his conclusions that our proposed subdivision will not materially change the overall productivity of our land (as we thought).

39. It is disappointing to us that the Council declined our subdivision application and that we have had to object to the Council and engage in this process now being considered. As noted in Mr Grieve's Memorandum of Counsel dated 31 October 2025 – our consultant expert Planner, Mr Chris Rendall, Landpro had been lead to believe that we would have an opportunity to work through the substantive decision about the subdivision application that was lodged in 2020 (see paragraphs 3 and 4 of that Memorandum of Counsel dated 31 October 2025).

40. We lived in the original dwelling as a family of 5 while we built the new dwelling for our family to live in. I (Tara) worked 3 jobs while looking after 3 children, while Aaron worked during the day and then came home and worked nights and weekends building the house. We have worked extremely hard to do the best for our family. This whole long drawn-out process has caused a huge amount of unwanted stress and ongoing financial pressure on our family over the past 5 years since we commenced this process.

OFFICERS REPORT

41. We have read the further Officer's Report/Evidence of Ms Laurenson dated 25 November 2025 and wish to comment as follows.

42. In para 1.9 the Officer states that the amended lot layout results in a land use conflict between a residential activity and rural

production activities, and goes on the note that the proposal does not avoid lots containing residential and lifestyle activities not associated with Rural Production Activities in the Rural Production Zone. In our opinion those comments must be considered in light of the lawfully established existing use and dwelling that we have created. The officer's contention that the proposal doesn't avoid lots containing residential and lifestyle activities not associated with Rural Production Activities suggests to us that she is of the unrealistic view that the old dwelling should be connected with our farming activities.

43. That is not practicable or feasible on our relatively small block of land on which we use to raise approximately 6-8 cattle for meat. We are not living on a dairy farm, for example, with a large land holding and requiring staff, or say a sharemilker, to use that old dwelling house. It is already tenanted – and has been for some years – and is already used for residential activities - which are not associated with us raising 6-8 cattle, or any other rural activities we undertake on our land. The officer seems to ignore the existing situation – and does not understand what rural activities on our land can be undertaken.

44. In paragraph 9.8 near the end the Officer states that she considers the proposal is "…. *seeking to create a large residential site in the Rural Production Zone*". We are not seeking to create a large residential site, the house is already existing and the property is already used for residential activities, it has been now for many years; nothing changes. We are not creating another residential site, it is existing. The photos below show images of the original dwelling as it is now.

Photo 1: View of the back of the original dwelling, looking from the new dwelling.

Photo 2: View from the road, coming up Wortley Road.

Photo 3: View from Wortley Road, looking into the original dwelling.

Photo 4: View from the Neighbours property at 126 Wortley Road. These paddocks between our driveway and the original house is where the services to the new house run through so that nothing can be built or changed in this area.

45. Similarly in paragraph 9.14 the Officer contends that lot 1 will have no association to Rural Productive Activities and creates potential land use conflict and that this is a source of conflict. We strongly disagree with this, there is no association of lot 1 with the current land use and farming activities currently raising 6-8 cattle. We are currently renting the house out and have done for many years. The tenants are not part of our lifestyle farming operations, and our lifestyle farming operations are not big enough to require a farm worker, and never will be. They are tenants who live in the house on lot 1, they do not assist us with raising 6-8 cattle. This is the existing situation – it has not been created; and will not be "*created*" by subdivision.

46. The Officer has a view that the vehicle crossing adjacent to lot 1 should be relocated to mitigate amenity effects and insinuates that there will be traffic noise and dust issues. We find this statement unfounded. No matter where an accessway is located, tractors and contracting equipment will still drive around the paddock creating dust and noise. They purposely drive as close to the boundary fences as possible to obtain maximum yield when making hay/sileage. If the accessway was to be relocated, the first thing a tractor will do is drive back directly along the boundary fence again to mow the paddock, nothing changes.

47. As we've noted already in our evidence, this entrance is barely used and whether or not that entrance is used, it will not stop the fact that the paddock will still be mowed for hay/sileage etc from time to time on an infrequent, temporary basis. We live rurally, very infrequently there are times for all of us (in any rural dwelling) where there is machinery noise due to contracting, it

goes part and parcel with living rurally. Below are two photos of the accessway in question, which is used very infrequently.

Photo 5: Accessway in relation to Wortley Road.

Photo 6: Accessway next to the original dwelling

48. We personally feel that the Officers suggestion that the vehicle crossing by lot 1 be moved altogether up the road is complete "overkill". The scale of the effects in our view doesn't warrant shifting it completely due to the fact that we hardly ever have vehicles coming into that entrance. As mentioned previously, it is used a couple of times per year.

49. Light vehicles can access that same paddock by lot 1 via our house driveway. But our driveway would not be suitable for heavy contracting machinery such as tractors/mower for hay making/sileage – which happens very infrequently for a very temporary short duration.

50. If required by the Commissioner, we would consider shifting the accessway slightly on the same existing vehicle crossing to allow a very slight more distance between that accessway and the lot 1 dwelling property and its front veranda. However, we feel this would be an extra, and unnecessary cost that we would have to bear. And as we note above – it won't change anything when the paddock is mowed for hay or sileage.

51. We disagree with the statement in para 9.19, because lot 1 and its future owners are not going to be using the land we own for rural activities. There are defined boundaries and hedges already existing around lot 1. The property is already effectively separated from the paddocks adjacent to it that we use for our lifestyle farming of 6-8 cattle. The tenants that are there now – and the tenants that have lived there in the past - only use the area around that house. They do not use the paddocks that surround the house and have not done so in the past.

52. Para 9.20 – in the second sentence the Officer suggests that the proposal is contrary due to "*the creation of rural lifestyle/large residential allotments*" – and that the proposal is incompatible with the role and the function of the Rural Production Zone. Again, this situation has already been created, it has been a rural lifestyle property for over 15 years now. The old dwelling on lot 1 was, before we purchased it, being lived in residentially and it has been tenanted for the past 7 years by tenants who live there residentially and are no part whatsoever of our Rural Production Activities taking place on lot 2 in terms of raising 6-8 cattle.

53. Para 9.21 –the Officer contends that the subdivision "*will change the nature of the dwelling on lot 1 to one that is not associated with rural production*." Once again, lot 1 is not associated with rural production now and has not been for some years. It has been tenanted for some years since 2019, and as noted above, has been a rural lifestyle property for over 15 years now. Our surrounding neighbours on similar sized lots at 100, 126, 130, 134 and 160 as seen in Mr Darlow's appendices don't have any association with Rural Production.

54. In para 9.23 (re 114 and 115) - the Officer indicates that there will be encroachment of sensitive activities in rural areas that may result in reverse sensitivity effects on established and legitimate rural activities. Again, we need to point out that this situation has already been established for some years now and is a legitimate residential activity in this context. The property has been tenanted for some years, and lived in residentially for many years. There have never been any complaints about the

rural activities taking place in the area and people have lived there very happily without any issues.

55. The Officer talks about demand for infrastructure in para 9.24, we completely disagree with this statement. There is absolutely no need for extra infrastructure to allow the subdivision to occur. The dwellings are already established, they both have their own vehicle access ways, they both have all of their own services. We are not creating anything new, they're already there and have been for years.

56. Para 10.5 the Officer reports that at present the site is a rural land holding "*where the residential activity is ancillary to rural land use*". The way we interpret this is that the Officer assumes that the tenants in the dwelling on lot 1 support us in raising the 6-8 cattle on our land similar to what a farm worker would do on a large dairy farm. Our 8.5 acre property does not warrant requiring a farm worker, and never will. We currently have tenants living in the dwelling that have been there for two years, the tenants prior to that were there for 5 years, we will continue to have tenants living in the property and using it for residential use.

57. We will not use that old dwelling for housing a farm worker to assist us on our land. Our land is too small and we don't need anyone to help us raise 6-8 cattle. When we require the paddocks mowed for hay, for example, we hire contractors to do that work, this is typical in the rural area in Taranaki (even large dairy farmers hire contractors to do all that work – they don't do it themselves).

58. Everyone living in the area knows that this is a rural area whether they lease the property or own it. The majority of our neighbours live on lifestyle blocks. We are surrounded by others living in our area who all know that it's a rural environment. They, like us, appreciate the fact that we live in a rural environment and enjoy living here.

CONCLUSIONS

59. As noted already, we would like to get a subdivision consent for the property for the reasons we have set out; and given that we have already built the second dwelling on the land and been living in it since 2019 - in our opinion it is appropriate to subdivide - and there will be minimal, if any at all, adverse impact on the environment. We would like to thank the Commissioner for considering our application and are happy to answer any questions and provide any further information if required.

TARA MAREE STEPHENS AND AARON WILLIAM STEPHENS

9 December 2025